

# **Slovenia**

## **Mid-term Implementation Assessment**



*Promoting and strengthening  
the Universal Periodic Review*  
<http://www.upr-info.org>



## Introduction

### 1. Purpose of the follow-up programme

*The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.*

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 2 November 2012

## Follow-up Outcomes

### 1. Sources and results

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All data are available at the following address:

<http://followup.upr-info.org/index/country/slovenia>

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

6 stakeholders' reports were submitted for the UPR. 4 NGOs were contacted. The Permanent Mission to the UN was contacted. The domestic NHRI was contacted as well.

3 NGOs responded to our enquiry. The State under Review responded to our enquiry. The domestic NHRI responded to our enquiry either too.

*IRI*: 15 recommendations are not implemented, 42 recommendations are partially implemented, and 43 recommendations are fully implemented. No answer was received for 0 out of 106 recommendations.

### 2. Index

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Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
1	Women's rights, Treaty bodies, Rights of the Child,	page 30	partially impl.
2	Rights of the Child	page 31	fully impl.
3	Women's rights	page 30	partially impl.
4	Women's rights, Rights of the Child,	page 32	partially impl.
5	Women's rights, Rights of the Child, Migrants, Disabilities, Asylum-seekers - refugees,	page 42	partially impl.
6	Racial discrimination, Minorities, Freedom of religion and belief,	page 11	partially impl.
7	Women's rights, Rights of the Child, Human rights education and training,	page 32	partially impl.
8	Women's rights, Rights of the Child,	page 33	partially impl.
9	Other	page 42	not impl.



rec. n°	Issue	page	IRI
10	Other	page 42	partially impl.
11	Women's rights	page 34	-
12	Minorities	page 12	fully impl.
13	Torture and other CID treatment, Sexual Orientation and Gender Identity, Rights of the Child,	page 43	not impl.
14	Women's rights, Trafficking, Rights of the Child,	page 34	partially impl.
15	Asylum-seekers - refugees	page 13	fully impl.
16	International instruments, Enforced disappearances,	page 22	fully impl.
17	Migrants, International instruments,	page 22	fully impl.
18	Trafficking	page 24	fully impl.
19	Other	page 44	partially impl.
20	Trafficking, Rights of the Child,	page 34	fully impl.
21	Justice	page 25	fully impl.
22	Rights of the Child	page 34	-
23	Women's rights	page 35	fully impl.
24	Trafficking, Civil society,	page 25	-
25	Sexual Orientation and Gender Identity	page 28	partially impl.
26	Women's rights	page 35	fully impl.
27	Minorities	page 14	fully impl.
28	Minorities	page 14	fully impl.
29	Treaty bodies, Special procedures, Minorities,	page 14	fully impl.
30	Women's rights, Rights of the Child,	page 32	fully impl.
31	Women's rights, Rights of the Child,	page 32	fully impl.
32	Trafficking, Rights of the Child,	page 35	fully impl.
33	Minorities	page 15	fully impl.
34	Minorities	page 15	fully impl.
35	Trafficking, Human rights education and training,	page 26	partially impl.
36	Rights of the Child, International instruments,	page 36	fully impl.
37	Rights of the Child, National plan of action,	page 36	partially impl.
38	Minorities	page 15	fully impl.
39	Trafficking	page 36	partially impl.
40	Sexual Orientation and Gender Identity	page 29	partially impl.
41	Other	page 44	partially impl.
42	International instruments, Freedom of religion and belief,	page 7	fully impl.
43	Women's rights, Treaty bodies,	page 36	fully impl.
44	UPR process	page 23	partially impl.
45	Women's rights, Treaty bodies,	page 36	partially impl.
46	Rights of the Child, Justice,	page 37	not impl.
47	Migrants, International instruments,	page 22	fully impl.
48	Other	page 45	partially impl.
49	Trafficking	page 26	-
50	Women's rights	page 38	fully impl.
51	Women's rights, Sexual Orientation and Gender Identity, Minorities,	page 16	partially impl.



rec. n°	Issue	page	IRI
	Disabilities,		
52	CP rights - general	page 7	not impl.
53	Poverty	page 26	partially impl.
54	Women's rights, Treaty bodies, Trafficking,	page 34	partially impl.
55	Minorities	page 18	not impl.
56	Justice	page 25	fully impl.
57	Trafficking	page 27	partially impl.
58	Trafficking	page 27	fully impl.
59	Women's rights, Rights of the Child,	page 39	fully impl.
60	Other	page 45	fully impl.
61	Women's rights	page 38	fully impl.
62	Special procedures	page 23	partially impl.
63	Rights of the Child, National plan of action,	page 39	partially impl.
64	Other	page 45	fully impl.
65	Women's rights, Rights of the Child,	page 37	not impl.
66	Trafficking	page 27	fully impl.
67	Other	page 9	partially impl.
68	Women's rights, Rights of the Child, Minorities, Human rights education and training,	page 27	partially impl.
69	Women's rights, Rights of the Child, Human rights education and training,	page 32	fully impl.
70	Human rights education and training	page 10	partially impl.
71	Migrants, International instruments,	page 22	not impl.
72	Labour, International instruments,	page 24	not impl.
73	Labour, International instruments,	page 24	fully impl.
74	International instruments, Enforced disappearances,	page 24	not impl.
75	CP rights - general	page 8	partially impl.
76	ESC rights - general, CP rights - general,	page 46	partially impl.
77	Trafficking	page 27	partially impl.
78	Treaty bodies, Rights of the Child,	page 39	not impl.
79	Migrants, International instruments,	page 22	not impl.
80	Minorities	page 18	partially impl.
81	Rights of the Child, Minorities,	page 19	partially impl.
82	Women's rights	page 39	fully impl.
83	Women's rights, Rights of the Child,	page 32	fully impl.
84	Minorities, Migrants,	page 19	partially impl.
85	Women's rights	page 40	fully impl.
86	Trafficking	page 28	fully impl.
87	NHRI	page 46	not impl.
88	Human rights education and training	page 10	partially impl.
89	Treaty bodies, Racial discrimination,	page 24	not impl.
90	Trafficking	page 28	partially impl.
91	Human rights violations by state agents	page 28	not impl.



rec. n°	Issue	page	IRI
92	Women's rights, Right to health,	page 40	fully impl.
93	Minorities	page 20	-
94	Justice	page 25	fully impl.
95	Civil society	page 9	partially impl.
96	Minorities	page 20	fully impl.
97	Racial discrimination	page 11	partially impl.
98	Freedom of religion and belief	page 9	partially impl.
99	Other	page 47	not impl.
100	Freedom of religion and belief	page 9	fully impl.
101	Women's rights, Labour, International instruments,	page 41	fully impl.
102	Sexual Orientation and Gender Identity	page 29	partially impl.
103	Minorities	page 21	-
104	Justice	page 25	fully impl.
105	Minorities	page 21	partially impl.
106	Women's rights, Rights of the Child, Human rights education and training,	page 41	partially impl.

### 3. Feedbacks on recommendations

## CP Rights

Recommendation n<sup>o</sup>42: *Ensure freedom of religion, as stipulated in the 2007 Religious Freedom Act and the International Covenant on Civil and Political Rights (Recommended by Pakistan)*

IRI: *fully implemented*

Government of Slovenia response:

Religious freedom is guaranteed; all religious communities that so desired were subsequently registered; in its decision, the Constitutional Court requested certain amendments to the Religious Freedom Act.

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A new amended act was submitted to the parliamentary procedure by deputies. However, due to the dissolution of the Parliament, it has become irrelevant and will have to be resubmitted.

The Tandem Project (TP) response:

US State Department 2011 Religious Freedom Report : The Religious Freedoms Act codifies the government's respect for religious freedom, legal status and rights of churches and other religious communities, rights of members, process of registration with the government, rights of registered churches and religious communities, and responsibilities of the government's Office for Religious Communities

Recommendation n<sup>o</sup>52: *Grant, upon request, permanent residency to any person who was a citizen of another republic of the former Yugoslavia and who was a permanent resident of Slovenia immediately prior to its independence, as well as to his or her descendants to provide appropriate compensation to those who were disadvantaged as a result of their erasure and to conduct an outreach campaign concerning those measures to inform those now living abroad (Recommended by Canada)*

IRI: *not implemented*

Government of Slovenia response:

The amended Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia regulates the issue of permanent residence permits and special decisions such as that of the Constitutional Court of the Republic of Slovenia, decision No. U-I-246/02-28 of 3 April 2003. The amended Act also regulates the issue of a permanent residence permit and the issue of a special decision to a child or a person born in Slovenia after 25 June 1991, of whom at least one of the parents had been removed from the register of permanent residence.



With a view to informing the erased of the adoption of the amended Act and the conditions for the issue of a permanent residence permit and a special decision, the Ministry of the Interior drafted a special brochure containing information on the regulation of the status of persons removed from the register of permanent residents of the Republic of Slovenia, which is available from all administrative units, and was also received by NGOs, and a free phone service has been set up. With a view to informing the erased living abroad, the brochure was also sent to Slovenian diplomatic missions and consular posts in the successor states to the former SFRY. All important pieces of information regarding the resolving of the issue of the erased are also available on the web sites of the Ministry of Foreign Affairs, the Ministry of the Interior, and at a [special web site for foreign nationals](#), including the brochure and application forms for the issue of a permanent residence permit and of a special decision. At the end of 2011, the Ministry of the Interior published the brochure in four additional languages of successor states to the former SFRY. In January 2012, the brochures were distributed to all administrative units in Slovenia and to Slovenian diplomatic missions and consular posts in the successor states to the former SFRY, where they will be available to all those interested.

The eligibility of the erased for damages is not regulated by the amended Act. The latter provides for the right of such persons to damages due to the removal from the register and the amount of damages is laid down by courts after the examination of individual actions for damages in compliance with the general rules of the law of damages.

Human Right Ombudsman of the Republic of Slovenia (HRORS) response:

The Ombudsman expects that national authorities in Slovenia will consistently implement the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia and realise the requirements stated in the judgment of the Grand Chamber of the European Court of Human Rights in the case of Kurić and Others v. Slovenia – 26 June 2012, and adopt suitable systemic solutions.

*Recommendation n°75: Restore permanent residency status to the citizens of the former Yugoslavia permanently residing in Slovenia, and to restore the rights of victims (Recommended by Mexico)*

*IRI: partially implemented*

Government of Slovenia response:

The recommendation has been implemented. See explanation under [recommendation n° 76]

HRORS response:

The Ombudsman expects that national authorities in Slovenia will consistently implement the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia and realise the requirements stated in the judgment of the Grand Chamber of the European Court of Human Rights in the case of Kurić and Others v. Slovenia – 26 June 2012, and adopt suitable systemic solutions.





Recommendation n°95: *Take into account comments made by members of civil society regarding the rights of those who have lost permanent residency status and who may be entitled to regain it* (Recommended by *Philippines*)

IRI: *partially implemented*

Government of Slovenia response:

The recommendation has been implemented. See explanation under [recommendation n° 41]

HRORS response:

The Ombudsman expects that national authorities in Slovenia will consistently implement the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia and realise the requirements stated in the judgment of the Grand Chamber of the European Court of Human Rights in the case of *Kurić and Others v. Slovenia* – 26 June 2012, and adopt suitable systemic solutions.

