

ODIHR Submission of Information about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review Process

Participating/Partner State: Slovenia

UPR Session and Date of Review: 34th Session, 2019

Background

Slovenia has been a participating State in the Organization for Security and Co-operation in Europe (OSCE) since 1992 and has thus undertaken and has recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.¹

The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Slovenia and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Slovenia.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE participating States to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area.

Election-related activities

Election Assessment Mission, 3 June 2018 Parliamentary Elections

ODIHR deployed an Election Assessment Mission (EAM) to observe the 3 June 2018 parliamentary elections. The final report (annexed) concluded that the newly revised legal framework for elections “has incorporated some previous ODIHR and GRECO recommendations and constitutes a solid basis for the conduct of democratic elections. Nevertheless, some aspects, such as provisions on the removal of election commission members and on candidate list nomination, do not fully comply with OSCE commitments and international good practice,” and that “while voters had the opportunity to make an informed choice from a variety of political options, public interest and participation in the elections remained low. ODIHR EAM interlocutors attributed this disinterest to diminished trust in elected institutions amidst reports of corruption, incomplete social reforms and a lack of vision among political decision makers. The electoral competition was tainted by instances of hate speech,

¹ Compendium of OSCE Human Dimension Commitments, vol 1 and 2; Astana Commemorative Declaration, 2010.

disinformation campaigns, and allegations of foreign involvement in the campaign, especially through social media”.

The Final Report (available here: <https://www.osce.org/odihr/elections/slovenia/394106>) contains 17 recommendations, including 6 priority recommendations, to further improve electoral legislation and practice. The report recommends, in particular, the introduction of an effective mechanism to counter instances of intolerant rhetoric, including xenophobia and inflammatory language, in the campaign period, and that the capacities of oversight bodies be enhanced to ensure effective implementation of campaign finance regulations. The report further recommends amendments to the legal framework to establish a clear and hierarchical system of election dispute resolution pertaining to election day procedures and to the establishment of election results, to introduce judicial review of relevant decisions of election administration bodies, and to expand the standing to file complaints.

Election Expert Team, 22 October 2017 Presidential Election

ODIHR deployed an Election Expert Team (EET) to observe the 22 October 2017 presidential election. The ODIHR EET focused on the legal provisions pertaining to electoral participation of persons with disabilities and political party and campaign finance. The final report concluded that “the election legislation specifically refers to the participation of persons with disabilities in political and public life. The rights to vote and to stand as a candidate for persons with mental disabilities can be revoked through individualized court decisions. Despite the advanced legal framework and commendable efforts by the election administration, societal barriers and the lack of political will still hinder equal participation. All OSCE/ODIHR EET interlocutors, however, expressed a high level of confidence in the integrity of the electoral process.” The report also concluded that the legal framework for political party and campaign finance reflects prior recommendations made by ODIHR and the Council of Europe Group of States against Corruption (GRECO), and that “key changes banned corporate donations, introduced mandatory detailed reporting and disclosure requirements, and increased monetary sanctions for failure to comply with political finance regulations. Most OSCE/ODIHR EET interlocutors expressed confidence in the new political finance legislation, seen as a step towards greater transparency.”

The final report (available here: <https://www.osce.org/odihr/elections/slovenia/363561>) includes seven recommendations, including four priority recommendations. Priority recommendations stressed enhanced consultations between the election administration and disabled persons’ organizations, and the reviewing of safeguards for alternative voting mechanisms outside regular polling stations on election day, in particular for homebound voting. Additional priority recommendations included establishing a deadline for the Court of Audit to publish the findings of its audit of political parties’ annual reports, and reviewing the sanctioning system in order to ensure that all infringements of political finance rules entail effective, proportionate and dissuasive sanctions.