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Working Group on the Universal Periodic Review

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### Slovenia

#### Compilation of information prepared by 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 outcome of the previous review.<sup>1</sup> It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

## II. Scope of international obligations and cooperation with human rights mechanisms

2. The Committee on the Elimination of Discrimination against Women welcomed the ratification by Slovenia of the International Convention for the Protection of All Persons from Enforced Disappearance, in 2021.<sup>2</sup>

3. The same Committee encouraged Slovenia to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>3</sup>

4. The Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment encouraged Slovenia to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.<sup>4</sup>

5. The Office of the United Nations High Commissioner for Refugees (UNHCR) welcomed the Government's pledge to accede to the Convention on the Reduction of Statelessness, announced during the 2023 Global Refugee Forum, and recommended acceding to the Convention.<sup>5</sup>

6. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended ratifying the Global Convention on the Recognition of Qualifications concerning Higher Education.<sup>6</sup>

7. Slovenia made annual financial contributions to the Office of the United Nations High Commissioner for Human Rights, including the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council.<sup>7</sup>



### **III. National human rights framework**

#### **Institutional infrastructure and policy measures**

8. The Committee against Torture commended Slovenia for the accreditation of the Office of the Human Rights Ombudsman with A status by the Global Alliance of National Human Rights Institutions (GANHRI), in 2021.<sup>8</sup> The GANHRI Subcommittee on Accreditation encouraged the Office of the Ombudsman to advocate for the funding necessary to effectively carry out the full breadth of its mandate and for appropriate modifications to applicable administrative procedures to ensure that its independence and financial autonomy were guaranteed.<sup>9</sup>

9. The Special Rapporteur on environment stated that Slovenia should consider the establishment of a special ombudsperson for the rights of children, as many other nations in Europe and elsewhere had done.<sup>10</sup>

10. The Committee on the Elimination of Discrimination against Women noted with concern the absence of mechanisms to ensure compliance with the recommendations of the Advocate of the Principle of Equality. The Committee recommended that Slovenia provide the Advocate of the Principle of Equality with the authority to issue binding rulings and impose sanctions for gender-based discrimination, and allocate adequate human, technical and financial resources for its effective functioning.<sup>11</sup>

### **IV. Promotion and protection of human rights**

#### **A. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

##### **1. Right to life, liberty and security of person, and freedom from torture**

11. The Committee against Torture requested Slovenia to review its legislation to ensure that there was no gap between the definition in article 135 (a) of the Criminal Code and the definition in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and that the minimum penalties for acts of torture were commensurate with the grave nature of the crime, as set out in article 4 (2) of the Convention.<sup>12</sup>

12. The same Committee expressed regret that the offence of torture was subject to a statute of limitations in cases in which it did not qualify as a crime against humanity or a war crime. The Committee requested Slovenia to seek to adopt the legislative measures necessary to ensure that the offence of torture was not subject to any statute of limitations, even in cases in which it did not qualify as a crime against humanity or a war crime.<sup>13</sup>

13. The same Committee stated that Slovenia should ensure that, in law and in practice, all victims of torture and ill-treatment, including victims of trafficking and gender-based violence, obtained redress, including by ensuring an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible.<sup>14</sup>

14. The same Committee recommended that Slovenia redouble its efforts to ease overcrowding in detention centres, in particular by making greater use of non-custodial measures, continue to improve existing prison facilities and material conditions and ensure that conditions and treatment in all places of detention, including the new Ljubljana prison, were fully in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the European Prison Rules adopted by the Council of Europe.<sup>15</sup>

15. The same Committee recommended that Slovenia take specific measures to provide older persons and persons with disabilities with individualized reasonable accommodation and accessible facilities in prisons and continue improving the quality of the health services provided to detainees.<sup>16</sup>

16. The same Committee expressed its appreciation for the wide monitoring mandate of the Office of the Human Rights Ombudsman in its capacity as the national preventive mechanism and stated that Slovenia should continue its efforts to maintain a dialogue with the national preventive mechanism and carefully consider all outstanding recommendations that it had made.<sup>17</sup>

## **2. Administration of justice, including impunity, and the rule of law**

17. The Committee against Torture noted with concern reports that access to free legal aid, which should be provided from the very outset of deprivation of liberty, was in practice provided only prior to the court hearing and after police questioning. The Committee stated that Slovenia should ensure that all detained persons from the very outset of their deprivation of liberty had unimpeded access to an independent lawyer of their choice or, if necessary, to free legal aid, including during the initial interrogation and inquiry.<sup>18</sup>

18. The same Committee was concerned that access to ex officio lawyers was not always assured for minors facing criminal charges for offences that carried sentences of less than three years of deprivation of liberty, as it was subject to the decision of a juvenile judge. The Committee stated that Slovenia should ensure that all minors facing criminal charges were represented by either a lawyer of their choice or an ex officio lawyer and that adequate conditions of detention were maintained in juvenile reform schools, in line with the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.<sup>19</sup>

