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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Slovenia

Addendum

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

* The present document was not edited before being sent to the United Nations translation services.

1. This document contains the response of the Government of the Republic of Slovenia to the recommendations made during the 3rd Universal Periodic Review of Slovenia on 12 November 2019. The Working Group's report contains 215 recommendations.

2. On 12 November, Slovenia received 215 recommendations from UN member states, of which 58 were immediately supported. Many of the supported recommendations have already been implemented or are in the process of implementation. With this document, Slovenia sets out its position and rationale on the remaining 157 recommendations, of which 124 are now supported and 33 noted. The response is clustered into three categories: 1. Accepted recommendations; 2. Accepted recommendations that Slovenia considers already implemented or are the in process of implementation; 3. Noted recommendations.

Accepted recommendations

3. The Government accepts the following recommendations 122.1, 122.12, 122.17-18, 122.22, 122.27, 122.30-33, 122.36-41, 122.43-44, 122.46-53, 122.56-57, 122.60, 122.62-66, 122.68-71, 122.76, 122.78, 122.82-85, 122.87-90, 122.105, 122.108-114, 122.116-117, 122.121, 122.123-126, 122.128-131, 122.133, 122.137-139, 122.141-144, 122.146, 122.148, 122.150, 122.154, 122.156.

Accepted recommendations that Slovenia considers already implemented or in the process of implementation

4. The Government accepts the following recommendations 122.11, 122.14-16, 122.19-20, 122.23-24, 122.28, 122.34- 35, 122.45, 122.72-75, 122.79-81, 122.86, 122.91-104, 122.106-107, 122.115, 122.122, 122.134-136, 122.140, 122.145, 122.152. Slovenia considers that they are already implemented or are in the process of implementation and provides some additional information about the implementation.

122.11

The activities for the implementation of this recommendation have already started. The line ministry is currently conducting an analysis of the impact that the ratification of the Convention for the Protection of All Persons from Enforced Disappearance might have on the Slovenian criminal law.

122.14– 15

Slovenia considers these recommendations implemented. Slovenia has a strong national human rights protection framework with the Human Rights Ombudsman and the Advocate of the Principle of Equality. In the framework of the judicial branch, the Constitutional Court decides on constitutional complaints stemming from the violation of human rights and fundamental freedoms by individual acts.

The funds necessary for the work of the Human Rights Ombudsman and the Advocate of the Principle of Equality are earmarked in the national budget of Slovenia adopted by the National Assembly.

122.16

Slovenia considers this recommendation implemented. The Family Code adopted in 2017 established the Council for Children and Families headed by the minister responsible for family affairs. In the area of the rights of the child, the amended Human Rights Ombudsman Act provides for child advocacy. Since 2018, children's rights advocates have been part of the Office of the Ombudsman.

122.19

Slovenia considers that the activities for the implementation of this recommendation are ongoing and have largely been implemented. Measures for the promotion and

enforcement of the human rights of young people are stipulated in the Organisation and Financing of Education Act.

122.20

Activities for the implementation of this recommendation have already started. An inter-ministerial working group appointed by the Minister of Health is drafting an amendment to the Mental Health Act.

122.23–24

Slovenia will continue to promote gender equality, including by upgrading the legislation in this field. In 2019, Slovenia introduced amendments to the Equal Opportunities for Women and Men Act with the aim to increase the share of the under-represented sex in the composition of the bodies of the Government and local authorities as well as in the management of bodies governed by public law.

122.28

Slovenia considers that the activities for the implementation of this recommendation are ongoing. Eliminating racism and xenophobia and preventing all forms of discrimination are stipulated in the Organisation and Financing of Education Act. For instance, in the Principals Training Centre, which provides the training for principals of both pre-school institutions and schools, their assistants and teachers, educational contents related to the protection of human rights, particularly the rights of the child, are part of a special programme.

122.34–35

See recommendation 122.28. Upon the adoption of the Protection against Discrimination Act, the Advocate of the Principle of Equality became an autonomous and independent body. The Criminal Code of Slovenia already criminalises hate speech in Article 297 (public incitement to hatred, violence and intolerance). The prohibition of incitement to inequality and intolerance is stipulated in the Media Act and the Audiovisual Media Services Act.

122.45

The ministries are implementing numerous programmes and training workshops in the form of education, promotion and prevention activities aimed at preventing public incitement to hatred and intolerance.

122.72

Several measures have already been introduced. The efforts to improve efficiency continue. Under the Criminal Code, violence in the family or any other permanent community is considered a criminal offence. A new Resolution on the national programme for the prevention of family violence and violence against women 2020-2025 is being drafted.

