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Summary of Stakeholders' submissions on Slovenia*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 11 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations² and cooperation with international human rights mechanisms and bodies³

2. Joint Submission (JS) 1 reported that Slovenia ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, as recommended⁴ during the second universal periodic review (UPR).⁵
3. The Human Rights Ombudsman of the Republic of Slovenia (HRORS) and JS2 noted that Slovenia had not ratified the 1961 Convention on the Reduction of Statelessness.⁶ JS2 and the Commissioner for Human Rights (CoE-Commissioner) recommended that Slovenia ratify the 1961 Convention.⁷
4. The International Campaign to Abolish Nuclear Weapons (ICAN) recommended that Slovenia sign and ratify the United Nations Treaty on the Prohibition of Nuclear Weapons.⁸

B. National human rights framework⁹

5. Amnesty International (AI) reported that Parliament amended the Human Rights Ombudsman Act in 2017, setting out a legal basis for the Ombudsman Office to apply for

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



“A status” under the Paris Principles.¹⁰ HRORS reported that it had already taken steps to apply for the accreditation of A status.¹¹

6. JS3 noted that the Council of the Human Rights Ombudsman, an advisory body was established in 2018 to ensure plurality and inputs of relevant stakeholders for the Ombudsman.¹² JS1 noted, however, that no organisation working on the rights of LGBTI persons was appointed to be represented in the Council.¹³ JS3 noted that a Human Rights Centre, another internal organisational unit of the Ombudsman, with a mandate to promote human rights and engage in human rights education, did not become operational in January 2019 due to a lack of financial resources.¹⁴ JS3 noted modest allocations for the expansion of the Ombudsman’s duties.¹⁵

7. CoE-Commissioner noted that the equality body in charge of monitoring and addressing discrimination, called the Advocate of the Principle of Equality, was strengthened by the 2016 Protection against Discrimination Act.¹⁶ JS1 noted, however, that the institution remained underfunded.¹⁷ CoE-Commissioner encouraged Slovenia to provide the Advocate with additional resources so that he could carry out his mandate effectively.¹⁸

8. JS3 stated that Slovenia lacked a fully operational specialized independent body to monitor and promote the realisation of rights of the child in line with its obligations under the CRC. An independent mechanism to monitor the implementation of the CRPD was lacking as the Council for Persons with Disability did not fulfil the relevant tasks of the mechanism and did not have necessary resources to fulfil its mandate.¹⁹ The European Union Agency for Fundamental Rights (EU-FRA) noted that the Secretary of the Council was performed by an official working full time for a Ministry as an additional task.²⁰

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

1. Cross-cutting issues

Equality and non-discrimination²¹

9. EU-FRA noted that Slovenia adopted the Act on Protection against Discrimination, subsuming multiple discrimination under a new concept of sever forms of discrimination.²²

10. JS3 noted that Slovenia had no anti-discrimination policy and no comprehensive policy to prevent and eliminate racism and xenophobia in line with its commitments under Durban Declaration (2001).²³

11. The Advisory Committee on the Framework Convention for the Protection of National Minorities (CoE-ACFC) reported that hate speech and intolerant discourse increased, in particular online. Hate speech continued to target the Roma, although in more subtle forms than in the past, and occasionally other minorities.²⁴

12. The Office of Democratic Institution and Human Rights (OSCE/ODIHR) stated that the Criminal Code established that public incitement to hatred, violence or intolerance was punishable with imprisonment for up to two years if formulated in a manner that implied incitement to public disorder, the use of force or dissemination of ideas on the supremacy of one race over another.²⁵ JS3 concluded that the Criminal Code, which considered public incitement to hatred an offence only if it constituted a danger to public order did not meet requirements of article 4 of the ICERD.²⁶

13. CoE-ACFC stated that Criminal provisions relating to hate speech and hate crimes, including offences committed over the internet, had seldom been implemented, and only a small number of cases had been prosecuted.²⁷ Additionally, EU-FRA stated that there was no general aggravating circumstance for committing criminal offences with a bias motivation. EU-FRA reported that there was no specific data collection or statistics regarding hate crimes.²⁸

14. CoE-ACFC recommended that Slovenia intensified efforts to combat the increase of hate speech, particularly in social media, by condemning racially hostile language in the

public domain, strengthen the response of the criminal justice system in cases of hate crimes by ensuring that, when sentencing, racist motivation for committing an offence is duly taken into account as an aggravating circumstance for all offences, ensure effective investigation and appropriate prosecution and punishment of perpetrators, increase public awareness of remedies available and enhance training of the police, prosecutors and judges on the application of laws.²⁹

15. JS1 stated that sexual orientation, gender identity and sex characteristics were not explicitly mentioned among the grounds of discrimination in article 14 of the Constitution.³⁰ EU-FRA and JS1 noted that the Protection against Discrimination Act prohibited discrimination on the grounds of sexual orientation, gender identity and gender expression.³¹

16. CoE-Commissioner noted that while same-sex marriage was rejected in the 2015 referendum, Slovenia later adopted a law regulating civil unions, including for same-sex couples.³² EU-FRA stated that the law made same-sex registered partnership largely equivalent to marriage as of 2017. However, that same-sex partners were not allowed to adopt children or entitled to assisted reproduction.³³ JS1 recommended that Slovenia amend its legislation to allow access to joint adoption for same-sex partners, as well as fertility treatment for same-sex couples.³⁴

17. JS1 recommended introducing protocols and guidance on legal gender recognition and trans affirming health care, based on person's self-determination and in line with international standards and best practices. It recommended improving trans-specific health services and eliminating discriminatory and transphobic treatment by medical staff as well as the provision of trainings for educational professionals to eliminate gender-based discrimination and transphobia and secure safe space for trans individuals within the educational system.³⁵

