

Council of Europe contribution for the 34th UPR session (Oct-Nov 2019) Regarding Slovenia

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Prevention of torture (CPT)

The 'European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment' organises country visits in order to visit places of detention to assess how persons deprived of their liberty are treated. After each visit, the CPT sends a detailed report to the State concerned. This report includes the CPT's findings, and its recommendations, comments and requests for information.

2017 periodic visit

CPT report:



CPT_inf_2017_27_Sl
ovenia.pdf

Executive summary:



CPT_2017_27_part_
Slovenia.pdf

Government response:



CPT_Inf_2017_28_G
ov_response_Sloveni

Council of Europe Commissioner for Human Rights

The Commissioner for Human Rights is an independent and impartial non-judicial institution established by Council of Europe to promote awareness of and respect for human rights in the 47 Council of Europe member States.

Letter to the President of the National Assembly

In January 2017, the Commissioner sent a [letter](#) to President of the National Assembly of Slovenia, in which he expressed concerns about proposed amendments to the **Aliens Act**. The Commissioner warned that the envisaged measures were not compatible with Slovenia's international legal obligations to provide asylum seekers with effective access to an individual procedure enabling them to present their personal reasons not to be refused entry or returned, as well as with an effective remedy against decisions taken in this regard. Later that month, the Commissioner published a [statement](#) regretting the adoption of the amendments to the Aliens Act. While noting some improvements to the text, the Commissioner noted that the legislation still failed to provide adequate guarantees against refoulement and onward refoulement of migrants and asylum seekers. In April 2017, the Commissioner [welcomed](#) the filing by the Slovenian Ombudswoman of a constitutional challenge against the revised Aliens Act before the Constitutional Court.



CommDH_slovenia_1
2january2017.pdf

Human Rights Comment

In a [Human Rights Comment](#) published in February 2017, the Commissioner mentioned the 2015 failed referendum on **same-sex marriage** in Slovenia as an example of the backlash against a growing trend in Europe to provide same-sex couples with legal recognition for their relationships [while same-sex marriage was rejected in 2015, Slovenia later adopted a law providing for same-sex civil partnerships].

Report on Slovenia

The Commissioner carried out a visit to Slovenia from 20 to 23 March 2017, which focused on the human rights of Roma; the human rights of migrants, asylum seekers and refugees, the “erased”; and the impact of economic deprivation and poverty on the enjoyment of human rights. He published a [press release](#) at the end of the visit and a [report](#) in July 2017.



CommDH_Slovenia_2
017_21.pdf

With regard to **asylum seekers and refugees**, the Commissioner observed that the number of such persons currently present in Slovenia was manageable and welcomed Slovenia’s willingness to participate in the EU relocation scheme and in the resettlement of asylum seekers from countries neighbouring Syria. Noting that Slovenia is becoming a destination country, the Commissioner recommended that the authorities make some systemic adjustments to be able to handle increasing numbers of asylum applications, including by shortening the length of asylum procedures. He further recommended improving the handling of unaccompanied migrant minors seeking asylum, notably by prohibiting the detention of irregular migrant children and strengthening the legal guardianship system. He also urged the authorities to take steps to enhance the successful integration of refugees into Slovenian society, and to combat hostility and prejudices against asylum seekers and refugees. The Commissioner reiterated his concerns over the amendments adopted in January 2017 to the Aliens Act, and recommended that the authorities refrain from activating them.

While welcoming Slovenia’s solid legislative and policy framework in relation to the human rights of **Roma**, the Commissioner regretted that some long-standing problems had not been resolved, including as regards housing. He recommended that the central authorities take urgent action, together with local authorities, to solve the status of illegal settlements, where some Roma live in particularly poor conditions, and ensure access to clean water. The Commissioner expressed his concern about the increased occurrence of child marriages and pregnancies in the Roma community. He encouraged the Slovenian authorities to continue their efforts to ensure that Roma children have access to quality education, e.g. by training and hiring more Roma assistants, and by upholding the authorities’ commitment to include Roma pupils in mainstream education.