19. The same Committee stated that Slovenia should ensure that solitary confinement was used only in exceptional cases as a last resort, for as short a time as possible (but no more than 15 consecutive days), subject to independent review and only pursuant to authorization by a competent authority, and that instances of solitary confinement were properly registered and documented. The Committee also stated that Slovenia should respect the prohibition of the imposition of solitary confinement and similar measures on minors.<sup>20</sup>

## **3. Fundamental freedoms**

20. UNESCO noted that defamation continued to be a criminal offence under articles 160 and 161 of the Criminal Code, carrying a maximum penalty of one year in prison. UNESCO recommended that the Government decriminalize defamation and place it within a civil code in accordance with international standards.<sup>21</sup>

## **4. Prohibition of all forms of slavery, including trafficking in persons**

21. The International Organization for Migration (IOM) noted that Slovenia was a transit country and a country of destination for victims of trafficking in persons.<sup>22</sup> The Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) noted the adoption of the Action Plan to Combat Trafficking in Human Beings and of the guidelines for labour inspectors on identifying victims of trafficking in persons.<sup>23</sup>

22. The Committee against Torture stated that Slovenia should intensify its efforts to prevent and combat trafficking in persons, including by strengthening the procedure for the early identification and referral of victims among persons in vulnerable circumstances, such as asylum-seekers and migrants, including unaccompanied minors, and by providing specialized assistance to children who were victims of trafficking, including adequate accommodation in facilities adapted to their specific needs. The Committee also stated that Slovenia should continue strengthening the regular mandatory training on early identification and referral of victims of trafficking to the appropriate services that was provided to immigration and law enforcement officers.<sup>24</sup>

23. IOM recommended that Slovenia address the absence of specialized assistance for children who were victims of trafficking by establishing specialized accommodation facilities.<sup>25</sup>

24. The Committee on the Elimination of Discrimination against Women noted with concern the low number of investigations, prosecutions and convictions in cases of trafficking in persons. The Committee recommended that Slovenia strengthen the criminal

justice response to trafficking in persons, ensure that all cases of trafficking were prosecuted and traffickers adequately punished and establish an independent mechanism for monitoring and evaluating the implementation of its anti-trafficking legislation and policies.<sup>26</sup>

#### **5. Right to work and to just and favourable conditions of work**

25. The Committee on the Elimination of Discrimination against Women noted with concern the persistence of gender segregation in the labour market. The Committee recommended that Slovenia take targeted measures, such as financial incentives for employers, to promote the equal participation of women in the labour market, in particular in innovative sectors such as the digital sector.<sup>27</sup>

26. The ILO Committee of Experts noted the 2019 Eurostat figures indicating that the gender pay gap was 8 per cent, based on average gross hourly earnings. It noted with concern that the gender pay gap had been progressively widening over the previous 10 years.<sup>28</sup> The Committee on the Elimination of Discrimination against Women welcomed the reduction of the gender pay gap to 3.1 points. However, the Committee noted with concern the significant salary difference between men and women of the same level of education, in the public and the private sectors, and the low remuneration of women employed in the care sector and women with disabilities. The Committee recommended enforcing the principle of equal pay for work of equal value in order to narrow and ultimately close the gender pay gap, including by undertaking regular gender pay reviews in all occupational sectors, including the public service, in cooperation with employers' associations and trade unions, applying gender-sensitive analytical job classification and evaluation methods.<sup>29</sup>

#### **6. Right to social security**

27. In 2023, the United Nations Children's Fund (UNICEF) reported a reduction of more than 30 per cent in the child income poverty rate in Slovenia. UNICEF concluded that, for Slovenia, the key to success had been improving living standards, in part promoted by labour market policies, noting that, in the decade since the financial crisis of 2008, the Government had implemented a series of policies to tackle in-work poverty and promote decent work.<sup>30</sup>

#### **7. Right to an adequate standard of living**

28. The Special Rapporteur on environment stated that the Government should ensure safe, sufficient water and adequate sanitation, including by earmarking revenues from water tariffs to fund the renewal of water supply and sanitation infrastructure and by taking immediate action to connect all Roma settlements that remained unserved to local drinking water and sanitation infrastructure.<sup>31</sup>

29. The same Special Rapporteur stated that the Government should take steps to advance healthy and sustainably produced food, including by promoting agroecology and organic, regenerative and other ecologically sustainable food production systems, reducing food waste and promoting predominantly plant-based diets.<sup>32</sup>

#### **8. Right to health**

30. The Committee on the Elimination of Discrimination against Women noted with concern the low level of preventive care for the most frequent and fastest growing diseases and conditions, such as high blood pressure, cancer, diabetes and sexually transmitted diseases. The Committee recommended strengthening the implementation, monitoring and evaluation of preventive health-care programmes.<sup>33</sup>