18. JS1 recommended that Slovenia continue combating stigma, exclusion and discrimination against persons with HIV/AIDS.³⁶

Development, the environment, and business and human rights

19. The Group of States against Corruption of the Council of Europe (CoE-GRECO) recommended that the Commission for the Prevention of Corruption be provided with adequate financial and personnel resources to effectively perform its tasks with respect to persons entrusted with top executive functions, in particular in the areas of asset declarations, conflicts of interest, lobbying and integrity plans.³⁷ It recommended ensuring timely publication of asset declarations of the ministers and state secretaries and that substantive checking of those asset declarations be carried out by the Commission for the Prevention of Corruption.³⁸

2. Civil and political rights

Right to life, liberty and security of person³⁹

20. HRORS referred to findings of its 2017 report indicating overcrowding in social care institutions and the difficulties faced by persons with mental health problems who were placed in those institutions. The necessary amendments to the Social Assistance Act and the Mental Health Act were not yet adopted in order to take measures regarding involuntary placement and treatment of people with mental health problems.⁴⁰

21. AI stated that the legal definition of rape in the Criminal Code was based on force, threat of force or coercion, rather than the lack of consent, and was, therefore, not in line with international human rights law and standard.⁴¹ It recommended that Slovenia revise the definition of rape in the Criminal Code so that it is based on the absence of consent.⁴²

22. Partnership in Truth for Peace and Reconciliation (PTPR) noted the adoption of the 2015 Concealed War Graves and Burial of Victims Act introducing explicit reference and application of the Geneva Conventions of 1949 to Slovenian policy regarding concealed graves and buried victims from 1941–1990.⁴³ In this respect, PTPR recommended ensuring that all exhumed victims from mass graves are given a burial in individual graves and that

independent monitoring is granted to representative non-governmental organizations representing the interest of families of missing victims and religious communities in all stages of exhumation of victims from concealed grave sites.⁴⁴

Administration of justice, including impunity, and the rule of law

23. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) stated that persons who were not able to pay for a lawyer themselves, could, as a rule, not benefit from the presence of a lawyer during police questioning. An ex officio lawyer would generally only be appointed if such appointment was considered to be “in the interest of justice”. Persons who had an ex officio lawyer appointed could only meet him/her briefly before the court hearing and not during police questioning. CoE-CPT recommended ensuring that, in practice, all detained persons effectively benefit from the right of access to a lawyer from the very outset of their deprivation of liberty, if necessary free of charge. A list of ex officio lawyers which detained persons could use should be compiled for each police station in consultation with the Bar Association.⁴⁵

24. CoE-CPT encouraged Slovenia to continue its efforts to ensure that the national standard for living space (7m² of living space per prisoner in a multiple-occupancy cell and 9m² in a single-occupancy cell⁴⁶) for prisoners are effectively implemented.⁴⁷

25. CoE-CPT recommended that Slovenia continue its efforts to provide a satisfactory programme of activities to all prisoners in order to ensure that all prisoners spend a reasonable part of the day outside their cells engaged in purposeful activities.⁴⁸ Noting that prisoners held under the reinforced security regime spent the vast majority of the day locked in their cells, CoE-CPT recommended that the authorities take decisive steps to review the programme of activities offered to those prisoners.⁴⁹

Fundamental freedoms and the right to participate in public and political life⁵⁰

26. OSCE/ODIHR stated that defamation, slander and insult persisted as criminal offences punishable by fines or imprisonment. It recommended that criminal provisions for defamation, slander and insult be repealed in favour of civil remedies designed to restore the reputation harmed to comply with international standards.⁵¹

27. HRORS stated that voters were required to express their intention to vote by mail at least 10 days prior to voting. Those persons whose personal liberty were deprived or who were hospitalised for medical treatment during the 10-day period were de facto and without legal grounds deprived of their right to vote. HRORS put forward specific recommendations to the authorities to amend legislation so persons deprived of their liberty or admitted to a hospital or social care institution could exercise their right to vote. HRORS noted that the Government had proposed relevant legal amendments in 2011, but the process of amending legislation had been unsuccessful so far.⁵²

28. OSCE/ODIHR stated that the law should be amended to establish a clear and hierarchical system of election dispute resolution pertaining to Election Day procedures and to the establishment of election results. To ensure effective legal redress, judicial review of relevant decisions of election administration bodies and legal standing for voters or groups of voters should be made possible.⁵³

Prohibition of all forms of slavery⁵⁴

29. The Group of Experts on Action against Trafficking in Human Beings (CoE-GRETA) stated that Slovenia had continued to be a country of destination and transit of victims of trafficking in human beings.⁵⁵ Slovenia continued to develop a legal framework for combating human trafficking. The use of services provided by a victim of trafficking in human beings, with the knowledge that the person concerned was a victim, was criminalised. Victims of trafficking holding a temporary residence permit were granted access to the labour market.⁵⁶

30. CoE-GRETA considered that Slovenia should step up its efforts in the areas of preventing trafficking for the purpose of labour exploitations and of child trafficking.⁵⁷

31. CoE-GRETA considered that Slovenia should take further steps to ensure that human trafficking cases are investigated proactively, prosecuted successfully and result in effective, proportionate and dissuasive sanctions.⁵⁸

