



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/CO/84/SVN
25 July 2005

Original: ENGLISH

HUMAN RIGHTS COMMITTEE
Eighty-fourth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

ADVANCED UNEDITED VERSION

Concluding observations of the Human Rights Committee

SLOVENIA

1. The Committee considered the second periodic report of Slovenia (CCPR/C/SVN/2004/2) at its 2288th and 2289th meetings (CCPR/C/SR.2288 and 2289), on 14 and 15 July 2005, and adopted the following concluding observations at its 2302nd meeting (CCPR/C/SR.2302), on 25 July 2005.

A. Introduction

2. The Committee welcomes the second periodic report submitted by Slovenia while regretting that it was presented after a delay of 7 years. The Committee expresses its appreciation for the dialogue with the competent State party delegation. The Committee also appreciates the detailed written as well as the oral answers provided by the delegation in response to questions raised and concerns expressed by the Committee.

B. Positive aspects

3. The Committee welcomes the progress achieved by the State party in the field of reforms since its independence in June 1991, notably the adoption of a democratic Constitution in December 1991 and its recent amendments to enhance protection of human rights and fundamental freedoms.

4. The Committee welcomes the fact that the provisions of the Covenant are directly enforceable as part of the domestic legal order and that they have been directly enforced by the Supreme and the Constitutional courts.
5. The Committee welcomes measures taken to improve the protection and promotion of human rights through:
- a) The establishment of the “Human Rights Ombudsman” in January 1995;
 - b) The establishment of the “Office for Equal Opportunity” in 2001 and the “Advocate for Equal Opportunity”; and
 - c) The establishment of an “Interdepartmental Working Group on the Fight against Trafficking in Human Beings” in December 2001 and the adoption of an “Action Plan on the Fight against Trafficking in Persons” in 2004.
6. The Committee welcomes the adoption and/or the amendment of legislation relevant to the protection and implementation of human rights, *inter alia*, the Criminal Code, the Code of Criminal Procedure, the Code of Police Ethics and the Equal Opportunities Act.

C. Principal subjects of concern and recommendations

7. The Committee is concerned about the high rate of domestic violence and regrets the lack of specific legal provisions and governmental programmes to prevent, combat and eliminate domestic violence (art. 3).

The State party should adopt and implement appropriate laws and policies to prevent and combat effectively violence against women, especially domestic violence, and programmes to assist the victims. In order to raise public awareness, it should initiate the necessary media campaigns and educational programmes.

8. The Committee is concerned about the level of participation of women in public affairs. The Committee is also concerned that women continue to have a disproportionately low presence in the political and economic life of the State party, particularly in senior positions of public administration (arts. 3 and 26).

The State party should take the necessary legal and practical measures to increase the effective participation of women in public affairs, and in the political and economic sectors.

9. The Committee is concerned about reported cases of ill-treatment by law enforcement officials, and the lack of thorough investigations and adequate punishment of the responsible officials and non payment of compensation to the victims. The Committee is also concerned that legal assistance may not be available from the beginning of detention for those who do not have the means to pay for it (art. 7).

The State party should take appropriated measures to prevent and punish all forms of ill-treatment by law enforcement officials, to ensure the provision of legal assistance to all from the beginning of detention and prompt, thorough, independent and impartial investigation into all allegations of violations of human rights. It

should prosecute perpetrators of such acts and ensure that they are punished in a manner proportionate to the seriousness of the offences committed by them, and grant effective remedies including compensation to the victims.

10. While acknowledging the efforts made by the State party to grant permanent resident status in Slovenia or Slovenian nationality to citizens of other republics of the former Socialist Federal Republic of Yugoslavia living in Slovenia, the Committee remains concerned about the situation of those persons who were not yet able to regularize their situation in the State party (art. 12 and 13).

The State party should seek to resolve the legal status of all the citizens of the successor states which formed part of the former Socialist Federal Republic of Yugoslavia, who are presently living in Slovenia, and should facilitate the acquisition of Slovenian citizenship by all such persons who wish to become citizens of the Republic of Slovenia.

11. While the Committee acknowledges the efforts of the State party to address and combat trafficking in women and children, the Committee remains concerned about this phenomenon, about the lack of prevention and of protection mechanisms of victims, including rehabilitation schemes (arts. 3, 8, 24 and 26).

The State party should continue to reinforce its measures to combat trafficking in women and children and prosecute and punish perpetrators. Protection should be provided to all victims of trafficking, including providing a place of refuge and so facilitating their giving evidence against those responsible. Prevention and rehabilitation programmes for the victims should also be established.

12. The Committee has taken note of the efforts undertaken by the State party to reduce backlogs in court cases, by adopting strategies such as the “Hercules project”, but it remains concerned that there are still certain categories of cases for which the backlog is increasing (art. 14).

The State party should take steps to further reduce the backlog, also guarantying access to justice to all, and ensure that those remanded in custody for trial are brought to trial as speedily as possible.

13. The Committee is concerned about some manifestation of hate speech and intolerance in the public domain which are occasionally echoed by certain media in the State party (art. 20).

The State party should adopt strong measures to prevent and prohibit the advocacy of hate and intolerance that constitute prohibited incitement and guarantee the fulfillment of the provisions of article 20.

14. The Committee is concerned about the lack of information about abuse, exploitation and maltreatment of children the State party (arts. 23 and 24).

The State party should reinforce measures to combat abuse, exploitation and maltreatment of children, and strengthen public awareness raising campaigns regarding children's rights.

15. The Committee is concerned at the reported neglect of unaccompanied minors seeking asylum or illegally residing in the territory of the State party. The Committee, while recognizing that registration is distinct from conferral of nationality, is also concerned that some children are registered at birth without nationality (art. 24).

The State party should develop specific procedures to address the needs of unaccompanied children and to ensure their best interests in the course of any immigration and related proceedings. The State party should also ensure the right of every child to acquire a nationality.

16. The Committee is concerned about the difference in the status between the so-called "autochthonous" (indigenous) and "non-autochthonous" (new) Roma communities in the State party (arts. 26 and 27).

The State party should consider elimination of discrimination in status within the Roma minority and provide to the whole Roma community a status without any discrimination and improve its living conditions and enhance its participation in public life.

17. While noting measures undertaken to improve the living conditions of the Roma community, the Committee is concerned that the Roma community continues to suffer prejudice and discrimination, in particular with regard to access to health services, education and employment which have a negative impact on the full enjoyment of their rights under the Covenant (arts. 2, 26 and 27).

The State party should take all necessary measures to ensure the practical enjoyment by the Roma of their rights under the Covenant, by implementing and reinforcing effective measures to prevent and address discrimination and the serious social and economic situation of the Roma.

18. The Committee requests that the State party's second periodic report and the present concluding observations be widely disseminated throughout the State party in all appropriate languages, and that the next periodic report be brought to the attention of non-governmental organizations operating in the country before being submitted to the Committee.

19. In accordance with article 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, the relevant information on the assessment of the situation and the implementation of the Committee's recommendations in paragraphs 11 and 16.

20. The Committee requests the State party to provide in its next report, which it is scheduled to submit by 1 August 2010, information on the other recommendations made and on the Covenant as a whole.