The Commissioner also examined the situation of the **“erased” persons**, i.e. the over 25000 people who were removed from the official residence registry in the period following the country’s

independence in 1991, with dramatic consequences for their access to political, civil, economic and social rights. While welcoming the steps taken by Slovenia to implement the judgments of the European Court of Human Rights on the matter, the Commissioner noted the remaining concerns of the “erased” regarding the 2010 Act on the regularisation of the status of “erased” persons, and as regards their compensation. The Commissioner recommended that the Slovenian authorities enable the regularisation of the remaining “erased” persons who wish to reintegrate into Slovenian society, in particular the small number who still live in Slovenia without legal status. He further called on the authorities to take measures to raise awareness in society about the human rights violations caused by the “erasure”.

While Slovenia’s **poverty** rate is within the EU average and the country has a strong tradition as a welfare state, the Commissioner noted with concern that the number of poor people has been increasing since 2008. Those most affected are children in vulnerable families, older persons - particularly older women - the long-term unemployed, and the working poor. The Commissioner stressed that poverty is both the consequence and the source of violations of human rights protected under international and national law, such as the rights to work, to food, to health, to housing and to an adequate standard of living. The Commissioner recommended that Slovenia consider adopting a human rights-based approach to its policies against poverty. He further recommended that the authorities lift any remaining austerity measures as soon as possible, refrain from pension reforms that would result in increased poverty among older persons, and create opportunities for sustainable and decent work.

Human Rights Comment

In November 2017, the Commissioner published a [Human Rights Comment](#) regretting that reconciliation is stalled in the Western Balkans, in which he mentioned the “erased” persons in Slovenia as an example in the section dealing with victims’ access to justice and reparations.

Fight against racism and intolerance (ECRI)

The European Commission against Racism and Intolerance (ECRI) is a human rights body of the Council of Europe, composed of independent experts, which monitors problems of racism, xenophobia, antisemitism, intolerance and discrimination on grounds such as “race”, national/ethnic origin, colour, citizenship, religion and language. It prepares reports and issues recommendations to member States, in which its findings, along with recommendations are published. These reports are drawn up after a contact visit to the country in question and a confidential dialogue with the national authorities. The country monitoring takes place in five-year cycles. As part of the fourth round of ECRI’s monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI’s country reports.

ECRI’s fourth report on Slovenia was adopted on 17 June 2014 and published on 16 September 2014.



[ECRI2014_38_Slovenia.pdf](#)

Government comments appended to the report:



ECRI_Slovenia_gov_
viewpoint2014.pdf

ECRI's conclusions on the implementation of the recommendations in respect of Slovenia subject to interim follow-up were adopted on 23 June 2017 and published on 19 September 2017:



ECRI2017_39_Slove
nia.pdf

Protection of minorities

Framework Convention for the Protection of National Minorities

The monitoring procedure for this convention requires each state party to submit a report within one year following the entry into force of the Framework Convention and additional reports every five subsequent years. State reports are examined by the [Advisory Committee](#), a body composed of 18 independent experts responsible for adopting country-specific opinions. These opinions, on which States Parties have an opportunity to comment, are meant to advise the Committee of Ministers in the preparation of its resolutions, containing conclusions and recommendations to the State concerned.

The Advisory Committee on the Framework Convention adopted the [4th Opinion in respect of Slovenia](#) on 21 June 2017



ACFC_Slovenia_201
7_003.pdf

Resolution CM/ResCMN(2018)12 on the implementation of the Framework Convention for the Protection on National Minorities by Slovenia was adopted by the Committee of Ministers on 24 October 2018 at the 1328th meeting of the Ministers' Deputies.