32. CoE-GRETA urged Slovenia to improve the identification of, and assistance to, child victims of trafficking, including by taking steps to address the problem of unaccompanied children disappearing by providing suitable safe accommodation and trained supervisors.⁵⁹ It urged Slovenia to extend the application of the procedural protection measures currently reserved to children under the age of 15 years to cover all child victims and witnesses of human trafficking up to the age of 18, taking into account the best interests of the child.⁶⁰

33. CoE-GRETA urged Slovenia to ensure compliance with the principle of non-punishment of victims of human trafficking for their involvement in unlawful activities.⁶¹ It urged Slovenia to ensure that access to assistance for victims of human trafficking is not made conditional on their co-operation in the investigation and criminal proceedings, and is based on their individual needs.⁶²

34. CoE-GRETA urged Slovenia to adopt measures to facilitate and guarantee access to compensation for victims of trafficking and to ensure that the victims are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed.⁶³

3. Economic, social and cultural rights

Right to an adequate standard of living⁶⁴

35. CoE-Commissioner noted that the groups at greatest risk of poverty were children growing up in vulnerable families, older persons – particularly older women – and the long-term unemployed and working poor. He recommended that anti-poverty policies and programmes pay specific attention to the rights of the child, refrain from pension reforms that would result in increased poverty among older persons and adopt specific strategies to fight poverty among the long-term unemployed and the working poor.⁶⁵

36. CoE-Commissioner invited Slovenia to consider the fight against poverty not only as a social policy issue but in the context of a human rights-based approach, which would also include consultation with the groups concerned on policy measures and a qualitative assessment of the outcomes of anti-poverty policies.⁶⁶

37. The European Committee of Social Rights (CoE-ECSR) stated that the supply of non-profit housing was inadequate and that the average waiting period for allocation of non-profit rental housing was too long.⁶⁷ JS3 noted that third-country nationals (non-EU members) had not access to non-profit housing. It noted discrimination against foreigners by rental services.⁶⁸

38. AI noted the adoption of an amendment to the Constitution in 2016 establishing the right to water as a constitutional right. However, concrete legislation to fulfil this right had yet to be adopted.⁶⁹ CoE-Commissioner stated that this constitutional right needed to be made effective in practice for Roma communities.⁷⁰

Right to health⁷¹

39. HRORS noted existing long waiting lists for health services. HRORS expressed its view that more attention should be paid to the organisation of work of health care providers as some of them achieved much better results in the same conditions as others and that a new act on health care and health insurance could have a significant impact on the accessibility of health services.⁷²

4. Rights of specific persons or groups

Women⁷³

40. OSCE/ODIHR reported that women comprised only 23 per cent in the newly elected National Assembly in 2018.⁷⁴

41. La Manif Pour Tous (LMPT) expressed concerns about the use of surrogacy.⁷⁵

*Children*⁷⁶

42. CoE-ECSR noted in 2015 that not all forms of corporal punishment were prohibited in the home.⁷⁷

*Persons with disabilities*⁷⁸

43. OSCE/ODIHR stated that all citizens who were 18 years or older on election day had the right to vote, unless their suffrage rights have been revoked by an individualized court decision on the basis of mental disability, which was contrary to international standards. OSCE/ODIHR recommended that all restrictions to the right to vote which are based on mental disability should be removed to ensure equal suffrage and to comply with international standards.⁷⁹

44. OSCE/ODIHR noted a general lack of digital accessibility of information and communication technology tailored to persons with disability and a lack of accessible information and communication for persons with sensory, psychosocial and intellectual disabilities, such as large print and easy-to-read formats. Some organisations of persons with disabilities shared the opinion that e-voting could provide a viable alternative for disabled voters to exercise their suffrage rights without assistance.⁸⁰

45. OSCE/ODIHR recommended that Slovenia consider reviewing the safeguards for alternative voting mechanisms outside regular polling stations on election day, in particular for homebound voting and give further consideration to the use of large print and easy-to-read ballots, as well as the enhanced use of the Slovenian sign language for the persons with sensory and mental disabilities during the electoral process.⁸¹

*Minorities*⁸²

46. CoE-ACFC reported that Slovenia afforded a high level of protection to the Italian and Hungarian national minorities. In ethnically mixed areas, persons belonging to those minorities continued to enjoy a broad range of individual rights, as well as a degree of autonomy and collective rights exercised in the self-governing communities. The implementation of the legal framework, however, was not fully satisfactory. For instance, the use of language in public spaces at local level and the quality of education offered in minority languages had not been fully respected.⁸³ JS3⁸⁴ and OSCE/ODIHR⁸⁵ made similar observations.

47. CoE-ACFC noted that persons belonging to the “nations of Albanians, Bosniaks, Montenegrins, Croats, Macedonians and Serbs” in the former Yugoslavia, and the German-speaking ethnic community benefited from some support in the fields of culture, media, language and education. However, the measures taken were considered unsatisfactory by those communities and they considered that the lack of formal recognition as national minorities prevented the full enjoyment of their rights.⁸⁶

48. CoE-ACFC stated that persons belonging to the Roma community had access to special rights provided for in the Roma Community Act.⁸⁷ CoE-Commissioner stated that the Roma was recognised as a minority community with particular ethnic and cultural characteristics that might enjoy special protection. However, the Roma were not recognised as a national minority.⁸⁸

49. Furthermore, AI stated that the difference in legal definition between the so-called “autochthonous”, or traditionally settled, and “non-autochthonous” Roma population, and their ability to exercise or access specific rights under the Constitution, remained significant obstacles for meaningful Roma integration. Under the Roma Community Act, the “non-autochthonous” Roma had no status and no specific rights that were otherwise guaranteed to the “autochthonous” Roma. This legal distinction had affected the ability of large Roma communities from enjoying their political rights.⁸⁹

