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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Slovenia**

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## I. Report drafting methodology

1. In March 2012, the Republic of Slovenia submitted mid-term report on the implementation of 2010 UPR recommendations to the OHCHR. Both the Interministerial Working Group for Human Rights (IWGHR) and NGOs have been regularly informed about their implementation. The Ministry of Foreign Affairs (MFA) coordinated the drafting of the national report in co-operation with all relevant ministries and Government services. Prior to Government approval, the draft was examined by the IWGHR and communicated to NGOs and the Human Rights Ombudsman.

## II. Developments regarding the normative and institutional framework and the protection and promotion of human rights since 2010

2. Several changes in the institutional framework have been made since the presentation of the first report (A/HRC/WG.6/7/SVN/1). The Office for Equal Opportunities (OEO) has been abolished and its remit taken over by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (MLFSAEO); the Office for National minorities has been included in the Prime Minister's Office; and the Office for Religious Communities has been operating within the Ministry of Culture (MoC). For the first time, a State Secretary responsible for dialogue with civil society and the coordination of citizens' initiatives has been appointed to the Prime Minister's Office. The Advocate of the Principle of Equality now operates within the MLFSAEO. NGOs are pointing out that the Advocate's role and the broader institutional framework for human rights protection should be enhanced. Slovenia is examining the modalities of including the Human Rights Ombudsman under Group A of the Paris Principles relating to the status of National Human Rights Institutions.

3. Since 2010 review Slovenia has adopted several new measures.

4. Several changes were introduced in the **amended Criminal Code**<sup>1</sup>, which entered into force in May 2012, including longer periods of limitation on the execution of sentences, revised definitions of the offences of terrorism and trafficking in human beings (THB), the introduction of new offences of grooming persons under the age of 15 for sexual purposes, and intentional access to pornographic material by using information and communication technologies. Exploitation through prostitution has been defined as an aggravated offence in cases when the victim is a minor, and a more severe sentence is imposed for the abuse of minors in order to produce material of a pornographic nature or the use of minors in pornographic performances. The provision on public incitement to hatred, violence or intolerance was also amended; now ethnic symbols are classified as a protected category, and web publication of words referring to ethnicity is considered an aggravated offence. Following the ratification of the Kampala amendments to the Rome Statute of the ICC, a more precise definition of the crime of aggression was included in the Code and war crimes were extended to the use of poisons, gases and 'dumdum bullets' also in internal conflicts. The amended Code also restricted the liability of responsible editors for criminal offences committed by publication; editors are not liable if the authors are known and consented to the publication and if nothing would impede their prosecution. There is no liability for administrators of freely-accessible websites allowing real-time comments without prior approval where the administrator cannot prevent their publication.

5. At the same time, the amended Criminal Procedure Act introduced a so-called preliminary hearing at which the defendant can enter into a plea bargain with the

plaintiff and plead guilty. As a consequence, such proceedings are limited to a sentencing hearing, and the sentence may be reduced below the statutory minimum.

6. In the reference period, legislative and policy activities related to preventing and **combating THB** were drafted in accordance with EU documents and guidelines<sup>2</sup>. Article 113 of the Criminal Code which deals with THB was expanded to include a new mode of culpability. Apart from sexual exploitation, forced labour, enslavement and servitude, trafficking may also serve the purpose of the use of traded persons for the perpetration of offences (e.g. recruitment for street-theft). The first paragraph was amended to dispel any doubts as to whether THB with the consent of the injured person constitutes an offence. In the second paragraph, “giving or receiving payments or benefits to achieve the consent of a person having control over another person” was included as an aggravated form of this offence. A new third paragraph was added to Article 199 (Undeclared Employment), explicitly referring to the exploitation of victims of THB.