CMResCMN_2018_1
2_Slovenia.pdf

European Charter for Regional or Minority Languages

The [Charter's monitoring procedure](#) is based on state reports, as each State Party is required to present its first report within the year following the entry into force of the Charter with respect to the Party concerned. The subsequent reports are presented at three-yearly intervals. A committee of independent experts examines the state's periodical report and addresses an evaluation report to the Committee of Ministers, including proposals for recommendations.

The European Charter for Regional or Minority Languages entered into force in Slovenia in January 2001. The Slovenian authorities submitted their 4th periodical report in September 2013. The

Committee of Experts adopted its evaluation report on Slovenia in November 2013 and the corresponding Committee of Ministers' recommendations were adopted in April 2014.

Periodical report:



MIN_LANG_Slovenia
_2013_PR04.pdf

Evaluation report:



ECRML_2014_5_Slov
enia.pdf

CM recommendations:



CMRecChL2014_4_SI
ovenia.doc

Action against trafficking in human beings (GRETA)

The Council of Europe Convention on Action against Trafficking in Human Beings was adopted by the Committee of Ministers of the Council of Europe on 3 May 2005, following a series of other initiatives by the Council of Europe in the field of combating trafficking in human beings. The Convention entered into force on 1 February 2008, following its 10th ratification. While building on existing international instruments, the Convention goes beyond the minimum standards agreed upon in them and strengthens the protection afforded to victims.

The Convention has a comprehensive scope of application, encompassing all forms of trafficking (whether national or transnational, linked or not linked to organised crime) and taking in all persons who are victims of trafficking (women, men or children). The forms of exploitation covered by the Convention are, at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.

The main added value of the Convention is its human rights perspective and focus on victim protection. Its Preamble defines trafficking in human beings as a violation of human rights and an offence to the dignity and integrity of the human being. The Convention provides for a series of rights for victims of trafficking, in particular the right to be identified as a victim, to be protected and assisted, to be given a recovery and reflection period of at least 30 days, to be granted a renewable residence permit, and to receive compensation for the damages suffered.

Another important added value of the Convention is the monitoring system set up to supervise the implementation of the obligations contained in it, which consists of two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties.

The Convention is not restricted to Council of Europe member states; non-members states and the European Union also have the possibility of becoming Party to the Convention.



Preventing and combating violence against women and domestic violence (GREVIO)

The Council of Europe Convention on preventing and combating violence against women and Domestic violence ([Istanbul Convention](#), CETS No. 210) is the most far-reaching international treaty to tackle this serious violation of human rights. It aims at zero tolerance for such violence and is a major step forward in making Europe and beyond safer. Preventing violence, protecting victims and prosecuting the perpetrators are the cornerstones of the convention. It also seeks to change the hearts and minds of individuals by calling on all members of society, in particular men and boys, to change their attitudes. In essence, it is a renewed call for greater equality between women and men, because violence against women is deeply rooted in the inequality between women and men in society and is perpetuated by a culture of intolerance and denial.

The Council of Europe Istanbul Convention provides for two types of monitoring procedures:

1. a country-by-country evaluation procedure;
2. and a special inquiry procedure in exceptional cases where action is required to prevent a serious, massive or persistent pattern of any acts of violence covered by the Convention.

The aim of the monitoring mechanisms of the Istanbul Convention is to assess and improve the implementation of the Convention by Parties. It consists of two distinct, but interacting, bodies:

1. [GREVIO](#), the Group of Experts on Action against violence against women and domestic violence, is the independent body responsible for monitoring the implementation of CETS No. 210. GREVIO launched its first evaluation procedure in spring 2016, after adopting a questionnaire on legislative and other measures giving effect to the Istanbul Convention.
2. The [Committee of the Parties](#) is composed of the representatives of the Parties to the Convention. The Committee of the Parties may adopt, on the basis of the reports and conclusions of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), specific recommendations addressed to the Parties concerned.

The Convention is not restricted to Council of Europe member states; non-members states and the European Union also have the possibility of becoming Party to the Convention.

Slovenia is even further away in terms of the monitoring procedure so nothing to report at this stage.