50. OSCE/ODIHR noted that the Roma community had special participation rights in local government, but not at the national level.⁹⁰ JS3 stated that the Local Self-Government Act listed municipalities where Roma minority was autochthonous and had the right to at

least one council member. The system completely ignored Sinti as well as “non-autochthonous” Roma community with significant numbers present in certain municipalities.⁹¹

51. AI recommended that Slovenia remove the distinction in legislation and other measures between “autochthonous” and “non-autochthonous” Roma communities.⁹² CoE-ACFC reiterated its call on the central authorities to improve participation and representation of all Roma in decision making at local level, in particular in those areas inhabited by Roma in substantial numbers.⁹³ With a view to strengthening Roma participation in decision making, CoE-ACFC called on the authorities to create conditions for the effective functioning of the Roma Community Council, including by revising the rules on its functioning and its composition which should reflect the diversity amongst the Roma.⁹⁴

52. AI stated that discrimination against and social exclusion of a large proportion of the Roma community continued, especially in the southeast of the country.⁹⁵ CoE-Commissioner and CoE-ACFC made similar observations.⁹⁶

53. CoE-Commissioner was concerned to see that long-standing problems in the area of housing had not been resolved.⁹⁷ CoE-ACFC stated that measures to promote equality for Roma had been taken within the framework of the National Programme of Measures for Roma for 2010–2015. Those measures brought about some progress as regards the legalisation of Roma settlements and the provision of basic services to these settlements. Nonetheless, particularly in the south-east of the country, some Roma communities continued to live in substandard settlements deprived of access to basic amenities and the municipalities eschew their responsibility to provide durable solutions.⁹⁸

54. CoE-Commissioner stated that the majority of Roma lived in settlements that were isolated from the rest of the population, outside cities or at the peripheries of inhabited areas. Many of the settlements were built illegally on municipal or private land, or sometimes on land that was not zoned for residential use. The illegal status of the settlements signified a lack of security of tenure, exposing Roma communities living in those settlements to a risk of eviction.⁹⁹

55. Despite some efforts made by the authorities, the European Commission against Racism and Intolerance (CoEECRI) was concerned that the lack of practical access to a safe water supply continued to be a problem for many Roma.¹⁰⁰ In 2017, CoE-ECRI concluded that its recommendation made in 2014 to ensure that all Roma have practical access to a safe water supply had not been implemented.¹⁰¹ AI explained that Roma had to collect water from nearby streams in some parts of the country, often polluted with sewage, or from petrol stations or cemeteries.¹⁰² HRORS¹⁰³ and CoE-Commissioner¹⁰⁴ made similar observations.

56. AI concluded that the persistent challenges in accessing water and adequate sanitation, as well as the pervasive poverty among many Roma families, constituted a serious impediment to their greater social inclusion and the full realization of their human rights.¹⁰⁵

57. CoE-Commissioner recommended that the central authorities urgently work with local municipalities to resolve the situation of settlements with substandard living conditions, in consultation with their inhabitants.¹⁰⁶ AI recommended that Slovenia adopt measures to confer security of tenure to Roma people living in informal settlements and to ensure full access to water, sanitation and electricity for all Roma communities.¹⁰⁷

58. CoE-Commissioner stated that while segregation had been prohibited, some de facto segregation remained. This was the case in pre-schools. Roma children were sometimes sent to special needs classes in regular schools, in particular for additional learning sessions. Roma children reportedly continued to be overrepresented in special needs schools.¹⁰⁸ Likewise, AI noted that Roma children continued to be overrepresented in special needs schools and as recipients of integrated special needs assistance in mainstream schools.¹⁰⁹

59. AI stated that the authorities had been funding various measures targeted at Roma pupils, such as the establishment of a number of outreach pre-school education centres and

the appointment of Roma assistants. While such measures were envisaged to help integrate Roma children into primary school, it was doubtful that these pre-school centres, which operated solely in the Roma settlements and exclusively served children of Roma ethnicity, genuinely facilitated their integration. Rather, they risked contributing to de-facto long-term segregation.¹¹⁰

60. CoE-Commissioner welcomed the strong emphasis on improving access to education for Roma children and encouraged Slovenia to augment those efforts. He called on the authorities to facilitate access of Roma children to one year of regular pre-school, which should be free of charge and facilitated through sponsored transportation and the presence of Roma assistants in the regular kindergartens. Moreover, CoE-Commissioner urged Slovenia to address the issue of over representation of Roma children in special classes or schools, which could reveal a pattern of discrimination against them.¹¹¹

61. CoE-Commissioner was concerned to learn about instances of forced and early marriages as well as early pregnancies among the Roma population.¹¹² He recommended that legislation be amended in order to clearly specify that the minimum age of marriage is 18, with exceptions only for persons 16 years of age and older, upon authorisation by a judge. The authorities should ensure that those who participate in or aid and abet the contracting of forced or child marriage are held accountable and punished in accordance with the law.¹¹³

62. Welcoming the adoption of the National Programme of Measures for Roma for 2017-2021¹¹⁴ CoE-Commissioner invited the government to formulate a clear strategy for the improvement of the situation of Roma, including through the identification of concrete targets.¹¹⁵

63. CoE-Commissioner noted that the collection of data on the situation of Roma was critical to better target policies, and could be done while respecting the confidentiality of personal data.¹¹⁶ The authorities should collect accurate and updated information on the situation of Roma, disaggregated by gender and age, particularly in the areas of housing, education, employment and health care, with a view to increasing the effectiveness of existing and future policies.¹¹⁷