7. In 2013, the National Assembly (NA) passed a constitutional act on **constitutional amendments**<sup>3</sup>. Accordingly, a legislative referendum may be called by 40,000 voters, and no longer by a third of deputies or by members of the National Council. The Constitution now defines issues on which it is not possible to hold a referendum, i.e. laws ratifying treaties and laws intended to rectify non-constitutional situations concerning human rights.

8. Since 2008, the economic crisis has also affected various **social rights**. Due to soaring unemployment and diminished income among the general population, the number of people at risk of poverty has been increasing since 2009 among all social groups and in all household types (from 11.3% in 2009 to 13.5% in 2012). The risk is high also among people above the age of 65 (19.6% in 2012), especially elderly women living alone. The risk of poverty among children increased from 11.2% in 2009 to 13.5% in 2012. The share of persons who are severely materially deprived (by at least 4 out of 9 elements of deprivation) was 6.1% in 2009 and 6.6% in 2012. NGOs note the increasing number of persons without adequate health insurance.

9. Due to the harsh social situation, and despite adopting austerity measures for budget consolidation, the Government is trying to safeguard the rights and status of the most vulnerable population groups. In its strategic documents (e.g. the Resolution on the National Social Assistance Programme 2013–2020, adopted by the NA in April 2013) and the National Reform Programmes<sup>4</sup>, Slovenia is aiming to reduce the number of persons at risk of poverty or social exclusion by 40,000 by 2020 (compared to 2008). Despite the grave social situation, the system of social transfers is still quite effective in mitigating poverty. The effect of social transfers (pensions excluded) on reducing the risk of poverty in 2012 was 46.4%, ranking Slovenia among EU Member States with social transfers (pensions excluded) most affecting the risk of poverty rates<sup>5</sup>. Slovenia is still among countries with relatively small inequalities in income distribution. In 2012, the Gini coefficient was 23.7%<sup>6</sup>.

10. In 2010, two new social acts were passed (the Exercise of Rights to Public Funds Act<sup>7</sup> and the Social Assistance Benefits Act<sup>8</sup>), regulating the rights provided from public funds dependent on the material status of individuals and families. Both acts took effect in January 2012. The new social legislation was aimed at establishing a more just and sustainable system of granting public benefits dependent on the material (income and property) status. However, it resulted in a reduction of public funds and the number of beneficiaries. Based on analyses of the implementation of the new legislation and comments of the expert public, in 2013 the MLFSAEO drafted the Act Amending the Social Protection Benefits Act<sup>9</sup> and the Act Amending the Exercise of Rights to Public Funds Act<sup>10</sup>. The new amendments increase the amount of public funds available to certain vulnerable and disadvantaged groups, thus improving their material status. In addition, the number of beneficiaries of cash social assistance and income support has increased, the

conditions for obtaining extraordinary cash social assistance have improved, and seasonal fluctuations in periodical income are taken into account.

11. Apart from cash social assistance provided directly to beneficiaries, MLFSAEO has been co-financing various social security programmes, which are carried out by NGOs. These usually target the most vulnerable groups. The state allocates funds for the operation of humanitarian NGOs in the field and their programmes. NGOs act as partners in addressing social distress.

12. In **education**, the amended Placement of Children with Special Needs Act<sup>11</sup> re-defines the placement procedure in accordance to the children's special education needs. In 2011, a White Paper on Education in Slovenia was published, which includes an analysis of the school system and proposes systemic solutions. This core curricular document defines the basic education objectives of educational institutions. Three important long-term resolutions have been adopted: the Resolution on the National Programme for Youth 2013–2022<sup>12</sup>, the Resolution on National Programme of Adult Education 2012–2020<sup>13</sup> and the Resolution on the National Programme of Higher Education 2011–2020<sup>14</sup>. In September 2010, new Rules on School Order in Secondary Schools<sup>15</sup> entered into force, stipulating the rights and obligations of, and prohibitions for, students during school classes, the method of exercising rights, fulfilling obligations and actions in cases of breaches defined in the Rules and general acts, and schools' obligations.