31. The same Committee noted with concern the limited access to health services for disadvantaged groups of women, including women with disabilities. The Committee also noted with concern the poor health status of Roma women, due in part to socioeconomic factors, such as unhealthy living conditions, low levels of education and poverty. The Committee recommended ensuring that women and girls belonging to disadvantaged groups, such as women and girls with disabilities, had affordable access to healthcare, including sexual and reproductive health services.<sup>34</sup>

32. The same Committee noted with concern the lack of education on sexual and reproductive health and rights, including responsible sexual behaviour, in school curricula at all levels of education. The Committee recommended that Slovenia integrate gender-responsive, age-appropriate and accessible education on sexual and reproductive health and rights, including responsible sexual behaviour, modern contraceptives and prevention of sexually transmitted diseases, into school curricula at all levels of education, and provide systematic training to teachers. The Committee also recommended that Slovenia take targeted measures, including age-appropriate sexuality education and free access to modern contraceptives and family planning services, to prevent early pregnancy among Roma girls.<sup>35</sup>

#### **9. Right to education**

33. UNESCO stated that Slovenia should be encouraged to enshrine the right to education in the Constitution and guarantee in legislation the right to education for everyone and at every level of education and at least 12 years of free primary and secondary education. UNESCO also stated that Slovenia should be encouraged to introduce legislation to make pre-primary education free and compulsory for at least one year.<sup>36</sup>

34. The Committee on the Elimination of Discrimination against Women noted with concern the low enrolment rates of girls with disabilities in mainstream education. The Committee recommended strengthening access for women and girls with disabilities to inclusive education at all levels.<sup>37</sup>

#### **10. Cultural rights**

35. UNESCO stated that, as a party to the Convention for the Protection of the World Cultural and Natural Heritage, the Convention for the Safeguarding of the Intangible Cultural Heritage and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Slovenia was encouraged to fully implement the provisions of those instruments that promoted access to and participation in cultural heritage and creative expressions and, as such, were conducive to realizing the right to take part in cultural life. UNESCO also stated that, in doing so, Slovenia was encouraged to give due consideration to the participation of communities, practitioners, cultural actors and civil society organizations, as well as non-governmental organizations representing vulnerable groups (minorities, migrants, refugees, young people and persons with disabilities), and to ensure that equal opportunities were given to women and girls to address gender disparities.<sup>38</sup>

#### **11. Development, the environment, and business and human rights**

36. The Special Rapporteur on environment stated that Slovenia should increase spending on environmental protection to improve the implementation and enforcement of environmental laws and policies, thus ensuring that all persons enjoyed their right to a healthy environment. Environmental tax revenues in 2021 were approximately 10 times government spending on environmental protection, thus offering an obvious source of revenue to be dedicated to environmental programmes.<sup>39</sup>

37. The same Special Rapporteur urged the Government to apply a rights-based approach to all climate and environmental action, ensuring the protection of vulnerable and marginalized individuals and communities. The Special Rapporteur stated that, in particular, the Government should accelerate plans to close down the coal-fired power plant and electrify end uses of energy, including heating, cooling and transportation.<sup>40</sup>

38. The same Special Rapporteur stated that the Government should protect and improve air quality, including by reducing emissions from motor vehicles and accelerating plans to close the coal-fired power plant; subsidizing the replacement of heating sources using wood, coal or other fuels with electric heat pumps, prioritizing the needs of households facing energy poverty; and reducing emissions from industrial pollution hotspots.<sup>41</sup>

39. The same Special Rapporteur also stated that the Government should further improve solid waste management and safely manage toxic substances, including by systematically applying extended producer responsibility in the context of solid waste management so that producers of paper, plastic, packaging, batteries, tyres and other materials became

responsible for financing and operating an effective recycling programme, thus reducing government costs, and moving towards a circular economy.<sup>42</sup>

40. The same Special Rapporteur further stated that the Government should protect and restore healthy ecosystems and biodiversity, including by ensuring that there were sufficient resources, strong rules and management plans for effectively and equitably managing human activities in protected areas.<sup>43</sup>

41. The same Special Rapporteur stated that the Government should take steps to improve access to information, strengthen public participation and facilitate access to justice in environmental matters, including by establishing a national strategy on human rights defenders where the specific risks and protection needs of environmental human rights defenders were recognized and taken into consideration.<sup>44</sup>

42. The same Special Rapporteur noted that Slovenia had unveiled its first National Action Plan on Business and Human Rights in 2018 and that an updated version had been published in 2021.<sup>45</sup>

## B. Rights of specific persons or groups

### 1. Women

43. The Committee on the Elimination of Discrimination against Women recommended adopting a comprehensive gender equality strategy involving all components of society and engaging women's organizations in its design, implementation and evaluation.<sup>46</sup>