Migrants, refugees and asylum seekers¹¹⁸

64. CoE-ECSR concluded that migrant workers might be expelled in situations where they did not endanger national security or offend against public interest or morality and they had no independent right of appeal against a deportation order. Equal treatment was not secured for migrant workers with respect to access to housing, and in particular to assisted rental schemes and subsidies.¹¹⁹

65. AI stated that many asylum-seekers irregularly entering Slovenia were denied access to asylum, fined for irregular entry and forcibly returned – without any procedure and frequently in groups. According to the findings of AI, Slovenia frequently ignored asylum-seekers' intention to apply for international protection in 2018.¹²⁰

66. CoE-CPT had concerns about the new Sections 10a and 10b of the Aliens Act, enacted by the Parliament in 2017, which introduced the possibility for the Parliament to activate – under exceptional circumstances and for a limited period of time – a “measure in response to mass migration”. It would appear that this provision would deny foreign nationals the possibility to apply for asylum under the International Protection Act without an individual assessment of the case. The procedure did not foresee a hearing of the foreign national and an appeal against the denial would not have a suspensive effect. Consequently, the CoE-CPT had concerns as to whether foreign nationals would in practice be effectively protected against refoulement, including chain refoulement. In addition, Section 10b could be considered as authorising collective expulsions which were prohibited under the European Convention on Human Rights.¹²¹ AI expressed similar concerns.¹²²

67. CoE-Commissioner regretted the adoption in January 2017 of legislative amendments to the Aliens Act which lacked appropriate guarantees against refoulement and safeguards for the rights of everyone to seek and enjoy asylum. He urged Slovenia not to activate the amendments.¹²³

68. AI recommended that Slovenia ensure that all asylum-seekers had access to fair and effective asylum procedures in accordance with the Slovenian International Protection Act and international law and conduct prompt, independent and impartial investigations into all allegations of denial of access to asylum procedures, pushbacks and collective expulsions.¹²⁴

69. AI recommended that Slovenia refrain from returning persons to other countries without providing procedural safeguards against returns that could put people at risk of human rights violations in the country to which they may be directly or indirectly returned.¹²⁵

70. CoE-CPT noted that amendments of the Aliens Act have introduced an obligatory ex officio review of the detention order within the first three months of detention. However, CoE-CPT noted that in the process of examining an appeal against the detention decision or during the ex officio review of such a decision, the foreign nationals concerned were very rarely heard in person and that the relevant legal provisions did not include the obligation to hold such a hearing. CoE-CPT recommended that the judicial review of the detention order always included an obligatory hearing of the foreign national concerned.¹²⁶

71. CoE-CPT noted that according to the Aliens Act, foreign nationals detained under aliens legislation had the right of access to a lawyer. However, it was concerned that the law did not guarantee free legal aid for those who were not in a position to pay for a lawyer themselves.¹²⁷

72. AI stated that the authorities continued the practice of detention of unaccompanied children. Despite a 2016 government decision providing that unaccompanied children, regardless of their migration status, should be accommodated in alternative accommodation in student dormitories, official data indicated that in 2018, at least 300 children were detained in the Centre for Foreigners in Postojna.¹²⁸

73. AI recommended that Slovenia stop the detention of children and families with children solely on the grounds of their migration status, and replace this by child-sensitive non-institutionalized care solutions.¹²⁹ CoE-Commissioner urged Slovenia to develop a clear roadmap for the complete abolition of detention of minor migrants and asylum seekers, including unaccompanied migrant children. He urged Slovenia to ensure that unaccompanied migrant children were accommodated separately from adults and that asylum applications by unaccompanied migrant children were accorded priority and handled in a swift manner.¹³⁰

74. CoE-Commissioner urged Slovenia to make some systemic adjustments to ensure that the country was prepared to handle increasing numbers of asylum applicants. The quality of the services available to asylum seekers and refugees should be improved, and the length of asylum procedures should be shortened.¹³¹ He encouraged the authorities to consider pre-integration measures for asylum seekers, including language courses and earlier access to the labour market, notably for those coming from countries with high recognition rates.¹³²

Stateless persons¹³³

75. JS2 noted that Slovenia had no dedicated statelessness determination procedure.¹³⁴ CoE-Commissioner recommended that Slovenia develop an accessible, efficient and centralised statelessness determination procedure.¹³⁵ Furthermore, JS2 recommended amending the law to bring the definition of a stateless person in national law in line with the definition provided in the 1954 Convention.¹³⁶

76. JS2 stated that safeguards in national law to prevent statelessness among children born in Slovenia relied on the status of the parents rather than the child. The parents of a stateless child born on the territory must also be stateless for the child to acquire Slovenian nationality.¹³⁷ CoE-Commissioner concluded that given the current legislation, there was a risk of statelessness of children of migrants, asylum seekers and refugees born en route or in Slovenia. He urged Slovenia to ensure that children born en route to or in Slovenia of parents who could not transmit their nationality be granted Slovenian nationality shortly after birth, so as to prevent cases of statelessness among such children.¹³⁸

77. CoE-Commissioner stated that without legal status, the “erased” (the term referred to members of the population who were eliminated from the official residence registry in the period following the 1991 independence of Slovenia) were deprived of their economic, social, civil and political rights. Those affected were left without access to health services, education, employment and social benefits, and had no legal remedy to challenge those violations. Thousands were forcibly removed from the country or denied re-entry. Others did not leave for fear of not being allowed to come back and were thus trapped in a legal limbo.¹³⁹ CoE-GRETA noted that the persons concerned became vulnerable, including to becoming victims of human trafficking.¹⁴⁰