13. In January 2014, the Government adopted a **Youth Guarantee scheme and an implementation plan for 2014–2015**. Its key objectives are: providing for a smooth transition between school and work; the faster integration of unemployed young people in the labour market; reduction of the unemployment rate. By adopting the Youth Guarantee, Slovenia undertook to offer employment to every young person between 15 and 29 years of age (including internship), in-service training, enrolment in formal education or a shorter form of institutionalised or practical training within four months of signing on the unemployment register with the Employment Service of Slovenia.

14. One of the main objectives of the recent **labour legislation** reform was to reduce labour market segmentation by amending legislation<sup>16</sup> relating to the job security. Specific provisions on concluding contracts for a definite period and measures guaranteeing greater security for the most vulnerable groups were part of the reform. Another new provision is the right to severance pay on the expiry of an employment contract for a definite period of time. Additional measures for reducing labour market segmentation are included in the new pension legislation. The amended Pension and Disability Insurance Act provides for employer allowances in employing elderly and young workers, mothers caring for a child under three years of age, and persons registering as self-employed for the first time. A specific issue that has to be tackled with regard to labour market segmentation is student work<sup>17</sup>.

15. Since 2010 numerous regulations were adopted in an effort to codify **health care**. The amended Health Services Act<sup>18</sup> enhanced public health activities, guaranteeing high-quality public health service with the available funds, while attaining maximum benefits and the satisfaction of its users. Amendments to the Health Care and Health Insurance Act<sup>19</sup> strove to attain more equal conditions for all liable for the payment of health insurance contributions, lower coverage from compulsory health insurance, the inclusion of therapeutic groups of medications in the supply of medicinal products system and lower sick pay for the first 90 days of sick leave. The 2013 amendments to the Health Care and Health Insurance Act<sup>20</sup> remedied certain imbalances in compulsory health insurance contributions, increasing the solidarity of insured persons. The Directive on the application of patients' rights in cross-border healthcare was transposed into the Slovenian legislation.

16. Regarding **adequate housing**, the number of beneficiaries has been increasing since the introduction of housing subsidies, particularly in urban municipalities.<sup>21</sup> The need for housing units is increasing as well; according to a 2012 estimate, an additional 600 units are needed. A National Housing Programme for the period 2014–2023 is being drafted to replace the abolished savings scheme<sup>22</sup>, with more effective measures guaranteeing adequate housing for young people and other vulnerable population groups.

17. A healthy and clean environment is highly valued by Slovenian citizens and the **right to a healthy living environment** is enshrined in the Constitution and regulated by the Environment Protection Act. The latter was adopted on 22 April 2004 and last amended in October 2013 in order to rectify certain violations noted by the European Commission and to bring the act up to date with current trends and insights and the state of the global environment. The amended act allows for greater public influence on the regulation of environmental issues. The Government's main strategic environment tasks are environment protection and prevention of degradation by means of planning policies and measures to guarantee quality ambient air, especially in areas where permitted levels of pollutants have been persistently exceeded, with considerable progress having been made. The Government also strives to conserve the ecosystems, nature and water resources, including access to drinking water by completing the water supply network and waste management infrastructure. Special concern is devoted to the sustainable use of natural resources and the promotion of sustainable production and consumption.

18. In May 2010, Catarina de Albuquerque, UN Special Rapporteur **on the human right to safe drinking water and sanitation**, visited Slovenia as the first UN Human Rights Council special procedure mandate holder. Apart from her generally positive assessment of the visit and situation in Slovenia, her final report includes several critical remarks on the access of the Roma community in the Dolenjska region to water and sanitation; the issue is being addressed systematically to achieve long-term results<sup>23</sup>.

19. From 7 to 9 April 2014, Marta Santos Pais, Special Representative of the UN Secretary-General on Violence against Children, participated in the 24th session of the National Children's Parliament and a round-table organised by the MFA to mark the 25th anniversary of the Convention on the Rights of the Child. During her visit, she held talks with numerous representatives of Government and NGOs and attended a celebration on 8 April, International Roma Day.