Recommendation n°98: *Take more effective steps to ensure that the process of building places of worship for Muslim and other minority groups is facilitated with a view to ensuring freedom of religion for all segments of society* (Recommended by *Malaysia*)

IRI: *partially implemented*

Government of Slovenia response:

The recommendation is being implemented. As regards the construction of the mosque, the relevant documents are currently being obtained.

Recommendation n°100: *Take special and effective measures to guarantee freedom of religion* (Recommended by *Kyrgyzstan*)

IRI: *fully implemented*

Government of Slovenia response:

Answer as under [recommendation n° 42]

TP response:

US Department of State 2011 Religious Freedom Report: The constitution and other laws and policies protect religious freedom. The constitution prohibits discrimination on the basis of religion as well as inciting religious discrimination and inflaming religious hatred and intolerance.

## ESC Rights

Recommendation n°67: *Provide due legal protection against discrimination on all grounds on its soil* (Recommended by *Pakistan*)

IRI: *partially implemented*

Government of Slovenia response:

The current institutional regime regarding the existing promotion of equality and protection against discrimination was analysed. On this basis, the government task



force is drawing up draft amendments to the Implementation of the Principle of Equal Treatment Act, to be submitted to the Government for examination and adoption in the first half of 2012 (particularly as regards the status and work of the Advocate of the Principle of Equality).

HRORS response:

The legal arrangements for the prevention of discrimination in Slovenia are satisfactory; improvements are required mainly in ensuring efficient mechanisms and legal possibilities for sanctioning cases of discrimination in all areas.

Recommendation n°70: *Pursue its national efforts to integrate human rights education into the education system and training programmes, and to continue to pursue that issue at the international level* (Recommended by Morocco)

IRI: *partially implemented*

Government of Slovenia response:

The recommendation is being implemented. The Ministry of Education and Sport continues its endeavours for the inclusion of human rights education into the curriculum. Human rights education has already been introduced in the Slovenian school system and training programmes. Slovenia continues its endeavours in the field of human rights education, also at the international level, by supporting the UN Declaration on Human Rights Education and Training, which was adopted at the UN General Assembly on 19 December 2011 and by promoting and further implementing the Global Human Rights Strengthening Programme, which is currently in the second phase. In June 2011, an inter-ministerial working group was set up for the implementation of phase 2 of the Global Human Rights Strengthening Programme, which drafts the programme of implementation together with other players.

HRORS response:

In 2010, upon the closing of the Information Office of the Council of Europe in Ljubljana, the Ombudsman suggested that the Government of the RS enable the continuation of the activities of the centre in the form of a Centre for Human Rights, which would function within the Ombudsman's Office and would implement educational and promotional tasks. So far, the proposal has not been supported by the Government.

Recommendation n°88: *Strictly implement the criminal provisions concerning hate speech and hate crimes, while conducting awareness-raising campaigns promoting tolerance* (Recommended by Czech Republic)

IRI: *partially implemented*

Government of Slovenia response:

In Slovenia, hate speech is classified as a criminal offence. As regards the media, hate speech is prohibited by the Media Act; the same may also be inferred from the journalists' codes of conduct as autonomous legal resources. Case law regarding hate speech is still rather unsatisfactory.

International Lesbian and Gay Association Europe (ILGAE) response:

The main source of criminal law provisions related to the prohibition of hate crime is the Criminal Code, which defines the crime of the violation of equality (Article 131)



and the crime of incitement to hatred, violence and intolerance (Article 297). The fact that sexual orientation is included as a motive in Article 297 of the Criminal Code is the result of recent developments. That is, the definition of this crime was revised in 2008. So far only one criminal case concerning hate crimes on the grounds of sexual orientation has been decided by the criminal courts in Slovenia. The district criminal court in Ljubljana found the three defendants guilty as accomplices to a crime of public incitement of hatred, violence or intolerance in 2010. There were no campaigns or other measures in 2012 implemented on behalf of the state where fight against homophobia would be equally included and promoted against other forms of discrimination.

HRORS response:

In her reports, the Ombudsman suggests the consistent implementation of the current legislation relating to hate speech and suggests its improvements in individual areas.

*Recommendation n°97: Take more effective measures to combat racial discrimination and intolerance, including by promptly investigating and taking stern action against the perpetrators of hatred, racist and xenophobic acts and speeches, and against those who have desecrated the premises of worship and memorial landmarks (Recommended by Malaysia)*

*IRI: partially implemented*

Government of Slovenia response:

In Slovenia, regular trainings on equal treatment and the fight against discrimination are organised for state prosecutors and judges.

HRORS response:

The Ombudsman supports this recommendation, and within her jurisdiction already monitors and encourages the competent state authorities for appropriate and quick responses in cases of hostile, racist and xenophobic acts.

## Indigenous & Minorities

*Recommendation n°6: Adopt a law banning incitement to religious and racial hatred, and to formulate concrete measures to guarantee the political, economic and cultural rights of religious and ethnic minorities, including Muslim minorities (Recommended by Kazakhstan)*

*IRI: partially implemented*

Government of Slovenia response:

As regards the protection of cultural rights, the Ministry of Culture has been systematically implementing measures intended for different minority ethnic communities, also those not recognised under the Constitution, since 1990. In compliance with Article 61 of the Constitution, members of all minority and ethnic communities are guaranteed individual rights to preserve their own national, language and cultural features.



The recommendation will be taken into account when amending the Religious Freedom Act. A new amended act was submitted to the parliamentary procedure by deputies. However, due to the dissolution of the Parliament, it has become irrelevant and will have to be resubmitted.

The Government Office for National Minorities implements the recommendation within the scope of its responsibility for the Italian and Hungarian national communities and for the Roma community. A working group set up by the Government is drafting amendments to the Implementation of the Principle of Equal Treatment Act.

TP response:

US Department of State 2011 Religious Freedom Report: On November 18, a design for the first mosque in the country was selected from architecture firm Bevk Perovic Arhitekti. The mosque will be built when the Muslim community finalizes funding.

*Recommendation n°12: Adopt measures to protect minorities not explicitly defined in the Constitution, and to adopt additional measures to promote, develop and preserve their ethnic and national identities (Recommended by Czech Republic)*

*IRI: fully implemented*

Government of Slovenia response:

The recommendation is being implemented. Since 1990, the Ministry of Culture has systematically implemented measures for minorities, also for those who are not explicitly mentioned in the Constitution. In compliance with Articles 14, 61 and 62 of the Constitution, members of all minority and ethnic communities are guaranteed individual rights to preserve their own national, language and cultural features. The Ministry of Culture pursues the policy of protecting cultural rights of all special social groups, including ethnic minorities, and national communities recognised under the Constitution, Roma community, immigrants, various other minorities that are not recognised by the Constitution, with particular focus on the people of Gottschee, the disabled and other vulnerable groups. The Ministry of Culture supplements its policy with measures against multiple discrimination, with particular focus placed on children – members of minorities, children with special needs, older members of minorities, women members of minorities, etc.

The Ministry of Culture implements minority policy with two programmes:

1. Special programme aimed at protecting special cultural identities (lately implemented by the Public Fund for Cultural Activities of the Republic of Slovenia),
2. Integration programme aimed at guaranteeing accessibility of cultural goods and services and accessibility for creativity also to members of special social groups, in such a way as to apply the principle of equal opportunities according to qualitative criteria.

The Ministry of Culture attains the objectives of the protection of cultural rights of minorities and other social groups not only by means of financial instruments but also with organisational (expert assistance and consultations to all providers working in



the field of minority issues, the open door day organised by the head of department for all artists working in the field of minority issues, etc.) and normative instruments (mediation, legal consultations through awareness-raising, etc.).

As regards education and training, projects are being implemented that are aimed at a more successful inclusion of children – migrants (and Roma) in education and training, a working group was set up for the inclusion of children – migrants, and guidelines are being supplemented for their inclusion by the National Education Institute of the Republic of Slovenia. See also answer to recommendation [n° 84].

For members of the nations of the former SFRY, the Ministry of Education and Sport set up several mechanisms: Elective subjects (elective foreign languages such as Serbian, Macedonian, Croatian), remedial classes in the mother tongue, learning about intercultural co-

#### HRORS response:

On the basis of repeated recommendations by the Ombudsman, the National Assembly adopted Deklaracija Republike Slovenije o položaju narodnih skupnosti pripadnikov narodov nekdanje SFRJ (Declaration of the Republic of Slovenia regarding the Situation of National Communities of Members of Nations of Former SFRY in the Republic of Slovenia) at its meeting on 1 February 2011. On this basis, the (former) Government adopted the Decision on the establishment, assembly, organisation and tasks of the Council of the Government of the RS on questions related to national communities of members of nations of the Former SFRY in Slovenia, which was abolished after the appointment of the new government (in 2012), and we expect that the Government will again appoint this Council as the body for dialogue between minorities and state authorities.

*Recommendation n°15: Consider the observations of the United Nations High Commissioner for Refugees regarding the International Protection Act and the screening of asylum seekers and refugees (Recommended by Philippines)*

*IRI: fully implemented*

#### Government of Slovenia response:

The Act amending the International Protection Act (Official Gazette of the Republic of Slovenia No. 99/10), which raised the standards in international protection, particularly in respect of applicants for international protection who are minors (regulation of legal representation of unaccompanied minors, raising the scope of rights regarding health care, raising the scope of rights in education, etc.). As regards the procedure for the recognition of international protection, the Act extends certain terms for legal action, introduces obligatory trial before the Administrative Court of the Republic of Slovenia, limits the omission of additional personal interview and the use of fast-track procedure. In respect of applicants for international protection, the Act introduces the right to pocket money, facilitates access to labour market already after 9 months since filing the application, and provides the applicants for international protection with the chance to access higher education and university education. The Act also extends the definition of family members of persons who are granted international protection, introduces pecuniary compensation for persons granted international protection, who are not accommodated in the integration house,



and extends the period of eligibility for persons in the process of education who were granted international protection; the Act also introduces a one-time pecuniary assistance upon removal from an asylum home. NGOs participated actively in the drafting of the Act, with the Office of the UN High Commissioner for Refugees stating their opinion. 8 implementing regulations were adopted in 2011 for the implementation of the Act.

**Recommendation n°27: *Continue to implement the 1995 Programme of Measures for Assisting the Roma, and to introduce annually reviewed targets to measure progress*** (Recommended by *United Kingdom*)

IRI: *fully implemented*

Government of Slovenia response:

The recommendation is being implemented in compliance with the National Programme of Measures for Roma for the Period 2010–2015. The Ministry of Culture guarantees for the Roma community the co-financing of its cultural projects and provides it with other services: counselling, workshops, expert assistance, etc. See also answers as under [recommendations n° 12, 84 and 96].

HRORS response:

The Ombudsman supports the National Programme of Measures for Roma for 2010-2015 and proposes its consistent implementation. In the Special Report on the Living Conditions of the Roma in South-East Slovenia which the Ombudsman submitted to the National Assembly for consideration, the Ombudsman suggested better realisation of measures in the area of dealing with the living conditions of the Roma people and a more proactive approach by the state in places where measures were not being implemented.

**Recommendation n°28: *Continue to improve the living conditions of the Roma population*** (Recommended by *Australia*)

IRI: *fully implemented*

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**Recommendation n°29: *Continue to improve the situation of the Roma, and to consider implementing, as appropriate, the recommendations of human rights treaty bodies and special procedures in that regard*** (Recommended by *Jordan*)

IRI: *fully implemented*

Government of Slovenia response:

The recommendation is being implemented.

