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Report of the Working Group on the Universal Periodic Review*

Slovenia

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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Views on conclusions and/or recommendations presented by the State under review

Slovenia welcomes the recommendations made during its Universal Periodic Review on 16 February 2010. After evaluating the recommendations, its answers are as follows:

- 1.** Slovenia cannot, at this point in time, make a definitive statement. Slovenia already guarantees most of the rights contained in the Convention to migrant workers and their family members on its labour market and shares the objectives of the Convention.
- 2.** Slovenia **accepts** the recommendation. The issue of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance is under review in Slovenia, especially from the aspect of preliminary harmonisation of the internal legal order with the provisions of the Convention.
- 3.** The Slovenian Government **accepts** the recommendations on ratifying the 1993 Convention on the Prevention of Major Industrial Accidents (No. 174). The Act ratifying the latter entered into force on 23 December 2009. However, at this point in time, it cannot make a definitive statement regarding potential ratification of the 1962 ILO Equality of Treatment (Social Security) Convention (No. 118).
- 4.** Slovenia **accepts** the recommendation and will continue to implement international human rights standards, in particular with regard to persons with disabilities, migrants, asylum seekers, refugees, women and children, within its legal framework.
- 5., 6., 7., 8., 9.** The Slovenian Government **accepts** these recommendations. The draft Family Code adopted by the Government in December 2009 and submitted to the National Assembly for adoption equates, in all elements, same-sex civil partnership with other family unions. Marriage is in the draft Family Code defined as a partnership between two persons of the same or opposite sex.
The draft Family Code prohibits corporal punishment of children and other forms of degrading treatment, and is binding on parents and other persons, state bodies, and public officials. The 2008 Domestic Violence Prevention Act classifies different forms of violence.
- 10.** Slovenia **accepts** the recommendation, which has already been implemented to a great extent. The institution of the Human Rights Ombudsman has been strengthened by legislation in 2006, granting additional monitoring powers, additional staff (specialised persons from non-governmental organisations), and financial resources.
- 11.** Slovenia **accepts** the recommendation and notes that recommended activities have already been implemented to a great extent or in full.
- 12.** Slovenia **accepts** the recommendation and notes that it has already acted accordingly. The Slovenian Government has adopted a number of programmes and action plans, as well as legislative provisions in the field of children's rights. A call centre has also been set up for the anonymous reporting of illegal internet content.

- 13.** Slovenia **accepts** the recommendation and has already implemented it. The first Programme for Children and Youth 2006–2016 was adopted in 2006 and the implementation of the Programme has been set out in the Action Plan for 2009–2010.
- 14.** Slovenia **accepts** the recommendation. Further activities in this area are envisaged in the Action Plan for the implementation of the National Programme for Equal Opportunities for Women and Men 2005–2013.
- 15.** Slovenia **agrees** with the importance of the 1995 Programme of Measures for Assisting the Roma and the positive actions for a better integration of Roma community members into society. Slovenia also notes the adoption of the new, integrated National Programme of Measures for the Roma for the Period 2010–2015 on 11 March this year. This document contains measures for the key areas in which Roma still face discrimination, or in which specific positive measures are needed, such as education and schooling, health care, employment, living conditions, culture, and the fight against discrimination. Each measure of the programme has its own implementation timeline, and a special government body has already been established to monitor the implementation. Monitoring is scheduled to take place once a year.
- 16.** Slovenia **accepts** the recommendation and notes that the new Action Plan for 2010–2011 has retained all activities in this area.
- 17.** Slovenia **accepts** the recommendation in the sense that it has already been implemented in general action plans for the prevention of trafficking in human beings and for the protection of children. It also notes that, according to statistical data contributed by NGOs, in 2008, 3 persons out of 68 victims of offences related to trafficking in human beings were minors.
- 18.** Slovenia **accepts** the recommendation and has already implemented it to a great extent.
- 19.** Slovenia **accepts** the recommendation.
- 20.** Slovenia **accepts** the recommendation.
- 21.** Slovenia **accepts** the recommendation and has always acted accordingly.
- 22.** Slovenia **accepts** the recommendation; it has already been implemented to a large extent.
- 23.** Slovenia **accepts** the recommendation and has already taken steps to ensure monitoring and assessment of the effectiveness of the adopted measures.
- 24.** Slovenia **accepts** the recommendation and notes that it has already designed and implemented various measures for the protection and promotion of the rights of women and children.
- 25.** Slovenia **accepts** the recommendation and will continue initiatives for the elimination of gender stereotypes and discriminatory attitudes.
- 26.** Slovenia **accepts** the recommendation. At the same time, it notes that it has always acted accordingly.