78. JS2 stated that despite accepted recommendations of the previous UPR to address the situation, Slovenia had not taken measures to implement those recommendations and facilitate access of the “erased” persons to citizenship.¹⁴¹ CoE-Commissioner noted that the President of the National Assembly issued a public apology to the “erased” for the injustice and suffering, humiliation and slander they had suffered. However, he stated that close to 12000 “erased” had not regularized their status, including those who were prevented from obtaining regularisation either because of the restrictive conditions in the 2010 Legal Status Act or because they missed the deadline. CoE-Commissioner noted that representatives of “erased” considered that the amount of compensation did not adequately cover the actual losses and damages suffered.¹⁴²

79. CoE-Commissioner recommended that the authorities provide a way for those “erased” who have not been able to regularise their status and wish to integrate into Slovenian society to do so, especially those who are living in Slovenia with no legal status.¹⁴³ CoE-ACFC and JS2 made similar recommendations.¹⁴⁴

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

AI	Amnesty International, London, United Kingdom;
LMPT	La Manif Pour Tous, Paris, France;
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva, Switzerland;
HRORS	Human Rights Ombudsman of the Republic of Slovenia, Ljubljana, Slovenia.

Joint submissions:

JS1	Joint submission 1 submitted by: ERA-LGBTI Equal Rights Association for Western Balkans and Turkey (an umbrella regional association of 57 LGBTI organisations operating in Albania, Bosnia and Herzegovina, Croatia, the North Macedonia, Kosovo, Montenegro, Serbia, Slovenia and Turkey) in partnership with Škuc Magnus, Association Legebitra, and Transfeminist Initiative TransAkcija Institute (Slovenia);
JS2	Joint submission 2 submitted by: The Peace Institute (Slovenia), the Institute on Statelessness and Inclusion (Netherlands), and the European Network and Statelessness (United Kingdom);
JS3	Joint submission 3 submitted by: The Society for Awareness Raising and Protection – Centre of Anti-discrimination, and Association of the Romani Community of Slovenia Umbrella, Ljubljana, Slovenia;
PTPR/JS4	Joint submission 4 submitted by: Members of the Partnership in Truth for Peace and Reconciliation, namely the Society New Slovenian Covenant, Society United at the Linden Tree of Reconciliation and the Justice and Peace Commission (Slovenia).

Regional intergovernmental organization(s):

CoE

The Council of Europe, Strasbourg (France);

Attachments:

(CoE-Commissioner) Report by Mr. Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, following his visit to Norway from 20 to 23 March 2017, Strasbourg, CommDH (2017) 21;

(CoE-ECRI Conclusions) European Commission against Racism and Intolerance's conclusions on the implementation of the recommendations in respect of Slovenia subject to interim follow-up, adopted on 23 June 2017, CRI (2017) 39;

(CoE-GRETA) - Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Slovenia, Second Evaluation Round, Strasbourg, adopted on 24 November 2017, GRETA (2017) 38;

(CoE-ACFC) Advisory Committee on the Framework Convention for the Protection Of National Minorities, Strasbourg, Fourth Opinion on Slovenia adopted on 21 June, 2017 ACFC/OP/IV (2017) 003;

(CoE-CM) Committee of Ministers, Resolution CM/ResCMN (2018)12 on the implementation of the Framework Convention for the Protection of National Minorities by Slovenia, adopted on 24 October 2018;

(CoE-CPT) Report to the Government of Slovenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 28 March to 4 April, 2017, CPT/Inf (2017) 27;

(CoE-GRECO) Second Compliance Report on the Slovak Republic, Fourth Round Evaluation, Corruption Prevention of members of parliament, judges and prosecutors, adopted by the Group of States against Corruption on 18 October, 2017, GrecoRC4 (2017) 19;

(CoE-ECSR) Factsheet: Slovenia and the European Social Charter;

EU-FRA

European Union Agency for Fundamental Rights, Vienna, Austria;

OSCE/ODIHR

Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe, Warsaw, Poland;

Attachment:

(OSCE/ODIHR Elections Report of 2018) Elections Report of 2018: OSCE/ODIHR Election Assessment Mission Final Report, Early Parliamentary Elections on 3 June, 2018, Warsaw, 12 September, 2018.

(OSCE/ODIHR Elections Report of 2017) Elections Report of 2017: OSCE/ODIHR Election Expert Team Final Report, Presidential Election on 22 October, 2017, Warsaw, 20 December, 2017.

² The following abbreviations are used in UPR documents:

ICERD

International Convention on the Elimination of All Forms of Racial Discrimination;

CRC

Convention on the Rights of the Child;

CRPD

Convention on the Rights of Persons with Disabilities.

³ For relevant recommendations see A/HRC/28/15, paras. 115.1, 115.17, and 115.18.

⁴ For the recommendation see A/HRC/28/15 para. 115.18 (Turkey) and A/HRC/28/15/Add.1, p. 2.

⁵ JS1, paras. 7 and 8.

⁶ HRORS, para. 23 and JS2, para. 8.

⁷ JS2, para. 24 and CoE-Commissioner, para. 52.

⁸ ICAN, p. 1.

⁹ For relevant recommendations see A/HRC/28/15, paras. 115.22, 115.31–115.39 and 115.48.