HRORS response:

To improve the living conditions of the Roma people in Slovenia, the National Programme of Measures for Roma for 2010-2015 was adopted, and the Ombudsman supports this programme. In May 2012, the Ombudsman submitted to the National Assembly the Special Report on the Living Conditions of the Roma in South-East Slovenia in which she proposed several concrete recommendations for the improvement of the living conditions of the Roma people in Slovenia.



Recommendation n°33: *Continue to strengthen its measures aimed at the promotion and protection of the human rights of its minorities* (Recommended by *India*)

IRI: *fully implemented*

Government of Slovenia response:

The recommendation is being implemented.

HRORS response:

On the basis of complaints discussed about the protection of minorities in Slovenia, the Ombudsman has not established particular problems on the normative level or in practice.

Recommendation n°34: *Continue to take effective measures to prevent the Roma from being victims of discrimination, in particular at work* (Recommended by *Chile*)

IRI: *fully implemented*

Government of Slovenia response:

The recommendation is being implemented. The Ministry of Culture developed a dynamic model of the protection of cultural rights of minorities, within the model also of the Roma community and, on this basis, develops different, not only financial, measures against discrimination. The Ministry of Culture guarantees, for the Roma community, the co-financing of their own cultural projects. The Ministry of Culture also offers other services for Roma: counselling, workshops, expert assistance, etc. See also answer to recommendation [n° 12].

HRORS response:

The Ombudsman supports the National Programme of Measures for Roma for 2010-2015 and proposes its consistent implementation. In the Special Report on the Living Conditions of the Roma in South-East Slovenia which the Ombudsman submitted to the National Assembly for consideration, the Ombudsman suggested better realisation of measures to deal with the living conditions of Roma people and a more proactive approach by the state in places where measures were not being implemented.

Recommendation n°38: *Devote greater attention to the rigorous enforcement of the rights of the autochthonous Italian minority in Slovenia* (Recommended by *Italy*)

IRI: *fully implemented*

Government of Slovenia response:

The recommendation is being implemented in all areas. Thus, the Ministry of Culture has organised special regular annual meetings with members of both national communities (Italian and Hungarian), at which real needs in culture are identified and talks are held regarding the ways of meeting such needs. In addition, the Ministry of Culture has been very consistent in the acquisition of opinions of national communities in matters relating to financing, etc

HRORS response:

On the basis of complaints discussed about the protection of minorities in Slovenia, the Ombudsman has not established particular problems on the normative level or in practice. With regard to the implementation of the rights of the Italian minority in Slovenia, the Ombudsman discussed complaints related to the payment of the



supplement for bilingualism required from public employees. In her Annual Report for 2010, the Ombudsman called upon the national authorities and public institutions established by the State to regulate the payment of the supplement for bilingualism to all workers (and not only to some groups of workers) who work in official bilingual territories and who are required to speak the language of the national community and not only Slovenian, which was also a prerequisite for their employment.

*Recommendation n°51: Further strengthen measures against discrimination with regard to women, national minorities, persons of minority sexual orientation or gender identity and persons with disabilities (Recommended by Czech Republic)*

*IRI: partially implemented*

Government of Slovenia response:

The recommendation is being implemented.

Homosexuals: On 16 June 2011, the National Assembly adopted the Family Code. According to the Code, a union of two women or two men (registered partnership, long-term-partnership) are equal to the union between a man and a woman (marriage, extramarital union).

The Republic of Slovenia withdrew from the Convention concerning Night Work of Women Employed in Industry (ILO Convention 89), since the conditions are too limiting and imply discrimination. Despite the withdrawal from the Convention, women workers will not be without any protection. The current legislation on night work guarantees special protection of night workers, however, regardless of gender and the tasks they perform. This year's Programme of Work of the Government envisages the ratification of the Convention concerning Night Work of Women (ILO Convention 171), since it regulates special protection of night workers, regardless of gender.

The Ministry of Culture developed a dynamic model of the protection of cultural rights of minorities and, on this basis, develops different, not only financial, measures against discrimination.

Within the scope of its capacities, the UN ensures the protection of the Italian and Hungarian national communities and the Roma community. The issues of gender equality, national minorities and special treatment of diversity are included in the school curriculum at all levels of education. Additional financing of projects on these topics is also being provided.

The programmes of military education and training at all levels are being complemented with the content of UN SC resolutions 1325 and 1820, including issues relating to the prohibition of any discrimination according to the Implementation of the Principle of Equal Treatment Act. There is a tendency to raise the number of women in decision-making processes at the Ministry of Defence, the most responsible leading posts, commander duties and Staff duties in the Slovenian Army and responsible commanding posts, as well as in the processes of decision-making in international operations and missions. The need to protect fundamental human rights and respect human dignity is defined in the Code of Military Ethics of





the Slovenian Army. Participation of civil servants and members of the armed forces is being facilitated at international trainings, consultations and seminars on the topic of human rights, equal opportunities, protection of human dignity and the prevention of discrimination. Staff members of the Ministry of Defence and members of the Slovenian Army receive expert training in gender equality, equal opportunities, and protection of human dignity.

ILGAE response:

There are many areas where discrimination as a concept is still defined incompletely or includes only some biases. As in the area of hate crimes and hate speech, the legal sources in the field of education do not contain any references to homophobia. There are provisions prohibiting sexual orientation discrimination in schools but their wording is very general: for example none of the related policies contain provisions that prohibit discrimination in schools. Discrimination is mentioned only in the "Rules on the Code of Conduct in Secondary Schools" where the second article says that every secondary school student has the right to safety and protection against all forms of violence in schools, and to equal treatment regardless of their gender, race and ethnical background, religion, family's social status and other circumstances. Leaving out specific mentioning of sexual orientation for example. In Slovenian law there is no definition of gender identity-based violence. There are references to violence based on sexual orientation but there is no reference to transgendered persons. It is even questionable whether violence perpetrated for motives related to gender identity would be treated as hate violence at all, or whether they would be treated as an aggravated form of the general provisions relating to violence. The personal grounds of being a transgender person may, however, be taken into account in Article 131 of the Criminal Code (violation of equality) which includes an open-ended list of protected grounds, as well as in Article 20 of the Protection of Public Order Act, which only uses a general reference to discriminatory motives, and there is no reason not to cover the issue of gender identity.

HRORS response:

The Ombudsman agrees with the recommendation and stresses that she had already proposed that the National Assembly and the Government (in the Ombudsman's Annual Report for 2009) prepare and adopt a strategy for the arrangement of the collective rights of minorities which are not specifically defined in the Constitution, particularly the policy on these minorities in the area of maintaining their cultural identity and language, their presentation in the public media, and also an institution which would serve as a discussion partner for the representatives of these communities on the national level.

Legislative solutions for more equality of same-sex relationships included in the family code in 2011 were rejected at the referendum. The Constitutional Court did not prevent the referendum. The Ombudsman proposes that the Government as soon as possible again present legislative solutions which will ensure the equal treatment of same-sex relationships in all areas governed by the state.



Recommendation n<sup>o</sup>55: *Implement the mechanisms for guaranteeing the legal residency of minorities living in Slovenia to ensure that they have access to essential services and employment opportunities* (Recommended by Argentina)

IRI: *not implemented*

Government of Slovenia response:

Slovenia did not accept the recommendation.

Recommendation n<sup>o</sup>80: *Step up efforts and adopt appropriate measures to combat any form of discrimination against minorities as a whole* (Recommended by Uzbekistan)

IRI: *partially implemented*

Government of Slovenia response:

The recommendation is being implemented. The Ministry of Culture has developed a dynamic model of protection of cultural rights of minorities and, on this basis, also develops different measures against discrimination that are not only of financial nature. The Government Office for National Minorities implements the recommendation within the scope of its responsibility for the Italian and Hungarian national communities and for the Roma community.

The Office for Equal Opportunities elaborated two projects on equality in diversity, which were carried out in 2010 and 2011. The main objectives of the projects included improved implementation of national legislation on non-discrimination, the development of national policy of the fight against discrimination and the dissemination of relevant information, including awareness-raising of the general public and target groups. As part of the project, the Office for Equal Opportunities also organised a workshop on non-discrimination for NGOs, a seminar on non-discrimination for decision-makers in public administration at both national and local levels, a media campaign aimed at raising awareness of the existence, prohibition and harmful effects of discrimination, promotion of diversity and multiculturalism as well as general promotion of tolerance towards all, regardless of gender, nationality, race or ethnic origin, religion or belief, disability, age or sexual orientation, an analysis on the inclusion of the aspect of different personal circumstances in the shaping and implementation of policies, a study on the education of children and youth with special needs and children and youth from vulnerable social groups and a study on the diversity on the labour market, a workshop for judges for raising the awareness of discrimination, a conference on non-discrimination on the labour market (intended particularly for employers – leading and senior staff members and human resources departments – and trade unions) and set up a [web site](#), which presents, in addition to information on the project, the basic facts on discrimination, including advice and recommendations for activities in the cases of discrimination and the possibility of submitting an initiative to address a case of alleged discrimination with the Advocate of the Equality Principle. Information was also provided in a leaflet translated into 11 languages (Slovenian, Croatian, Bosnian, Serbian, Albanian, French, German, English, Roma, Italian, and Hungarian). In 2011, the Office for Equal Opportunities drew up the guidelines for the promotion of equality and protection against discrimination.

HRORS response:

The Ombudsman proposed several times that the Government and Parliament pass legislation which would be in accordance with the EU acquis and provide impartial, independent and efficient treatment of cases regarding violations of the prohibition of discrimination of any origin and in all areas. For this purpose, an independent representative with the authority to investigate cases of violations of the prohibition of discrimination and the sanctioning of violations in the public and private sectors must be appointed.

*Recommendation n°81: Strengthen appropriate measures aimed at promoting and protecting the cultural rights of certain ethnic groups, in particular the rights of children belonging to those groups (Recommended by Albania)*

IRI: *partially implemented*

Government of Slovenia response:

The recommendation is being implemented. Since 1992, the Ministry of Culture has implemented a special programme, which is a combination of various measures, including the public tender for the financing of different other minority ethnic groups and immigrants in the Republic of Slovenia, whereby the projects intended for children or in which children are involved are regarded as a priority. Since 2010, the Public Fund for Cultural Activities has been engaged in the project, with a view to upgrading the purpose of the Ministry of Culture with both regional and field integration.

The Government Office for National Minorities implements the recommendation within the scope of its responsibility for the Italian and Hungarian national communities and for the Roma community.

*Recommendation n°84: Strengthen measures, including at the local level, to combat cultural stereotypes and discrimination against minorities and migrants (Recommended by Philippines)*

IRI: *partially implemented*

Government of Slovenia response:

The Ministry of Culture has developed a dynamic model of the protection of cultural rights of minorities and, on this basis, also develops different measures against discrimination that are not only of financial nature. The UN implements the recommendation within the scope of its responsibility for the Italian and Hungarian national communities and for the Roma community.

The Ministry of Education and Sport, in addition to strategies and guidelines that are being renewed in this field (e.g. the Guidelines for the Education of Children of Foreign Nationals in Kindergartens and Schools; amended Strategy for Education of Roma), is financing an increasing number of projects in this field with a view to establishing links between various local players such as the project titled Expert bases, strategies and theoretic topics for the education in intercultural relations and active citizenship. See also answers under [recommendation n° 96 and 12].