20. To resolve the **issue of persons erased** from the Register of Permanent Residents, the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in Slovenia<sup>24</sup> was adopted in 2010 and took effect on 24 July 2010.<sup>25</sup> It allowed persons erased from the Register of Permanent Residents to regulate their status, with the possibility of obtaining a permanent residence permit dating from the erasure onwards (with retroactive effect).

21. Additionally, in 2013 a special compensation scheme was adopted guaranteeing just satisfaction for persons whose human rights had been violated in this manner: the Act on Compensations for Persons Erased from the Register of Permanent Residents<sup>26</sup> entered into force on 18 December 2013, with effect from 18 June 2014.

22. Since 2010 several amendments to the **International Protection Act**<sup>27</sup> were adopted. Most of them raised the standards of procedures for obtaining international protection, gave more rights to applicants and improved the conditions for the successful integration of persons under international protection. The Act introduced an allowance for international protection applicants and reduced the period for their inclusion in the labour market, while granting equal conditions for their access to higher and university education as those afforded to Slovenian citizens. The amount of financial assistance for displaced applicants was reduced, while they may still decide to stay at an Asylum Centre that provides full board. *Pro bono* legal aid to international protection applicants in appeal

procedures is guaranteed through a legal aid project funded by the responsible ministry with the assistance of the European Refugee Fund and continually provided by NGOs in the Asylum Centre on a daily basis, allowing for effective and high-quality exercise of applicants' rights in the procedure. Legal representation of unaccompanied minors has been comprehensively regulated and the scope of their health-care rights has been expanded.

23. In 2011, a new **Aliens Act**<sup>28</sup> entered into force, based on that of 1999. It follows the European Commission guidelines on free movement of persons. New features include national interest when granting a residence permit, and expanded rights and relief for migrants. Consequently, aliens facing deportation have more rights; they can leave the country voluntarily and are guaranteed legal protection. The Act also provides for the protection of rights of aliens who are victims of illegal employment by allowing them to acquire permission to stay and subsequently a residence permit if they are willing to cooperate with the judicial authorities in (criminal and civil) proceedings against the employer. The new Act explicitly stipulates the possibility of regulating the status of victims of THB. In April 2014, a law amending the Aliens Act<sup>29</sup> was passed, which will enter into force on 1 January 2015. Together with the act amending the Employment and Work of Aliens Act, it introduces a single residence and work permit and facilitates obtaining a residence permit for certain categories of aliens by removing administrative obstacles and introducing the 'one-stop shop' principle. The legislation was also adapted to EU standards on readmission.

24. The amended **Elementary School Act**<sup>30</sup> of 2011 is also pertinent for aliens. It stipulates organisation of Slovene language and culture classes for children living in Slovenia whose mother tongue is not Slovene upon their enrolment in school, as well as classes in their mother tongue and culture, in cooperation with their countries of origin. In order to assist pre-school institutions and schools in planning education activities involving immigrant children, in 2012 the Ministry of Education, Science and Sport (MESS) adopted amended Guidelines for the inclusion of pre-school and school migrant children. MESS co-finances elective classes in mother tongue and culture for children of immigrants, by providing a lump sum payment for each student attending. Teachers are paid either by the country concerned, parents or societies. Since August 2013, MESS has financed a project "Training Professionals to Achieve Better Integration of Basic and Secondary School Immigrant Students into the Educational System". The primary objective is to facilitate the integration of children from minority communities and of immigrants into the educational system, and enhance the intercultural competences of teachers and other professionals concerned.