44. The same Committee noted with concern the unbalanced gender representation in political and public life, with women accounting for only 13.6 per cent of mayors; 35 per cent of municipal and city councillors; 20 per cent of Roma councillors; 27.7 per cent of chief executive officers; 24.6 per cent of executive directors of the largest listed companies; and 27.7 per cent of chairpersons, members of the boards and employee representatives. The Committee also noted with concern the lack of measures to promote the political participation of women and support women candidates campaigning for election.<sup>47</sup>

45. The same Committee recommended that Slovenia amend the Law on Elections to the National Assembly with a view to achieving gender parity on lists of political party candidates, ensuring a minimum 40 per cent quota for women, and amend the Companies Act to require boards of large and medium-sized listed companies and autonomous public companies to ensure equal representation of women and men on their boards.<sup>48</sup>

46. The same Committee also recommended that Slovenia adopt temporary special measures to accelerate women's equal participation in all areas covered by the Convention on the Elimination of All Forms of Discrimination against Women and at all levels where women were underrepresented or disadvantaged, in particular in political and public life, and ensure that such measures remained in force until their objectives had been achieved and sustained for a period of time.<sup>49</sup>

47. The same Committee further recommended that Slovenia adopt targeted measures for the economic empowerment of women, address the risk of the feminization of poverty and mainstream gender into its social inclusion strategies, with particular attention paid to disadvantaged groups of women such as single mothers and older women.<sup>50</sup>

48. The same Committee recommended developing and strengthening programmes to support women entrepreneurs, such as business start-up programmes, low interest credit schemes, entrepreneurship support funds, special tax policies and support activities provided by financial banks.<sup>51</sup>

49. The Committee against Torture noted with concern the persistently high incidence of domestic violence, which had increased significantly during the coronavirus disease (COVID-19) pandemic, and the low rate of prosecutions and convictions in that context.<sup>52</sup>

50. The same Committee commended Slovenia for the adoption of the Domestic Violence Action Plan 2023–2024.<sup>53</sup> The Committee on the Elimination of Discrimination against Women noted the various strategies developed in the area of violence against women.

However, the Committee noted with concern the absence of a comprehensive strategy on gender-based violence against women and of a permanent mechanism to coordinate, monitor and assess the effectiveness of measures taken to address violence against women. The Committee recommended adopting a comprehensive strategy to combat all forms of gender-based violence against women and allocating adequate funding for its implementation, regular monitoring and evaluation.<sup>54</sup>

51. The Committee on the Elimination of Discrimination against Women recommended establishing a permanent mechanism to coordinate, monitor and assess the effectiveness of the measures taken to address gender-based violence against women and providing it with adequate human, technical and financial resources.<sup>55</sup>

52. The same Committee recommended establishing sexual violence referral centres, providing adequate shelters for victims of gender-based violence in all regions and ensuring that they met the accommodation needs of all women who were victims of violence, including women with disabilities.<sup>56</sup>

53. The Committee against Torture expressed concern about the lack of ex officio investigations into cases of marital rape and sexual violence against a spouse or partner, since, pursuant to the Criminal Code, prosecution for those acts could be initiated only upon a complaint from a victim.<sup>57</sup> The Committee on the Elimination of Discrimination against Women noted with concern that sentences for perpetrators of gender-based violence were often lenient and not commensurate with the gravity of the crimes.<sup>58</sup>

54. The Committee against Torture stated that Slovenia should review the legislation applicable to offences of marital rape and sexual violence against a spouse or partner and the rules concerning ex officio prosecution, so as not to exclude the initiation of cases in the absence of a formal complaint by the victim and to afford the broadest protection possible to victims and others at risk of victimization.<sup>59</sup> The Committee on the Elimination of Discrimination against Women recommended ensuring that sentences in cases of gender-based violence against women were commensurate with the gravity of the harm suffered.<sup>60</sup>

55. The Committee on the Elimination of Discrimination against Women recommended that Slovenia ensure the effective enforcement and monitoring of protection orders, including restraining and separation orders, and impose adequate penalties for non-compliance.<sup>61</sup>

56. The Committee against Torture stated that Slovenia should strengthen the training provided to law enforcement officials, judges, medical professionals and other relevant professionals, in particular on the forms and consequences of domestic violence and on gender-responsive techniques to interview and accompany the victims of gender-based violence.<sup>62</sup>

57. The Committee on the Elimination of Discrimination against Women stated that redress for victims should include, as appropriate, restitution (reinstatement), compensation (whether provided in the form of money, goods or services) and rehabilitation (medical treatment, psychosocial counselling and social services).<sup>63</sup>

## **2. Children**

58. The Committee on the Elimination of Discrimination against Women noted with concern that the legislation of Slovenia provided for exceptions to the legal minimum age of marriage of 18 years for both women and men with parental consent. The Committee recommended amending the Marriage and Family Relations Act and all related national legislation to eliminate all exceptions to the legal minimum age of marriage of 18 years for both women and men.<sup>64</sup> UNESCO made a similar observation and a similar recommendation.<sup>65</sup>