HRORS response:

The Ombudsman proposed several times that the Government and Parliament pass legislation which would be in accordance with the EU acquis and provide impartial,



independent and efficient treatment of cases regarding violations of the prohibition of discrimination of any origin and in all areas. For this purpose, an independent representative with the authority to investigate cases of violations of the prohibition of discrimination and the sanctioning of violations in the public and private sectors must be appointed.

**Recommendation n°93: *Take further appropriate steps to support and to enhance the status of the German-speaking communities in Slovenia (Recommended by Austria)***

IRI: -

Government of Slovenia response:

Slovenia did not accept the recommendation. Despite the above, the Ministry of Culture supports the German-speaking community in Slovenia by giving the people of Gottschee and other members of the German-speaking community the chance of financing within the scope of the following programmes:

1. A special programme of the Public Fund for Cultural Activities,
2. Integration programme on the basis of an interstate agreement, and
3. A programme which is being implemented with the resources of the European Social Fund and aimed at training and employment of staff who are members of minorities.

HRORS response:

During her present term of office, the Ombudsman, Dr Zdenka Čebašek Travnik, has also paid attention to the position of the German speaking community in the Republic of Slovenia (as well as all other minorities and ethnic groups). In her work, she particularly monitored whether the recommendations of the international supervisory mechanisms are being realised. Upon the occurrence of intolerance or forms of hate provocation against certain ethnic groups, including the German minority, the Ombudsman responded decisively and severely condemned these acts.

**Recommendation n°96: *Take measures to address stereotypical attitudes towards the Roma community and to promote access to education, health and employment for the Roma community (Recommended by Bhutan)***

IRI: *fully implemented*

Government of Slovenia response:

The recommendation is being implemented. The Ministry of Labour, Family and Social Affairs implements the recommendation in compliance with the National Programme of Measures for Roma for the period 2010– 2015 and the programme of detailed measures of the Ministry of Labour, Family and Social Affairs for the implementation of the Programme. The Ministry of Education and Sport finances better access to education for Roma: Guarantees funds for Roma assistants; more favourable standards and norms have been introduced for classes with Roma pupils; teaching aids are being financed; works on Roma history and literature are printed, including manuals for the work with Roma pupils, etc.

The Ministry of Health implements measures to improve health care of Roma. The Institute of Public Health cooperates with health care institutes in areas populated by Roma. Measures are being implemented on a regular basis and assessed every



year, as follows: Organisation of national annual conferences on the reduction of inequality in the health of Roma population, health of Roma women and children; programmes for the promotion of health among Roma; activities aimed at improving the rate of immunisation and faster seeking of assistance in health care and respecting the instructions of health care workers; organising workshops focusing on health in Roma settlements.

As regards the implementation of the recommendation by the Office for Equal Opportunities, see answer under [recommendation n° 80]

HRORS response:

In regard to combating stereotyping of the Roma community, numerous efficient measures have been adopted in Slovenia; however, there is an obvious lack of constant awareness and educational activities. With particular attention and favour, the Ombudsman monitors the activities of various NGOs whose work is directed at educating Roma people.

In her last report (for 2011), the Ombudsman recommended that the Government dedicate more attention to the legal and municipal arrangements of Roma settlements, particularly in the wider area of Novo Mesto, within the implementation of the National Programme of Measures for Roma for 2010-2015. Within the implementation of the National Programme, municipalities should be given deadlines by which necessary measures must be adopted. If the municipalities do not adopt or implement these measures, the Government should verify the need to adopt necessary decisions itself according to Article 5 of the Roma Community Act.

*Recommendation n°103: Take the measures necessary to respect and protect the political, civil, economic, social and cultural rights of all ethnic communities, without any discrimination (Recommended by Pakistan)*

IRI: -

Government of Slovenia response:

The recommendation is being implemented.

HRORS response:

On the basis of complaints discussed about the protection of minorities in Slovenia, the Ombudsman has not established particular problems on the normative level or in practice.

*Recommendation n°105: Take urgent and concrete measures to ensure the practical enjoyment by the Roma of their rights (Recommended by Iran)*

IRI: *partially implemented*

Government of Slovenia response:

The recommendation is being implemented. The Ministry of Culture guarantees for the Roma community the co-financing of their own cultural projects and also offers other services for Roma: counselling, workshops, expert assistance, etc. See also answers to recommendations [recommendations n° 12 84 and 96]

HRORS response:

To improve the living conditions of the Roma people in Slovenia, the National Programme of Measures for Roma for 2010-2015 was adopted, and the Ombudsman supports this programme. In May 2012, the Ombudsman submitted to the National Assembly the Special Report on the Living Conditions of the Roma in South-East Slovenia in which she proposes several concrete recommendations for the improvement of the living conditions of the Roma people in Slovenia.

## International Instruments

Recommendation n°16: *Consider the possibility of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and of accepting the jurisdiction of the competent committee (Recommended by Argentina)*

IRI: *fully implemented*

Government of Slovenia response:

The Government is currently examining the issue of ratification; it is collecting positions from relevant ministries on the possibility to ratify the Convention, including potential reservations. At this stage, it is quite clear that the Criminal Code will have to be amended, which is a prerequisite for ratification.

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The recommendation is scheduled to be implemented in 2012, additional preliminary examination of implications of the use of the Convention still remains necessary.

HRORS response:

The Human Rights Ombudsman of the Republic of Slovenia agrees with the recommendation on signing and ratifying of the International Convention for the Protection of All Persons from Enforced Disappearance, and recommends that the Slovenian Government and Parliament ratify the Convention.

Recommendation n°17: *Consider the ratification of the Convention on Migrant Workers and Members of Their Families (Recommended by Argentina)*

IRI: *fully implemented*

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Recommendation n°47: *Examine the possibility of joining the Convention on Migrant Workers and Members of Their Families (Recommended by Algeria)*

IRI: *fully implemented*

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Recommendation n°71: *Ratify the Convention on Migrant Workers and Members of Their Families (Recommended by Bosnia & Herzegovina)*

IRI: *not implemented*

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Recommendation n°79: *Sign and ratify the Convention on Migrant Workers and Members of Their Families (Recommended by Egypt)*

IRI: *not implemented*

Government of Slovenia response:

The Convention was ratified by 43 UN Member States, EU Member States excluded. At the session of the Committee on Immigration and Asylum of the European Commission in March 2010, all countries except for Hungary, refused the possibility to ratify the Convention. The reasons for such rejection are as follows: Most countries believe that ratification is unnecessary, as the rights of migrants are sufficiently protected by other binding conventions on human rights, and by the European and national legislation. Additional protection regarding the rights of migrants would be introduced by the Directive 2011/98/EC on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (Single Permit Directive) that is currently in the adoption procedure.

HRORS response:

The Human Rights Ombudsman of the Republic of Slovenia agrees with the recommendation on signing and ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, and recommends that the Slovenian Government and Parliament ratify the Convention.

*Recommendation n°44: Establish an effective and inclusive process for follow up on the recommendations resulting from the present review (Recommended by Norway)*

*IRI: partially implemented*

Government of Slovenia response:

The recommendation is being implemented. The implementation of the recommendations is monitored by the Inter-ministerial Commission on Human Rights in coordination with the Ministry of Foreign Affairs. The recommendations were already dealt with at the sessions of the Commission on 19 September 2010 and 12 January 2012. NGOs were also informed of the implementation of the recommendations. They were given the possibility to provide comments on the implementation (meetings with NGOs on 29 March 2011 and 23 December 2011).

HRORS response:

The Ombudsman supports the recommendation, and points out that in May 2012, the new Government abolished the Inter-ministerial Working Group for Human Rights, which had also the task of monitoring recommendations on the basis of the Universal Periodic Review. It is expected that, as soon as possible, the Ministry of Foreign Affairs will appoint a new commission or another suitable body which is able to monitor this area efficiently.

*Recommendation n°62: Make sure that there are no delays in submitting answers to the thematic questionnaires of the special procedures of the Human Rights Council (Recommended by Russian Federation)*

*IRI: partially implemented*

Government of Slovenia response:

The recommendation is being implemented in part.



Recommendation n°72: *Ratify the ILO Equality of Treatment Social Security Convention, 1962 No. 118 (Recommended by Argentina)*

IRI: *not implemented*

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Recommendation n°73: *Ratify the ILO Prevention of Major Industrial Accidents Convention, 1993 No. 174 (Recommended by Argentina)*

IRI: *fully implemented*

Government of Slovenia response:

The recommendation has been implemented with regard to the ratification of ILO Convention No. 174; Slovenia does not intend to ratify the Equality of Treatment (Social Security) Convention of 1962.

Recommendation n°74: *Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Recommended by Spain)*

IRI: *not implemented*

Government of Slovenia response:

The Government is currently examining the issue of ratification; it is collecting positions from relevant ministries on the possibility to ratify the Convention, including potential reservations. At this stage, it is quite clear that the Criminal Code will have to be amended, which is a prerequisite for ratification.

+

The recommendation is scheduled to be implemented in 2012, additional preliminary examination of implications of the use of the Convention still remains necessary.

HRORS response:

The Human Rights Ombudsman of the Republic of Slovenia agrees with the recommendation on signing and ratifying of the International Convention for the Protection of All Persons from Enforced Disappearance, and recommends that the Slovenian Government and Parliament ratify the Convention.

Recommendation n°89: *Submit its pending periodic reports to the Committee on the Elimination of Racial Discrimination (Recommended by Pakistan)*

IRI: *fully implemented*

Government of Slovenia response:

The recommendation has been implemented.

## Justice

Recommendation n°18: *Continue efforts to combat all forms of human trafficking, and to intensify efforts to bring perpetrators to justice (Recommended by Netherlands)*

IRI: *fully implemented*

Government of Slovenia response:

See answers under [recommendations n° 24 and 54]



Recommendation n°21: *Continue its efforts to ensure the rights to trial without undue delay and to a fair trial* (Recommended by *France*)

IRI: *fully implemented*

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Recommendation n°56: *Implement the reforms already made by the Pahor Government to improve efficiencies in the Slovenian judicial system* (Recommended by *Australia*)

IRI: *fully implemented*

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Recommendation n°94: *Take further measures to reduce the case backlog before its courts* (Recommended by *Canada*)

IRI: *fully implemented*

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Recommendation n°104: *Take the steps necessary to further reduce court backlogs* (Recommended by *Netherlands*)

IRI: *fully implemented*

#### Government of Slovenia response:

The recommendation has been implemented. Reforms have been implemented, the judiciary increased its effectiveness both independently and in cooperation with the Government and the National Assembly. The result is as follows: Court backlogs have almost disappeared, the status of 1995, when court backlogs started to appear, has been restored. The Government approved the extension of the project for the elimination of court backlogs (Lukenda Project) until the end of 2012, as the optimal objective is to restore the status as in 1991–1992, when there were no court backlogs.

#### HRORS response:

The Ombudsman agrees with the recommendation and stresses that in her annual reports on work and recommendations, she emphasised the importance of eliminating court backlogs and recommended the adoption of necessary measures to eliminate all cases of long-term waiting for decisions being passed or lengthy judicial proceedings.