- ¹⁰ AI, p. 2. See also JS3, p. 4 and HRORS, para. 1.
- ¹¹ HRORS, para. 3.
- ¹² JS3, p. 4. See also AI, p. 2 and HRORS, para. 1.
- ¹³ JS1, para. 24.
- ¹⁴ JS3, p. 4. See also AI, p. 2 and HRORS, para. 1.
- ¹⁵ JS3, p. 5.
- ¹⁶ CoE-Commissioner, para. 6 and 8. See also CoE-ECRI Conclusions, para. 1, AI, p. 2, CoE-ACFC, para. 7 and EU-FRA, p. 7.
- ¹⁷ JS1, para. 12. See also JS3, p. 4 and EU-FRA, p. 7.
- ¹⁸ CoE-Commissioner, para. 6 and 8. See also JS1, para. 58.3, CoE-ACFC, para. 30 and CoE-CM, p.2.
- ¹⁹ JS3, p. 4 See also HRORS, paras.11-13 and EU-FRA, p. 9.
- ²⁰ EU-FRA, p. 12.
- ²¹ For relevant recommendations see A/HRC/28/15, paras. 115.44 -115.47, 115.49 - 115.58, 115.62–115.70, 115.74, 115.76–115.78, 115.81, 115.85, 115.87, 115.92, 115.93, 115.98 and 115.103.
- ²² EU-FRA, p. 7.
- ²³ JS3, p. 5.
- ²⁴ CoE-ACFC, p. 2 and para. 10. See also OSCE/ODIHR, p. 1 and the OSCE/ODIHR Elections Report of 2018, p. 15.
- ²⁵ OSCE/ODIHR Elections Report of 2018, p. 14. See also EU-FRA, p. 20 and JS1, paras. 28 and 30.
- ²⁶ JS3, p. 10.
- ²⁷ CoE-ACFC, p. 2 and para. 10.
- ²⁸ EU-FRA, pp. 20-21.
- ²⁹ CoE-ACFC, p. 2 and paras. 51, 56 and 57. See also CoE-CM, p. 2 and the OSCE/ODIHR Elections Report of 2018, pp. 2, 9 and 15.
- ³⁰ JS1, para. 6.
- ³¹ EU-FRA, p. 6 and JS1, para. 11.
- ³² CoE, p. 3. See also JS1, pp. 14-16.
- ³³ EU-FRA, pp. 4 and 7. See also JS1, para. 17.
- ³⁴ JS1, para. 58.4.
- ³⁵ JS1, paras. 58.16-58.17.
- ³⁶ JS1, para. 58.19. See also JS1, paras. 47-48.
- ³⁷ CoE-GRECO, paras. 48 and 233.
- ³⁸ CoE-GRECO, paras. 124 and 233.
- ³⁹ For relevant recommendations see A/HRC/28/15, para. 115.21 and 115.110.
- ⁴⁰ HRORS, para. 19.
- ⁴¹ AI, p. 3.
- ⁴² AI, p. 7.
- ⁴³ PTPR/JS4, para. 3.9.
- ⁴⁴ PRPR/JS4, para. 5.1.
- ⁴⁵ CoE-CPT, para. 15.
- ⁴⁶ CoE-CPT, para. 29.
- ⁴⁷ CoE-CPT, para. 30. See also para. 40.
- ⁴⁸ CoE-CPT, para. 45.
- ⁴⁹ CoE-CPT, p. 5 and para. 48.
- ⁵⁰ For relevant recommendations see A/HRC/28/15, paras. 115.132.
- ⁵¹ OSCE/ODIHR Elections Report of 2018, p. 14. See also EU-FRA, pp. 12-13.
- ⁵² HROSR, para. 9.
- ⁵³ OSCE/ODIHR, p. 2 and the OSCE/ODIHR Elections Report of 2018, p. 18.
- ⁵⁴ For relevant recommendations see A/HRC/28/15, paras. 151.119–115.127.
- ⁵⁵ CoE-GRETA, para.12.
- ⁵⁶ CoE-GRETA, para.193.
- ⁵⁷ CoE-GRETA, paras. 56 and 63.
- ⁵⁸ CoE-GRETA, para. 173.
- ⁵⁹ CoE-GRETA, para. 116.
- ⁶⁰ CoE-GRETA, para. 178.
- ⁶¹ CoE-GRETA, para. 164.
- ⁶² CoE-GRETA, para. 107.
- ⁶³ CoE-GRETA, para. 138.
- ⁶⁴ For relevant recommendations see A/HRC/28/15, para. 115.135–113.137.
- ⁶⁵ CoE-Commissioner, p. 3 and paras. 149–151. See also EU-FRA, p. 8.
- ⁶⁶ CoE-Commissioner, p. 3, See also para. 147.
- ⁶⁷ CoE-ECSR: Factsheet-Slovenia, p. 5.