27. Slovenia **accepts** the recommendation; it has already been implemented to a large extent.
28. Slovenia **accepts** the recommendation and has always acted accordingly.
29. Slovenia **accepts** the recommendation and acts accordingly. When adopting measures in various fields of social life, special attention is devoted to elimination of discrimination against Roma, including in the National Programme of Measures for the Roma for the Period 2010–2015.
30. Slovenia **accepts** the recommendation on the understanding that this is not a serious and widespread problem. Slovenia views this recommendation as a general and permanent one in the field of human rights protection. Cases of ill treatment by law enforcement officers occur very rarely in Slovenia, where police exceeding their powers is not a systemic problem. Slovenia believes that this recommendation has already been implemented and will continue its efforts to adequately regulate this field.
31. Slovenia **accepts** this recommendation. It is already being implemented through systematic education and training of police and training of members of the judiciary.
Efforts to achieve these objectives will continue.
32. Slovenia **accepts** the recommendation regarding the treatment of those responsible for domestic violence. Options for treatment are provided in partnership with NGOs.
Slovenia also **accepts** recommendation on awareness-raising campaigns.
Slovenia **cannot accept** the recommendation to promulgate a law on domestic violence due to the national system of criminal legislation. In Slovenia, criminal offences and sanctions are defined in the Criminal Code and in the Minor Offences Act.
- 33, 34., 35. Slovenia **accepts** these recommendations and has already implemented them to a great extent.
36. Slovenia accepts the recommendation and has already implemented it to a great extent.
37. Slovenia **accepts** this recommendation and is planning to gradually expand the network of crisis centres and shelters for women victims of violence, particularly in those parts of the country, where such services have not been available so far.
38. Slovenia **accepts** the recommendation and will continue to place special emphasis to awareness-raising campaigns concerning violence against women and domestic violence.
39. Slovenia **accepts** this recommendation and already acts accordingly.
- 40, 41., 42., 43., 44. Slovenia **accepts** these recommendations and already acts accordingly.
45. Slovenia **accepts** this recommendation and already acts accordingly.