When ensuring trials without unnecessary delay, the Ombudsman stresses the importance of carefully conducted court proceedings, which should conclude by issuing qualitative court decisions.

The Ombudsman recommends the observance of deadlines within which acts determined on the basis of the applied legal remedies must be implemented according to the Protection of Right to Trial without Undue Delay Act.

The Ombudsman has also recommended the adoption of programmes and measures to reduce the inflow of new cases into the Slovenian courts in order to stop their constant increase.

Recommendation n°24: *Continue to enhance the capacities of the inter-ministerial working group on combating the trafficking in persons, with the involvement of civil*



*society, to prosecute cases of trafficking, provide assistance to victims and raise awareness (Recommended by Philippines)*

IRI: -

Government of Slovenia response:

The civil society, through its representatives, has been actively engaged in the activities of the interministerial working group since 2001, with due amendments in 2003 and 2006. The prosecution of the court is based on the Criminal Code of 2004. In 2010, 10 sentences were recorded.

*Recommendation n°35: Continue to vigorously investigate sex and labour trafficking offences and increase trafficking prosecutions and convictions to continue to provide trafficking awareness training for judges to ensure that a majority of convicted traffickers serve time in prison and to continue to refer a significant number of identified victims for assistance (Recommended by United States)*

IRI: *partially implemented*

Government of Slovenia response:

The recommendation is being implemented. In October 2010, the Ministry of Justice published a translation of the Judgment of the European Court of Human Rights on Trafficking in Human Beings – Rantsev vs. Cyprus and Russia (2009). The Decision is part of the material for additional training of judges.

*Recommendation n°49: Further prevent and combat human trafficking, including by enhancing the mandates of relevant mechanisms so that socially vulnerable individuals enjoy improved legal protection (Recommended by Kyrgyzstan)*

IRI: -

Government of Slovenia response:

Relevant measures have been defined in the Action Plan of the Inter-ministerial Working Group.

*Recommendation n°53: Implement measures enabling socio-economically disadvantaged persons to receive free legal aid (Recommended by Chile)*

IRI: *partially implemented*

Government of Slovenia response:

The recommendation has been implemented.

HRORS response:

The Ombudsman insists on the establishment of specialised family courts, because the present family departments at regular courts are not efficient enough and do not rule without undue delay.

The family courts should employ judges, prosecutors, attorneys and legal representatives who are specially trained to work with minors and their families. They should have special knowledge which would enable expert and efficient work with minors.



Recommendation n°57: *Improve its control mechanisms at borders and entry points, in order to detect cases of trafficking, in accordance with its domestic legislation* (Recommended by Nicaragua)

IRI: *partially implemented*

Government of Slovenia response:

The recommendation is being implemented. Police officers take part in training programmes to uncover trafficking in human beings. The Slovenian border police took part in the drafting of a manual of the Frontex Agency to identify potential victims of trafficking in human beings.

Recommendation n°58: *Increase its efforts to fight human trafficking* (Recommended by Azerbaijan)

IRI: *fully implemented*

Government of Slovenia response:

See answers under [recommendations 14, 18, 39, 54 and 86]. The recommendation is being implemented.

Recommendation n°66: *Provide adequate human and financial resources for the full implementation of the Action Plan Against Human Trafficking for 2008-2009, to establish specialized services to assist the victims of trafficking, and to decrease the vulnerability of women and girls to trafficking* (Recommended by Czech Republic)

IRI: *fully implemented*

Government of Slovenia response:

Action plans are approved by the Slovenian Government. The projects of victims assistance are financially defined in the action plans. To date, the Action Plan for 2004/06, 2007, 2008/09, and 2010/11 have been implemented.

Recommendation n°68: *Provide mandatory human rights education and training to police, prison and detention staff and members of the judiciary, including awareness-raising regarding the protection of the rights of minorities, women and children, and to ensure their accountability for any violation of human rights* (Recommended by Czech Republic)

IRI: *partially implemented*

Government of Slovenia response:

The recommendation is being implemented. The Office for Equal Opportunities implemented trainings, provided information and raised awareness of the general public and target groups within the scope of activities listed in answers to recommendations 22 and 28. (Recommendation 51 and 80)

Recommendation n°77: *Seek improved detection of instances of human trafficking into and out of the country* (Recommended by United States)

IRI: *partially implemented*

Government of Slovenia response:

In this area, Slovenia initiated a regional project in cooperation with Europol and Eurojust, i.e. the project of creating conditions for the Joint Investigation Teams in the SEE region, the JIT—THB project.



Recommendation n°86: *Strengthen the preventive measures aimed at combating the trafficking in persons* (Recommended by *Algeria*)

IRI: *fully implemented*

Government of Slovenia response:

A sequence of preventive measures has already been defined in a special chapter of the above action plans.

Recommendation n°90: *Support awareness programming to make potential victims more aware of the risks associated with trafficking and better prepare them to identify potential situations in which they could be trafficked* (Recommended by *United States*)

IRI: *partially implemented*

Government of Slovenia response:

The recommendation has been included in the Action Plan of the Inter-ministerial Working Group.

Recommendation n°91: *Take appropriate measures to prevent and punish all forms of ill treatment by law enforcement officials* (Recommended by *Iran*)

IRI: *not implemented*

Government of Slovenia response:

The recommendation is being implemented.

HRORS response:

The Ombudsman has already proposed that the Government and Parliament do more to ensure that the penal system for enforcing prison sentences is organised in a manner which would fully ensure respect for the dignity of prisoners, and in this regard, recommends the adoption of measures for the provision of decent living conditions for prisoners and for suitable working conditions for staff employed in prisons.

The Ombudsman also recommends the more frequent application of alternative sanctions, which would contribute to reducing and eliminating overcrowding in prisons.

The Ombudsman has recommended several times the opening of a special Unit for Forensic Psychiatry within the Psychiatric Department of the Maribor University Clinical Centre, which since its opening, is unfortunately not yet fully functional.

The Ombudsman also recommended special focus on the possible accommodation of minors together with adults.

## SOGI

Recommendation n°25: *Continue to implement legislation recognizing equal rights for same-sex couples* (Recommended by *Colombia*)

IRI: *partially implemented*



Government of Slovenia response:

On 16 June 2011, the National Assembly adopted the Family Code. According to the Code, an union of two women or two men (registered partnership, long-term partnership) is equal to the union between a man and a woman (marriage, extramarital union). Currently, the legislative referendum was set for 25 March.

ILGAE response:

Family code was an attempt to put heterosexual and same-sex couples on equal legal footing. But as stated above the bill was rejected. Thus the current legislation that is in place (Registration of a Same-Sex Civil Partnership Act) remains unconstitutional (case ruling U-I-425/06).

HRORS response:

The legislative solutions for greater equality of same-sex relationships included in the family code in 2011 were rejected at the referendum. The Constitutional Court did not prevent the referendum. The Ombudsman proposes that the Government, again as soon as possible, present legislative solutions, which will ensure equal treatment of same-sex relationships in all areas governed by the state.

Recommendation n°40: *Eliminate all other forms of disparity in the treatment of heterosexual and same-sex couples, in order to ensure full equality and non-discrimination (Recommended by Canada)*

IRI: *partially implemented*

Government of Slovenia response:

[See response to recommendation n° 25]

ILGAE response:

We still cannot claim that there are no disparities in treatment between heterosexual and same-sex couples. We had a long debate around Family code bill, which included legal recognition of same-sex couples, giving them the same rights and obligations as heterosexual except joint adoption. This bill was rejected by the public referendum in March 2012. Thus legal uncertainties are still present in many areas of everyday life for same-sex couples.

HRORS response:

The legislative solutions for greater equality of same-sex relationships included in the family code in 2011 were rejected at the referendum. The Constitutional Court did not prevent the referendum. The Ombudsman proposes that the Government, as soon as possible, again present legislative solutions, to ensure equal treatment of same-sex relationships in all areas governed by the state.

Recommendation n°102: *Take the measures necessary to ensure that same-sex partners are treated equally with opposite-sex partners throughout Slovenian law (Recommended by Netherlands)*

IRI: *partially implemented*

Government of Slovenia response:

[See response to recommendation n° 25]

ILGAE response:

The government is including registered partnerships in the legislation that was accepted after 2005 (the year that Same-Sex Civil Partnership Act was adopted) but there are still legal holes in legislation that was passed before 2005.

HRORS response:

The legislative solutions for greater equality of same-sex relationships included in the family code in 2011 were rejected at the referendum. The Constitutional Court did not prevent the referendum. The Ombudsman proposes that the Government, again as soon as possible, present legislative solutions, which will ensure equal treatment of same-sex relationships in all areas governed by the state.

## Women & Children

Recommendation n<sup>o</sup>1: *Accept the recommendation of the Committee on the Elimination of Discrimination against Women to develop a comprehensive strategy or action plan to prevent and eliminate all forms of violence against women and girls, and to develop an effective institutional mechanism for coordinating, monitoring and assessing the effectiveness of the measures taken* (Recommended by Malaysia)

IRI: *partially implemented*

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Recommendation n<sup>o</sup>3: *Address the issue of gender-based violence in a comprehensive manner* (Recommended by Iran)

IRI: *partially implemented*

Government of Slovenia response:

As regards the aspect of family violence, the recommendation was implemented. In 2009, the National Assembly adopted the Resolution on the National Programme of Family Violence Prevention for the Period 2009–2014. It is a strategic document defining the objectives, measures and key players with regard to reduction and prevention of family violence in Slovenia for a five-year period. With a two-year Action Plan that followed the adoption of the Resolution in 2010, the Government ensures a more transparent use of public funds to reduce violence and targeted activities of relevant authorities for individual target groups. A government campaign against family violence has also been planned.

The Office for Equal Opportunities, the Slovenian Research Agency and the Ministry of the Interior – Police co-financed the target research project Incidents of violence and response to it in the private sphere and partnership. At the end of 2010, the results of the first empirical national research on violence in the private sphere and partnership were published, to be followed, at the end of 2011, by analyses on the work of the Police, courts and social work centres covering violence against women and family violence. Activities on violence against women were also focused on various forms of violence against women or violence against special groups of women. In 2010, the Office for Equal Opportunities devoted particular attention to dating violence. Research results and analyses provide the basis for further



strengthening the effectiveness of different institutions (the Police, courts, social work centres, education institutions) and for overcoming difficulties facing the institutions when addressing violence.

HRORS response:

The Ombudsman evaluates that the Resolution of National Programme of Family Violence Protection 2009-2014 and the action plan for its implementation which were adopted by Parliament on the basis of the Family Violence Prevention Act are a suitable basis for the comprehensive operation of all national institutions and non-governmental organisations in combating violence, including violence against women and girls. The Ombudsman calls on all actors to consistently carry out their tasks defined in the aforementioned documents and adopt additional measures for their most efficient implementation.

HRORS response:

The Ombudsman evaluates that the Resolution of National Programme of Family Violence Protection 2009-2014 and the action plan for its implementation which were adopted by Parliament on the basis of the Family Violence Prevention Act are a suitable basis for the comprehensive operation of all national institutions and non-governmental organisations in combating violence, including violence against women and girls. The Ombudsman calls on all actors to consistently carry out their tasks defined in the aforementioned documents and adopt additional measures for their most efficient implementation.