122.73

Slovenia considers these recommendations implemented. The backlog of court cases is no longer a systemic problem in Slovenia. In the last five years (as of the end of 2013), the number of pending cases has decreased by 56 per cent.

122.74–75

Slovenia considers these recommendations implemented. There are several provisions in the Criminal Procedure Act of Slovenia providing for the right of access to a lawyer for the defendant.

122.79–81

Slovenia will continue to carry out the activities in the field of trafficking in human beings and fight against it in accordance with the 2019-2020 Action Plan for Combating Trafficking in Human Beings.

122.86

Slovenia considers this recommendation implemented. In May 2016, the Government approved the Handbook for identifying, protecting and assisting victims of trafficking providing for the right to assistance and support for victims as soon as it can reasonably be assumed that they might have been victims of human trafficking.

122.91–92

In Slovenia, access to health services is universal. Emergency healthcare is universally accessible. The public primary health care system in Slovenia provides free preventive and curative health care to all children and adolescents up to the age of 19.

122.93

Under the 2010 National Programme, Slovenia supports new developments in palliative care in all areas of healthcare, and strives for enhanced medical care at primary level (in the home environment).

122.94

Slovenia is implementing measures, which are closing the gap between the regions by allocating a greater share of funding for education projects to lesser developed regions.

122.95–96

The Organisation and Financing of Education Act provides for the right to the optimal development of the individual, irrespective of gender, social background or cultural identity, religion, racial, ethnic or national origin, and regardless of their physical and mental constitution or invalidity, and to develop and achieve the highest possible level of creativity. The Constitution stipulates that elementary education is compulsory.

122.97

Slovenia considers these recommendations implemented. According to the Elementary School Act, children who are foreign citizens or stateless persons and reside in Slovenia have the right to compulsory elementary school education under the same conditions as citizens of Slovenia; persons granted international protection enjoy the right to pre-school, primary, secondary, higher and university education and adult education to the same degree as citizens of the Republic of Slovenia. Applicants for international protection have access to higher, university and adult education under the same conditions as citizens of the Republic of Slovenia.

122.98

Slovenia considers that the activities for the implementation of this recommendation are already ongoing. These topics are included in the training programmes designed for border police officers and Police College students. The protection of human rights and fundamental freedoms in police procedures is also a compulsory subject in the regular training of police officers.

122.99

Slovenia will strive for continued progress in the implementation of strategies aimed at achieving gender equality in all spheres of economic, political and social life, including in employment and granting equal pay.

122.100

The number of women in leading positions in companies has been gradually increasing. In order to eliminate discrimination against women and close the gap in the participation of men and women in the labour market, the Government regularly monitors the position and role of women; its measures include the identification of obstacles in achieving gender equality and designing tools for overcoming them.

122.101–103

See recommendation 122.72.

122.104

The Convention was ratified and internal legislation amended accordingly prior to ratification.

122.106–107

The activities for the implementation of this recommendation have already started. The Ministry of Justice is currently conducting an analysis of possible changes of the definition of the criminal offence of rape based on consent.

122.115

See recommendations 122.95–96.

122.122

Slovenia considers this recommendation implemented. Minority ethnic communities in Slovenia (the Italian and Hungarian national communities and the Roma community) are adequately represented in the elected bodies. The legal arrangements in force for the minority protection of the three above-mentioned communities are adequate.

122.134–135

In cooperation with relevant ministries, the competent Government Office for National Minorities has already begun the activities to draft a new comprehensive national programme of measures for Roma for the period 2021–2030.

122.136

Slovenia considers this recommendation implemented. In 2018, the competent Government Office for National Minorities commissioned an external evaluation of the implementation of the National Programme of Measures for Roma for the Period 2017–2021.

122.140

The right to drinking water is enshrined in the Slovenian Constitution. The right to drinking water has already been and will continue to be granted to all citizens and inhabitants under the same conditions.

122.145

Slovenia considers that the activities for the implementation of this recommendation are ongoing. In 2019, the Government has adopted a comprehensive Migration Strategy which addresses integration in its pillar IV. This section also includes vulnerable categories of people.

122.152

In accordance with the International Protection Act, persons applying for international protection have access to all levels of education and are granted accommodation, while in the field of healthcare, they have access to essential services;

women are granted additional health services, and the same holds for other applicants, if so decided by a special commission. Children (under 18) have access to the same health services as granted to children who are citizens of Slovenia.

Noted recommendations

5. For the time being, the Government notes recommendations 122.2-10, 122.13, 122.21, 122.25-26, 122.29, 122.42, 122.54-55, 122.58-59, 122.61, 122.67, 122.77, 122.118-120, 122.127, 122.132, 122.147, 122.149, 122.151, 122.153, 122.155, 122.157. The Government wishes to provide the following additional information.