Protection of children against sexual abuse (Lanzarote Convention)

The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as "[the Lanzarote Convention](#)", requires criminalisation of all kinds of sexual offences against children. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

The "Lanzarote Committee" (i.e. the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse) is the body established to monitor whether Parties effectively implement the Lanzarote Convention. To do so, the Committee evaluates the information which has been provided by the national authorities and other sources in their replies to questionnaires developed by the

Committee itself. This monitoring procedure is divided by rounds, each round concerning a theme; starting with sexual abuse in the circle of trust.

As to the 1st monitoring round on the "Protection of children against sexual exploitation and sexual abuse in the circle of trust", Slovenia was not assessed as it was not yet a Party to the Convention when the round was launched.

As regards the urgent monitoring round on "Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse", the Slovenia (as well as the other 39 parties covered by the round) received the following 5 "urge recommendations":

- urges Parties in line with Article 5 of the Convention to effectively screen all persons who, by their professions, have regular contact with children affected by the refugee crisis for convictions of acts of sexual exploitation or sexual abuse of children in line with their internal law (R18);
- since examining the family situation is important where there are suspicions of child sexual exploitation or abuse, urges Parties to take the necessary measures to avoid risks that the child may be abused or exploited in case of family reunification (R27);
- urges Parties that have not yet done so to take the necessary legislative or other measures to ensure that child victims of sexual exploitation and sexual abuse affected by the refugee crisis may benefit from therapeutic assistance, notably emergency psychological care (R29);
- urges Parties to encourage the co-ordination and collaboration of the different actors who intervene for and with children affected by the refugee crisis to ensure that appropriate support may be provided immediately after the disclosure of sexual exploitation and sexual abuse (R30);
- urges Parties to make use, within the context of the refugee crisis, of the specific co-operation tools already available in the framework of Europol/Interpol which are specifically aimed at identifying victims of sexual exploitation and sexual abuse (R33).

Fight against corruption (GRECO)

The 'Group of States against Corruption' (GRECO) monitors all its 49 members through a peer review evaluation procedure within thematic evaluation rounds. The evaluation reports contain recommendations aimed at furthering the necessary legislative, institutional and practical reforms. Subsequently, the implementation of those recommendations is examined in the framework of a "compliance procedure", assessing whether they have been implemented satisfactorily, partly or have not been implemented 18 months after the adoption of the evaluation report.

Fifth Evaluation Round: "Corruption prevention in respect of central governments (including top executive functions) and law enforcement agencies"

GRECO adopted its 5th Evaluation Round report on Slovenia in December 2017 and it was published in March 2018.



[GRECOEval5Rep_2017_2_Slovenia.pdf](#)

GRECO welcomes Slovenia's well-developed legal framework for preventing and fighting corruption and its comprehensive policy on access to public information, public consultation and transparency of the legislative process, which appears well observed in practice. It also welcomes that persons

entrusted with top executive functions (hereinafter PTEFs) enjoy no immunity or procedural privileges in criminal or administrative proceedings. However, GRECO is concerned that a wide gap remains between legislation and practice, especially as regards implementation of the main relevant piece of legislation regarding PTEFs, the Integrity and Prevention of Corruption Act (hereinafter IPCA). The government also needs to become more proactive in developing its members' awareness to their specific integrity challenges and in improving the management of conflicts of interest, instead of referring most action in this field to the CPC. Additional measures recommended by GRECO also include the establishment of an integrity plan in respect of the government.

GRECO welcomes the multifaceted steps taken by the police to prevent corruption within its ranks, notably, by setting up an articulated anticorruption institutional infrastructure consisting of both dedicated internal bodies and external mechanisms to enhance individual and organisational integrity, and by introducing concrete anticorruption operational measures (e.g. prohibiting the payment of fines in cash to the traffic police, etc.). Police officers have no immunity when it comes to breaching regulations, nor are they entitled to any procedural privileges. The police is among the most trusted of state authorities in Slovenia and the trend has been improving over the years. Particular attention should be paid to the recruitment and integration of women at all levels in the police structure.