59. The Committee on the Elimination of Discrimination against Women expressed concern about the incidence of child and/or forced marriage and early pregnancy among Roma girls and recommended that Slovenia eliminate child and/or forced marriage among Roma communities.<sup>66</sup> The Committee against Torture stated that Slovenia should address the harmful consequences of such practices, investigate cases of child and forced marriage and prosecute the perpetrators.<sup>67</sup>

### **3. Persons with disabilities**

60. The Committee on the Elimination of Discrimination against Women recommended that Slovenia ensure that all women and girls with disabilities were able to access the labour market, justice, inclusive education, employment and health services, including sexual and reproductive health services.<sup>68</sup>

### **4. Minorities**

61. The Committee against Torture stated that it remained concerned about reports of Roma people living in deplorable conditions in numerous settlements and the impediments that they experienced in accessing education, employment and healthcare.<sup>69</sup> Similarly, the Committee on the Elimination of Discrimination against Women noted with concern that Roma women faced social exclusion and had limited access to housing, healthcare, education and employment.<sup>70</sup> The Committee against Torture recommended that Slovenia continue its efforts to promote access for Roma people to education, employment, healthcare and adequate living conditions.<sup>71</sup>

62. Noting a fundamental gap between adopted policies and programmes, on the one hand, and reality as experienced by members of the Roma minority, on the other hand, the ILO Committee of Experts requested the Government to continue to provide detailed information on the results of the various initiatives taken to promote non-discrimination in the education and employment of Roma women and men, and to take steps to collect and analyse relevant data, including comparable statistics to enable an accurate assessment of changes over time, while being sensitive to and respecting privacy.<sup>72</sup>

63. The Committee against Torture welcomed the formal public apology offered by the President of Slovenia in 2022 to 25,671 “erased” persons (persons from the former Yugoslavia who were removed from the country’s Register of Permanent Residents in 1992 following the independence of Slovenia in 1991). However, the Committee observed that, according to information received, only 1,770 such persons had applied for restoration of their status within the legal deadline under the 2010 law, and only 241 had received permanent residence permits at the time, reportedly owing to the short time limits, the lack of information about the procedure and the difficulties in meeting the burden of proof. The Committee expressed concern about reports that several such persons remained stateless, that the erasure particularly affected people belonging to the Roma community and that many “erased” persons had received insufficient reparation under the Act Regulating Compensation for Damage Sustained as a Result of Erasure from the Register of Permanent Residents.<sup>73</sup>

64. Recalling its previous concluding observations,<sup>74</sup> the same Committee recommended that Slovenia adopt additional measures to ensure that “erased” persons had the right to restore their permanent resident status, ensure that all individuals who had been victims of erasure received full and effective reparation and take all steps necessary to identify and protect stateless persons who had been subjected to erasure.<sup>75</sup>

65. Furthermore, the ILO Committee of Experts urged the Government to take steps to provide a fair compensation scheme for “erased” persons still waiting to be compensated, to take into account losses such as property or employment.<sup>76</sup>

### **5. Lesbian, gay, bisexual, transgender and intersex persons**

66. The Committee on the Elimination of Discrimination against Women noted the adoption of the new Family Code in 2019 and the recent amendments thereto recognizing same-sex marriage.<sup>77</sup>

### **6. Migrants, refugees and asylum-seekers**

67. IOM noted the adoption of a new migrant inclusion strategy in 2023 and a new immigration strategy in 2024, aimed at ensuring a comprehensive approach to migration management and migrant inclusion.<sup>78</sup>

68. IOM noted that, while orientation programmes were implemented for asylum-seekers and beneficiaries of temporary and international protection, such programmes were lacking

in local communities with a greater share of migrants among the population. IOM also noted that the scope of the free-of-charge Slovenian language course reportedly did not suffice to allow for mastery of the language to a sufficient level. Furthermore, IOM identified a lack of culturally and linguistically sensitive health services.<sup>79</sup>

69. IOM stated that migrants, including migrant women, often faced isolation and limited integration into society. IOM also stated that many migrants faced difficulties entering the labour market in Slovenia due to the fact that host communities were not familiar with migrants' legal status or had mistrust towards and stereotypes about migrants.<sup>80</sup>

70. IOM recommended that Slovenia develop and provide accessible orientation programmes for migrants in local communities to empower them to navigate the public services available in those communities, while strengthening their inclusion in the local environment, and consider developing vocation-specific Slovenian language training to facilitate labour market inclusion and social inclusion.<sup>81</sup>

71. IOM also recommended that Slovenia provide regular and continued mandatory training on intercultural competencies for stakeholders working with migrants at the national and local levels and enhance the availability and accessibility of cultural mediation to ensure migrant-inclusive and migrant-sensitive measures.<sup>82</sup>