- 46.** Slovenia **accepts** the recommendation.
- 47.** Slovenia **accepts** the recommendation and notes that it has been already implemented to a great extent.
- 48.** Slovenia **accepts** the recommendation and notes that current border control mechanisms are adequate. Police officers have been trained to recognise trafficking in human beings through appropriate "train the trainers" programmes.
- 49.** Slovenia **accepts** the recommendation.
- 50., 51., 52.** Slovenia **accepts** these recommendations and notes that they have already been implemented to a great extent by the new Criminal Code adopted in 2008. The Criminal Code may be additionally amended by legislative action in this area at the end of 2010.
- 53.** Slovenia **accepts** the recommendation and has already implemented it in action plans against trafficking in human beings, as well as through other projects.
- 54., 55., 56., 57.** Slovenia **accepts** these recommendations. The reform process for improving efficiency in the judicial system is underway. Slovenia continues to introduce several projects to abolish court backlogs. Changes in judicial and procedural legislation are being adopted, are under discussion or are already being implemented.
- 58.** Slovenia **accepts** the recommendation regarding free legal aid and notes that it already acts accordingly.
- Slovenia **cannot accept** the recommendation on specialised family courts. Slovenia aims to gradually and systematically strengthen the existing family departments at district courts and facilitate the creation of new ones, if the need for such departments is independently established by the judiciary. The introduction of new courts with sole jurisdiction over family relations/children could cause new court backlogs or lengthy trials.
- 59., 60.** Slovenia **accepts** these recommendations as freedom of religion is one of its constitutional principles and it has, and always will, strive for its full implementation. The relevant law is under constitutional review and the Slovenian Government is in the process of drafting amendments.
- 61.** Slovenia **accepts** this recommendation; it has already been implemented in the Criminal Code, and in the Implementation of the Principle of Equal Treatment Act.
- 62.** Slovenia **accepts** this recommendation and notes that there are no formal restrictions, especially in the light of the 2007 Religious Freedom Act.
- 63.** The Slovenian Government **accepts** this recommendation; it already acts accordingly. At the same time, it notes with respect to the Deputies of the National Assembly (Members of Parliament) that speech which may be interpreted in this way, if arising from the Deputies within the proceedings of the National Assembly, should be considered, by virtue of Article 83 of the Constitution of the Republic of Slovenia, as an issue of parliamentary autonomy and parliamentary immunity/privilege. Any

regulation in this sphere is within the exclusive jurisdiction of the National Assembly.

- 64.** Slovenia **accepts** the recommendation.
- 65., 66., 67., 68.** Slovenia **accepts** these recommendations and notes that the Slovenian Government has already introduced several measures that guarantee equal participation of women and men in government committees, commissions and other public bodies. The Government is determined to continue its efforts to strengthen the position of women in decision-making. Further steps are envisaged by proposing amendments to the National Assembly Elections Act, introducing more binding measures for increasing the number of women in political decision-making.
- Equal remuneration between men and women is guaranteed by the Employment Relationships Act.
- 69., 70.** Slovenia accepts these recommendations and has already implemented them. Diverse measures have been taken to combat discrimination against women in employment. ILO recommendations on equal pay in public and private sectors are implemented through the Employment Relationships Act.
- 71.** Slovenia **accepts** the recommendation and has already designed and implemented various measures for the key areas in which Roma still face discrimination or in which specific positive measures are needed. It will continue with these activities.
- 72.** Slovenia **accepts** the recommendation and notes that it has already implemented it through the Employment Relationships Act.
- 73.** Slovenia **accepts** the recommendation and has already designed and implemented various measures to improve the living conditions of the Roma population. Providing appropriate housing to the Roma community and its members remains one of the state's priority tasks and, for this reason, appropriate measures have also been envisaged in the National Programme of Measures for the Roma for the Period 2010–2015.
- 74.** Slovenia **accepts** this recommendation and will take further steps to monitor the implementation and success of the clinical and public-health measures already in place. At the same time, it has noted that maternal mortality rates already show a decreasing trend (from 15.1 maternal deaths per 100,000 live births in 2000–2002 to 9.4/100,000 live births in the 2003–2005 period; in absolute numbers – for the last period, 5 cases of early maternal deaths and 3 cases of late maternal deaths).
- 75.** Slovenia **accepts** the recommendation to pursue its national efforts to integrate human-rights education (HRE); HRE is already integrated into the Slovenian school system and training programmes, and Slovenia also plans to pursue this issue at the international level.
- 76.** Slovenia **accepts** the recommendation and has always acted accordingly.