Additional steps can be taken to develop effective risk management tools aimed at enhancing readiness and preparedness to respond to emerging challenges, not only by uncovering individual misbehaviour but also by detecting organisational and process vulnerabilities. This would certainly further benefit the police, especially as it has demonstrated, through words and acts, its interest and willingness to reinforce integrity today and in the future.

Managing conflicts of interest in a small society is undoubtedly a key challenge. Further reflection is desirable regarding potential conflicts of interest of police personnel and improper moves to the private sector, including by developing efficient mechanisms for proper application and monitoring of the relevant rules. Moreover, the establishment, and cross-check, of registers on business interests, secondary activities, gifts and hospitality, associations, etc. can play an invaluable role as a source of intelligence to direct preventative and proactive efforts in order to identify and manage corruption risks, threats and vulnerabilities. Additional adjustments are also recommended to help break any possible sign of a code of silence within the corps, including through the development of safe channels and adequate protection guarantees for whistleblowers.

Execution of judgments and decisions of the European Court of Human Rights

Statistical data

As 31 December 2018, there were 13 (50 cases at 31 December 2017) cases against Slovenia pending before the Committee of Ministers for supervision of their execution. Among these cases, 10 cases were

“leading cases” evidencing more or less important general problems (20 leading cases at 31 December 2017). In 2018, the CM was seized by 5 new leading cases (6 new leading cases in 2017)

and the amount of just satisfaction awarded was € 85,344 (€ 170,790 awarded in 2017). In 2018, 43 cases (7 cases closed in 2017) were closed by the adoption of a Final Resolution.

Main cases / groups of cases under the Committee of Ministers' supervision

The main cases presently under the Committee of Minister's supervision cover notably the issues presented below. For fuller overview of the situation see the [Country Factsheets](#) available on the website of the Department for the Execution of Judgments of the European Court of Human Rights and in the [Committee of Ministers' Annual Reports](#) on its supervision activity. More detailed information on the status of execution in individual cases can be found through [Hudoc-EXEC](#).



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Degrading treatment on the account of poor conditions of detention in Ljubljana Prison and lack of compensatory remedy in this respect

Mandić group, Application No. 5774/10, judgment final on 20/1/2012, enhanced supervision

Ill-treatment by the police during arrest and lack of an effective investigation in this respect

Matko group, Application No. 43393/98, judgment final on 2/2/2007, standard supervision

Important cases closed in 2018

In 2018 the Committee of Ministers ended its supervision of a case relating to the applicants' inability to recover "old" foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks with head offices in Slovenia following the dissolution of former SFRY (Ališić and Others, Application No. 60642/08, final on 16/7/2014, See [Final Resolution](#)).



CASE OF ALISIC
AND OTHERS AGAINST

Also in 2018 the Committee of Ministers ended its supervision of a case relating to the lack of diligence in investigations into medical negligence after a death in a hospital (Šilih, Application No. 71463/01, final on 9/4/2009, See [Final Resolution](#)).



CASE OF SILIH
AGAINST SLOVENIA.

Social and Economic Rights (ECSR)

The European Committee of Social Rights (ECSR) monitors compliance with the [European Social Charter](#) under two procedures: the national periodic reporting system and the collective complaints procedure. Following a decision taken by the Committee of Ministers in 2006, the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.

Please note that these factsheet will be updated by the end of March, after the conclusions of the European Committee of Social Rights are made public.

Slovenia <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168066d491>



ESC_Slovenia.pdf

Venice Commission

The [European Commission for Democracy through Law](#) (Venice Commission) is the Council of Europe's advisory body on constitutional matters. It provides States and international organisations working with it (EU, OSCE/ODIHR) with legal advice in the form of opinions.

Since 2013 we have not had any opinions on Slovenia.