72. With respect to protection of equal conditions of work, the ILO Committee of Experts noted that the working conditions of migrants were regulated by the Employment Relationship Act of 2013, as amended, which applied equally to nationals, third-country nationals and posted workers. The ILO Committee of Experts noted that statistics on violations of the Employment Relationship Act were not disaggregated in such a way that made it possible to ascertain the number of violations of the Act pertaining to migrant workers. The ILO Committee of Experts asked the Government to consider taking steps to disaggregate statistics on violations of the Employment Relations Act so as to be able to monitor, ensure and report on the application of the Act to migrant workers, specifically with regard to equal protection in respect of remuneration, hours of work, overtime arrangements, rest periods and annual leave.<sup>83</sup>

73. The Committee against Torture expressed concern about reported cases of pushbacks and chain refoulement based on bilateral readmission agreements, which facilitated the "informal return" within 72 hours and without sufficient safeguards against potential refoulement of people who had entered the country irregularly and had not yet expressed an intention to seek asylum.<sup>84</sup>

74. UNHCR recommended that Slovenia maintain effective safeguards to ensure respect for the rights of persons seeking international protection, in particular respect for the principle of non-refoulement, at all times.<sup>85</sup> Noting the commitments made by Slovenia in the context of the universal periodic review in November 2019<sup>86</sup> and the country's obligations under the Convention relating to the Status of Refugees, the Committee against Torture stated that Slovenia should refrain from engaging in pushbacks and refoulements that did not comply fully with its obligations under the Convention against Torture and ensure that all persons seeking protection in Slovenia had access to a fair and impartial review by an independent decision-making mechanism on expulsion, return or extradition, including in times of emergency and in exceptional situations. The Committee stated that, in particular, Slovenia should ensure that in practice no one could be expelled, returned or extradited to another State where there were substantial grounds for believing that he or she would be in danger of being subjected to torture and guarantee effective access to procedural safeguards, including information about the right to seek asylum, immediately and in a language the person could understand, access to legal assistance and the right to appeal adverse decisions, with automatic suspensive effect.<sup>87</sup>

75. UNHCR noted the absence of a structured mechanism to identify the early-stage needs and vulnerabilities of asylum-seekers, refugees and stateless persons, resulting in the under-identification of at-risk individuals, and of systematized procedures to identify survivors of gender-based violence or trafficking among new arrivals.<sup>88</sup> The Committee on the Elimination of Discrimination against Women noted with concern the lack of gender-sensitive legal and psychosocial counselling for refugees and asylum-seekers in

languages that they understood, resulting in underreporting of gender-based violence and hampering their referral to appropriate services.<sup>89</sup>

76. UNHCR recommended that Slovenia introduce efficient and systematic screening procedures on arrival, to ensure early identification and effective referral mechanisms for persons with specific needs, including presumed victims of trafficking and unaccompanied and separated children, and strengthen the capacity of officials undertaking initial border and asylum procedures through regular training, to effectively and swiftly identify persons with specific needs and vulnerabilities.<sup>90</sup> The Committee on the Elimination of Discrimination against Women recommended that Slovenia provide training on gender-sensitive protocols for all actors dealing with refugees and asylum-seekers, including the Gender-Based Violence Multidisciplinary Working Group, reduce overcrowding in reception centres and demarcate segregated areas for women and men.<sup>91</sup>

77. The Committee against Torture noted with concern reports indicating that, in practice, accompanied or unaccompanied minors were detained in the centre for foreigners. The Committee expressed concern about the lack of adequate accommodation for unaccompanied or separated children in Slovenia and their placement in asylum centres or student dormitories, where they lacked an individualized approach to their care based on an assessment of their best interests.<sup>92</sup>

78. The same Committee recommended that Slovenia review its national legislation in order to continue providing for the protection of children in situations of migration, ensure that children and families with children were not detained solely because of their immigration status and seek alternative accommodation for such individuals. The Committee stated that Slovenia should also continue its efforts to provide appropriate accommodation for unaccompanied and separated children in situations of migration, develop a multidisciplinary system of care based on their best interests and individualized needs assessments and provide sufficient protection safeguards.<sup>93</sup>

79. UNHCR noted the increase in irregular arrivals in recent years and the insufficient provision of adequate reception capacities in Slovenia, in particular during periods of peak arrivals.<sup>94</sup> IOM stated that increased arrivals to Slovenia had resulted in overstretched reception capacities and that many reception facilities had often been overcrowded in 2022 and 2023.<sup>95</sup>

80. The Committee against Torture recommended that Slovenia intensify its efforts to reduce overcrowding and improve the material conditions in the asylum centres in Ljubljana and Logatec, including by guaranteeing access to adequate social, educational and health services, and ensure that individuals held in those centres could bring complaints before an effective, independent, confidential and accessible oversight mechanism.<sup>96</sup>