*Recommendation n<sup>o</sup>2: Add a provision to the Marriage and Family Relations Act prohibiting other forms of the demeaning treatment of children, such as psychological violence (Recommended by Norway)*

*IRI: fully implemented*

Government of Slovenia response:

On 16 June 2011, the National Assembly adopted the Family Code. The Family Code also prohibits corporal punishment and other forms of degrading treatment of children.

HRORS response:

The legislative solutions for the prohibition of corporal punishment and other forms of humiliating treatment of children included in the family code in 2011 were rejected at the referendum. The Constitutional Court did not prevent the referendum. The Ombudsman proposes that as soon as possible Government again present legislative solutions to prohibit the corporal punishment of children.

For several years, the Ombudsman has persistently recommended the adoption of the Family Violence Prevention Act, and in 2008, the Act was passed. The Act defines the concept of family violence, which is any use of physical, sexual, psychological or economic violence of one family member against another family member or neglect of a family member regardless of their age, gender or any other personal circumstance of the victim or the person inflicting the violence. It also determines the role and tasks of state authorities, holders of public authorities, providers of public services, bodies of self-governing local communities and non-



governmental organisations when dealing with family violence and determining measures for the protection of victims of domestic violence.

Recommendation n°4: *Address the issue of gender-based violence, and to develop a comprehensive strategy or action plan for the prevention and elimination of all forms of violence against women and girls* (Recommended by Norway)

IRI: *partially implemented*

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Recommendation n°7: *Adopt effective and comprehensive measures to prevent and eliminate all forms of violence against women and girls, and to intensify campaigns to raise awareness about the criminal nature of domestic violence* (Recommended by Ghana)

IRI: *partially implemented*

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Recommendation n°30: *Continue to make progress in implementing measures and programmes aimed at preventing and eliminating all forms of violence against women and girls* (Recommended by Colombia)

IRI: *fully implemented*

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Recommendation n°31: *Continue to promote the comprehensive strategy to prevent and eliminate all forms of violence against women and girls* (Recommended by Italy)

IRI: *fully implemented*

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Recommendation n°69: *Pursue efforts to combat domestic violence, and to place particular emphasis on the implementation of an awareness-raising training policy aimed at contributing to changes in behaviour and of attitudes* (Recommended by France)

IRI: *fully implemented*

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Recommendation n°83: *Strengthen measures to combat violence against women and girls* (Recommended by Azerbaijan)

IRI: *fully implemented*

#### Government of Slovenia response:

The recommendation is being implemented. The Resolution on Family Violence Prevention for the Period 2009–2014 was adopted by Slovenia in 2009. The Resolution is a strategic document defining the objectives, measures and key policy makers, which is aimed at preventing and reducing family violence in Slovenia in the five-year period. With a two-year Action Plan (adopted in 2010), the Government ensured a more transparent use of public funds to reduce violence and targeted activities of relevant authorities for individual target groups. A government campaign against family violence has also been planned. See also answer to recommendation [n° 1]

#### HRORS response:

The Ombudsman evaluates that the Resolution of National Programme of Family Violence Protection 2009-2014 and the action plan for its implementation which were adopted by Parliament on the basis of the Family Violence Prevention Act are a suitable basis for the comprehensive operation of all national institutions and non-





governmental organisations in combating violence, including violence against women and girls. The Ombudsman calls on all actors to consistently carry out their tasks defined in the aforementioned documents and adopt additional measures for their most efficient implementation.

*Recommendation n°8: Adopt effective measures to strengthen the system for the protection and promotion of the rights of women and children (Recommended by Uzbekistan)*

*IRI: partially implemented*

Government of Slovenia response:

As regards general executive measures, the Government adopted, in 2006, on the basis of the recommendation of the Committee on the Rights of the Child, the Programme for Children and Youth 2006–2016. The Child Observatory within the Social Protection Institute organised a single database on children and youth. In recent years, Slovenia devoted particular attention to vulnerable groups of children. An important novelty in the prevention of child abuse is the adoption of the Family Violence Prevention Act and the Resolution on the National Programme of Family Violence Prevention for the Period 2009–2014, which sets out the objectives, measures and key policy makers for the prevention and reduction of family violence until 2014. The new Family Code adopted by the National Assembly on 16 June 2011 strengthens the system of protecting and promoting children's rights and imposes the prohibition of corporal punishment of children or any other form of degrading treatment, which is binding not only on parents but also on other persons, state bodies and public services. In 2008, a new Criminal Code took effect, which has also improved the protection of children's rights.

As regards the protection and promotion of women's rights, see answers under [recommendations n° 1, 51 and 61]

HRORS response:

The Ombudsman supports the recommendation for the adoption of efficient measures for strengthening the children's rights protection system. The Ombudsman particularly stresses the need to implement results from the pilot project 'Advocate – a child's voice' in the legislation. Legislative solutions should enable all children access to a legal representative and thus support in their active role in the process of decision-making regarding their rights.

The legislative solutions for the prohibition of corporal punishment and other forms of humiliating treatment of children, included in the family code in 2011 were rejected at a referendum. The Constitutional Court did not prevent the referendum. The Ombudsman proposes that the Government as soon as possible again present legislative solutions, to prohibit corporal punishment of children.

The Ombudsman also points out that there are no suitable health care facilities for children with mental disorders. There are departments of child psychiatry which do not admit persons with distinctly expressed aggression, as it would not be possible to suitably protect all patients.



The Ombudsman has noted this problem for several years, and has received several promises that the question of a special psychiatric institution for children would be resolved; however, no suitable solutions have been presented.

We also stress the issue of the health insurance of children who are not insured independently, but through their parents. The Ombudsman believes that the insurance of children should be arranged independently of the status of their parents.

Recommendation n°11: *Adopt legislative measures to counter sexual harassment in the workplace, including penalties and opportunities for women victims to report such situations* (Recommended by Chile)

IRI: -

Government of Slovenia response:

The recommendation is being implemented.

Recommendation n°14: *Combat all forms of the trafficking in women and girls* (Recommended by Iran)

IRI: *partially implemented*

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Recommendation n°54: *Implement more effective protection measures to address the problem of the sexual harassment and the trafficking in women women, and, in that context, to implement the recommendations of the Committee on the Elimination of Discrimination against Women and the Human Rights Committee* (Recommended by Kazakhstan)

IRI: *partially implemented*

Government of Slovenia response:

As to trafficking in women, measures defined in the Action Plan of the Inter-ministerial Working Group on Trafficking in Human Beings were introduced. The implementation of measures is evident from annual reports. All information is available at the portal of the Government of the Republic of Slovenia.

The Office for Equal Opportunities strengthened the capabilities to improve the fight against sexual harassment and its prevention as part of trainings, consultations and seminars, on which it reports in answers to recommendations [n° 51, 59, 67 and 80)

Recommendation n°20: *Continue its efforts to effectively protect children's rights and to combat child trafficking, child prostitution and pornography* (Recommended by Ukraine)

IRI: *fully implemented*

Government of Slovenia response:

Slovenia implements measures for the protection of children's rights against trafficking in children, child prostitution and pornography within the scope of the two-year action plans of the Government.

Recommendation n°22: *Continue its efforts, in cooperation with all relevant stakeholders, to prevent the sale of children, child prostitution and child pornography* (Recommended by Kyrgyzstan)

IRI: -

Government of Slovenia response:

The recommendation is being implemented.

Recommendation n°23: *Continue to empower women by enhancing their status and increasing their participation in decision-making processes* (Recommended by Turkey)

IRI: *fully implemented*

Government of Slovenia response:

The Office for Equal Opportunities makes an analysis from the aspect of gender and informs the public and target groups of the results. In 2010, the Office carried out an analysis of local elections with a view to examining, in compliance with the statutory provisions, whether the inclusion of the mechanism of gender quotas in the Local Elections Act had a positive impact on gender representation on lists of candidates for local elections in 2010 and on the eligibility and representation of women in municipal councils of Slovenian municipalities. Before the local elections, the Office informed the political parties of their role in promoting the participation of women in political decision-making and invited the media to make a positive impact in pre-election confrontations and ensure equal visibility of women and men standing for office. On 8 March 2011, the Office for Equal Opportunities also organised a mentor day with a female politician in cooperation with the Government, the National Assembly, the University of Ljubljana, University of Maribor and University of Primorska. The mentorship was intended for female students with a view to ensuring a better understanding of politics and political matters; for the broader society, this may mean that individual females will enter into political arena with a certain basic knowledge and insight into the political life. See also answer to recommendation [n° 82)

Recommendation n°26: *Continue to implement measures aimed at addressing women's occupational segregation and the diversification of their academic and professional choices, including in non-traditional fields* (Recommended by Portugal)

IRI: *fully implemented*

Government of Slovenia response:

The recommendation is being implemented. Projects are financed that promote and raise awareness among pupils and secondary school students on various professional and study courses (as part of projects for gender equality education) and projects promoting natural sciences. See also answer to recommendation [n° 61].

Recommendation n°32: *Continue to step up efforts to combat the trafficking in human beings, and in particular to establish criminal liability for the production and dissemination of materials advocating the trafficking in children, child prostitution and child pornography* (Recommended by Belarus)

IRI: *fully implemented*

Government of Slovenia response:

The recommendation has been implemented. The Criminal Code already covers such incriminations. The relevant measures have also been defined in the Action Plan of the Inter-ministerial Working Group.



Recommendation n°36: *Criminalize the production and dissemination of materials advertising the sale of children, child prostitution and child pornography, and to bring its Penal Code into conformity with the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Recommended by Ghana)*

IRI: *fully implemented*

Government of Slovenia response:

The Criminal Code was amended (Act amending the Criminal Code (Official Gazette of the Republic of Slovenia No. 91/11; published on 14 November 2011, entry into force on 15 May 2012). The amended Article 176 of the Criminal Code (criminal offence: Presentation, Manufacture, Possession and Distribution of Pornographic Material) and a new Article 173a of the Criminal Code (criminal offence: Sexual Assault on a Person Below Fifteen Years of Age).

Recommendation n°37: *Develop a national plan of action aimed at addressing the sale of children, child prostitution and child pornography, and to provide adequate human and financial resources for its implementation (Recommended by Iran)*

IRI: *partially implemented*

Government of Slovenia response:

So far, this field is included in the joint action plan for the fight against trafficking in human beings, which is being drafted for a two-year period.

Recommendation n°39: *Effectively apply the biennial action plans to prevent the trafficking in human beings, whose victims are often women and children forced into prostitution against their will, and to establish mechanisms for border and airport control to prevent such crimes, as well as conduct information campaigns and provide adequate assistance to victims (Recommended by Mexico)*

IRI: *partially implemented*

Government of Slovenia response:

The effectiveness of the implementation of measures is also evident from the annual reports of the Inter- ministerial Working Group for Combating Trafficking in Human Beings.

Recommendation n°43: *Ensure that a sufficient number of safe crisis centres and shelters are available to women victims of violence, in accordance with the recommendation of the Committee on the Elimination of Discrimination against Women (Recommended by Kazakhstan)*

IRI: *fully implemented*

Government of Slovenia response:

The recommendation is being implemented. Slovenia is gradually expanding the programme of safe houses and maternal homes also to regions that have not yet been included, i.e. the coastal region and central Slovenia. In 2011, another safe house was opened in the Coastal-Carst region. At the present moment, the needs to accommodate victims of family violence have been covered.