122.2-4

The ratification of the Convention is not a priority for Slovenia, since the current legislation already guarantees migrant workers and their family members in the labour market and most of the rights enshrined in the Convention and reflects the objectives of the Convention. The rights of migrants are also protected by the existing EU legislation.

122.5-9

The ratification of the convention is not a priority. The essential elements of the Convention are included in the Citizenship of the Republic of Slovenia Act.

122.10

The ratification of the convention is not a priority, since the protection granted by the current legislation ensures full protection also to domestic workers.

122.13

The Government deems that no change is necessary in the public finance legislation. Since it is a public body, the Ombudsman is funded by the national budget, but remains fully independent and autonomous.

122.21

The recommendation is incomprehensible.

122.25-26

Slovenia does not deem this a priority since Slovenia already has sector specific legislation which together constitutes an integrated approach against all forms of discrimination.

122.29

Slovenia does not see the need for legislative changes since the Protection Against Discrimination Act includes a definition of severe forms of discrimination, namely multiple discrimination, mass discrimination, continuous or repeated discrimination, and discrimination which has or might have consequences for the discriminated person that would be difficult to remedy in terms of damage caused to the person's legal status, rights or obligations, particularly if it affects children or other vulnerable persons.

122.42

The Criminal Code of Slovenia already criminalises hate speech in Article 297 (public incitement to hatred, violence and intolerance).

122.54

Slovenia considers this recommendation implemented. We do not see the need to change the criminal justice system as it adequately addresses this type of criminal offences. See also recommendation 122.42 above.

122.55

Slovenia does not see the need for legislative changes since racist intent can already be considered an aggravating circumstance when determining the sentence prescribed by the Criminal Code.

122.58

To respond to this question, the Government has requested an opinion from experts and the National Medical Ethics Committee, but they have not yet produced a final position on the topic.

122.59

The current legislation already envisages the presumption of paternity for children born in civil partnership (the partner of the woman who gave birth to the child is considered the child's mother). Concerning unilateral adoptions, homosexual couples have an equal position to heterosexual couples.

122.61

See recommendation 122.58.

122.67

Due to the constitutional separation of powers, the Commission for the Prevention of Corruption cannot impose (adopt) a code of ethics that would be binding on the National Assembly and the National Council, and cannot monitor the implementation of such a code. However, each of these bodies may adopt its own code and establish a monitoring mechanism.

122.77

The Government is currently not planning to decriminalise defamation. Under Article 159 of the Criminal Code, defamation is considered a criminal offence; however, it envisages (with certain rare exceptions) only private prosecution. This shows that the public interest for the prosecution of this criminal offence is smaller than in the case of criminal offences prosecuted *ex officio*.

122.118

See recommendation 122.58.

122.119

The Government does not see the need to amend legislation for the promotion and protection of the rights of national minorities as they already enjoy all cultural and linguistic minority rights.

122.120

The Government considers that the existing legislation guarantees all persons, including members of national minorities, the right to non-discrimination, free expression of their national affiliation, the fostering and expression of their culture and the right to use their language and script.

122.127

For historical reasons, Italian and Hungarian (autochthonous) national communities enjoy a significant degree of autonomy and political representation. According to available research, representatives of other national minorities on the territory of Slovenia cannot be considered autochthonous communities with the same status as the aforementioned communities.

122.132

The Government deems the current regulation adequate and additional changes unnecessary.

122.147

Slovenia deems the current regulation adequate. Applicants for and persons with international protection are granted access to healthcare and social protection, as well as to education, in accordance with the International Protection Act, which is compliant with the European asylum legislation. Slovenia does not allow, under any circumstances, the detention of children applying for international protection.

122.149

Activities have been ongoing for a while. The national legislation in Slovenia complies with the European asylum legislation and international conventions.

122.151

Slovenia deems the current regulation adequate and changes unnecessary. Activities have been ongoing for a while. Slovenia does not allow, under any circumstances, the detention of minors and unaccompanied minors applying for international protection.

122.153

The International Protection Act fully complies with international obligations in the field of international protection and the European legislation in this area.

122.155

Activities have been ongoing for a while. The Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia, which entered into force on 24 July 2010, set a three-year deadline for submitting permanent residence permit applications. The legislative authorities assessed that this was long enough to allow all potential applicants to acquaint themselves with the Act and file their applications.

122.157

Stateless persons may regulate their status in accordance with the provisions of the Aliens Act, unless direct application of the Convention Relating to the Status of Stateless Persons would be more favourable. Taking into consideration the above-mentioned clarifications we believe that, given a small number of stateless persons in Slovenia, there is no need for introducing a special statelessness determination procedure.