81. IOM recommended that Slovenia provide adequate reception conditions to asylum-seekers, compliant with international standards and obligations, and strengthen collaboration with local communities to promote social inclusion and social cohesion.<sup>97</sup> UNHCR recommended developing basic standards for reception facilities for asylum-seekers, including on the services and staffing standards necessary to facilitate effective access to asylum, including individual support by a caseworker and support services delivered by qualified staff.<sup>98</sup>

## **7. Stateless persons**

82. UNHCR recommended that Slovenia establish a statelessness determination procedure to ensure the protection of stateless persons under the Convention relating to the Status of Stateless Persons and implement legislation that codified the protection guarantees contained therein.<sup>99</sup>

### *Notes*

<sup>1</sup> See A/HRC/43/15, A/HRC/43/15/Add.1 and A/HRC/43/2.

<sup>2</sup> CEDAW/C/SVN/CO/7, para. 6.

<sup>3</sup> Ibid., para. 55.

- <sup>4</sup> [A/HRC/52/33/Add.2](#), para. 7.
- <sup>5</sup> Office of the United Nations High Commissioner for Refugees (UNHCR) submission for the universal periodic review of Slovenia, pp. 2 and 4. See also [CAT/C/SVN/CO/4](#), para. 27 (d).
- <sup>6</sup> United Nations Educational, Scientific and Cultural Organization (UNESCO) submission for the universal periodic review of Slovenia, p. 5.
- <sup>7</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), *United Nations Human Rights Report 2021*, pp. 503 and 526; OHCHR, *United Nations Human Rights Report 2022*, pp. 115 and 446; OHCHR, *United Nations Human Rights Report 2023*, pp. 83 and 372; and OHCHR, *United Nations Human Rights Report 2024* (forthcoming).
- <sup>8</sup> [CAT/C/SVN/CO/4](#), para. 6 (e).
- <sup>9</sup> See <https://ganhri.org/wp-content/uploads/2021/01/SCA-Report-December-2020-24012021-En.pdf>.
- <sup>10</sup> [A/HRC/52/33/Add.2](#), para. 111 (b).
- <sup>11</sup> [CEDAW/C/SVN/CO/7](#), paras. 19 and 20.
- <sup>12</sup> [CAT/C/SVN/CO/4](#), para. 9.
- <sup>13</sup> Ibid., paras. 8 and 9.
- <sup>14</sup> Ibid., para. 43.
- <sup>15</sup> Ibid., para. 15 (a) and (b).
- <sup>16</sup> Ibid., para. 15 (c) and (d).
- <sup>17</sup> Ibid., paras. 12 and 13.
- <sup>18</sup> Ibid., paras. 10 and 11.
- <sup>19</sup> Ibid., paras. 16 and 17.
- <sup>20</sup> Ibid., para. 19.
- <sup>21</sup> UNESCO submission, pp. 4 and 6.
- <sup>22</sup> International Organization for Migration (IOM) submission for the universal periodic review of Slovenia, p. 3.
- <sup>23</sup> See [https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4366774,103533:NO](https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4366774,103533:NO).
- <sup>24</sup> [CAT/C/SVN/CO/4](#), para. 41.
- <sup>25</sup> IOM submission, p. 6.
- <sup>26</sup> [CEDAW/C/SVN/CO/7](#), paras. 27 (b) and 28 (a) and (b).
- <sup>27</sup> Ibid., paras. 37 (a) and 38 (a).
- <sup>28</sup> See [https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4325466,103533:NO](https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4325466,103533:NO).
- <sup>29</sup> [CEDAW/C/SVN/CO/7](#), paras. 37 and 38 (b). See also [https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4325466,103533:NO](https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4325466,103533:NO).
- <sup>30</sup> United Nations Children's Fund, *Child Poverty in the Midst of Wealth* (Florence, Italy, 2023), pp. 26 and 45. See also p. 48.
- <sup>31</sup> [A/HRC/52/33/Add.2](#), para. 106.
- <sup>32</sup> Ibid., para. 107.
- <sup>33</sup> [CEDAW/C/SVN/CO/7](#), paras. 39 (a) and 40 (a).
- <sup>34</sup> Ibid., paras. 39 (b) and (c) and 40 (b).
- <sup>35</sup> Ibid., paras. 35 (c), 36 (c) and 48.
- <sup>36</sup> UNESCO submission, p. 5.
- <sup>37</sup> [CEDAW/C/SVN/CO/7](#), paras. 35 (b) and 36 (b).
- <sup>38</sup> UNESCO submission, p. 6.
- <sup>39</sup> [A/HRC/52/33/Add.2](#), para. 29.
- <sup>40</sup> Ibid., paras. 100 and 104 (b) and (c).
- <sup>41</sup> Ibid., para. 105.
- <sup>42</sup> Ibid., para. 108.
- <sup>43</sup> Ibid., para. 109.
- <sup>44</sup> Ibid., para. 110.
- <sup>45</sup> Ibid., para. 94.
- <sup>46</sup> [CEDAW/C/SVN/CO/7](#), para. 18 (b).
- <sup>47</sup> Ibid., para. 31 (a) and (c).
- <sup>48</sup> Ibid., para. 32 (a) and (d).
- <sup>49</sup> Ibid., para. 22 (a). See also para. 32 (b).
- <sup>50</sup> Ibid., para. 42.
- <sup>51</sup> Ibid., para. 42 (b).
- <sup>52</sup> [CAT/C/SVN/CO/4](#), para. 36.
- <sup>53</sup> Ibid., para. 6 (b).