Recommendation n°45: *Establish Government plans as a follow-up to the recommendations of the Committee on the Elimination of Discrimination against Women to promote greater representation by women in all areas, particularly at work,*



*without discrimination of any kind, as well as to prevent and eradicate domestic violence and all forms of violence against women and girls. Such plans should contemplate establishing institutional mechanisms for monitoring and assessing the effectiveness of all measures (Recommended by Mexico)*

IRI: *partially implemented*

Government of Slovenia response:

The recommendation has been implemented in part from the aspect of the drafting of the Resolution on Family Violence Prevention and the Action Plan. The Resolution on Family Violence Prevention for the Period 2009–2014 was adopted in 2009. It is a strategic document defining the objectives, measures and key factors of the policy aimed at preventing and reducing family violence in Slovenia in the five-year period. With a two-year 2010 Action Plan, the Government ensured a more transparent use of public funds to reduce violence and targeted activities of relevant authorities for individual target groups. A government campaign against family violence has also been planned.

The Republic of Slovenia withdrew from the Night Work (Women) Convention (ILO Convention 89), as the conditions are too limiting and imply discrimination. Despite the withdrawal from of the Convention, women workers will not be without any protection. The current legislation on night work guarantees special protection of night workers, however, regardless of gender and the tasks they perform. This year's Programme of Work of the Government envisages the ratification of the Convention concerning Night Work of Women (ILO Convention 171), since it regulates special protection of night workers, regardless of gender.

See also answers under Nos. 14, 18 and 22. (Recommendation 61, 1 and 51)

HRORS response:

The Ombudsman agrees that the state should adopt strategies for the elimination of discrimination in all areas. Efficient mechanisms for the treatment and sanctioning of cases of discrimination in all areas would have to be foreseen.

*Recommendation n°46: Establish specialized tribunals with a view to accelerating trials related to family cases, in which the best interests of children should prevail (Recommended by Chile)*

IRI: *not implemented*

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*Recommendation n°65: Promulgate a law on domestic violence that includes penalties and options for the treatment of those responsible for such crimes (Recommended by Spain)*

IRI: *not implemented*

Government of Slovenia response:

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.



HRORS response:

The Ombudsman insists on the establishment of specialised family courts, because the present family departments at regular courts are not efficient enough and do not rule without undue delay. The family courts should employ judges, prosecutors, attorneys and legal representatives who are specially trained to work with minors and their families. They should have special knowledge which would enable expert and efficient work with minors.

Recommendation n°50: *Further promote the position of women in decision-making, and to guarantee equal remuneration between men and women* (Recommended by Algeria)

IRI: *fully implemented*

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Recommendation n°61: *Make further efforts to promote gender equality by working to close the gender pay gap and encouraging women into top jobs and roles traditionally filled by men, which should be carried out through the National Programme for Equal Opportunities for Women and Men for 2005-2013 and other relevant programmes* (Recommended by United Kingdom)

IRI: *fully implemented*

Government of Slovenia response:

In compliance with the two-year Action Plan 2010–2011 for the implementation of the National Programme for Equal Opportunities for Women and Men and its competences deriving from the decision on its scope of work, the Government implemented activities in cooperation with relevant partners that also promote the participation of women in leading posts and in decision-making processes in the economy and the empowerment of women in science and research.

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According to Eurostat data (2008), there still remain differences between EU Member States. The difference in salaries ranges from less than 10% in Italy, Slovenia, Belgium, Romania, Malta, Portugal and Poland, to more than 20% in Slovakia, the UK, Cyprus, Lithuania, Greece, Germany, and the Netherlands, and to over 25% in Austria, the Czech Republic and Estonia. The Resolution on the National Programme for Equal Opportunities, as one of the four objectives in the field of employment and work, defines the reduction of vertical and horizontal segregation and gender differences in pay. Certain initiatives by trade unions are based on awareness-raising and the dissemination of information on salaries and professional development. In the next five years, the European Commission plans to apply a number of measures to reduce gender differences in pay. As regards the reduction of gender differences in pay, the Government undertook no action, as in Slovenia, such differences are small – the lowest among all EU Member States (in Slovenia, the difference amounts to 3.2%, whereas the average difference at the level of the EU 27 amounts to 17.1%).

The implementation of the recommendation is also continued as part of the drafting of the proposal of the latest Action Plan 2012–2013 for the implementation of the currently applicable National Programme for Equal Opportunities for Women and Men, and will be continued within the scope of its implementation.

HRORS response:

With regard to gender inequality in pay in Slovenia, the Ombudsman has not established particular problems on the basis of the cases handled.

Recommendation n°59: *Intensify its efforts to change stereotypical images and discriminatory attitudes and perceptions regarding the roles and responsibilities of women and girls and men and boys in the family and in society (Recommended by Portugal)*

IRI: *fully implemented*

Government of Slovenia response:

The Government pursues the implementation of different approaches for the identification and elimination of stereotypes, particularly by organising consultations, trainings and seminars, by analysing and studying the division of power between women and men in different areas, through the project titled Active Fatherhood to encourage fathers to spend quality time with their children and by raising awareness of the rights of fathers and positive aspects of active fatherhood for children and parents, etc.

Recommendation n°63: *Move further ahead in drafting and implementing a national action plan to address the issue of the sale of children, child prostitution and child pornography (Recommended by Qatar)*

IRI: *partially implemented*

Government of Slovenia response:

So far, this field is integrated in the joint action plan for the fight against trafficking in human beings, which is being drafted for a two-year period.

Recommendation n°78: *Share the experiences regarding the first Programme for Children and Youth, in particular the approach of including the recommendations of the Committee on the Rights of the Child (Recommended by Moldova)*

IRI: *not implemented*

Government of Slovenia response:

This includes technical assistance and consulting for Moldova, a priority country within the international development cooperation of the Republic of Slovenia. The recommendation may be implemented in 2012 in cooperation with the Ministry of Foreign Affairs.

Recommendation n°82: *Strengthen its efforts to increase the number of women participating in political life, in particular at the national level, and to revise the national Assembly Elections Act to accelerate the political advancement of women in the forthcoming elections (Recommended by Norway)*

IRI: *fully implemented*

Government of Slovenia response:

In 2011, Act amending the National Assembly Elections Act was drafted; one of its main objectives was to guarantee gender equality in presenting candidatures. The same percentage of gender representation was proposed as contained in the Local Elections Act and the Election of Slovenian Members to the European Parliament Act. According to the proposal, either of the genders should be represented on the list of candidates by no less than 40%; each list should be drawn up in such a way



that candidates are distributed in the first half of the list alternatively according to gender. In half of electoral units (four out of eight, provided that the list would be presented in all eight electoral units), the first place on the list would be occupied by a representative of one gender, whereas the second half of the list by a representative of the other gender. As regards lists of candidates presented in an odd number of electoral units, the difference between genders regarding the first place on the list could be one at most. The draft Act was adopted by the Government in April 2011 and submitted to the National Assembly. The National Assembly also adopted the decision that the draft Act is not suitable for further examination. The recommendation will be taken into account in drafting the Election of Slovenian Members to the European Parliament Act. The elections of 4 December 2011 made an important breakthrough: 35,6 % of female deputies were elected to the National Assembly.

**Recommendation n°85:** *Strengthen the position and the participation of women in public life by introducing regulations guaranteeing their participation (Recommended by Argentina)*

IRI: *fully implemented*

Government of Slovenia response:

See answer to recommendations [n° 23 and 82].

**Recommendation n°92:** *Take effective steps to reduce the high maternal mortality rate (Recommended by Azerbaijan)*

IRI: *fully implemented*

Government of Slovenia response:

The recommendation has been implemented systematically by the Ministry of Health. All cases of maternal deaths are being actively disclosed and analysed within the National Working Group for Examining Maternal Deaths; taking into account the method of data collection, the Working Group elaborates a three-year report and proposes clinical and public health measures to reduce maternal mortality. The maternal mortality rate already shows a falling tendency

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The Ministry of Health, in cooperation with the National Institute of Public Health, both follows and evaluates the implementation of adopted measures; additional activities to reduce maternal mortality are also being fostered. One of the most important measures is the established process of active disclosure and analysing of all cases of maternal deaths, including late maternal deaths, up to one year after the end of pregnancy, and appropriate corrective action. Most of the measures were implemented in the form of training organised for experts who are responsible for health care of pregnant women and young mothers, drafting expert guidelines for changes in the organisation of health care and improving communication between different health care experts. The key areas requiring action include mental health and pregnancy, birth and postnatal period, since in Slovenia, during the period from 2000 to 2008, the most frequent cause of maternal death was suicide. Additional activities were also included in the draft action plan on mental health, which is under preparation. Particular focus has been placed on women who, due to a lack of awareness and social exclusion, do not use the services of reproductive health care





available to them; therefore, special, adapted programmes for the promotion and protection of reproductive health are being planned for this group.

In 2011, three workshops were organised for the reduction of maternal deaths; these workshops were intended for experts in gynaecology and obstetrics, and addressed the main causes of maternal mortality in Slovenia. At the initiative of the National Working Group for Examining Maternal Deaths, the Extended Expert Committee on Public Health and the Extended Expert Committee on Gynaecology and Perinatology adopted a recommendation according to which the Medical Chamber should include in the programme of specialization in gynaecology and obstetrics an at least 14-day seminar on public health aspects of protecting reproductive health.

*Recommendation n°101: Take the measures necessary to end discrimination against women in the workplace, and to implement ILO recommendations to ensure equal remuneration for work of equal value in the public and private sectors (Recommended by Kazakhstan)*

IRI: *fully implemented*

Government of Slovenia response:

The recommendation is being implemented. In 2010, the Office for Equal Opportunities organised a conference on the role of the management in the formulation of non-discriminatory policies, including the prevention of discrimination on the basis of gender. The project concluded with a conference intended for the management in companies and personnel services, and for those who work in the field of discrimination in employment, trade unions, academics, and the public. See also answer to recommendations [n° 51 and 61]

HRORS response:

With regard to gender inequality in pay in Slovenia, the Ombudsman has not established particular problems on the basis of the cases handled.

*Recommendation n°106: Undertake an awareness-raising campaign regarding domestic violence (Recommended by Spain)*

IRI: *partially implemented*

Government of Slovenia response:

In Slovenia, criminal offences and criminal sanctions are defined in the Criminal Code and the Minor Offences Act. With the adoption of the new Criminal Code in 2008 (KZ- 1), the criminal offence of family violence was extracted and reclassified from the criminal offence of violent behaviour (chapter on criminal offences against public order and peace) and newly defined in the chapter on criminal offences against marriage, family and children. In Slovenia, family violence is classified as criminal offence. The Ministry of Labour, Family and Social Affairs implemented the recommendation by adopting the Family Violence Prevention Act, the Resolution on the 2009–2014 National Programme on Prevention of Family Violence and the Action Plan. The campaigns on family violence are being implemented in cooperation with NGOs.



HRORS response:

For several years, the Ombudsman persistently recommended the adoption of the Family Violence Prevention Act, and in 2008, the Act was adopted. The Act also determines the role and tasks of state authorities, holders of public authority, providers of public services, bodies of self-governing local communities and non-governmental organisations when dealing with family violence, and determines measures for the protection of victims of domestic violence.

## Other

Recommendation n<sup>o</sup>5: *Adjust its legal framework to international human rights standards, in particular with regard to persons with disabilities, migrants, asylum seekers, refugees, women and children* (Recommended by Nicaragua)

IRI: *partially implemented*

Government of Slovenia response:

The Police has already envisaged it in its regulations and there will be no change in this area.