- ⁶⁸ JS3, p. 9.
- ⁶⁹ AI, pp. 1-2.
- ⁷⁰ CoE-Commissioner, para. 71.
- ⁷¹ For relevant recommendations see A/HRC/28/15, paras. 115.141–115.143.
- ⁷² HRORS, paras. 17-18.
- ⁷³ For relevant recommendations see A/HRC/28/15, paras. 115. 23 and 115.59–115.61.
- ⁷⁴ OSCE/ODIHR Elections Report of 2018, p. 2.
- ⁷⁵ LMPT, paras. 11-27.
- ⁷⁶ For relevant recommendations see A/HRC/28/15, paras. 115.21, 115.23 and 115.113–115.116.
- ⁷⁷ CoE-ECSR: Factsheet-Slovenia, p. 5. See also EU-FRA, p. 12.
- ⁷⁸ For relevant recommendations see A/HRC/28/15, paras. 115.21, 115.145 and 115.147.
- ⁷⁹ OSCE/ODIHR, p. 2 and OSCE/ODIHR Elections Report of 2018, p. 6.
- ⁸⁰ OSCE/ODIHR Elections Report of 2018, p. 17.
- ⁸¹ OSCE/ODIHR Elections Report of 2017, pp. 8-9. See also OSCE/ODIHR Elections Report of 2018, p. 17.
- ⁸² For relevant recommendations see A/HRC/28/15, paras. 115.25, 115.71, 115.72, 115.73, 115.75, 115.79, 115.80, 115.81, 115.82, 115.83, 115.84, 115.86, 115.88, 115.89, 115.90, 115.91, 115.102, 115.138–115.140, 115.144, 115.150–115.162.
- ⁸³ CoE-ACFC, p. 1, see also para. 3.
- ⁸⁴ JS3, p. 10.
- ⁸⁵ OSCE/ODIHR Elections Report of 2018, p. 2.
- ⁸⁶ CoE-ACFC, p. 1 and para. 5. See also JS3, p. 10.
- ⁸⁷ CoE-ACFC, p. 1, see also para. 4.
- ⁸⁸ CoE-Commissioner, para. 57.
- ⁸⁹ AI, p. 4. See also JS3, p. 11.
- ⁹⁰ OSCE/ODIHR Elections Report of 2018, p. 10.
- ⁹¹ JS3, p. 11. See also AI, p.4.
- ⁹² AI, p. 6.
- ⁹³ CoE-ACFC, para. 89. See also JS3, p. 11.
- ⁹⁴ CoE-ACFC, para. 93. See also CoE-CM, p. 2.
- ⁹⁵ AI, p. 3.
- ⁹⁶ CoE-Commissioner, para. 56 and CoE-ACFC, para. 4. See also JS3, p. 11.
- ⁹⁷ CoE-Commissioner, p. 2 and para. 88. See also CoE-ECSR, p. 5.
- ⁹⁸ CoE-ACFC, para. 9, see also paras. 34-36. See also AI, p. 5.
- ⁹⁹ CoE-Commissioner, para. 63. See also AI, p. 5 and CoE-ECSR, p. 5.
- ¹⁰⁰ CoE-ECRI Conclusions, para. 3. See also AI, p. 2.
- ¹⁰¹ CoE-ECRI Conclusions, para. 3.
- ¹⁰² AI, p. 5.
- ¹⁰³ HRORS, para. 16.
- ¹⁰⁴ CoE-Commissioner, para. 63.
- ¹⁰⁵ AI, p. 5. See also CoE-Commissioner, para. 88.
- ¹⁰⁶ CoE-Commissioner, p. 2.
- ¹⁰⁷ AI, p. 6. See also CoE-Commissioner, para. 90, CoE-ACFC, p. 2 and para. 37, and CoE-CM, p. 1.
- ¹⁰⁸ CoE-Commissioner, para. 84. See also JS3, p. 9.
- ¹⁰⁹ AI, p. 3.
- ¹¹⁰ AI, pp. 3-4. See also CoE-ACFC, para. 9.
- ¹¹¹ CoE-Commissioner, paras. 94-95. See also EU-FRA, p. 4, AI, p. 6, CoE-ACFC, p. 2 and paras. 75-76 and CoE-CM, p. 2.
- ¹¹² CoE-Commissioner, para. 72.
- ¹¹³ CoE-Commissioner, para. 92.
- ¹¹⁴ CoE-Commissioner, p. 2 and para. 85. See also CoE-ACFC, para. 32 and EU-FRA, p. 4.
- ¹¹⁵ CoE-Commissioner, para. 86.
- ¹¹⁶ CoE-Commissioner, p. 2.
- ¹¹⁷ CoE-Commissioner, para. 87.
- ¹¹⁸ For relevant recommendations see A/HRC/28/15, paras. 115.55 and 115.163.
- ¹¹⁹ CoE-ECSR, p. 5.
- ¹²⁰ AI, p.5. See also EU-FRA, p. 9.
- ¹²¹ CoE-CPT, para. 95.
- ¹²² AI, p.5.
- ¹²³ CoE-Commissioner, p. 1 and para. 44.
- ¹²⁴ AI, p. 6.
- ¹²⁵ AI, p. 6.

¹²⁶ CoE-CPT, para. 92.

¹²⁷ CoE-CPT, para. 93.

¹²⁸ AI, p. 5. See also CoE-Commissioner, p. 1.

¹²⁹ AI, p. 6.

¹³⁰ CoE-Commissioner, p. 1 and paras. 45 and 46. See also CoE-CPT, para. 89.

¹³¹ CoE-Commissioner, p. 1 and para. 43.

¹³² CoE-Commissioner, p. 1. See also paras. 47-49.

¹³³ For relevant recommendations see A/HRC/28/15, paras 115.66, 115.96, 115.97, 115.99, 115.100, 115.102, 115.149, 115.161.

¹³⁴ JS2, paras. 15-17.

¹³⁵ CoE-Commissioner, para. 52. See also JS2, para. 24.

¹³⁶ JS2, para. 24.

¹³⁷ JS2, para. 20.

¹³⁸ CoE-Commissioner, p. 2 and para. 52. See also JS2, para. 24.

¹³⁹ CoE-Commissioner, paras. 98 and 99. See also JS2, para. 22 and CoE-ACFC, para. 58.

¹⁴⁰ CoE-GRETA, para. 69.

¹⁴¹ JS2, para. 23.

¹⁴² CoE-Commissioner, paras. 102, 103 and 105. See also CoE-ACFC, paras. 58 and 60 and CoE-ECRI conclusions of 2017, para. 2.

¹⁴³ CoE-Commissioner, para. 106.

¹⁴⁴ CoE-ACFC, para. 61 and JS2, para. 24. See also CoE-CM, p. 2.