**77., 78., 79., 82.,
83., 85., 86., 87.** Slovenia **accepts** these recommendations and refers, in the light of the decision by the Slovenian Constitutional Court in 2003, to the Act Amending the Act regulating the Legal Status of Citizens of Former Yugoslavia living in the Republic of Slovenia, which was developed by the Slovenian Government and presented to the National Assembly for adoption under a simplified procedure. The Act was dealt with by the National Assembly and adopted on 8 March 2010. The Act provides for a restoration of the residency status and registration of permanent residence with retroactive effect, under certain conditions, for all citizens of the former Yugoslavia, whose names were removed from the population register in 1992, allowing them to submit an application within three years of the date of adoption of the Act. Under the amended Act, permanent residence permits will also be made available to "erased persons" who do not live in Slovenia, if it is established during the procedure that they have been absent for well-founded reasons that do not terminate the actual residence requirement as defined by the Act.

Compensation claims by persons whose permanent residence has been terminated ("erased persons") are dealt with by relevant Slovenian courts under the general principles of compensation legislation. Therefore the Government is not drafting any special measures regarding the matter.

- 80.** Slovenia accepts the recommendation.
- 81.** Slovenia accepts the recommendation.
- 84.** Slovenia **cannot accept** the recommendation for the following reasons:
- The Citizenship of the Republic of Slovenia Act, which took effect on 25 June 1991, failed to introduce a basis for withdrawing citizenship of persons who, on 23 December 1990, had Yugoslav citizenship in addition to the citizenship of another republic of the former SFRY, but allowed these persons to obtain Slovenian citizenship under favourable terms. Under these favourable terms, Slovenian citizenship has been obtained by 171,136 persons (Article 40 of the Citizenship Act). All of these persons also retained their original citizenship.
 - The Act Amending the Citizenship of the Republic of Slovenia Act, which took effect on 29 November 2002, also introduced favourable terms for these persons, and 1,757 persons obtained Slovenian citizenship (Article 19č of the Citizenship Act). All of them also retained their original citizenship.
 - Citizenship of the Republic of Slovenia may be obtained by any alien who applies and fulfils cumulatively all the conditions in accordance with the Citizenship of the Republic of Slovenia Act; there are no more favourable conditions for the "erased".

- 88.** Slovenia does not accept this recommendation, as it is incomprehensible and contrary. Slovenia's responses to similar recommendations relating to the issue of the "erased" and the issue of ethnic groups are provided within the scope of the responses to other recommendations.

- 89.** Slovenia accepts the recommendation, as it has always acted accordingly. Articles 14, 61, and 62 of the Constitution of the Republic of Slovenia guarantee to members of all national minorities full exercise of their individual rights to maintain their national, linguistic and cultural characteristics. The Government will continue with the implementation of adopted measures to promote, develop and preserve the ethnic and national identities of minorities.
- 90.** Slovenia accepts the recommendation. It has already been implemented to a large extent.
- 91.** Slovenia accepts the recommendation. It has already been implemented to a large extent.
- 92.** Slovenia accepts the recommendation. It will continue with its efforts to guarantee the protection and implementation of the rights of the Italian national minority in Slovenia.
- 93.** Slovenia cannot accept the recommendation. The rights of the German-speaking community in Slovenia are adequately regulated by a bilateral agreement and the Programme on Cooperation in Culture, Education and Science between the Government of the Republic of Slovenia and the Government of the Republic of Austria for the Period 2008–2012. Members of the German-speaking community enjoy full exercise of their individual rights to maintain their national, linguistic, and cultural characteristics, in accordance with Articles 14, 61, and 62 of the Constitution of the Republic of Slovenia. The Government will continue to implement the adopted measures to promote, develop and preserve the ethnic and national identities of this minority.
- 94., 95.** Slovenia accepts these recommendations and has already designed and implemented various measures for the key areas in which Roma still face discrimination, or in which specific positive measures are needed. It will continue with these activities.
- 96.** Slovenia accepts the recommendation and would like to underline that the Slovenian Government has already established an inter-departmental working group to draw up an act amending the International Protection Act.
- Slovenia works with UNHCR in all areas of international protection. Recently, the Asylum System Quality Assurance and Evaluation Mechanism Project has been completed, which was also conducted in other Central and Eastern European countries.
- 97.** Slovenia accepts the recommendation.