- <sup>54</sup> [CEDAW/C/SVN/CO/7](#), paras. 25 and 26 (a).
- <sup>55</sup> Ibid., para. 26 (b).
- <sup>56</sup> Ibid., para. 26 (c).
- <sup>57</sup> [CAT/C/SVN/CO/4](#), para. 36.
- <sup>58</sup> [CEDAW/C/SVN/CO/7](#), para. 15.
- <sup>59</sup> [CAT/C/SVN/CO/4](#), para. 37 (c).
- <sup>60</sup> [CEDAW/C/SVN/CO/7](#), para. 16 (a).
- <sup>61</sup> Ibid., para. 26 (e).
- <sup>62</sup> [CAT/C/SVN/CO/4](#), para. 37 (b).
- <sup>63</sup> [CEDAW/C/SVN/CO/7](#), para. 16 (a).
- <sup>64</sup> Ibid., paras. 51 and 52.
- <sup>65</sup> UNESCO submission, pp. 2 and 5.
- <sup>66</sup> [CEDAW/C/SVN/CO/7](#), paras. 47 and 48. See also [CAT/C/SVN/CO/4](#), paras. 32 and 33.
- <sup>67</sup> [CAT/C/SVN/CO/4](#), para. 33.
- <sup>68</sup> [CEDAW/C/SVN/CO/7](#), para. 50.
- <sup>69</sup> [CAT/C/SVN/CO/4](#), para. 32.
- <sup>70</sup> [CEDAW/C/SVN/CO/7](#), para. 47.
- <sup>71</sup> [CAT/C/SVN/CO/4](#), para. 33. See also  
[https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4123600,103533:NO](https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4123600,103533:NO).
- <sup>72</sup> See  
[https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4123600,103533:NO](https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4123600,103533:NO).
- <sup>73</sup> [CAT/C/SVN/CO/4](#), para. 34.
- <sup>74</sup> [CAT/C/SVN/CO/3](#), para. 18.
- <sup>75</sup> [CAT/C/SVN/CO/4](#), para. 35.
- <sup>76</sup> See  
[https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4123600,103533:NO](https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4123600,103533:NO).
- <sup>77</sup> [CEDAW/C/SVN/CO/7](#), para. 51.
- <sup>78</sup> IOM submission, p. 1. See also p. 5.
- <sup>79</sup> Ibid., pp. 4 and 5.
- <sup>80</sup> Ibid., p. 5.
- <sup>81</sup> Ibid., p. 7.
- <sup>82</sup> Ibid.
- <sup>83</sup> See  
[https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4325457,103533:NO](https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4325457,103533:NO).
- <sup>84</sup> [CAT/C/SVN/CO/4](#), para. 26 (a).
- <sup>85</sup> UNHCR submission, p. 3.
- <sup>86</sup> [A/HRC/43/15](#), paras. 121.51–121.57.
- <sup>87</sup> [CAT/C/SVN/CO/4](#), para. 27.
- <sup>88</sup> UNHCR submission, p. 4.
- <sup>89</sup> [CEDAW/C/SVN/CO/7](#), para. 45.
- <sup>90</sup> UNHCR submission, pp. 4 and 5. See also [CAT/C/SVN/CO/4](#), para. 27 (b); [CEDAW/C/SVN/CO/7](#), para. 46; and IOM submission, p. 6.
- <sup>91</sup> [CEDAW/C/SVN/CO/7](#), para. 46 (b). See also IOM submission, p. 6.
- <sup>92</sup> [CAT/C/SVN/CO/4](#), para. 28.
- <sup>93</sup> Ibid., para. 29. See also IOM submission, p. 6.
- <sup>94</sup> UNHCR submission, p. 5.
- <sup>95</sup> IOM submission, p. 2.
- <sup>96</sup> [CAT/C/SVN/CO/4](#), para. 31.
- <sup>97</sup> IOM submission, p. 5.
- <sup>98</sup> UNHCR submission, p. 5.
- <sup>99</sup> Ibid., p. 4. See also [CAT/C/SVN/CO/4](#), para. 27 (d).