Legislation on migration and international protection is in compliance with international standards on human rights, although Slovenia has not yet acceded to the UN convention regulating this area.

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Slovenia will continue to implement international standards on human rights, particularly in respect of the disabled and children. Slovenia ratified the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol (Official Gazette of the Republic of Slovenia No. 37/2008).

Recommendation n<sup>o</sup>9: *Adopt further measures to facilitate access for erased persons to Slovenian citizenship* (Recommended by Czech Republic)

IRI: *not implemented*

Government of Slovenia response:

Slovenia did not accept the recommendation.

HRORS response:

The Ombudsman expects that national authorities in Slovenia will consistently implement the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia and realise the requirements stated in the judgment of the Grand Chamber of the European Court of Human Rights in the case of Kurić and Others v. Slovenia – 26 June 2012, and adopt suitable systemic solutions.

Recommendation n<sup>o</sup>10: *Adopt legislative and other measures aimed at including all erased persons, regardless of where they currently reside* (Recommended by Norway)

IRI: *partially implemented*



Government of Slovenia response:

The amended Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia also regulates the issue of a permanent residence permit and a special decision to an alien who does not reside in the Republic of Slovenia at the time of the issue of the permit, and in respect of whom it was established that his/her absence from Slovenia was justified by law and therefore has no effect on the condition of residence in the Republic of Slovenia.

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The recommendation has been implemented.

HRORS response:

The Ombudsman expects that national authorities in Slovenia will consistently implement the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia and realise the requirements stated in the judgment of the Grand Chamber of the European Court of Human Rights in the case of Kurić and Others v. Slovenia – 26 June 2012, and adopt suitable systemic solutions.

*Recommendation n°13: Adopt the latest draft amendments to the Marriage and Family Relations Act that equalize same-sex unions and other family unions and ban the corporal punishment of children (Recommended by Norway)*

*IRI: not implemented*

Government of Slovenia response:

On 16 June 2011, the National Assembly adopted the Family Code. According to the Family Code, a union of two women or two men (long-term partnership, registered partnership) are equal to the union between a man and a woman (marriage, extramarital union). The Family Code also prohibits corporal punishment and other forms of degrading treatment of children.

Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:

Provisions addressing same-sex partnerships and prohibiting corporal punishment were included in a Family Code Bill. However, in 2012 the Bill was rejected by voters. A conservative group called the "Civil Initiative for the Family and the Rights of Children" opposed the provisions relating to same-sex unions and gathered enough signatures to force a referendum on the law. The referendum was held on 25 March 2012: voter turnout was 30.31%, 54.55% of which voted against the law. As a result, there has been no change in the legality of corporal punishment since the initial UPR of Slovenia in 2010: it remains lawful in the home and in some alternative care settings.

ILGAE response:

Family code was rejected at the public referendum in march 2012 thus no changes can be made to this legislation for the next year.

HRORS response:

Adopt the latest draft amendments to the Marriage and Family Relations Act that equalize same-sex unions and other family unions and ban the corporal punishment of children



Recommendation n°19: *Continue its efforts regarding the issue of erased persons in order to help facilitate the most appropriate remedies for that population in a dignified and efficient manner (Recommended by Serbia)*

IRI: *partially implemented*

Government of Slovenia response:

The recommendation has been implemented in part. See explanations under [recommendations n° 60 and 64]

HRORS response:

The Ombudsman expects that national authorities in Slovenia will consistently implement the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia and realise the requirements stated in the judgment of the Grand Chamber of the European Court of Human Rights in the case of Kurić and Others v. Slovenia – 26 June 2012, and adopt suitable systemic solutions.

Recommendation n°41: *Enact appropriate legislation and accelerate the process of recognizing erased citizens (Recommended by Australia)*

IRI: *partially implemented*

Government of Slovenia response:

On 8 March 2010, the National Assembly adopted the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia, which took effect on 24 July 2010. Administrative units are the competent authority for the issue of permanent residence permits and special decisions regarding the permanent residence permit and registered permanent residence with retroactive effect, i.e. for the period since the removal from the register of permanent residents to the issue of a permanent residence permit or until naturalisation, which will accelerate the processing of applications.

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The recommendation is being implemented. It needs to be underlined that the number of claims filed is very low, which demonstrates the need for an awareness-raising campaign of all other interested parties. The Government is aware that raising the awareness of persons removed from the register of permanent residents and of the public of the amended Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia is very important. Therefore, after the entry into force of the above amended Act, the Ministry of the Interior issued a special brochure that is available to all those interested at all administrative units in Slovenia, diplomatic missions and consular posts of the Republic of Slovenia, and in the successor states of the former SFRY. It was also distributed to NGOs. The brochure includes an explanation of the procedure, the conditions for the issue of a permanent residence permit and the retroactive issue of a special decision. At the end of 2011, the Ministry of the Interior published the brochure in four additional languages of successor states to the former SFRY. In January 2012, the brochures will be sent to all administrative units in Slovenia and to Slovenian diplomatic missions and consular posts in the successor states to the former SFRY, where they will be available to all those interested. All the necessary information is also available in six languages at the [website of the Ministry of the Interior](#) and at the [website of the](#)



[Ministry of Foreign Affairs](#). A free phone service has been operated by the Ministry of the Interior since 20 July 2010, providing information regarding the above Act.

HRORS response:

The Ombudsman expects that national authorities in Slovenia will consistently implement the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia and realise the requirements stated in the judgment of the Grand Chamber of the European Court of Human Rights in the case of Kurić and Others v. Slovenia – 26 June 2012, and adopt suitable systemic solutions.

Recommendation n°48: *Fully implement the intention of the Government of Slovenia to resolve the status of so-called erased persons in the near future* (Recommended by Russian Federation)

IRI: *partially implemented*

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Recommendation n°64: *Place a greater focus on the issue of erased persons in the forthcoming period, given the long period of time for which those people have awaited a solution to the problem* (Recommended by Bosnia & Herzegovina)

IRI: *fully implemented*

Government of Slovenia response:

The recommendation has been implemented. As stated above, the amended Act was adopted to resolve the problem of the erased. The Act regulates the issue of permanent residence permits and of a special decision regarding the permanent residence permit and registered permanent residence with retroactive effect, i.e. for the period from the removal from the register of permanent residents until the issue of a permanent residence permit or until naturalisation.

HRORS response:

The Ombudsman expects that national authorities in Slovenia will consistently implement the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia and realise the requirements stated in the judgment of the Grand Chamber of the European Court of Human Rights in the case of Kurić and Others v. Slovenia – 26 June 2012, and adopt suitable systemic solutions.

Recommendation n°60: *Launch an outreach campaign directed towards the erased living abroad, informing them about the adoption of any new legislative measures and the possibility of benefiting from them* (Recommended by Poland)

IRI: *fully implemented*

Government of Slovenia response:

Therefore, after the entry into force of the above amended Act, the Ministry of the Interior issued a special brochure in the Slovenian language that is available to all those interested at all administrative units in Slovenia, at diplomatic missions and consular posts of the Republic of Slovenia, and in the successor states of the former SFRY. It was also distributed to NGOs. The brochure includes an explanation of the procedure, the conditions for the issue of a permanent residence permit and the retroactive issue of a special decision. At the end of 2011, the Ministry of the Interior



published the brochure in four additional languages of successor states to the former SFRY. In January 2012, the brochures will be distributed to all administrative units in Slovenia and to Slovenian diplomatic missions and consular posts in the successor states to the former SFRY, where they will be available to all those interested.

All important pieces of information are also available in six languages from the [website of the Ministry of the Interior](#) and from the [website of the Ministry of Foreign Affairs](#). A free phone service has been operated by the Ministry of the Interior since 20 July 2010, providing information regarding the above Act.

HRORS response:

[...]

*Recommendation n°76: Retroactively re-register the affected persons, in keeping with the relevant decisions of the Slovenian Constitutional Court from 1999 and 2003, to allow for the full enjoyment of their civil as well as their economic and social rights (Recommended by Slovakia)*

*IRI: partially implemented*

Government of Slovenia response:

The recommendation has been implemented in part. In respect of the erased persons who were issued with supplementary decisions in 2004 and since February 2009 on the basis of Constitutional Court decision No. U-I- 246/02-28, item 8, of 3 April 2003, and persons who were issued with special decisions on the basis of the amended Act, permanent residence in the Republic of Slovenia was entered in the register of permanent residents for the period from the removal from the register of permanent residents until the issue of a permanent residence permit or naturalisation. On 25 November 2010, the Government set up a Working Group on Comprehensive Resolving of the Issue of the Erased, including the issues of accommodation, employment and social rights, with a view to comprehensively resolving this, with a decree No. 02401-22/2010/3. During the first reporting period, the Working Group carried out a framework review and assessment of the current status of the issue of the erased in certain areas, however, a number of issues still remain unresolved. The Government was submitted the first report on the work of the Working Group at its session of 28 July 2011, at which it also made a decision that the Working Group should draw up guidelines and proposals for the second reporting period, for a comprehensive and systemic solution to the issue of the erased.

HRORS response:

The Ombudsman expects that national authorities in Slovenia will consistently implement the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia and realise the requirements stated in the judgment of the Grand Chamber of the European Court of Human Rights in the case of Kurić and Others v. Slovenia – 26 June 2012, and adopt suitable systemic solutions.

*Recommendation n°87: Strengthen the Slovenian Human Rights Ombudsman (Recommended by Egypt)*

*IRI: not implemented*

HRORS response:

The Ombudsman is not entirely satisfied with the relationship of the Government with the Ombudsman's institution. The Government did not support (financially) the proposal for the establishment of a Centre for Human Rights at the Ombudsman's office, where promotional, educational and research tasks would be implemented and where cooperation with the non-governmental organisations would take place. The Ombudsman's activities are also being affected by the latest austerity measures which have a negative effect on staffing and material conditions for work.

Recommendation n°99: *Take responsible measures against the continuous public manifestations of hate speech by some politicians* (Recommended by Kazakhstan)

IRI: *not implemented*

Government of Slovenia response:

Ethical behaviour of deputies is within the responsibility of the National Assembly. In cases not falling within the scope of deputy immunity (e.g. cases outside the National Assembly), deputies are not allowed to express hate speech, as provided for under the Constitution of the Republic of Slovenia, Media Act and as classified as a criminal offence under the Criminal Code.

ILGAE response:

We have witnessed quite a few manifestations of direct hate speech coming from the members of parliament and other representatives of the state during the public discussion about family code bill. However these were not publicly reacted upon or condemned as hate speech by any governmental bodies, the police, equality bodies or the ombudsman. The Human Rights Ombudsman's annual reports do not contain any specific information on homophobic speech or homophobic crimes in Slovenia. The Advocate of the Principle of Equality, a one-person institution established as an equality body in Slovenia, also has only limited powers and for this reason it cannot be defined as an enforcement body.

HRORS response:

The Ombudsman has noted fewer cases of hate speech in the National Assembly than in the past; the governing bodies of the National Assembly and the media respond to individual cases.



## Methodology

### A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI, and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

### B. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.





UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

### C. Implementation Recommendation Index (IRI)

*UPR Info* developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

### **Disclaimer**

*The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.*

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