25. On 5 June 2010, the **Integrity and Prevention of Corruption Act**<sup>31</sup> entered into force, expanding the remit of the Commission for the Prevention of Corruption and introducing a politically more independent system for appointing its members, i.e. appointment by the President on the proposal of a special panel. Having additional competences, the Commission has become a minor offence authority. On suspicion of a crime of corruption, it informs the Police and the Prosecutor's Office thereof. In 2011, the Act was twice amended, extending the Commission's mandate. Nonetheless, the Commission assesses that the Act is still deficient and unclear in certain parts, especially regarding the Commission's statutory competences for effective supervision and sanctioning, and the lack of qualified personnel to perform its tasks. The programme of Government measures to combat corruption, which will be implemented in 2014 and 2015, foresees the reorganisation of the Commission, which will be accompanied by amendments to the Act enhancing the supervisory competences of the Commission and establishing an independent supervisory body to assess its work in terms of integrity, objectivity, and efficiency.

26. In Slovenia, **freedom of conscience** is guaranteed in accordance with international conventions, the Constitution and partially by the Religious Freedom Act<sup>32</sup>. In 2010, the Constitutional Court included the right to legal personality in the definition of religious freedom and thus repealed the strict criteria for registering a religious community under the Religious Freedom Act. A religious community may now be established by ten adult residents<sup>33</sup>. Owing to the constitutional separation between the state and religious communities, the Constitutional Court prohibited the employment of religious workers in prisons and hospitals for performing religious activities.

27. Since December 2011, Slovenia has been a full member of the **International Holocaust Remembrance Alliance** (IHRA). The Slovenian Delegation to the IHRA will focus also on the 'hushed-up' genocide of the Roma during World War II.

28. The **IWGHR** coordinates reporting in accordance with the ratified treaties and other mechanisms for the protection of human rights and monitors the implementation of Slovenia's international commitments in this area, including voluntary commitments undertaken in view of its candidacy for membership of the UN Human Rights Council for the 2016–18. IWGHR, headed by the MFA, includes representatives of all the ministries, the Statistical Office, the Prime Minister's Office, civil society and academia. It biannually presents its reports to the Government, and it may in its report include proposals for decisions to be taken by the Government.

29. Since 2010, Slovenia signed and ratified the following international treaties:

- Council of Europe (CoE) Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention); ratified on 26 September 2013, entered into force on 1 January 2014;
- CoE Convention on Preventing and Combating Violence against Women and Domestic Violence; signed on 8 September 2011;
- Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms; signed on 24 June 2013;
- Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms; signed on 2 October 2013;
- Third Additional Protocol to the European Convention on Extradition; signed on 10 November 2010, ratification pending – to be considered by the NA;
- Fourth Additional Protocol to the European Convention on Extradition; signed on 20 September 2012, ratification pending – to be considered by the NA;
- Additional Protocol to the Convention on the Transfer of Sentenced Persons; ratified on 26 September 2013, entered into force on 1 January 2014;
- Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure; signed on 28 February 2012;
- Convention Concerning Tripartite Consultations to Promote the Implementation of International Labour Standards (ILO Convention 144); ratified on 29 June 2011, entered into force on 29 June 2012;
- Convention Concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service (ILO Convention 151); ratified on 20 September 2010, entered into force on 20 September 2011;
- Convention Concerning the Revision of the Maternity Protection Convention (Revised), 1952 (ILO Convention 183); ratified on 1 March 2010, entered into force on 1 March 2011;

- Protocol of 2000 to the Occupational Safety and Health Convention (ILO Convention 155), 1981; ratified on 1 March 2010, entered into force on 1 March 2011;
- Convention Concerning Night Work (ILO Convention 171); ratified on 10 February 2014;
- Convention Concerning the Promotional Framework for Occupational Safety and Health (ILO Convention 187); ratified on 10 February 2014.

30. In 2013, Slovenia's 4th Report to the CoE according to the European Charter for Regional or Minority Languages was evaluated and the relevant Committee visited Slovenia. In 2014, the country is submitting periodic reports under the ICCPR (3rd report), the ICERD (8th to 11th periodic reports), the CRPD (initial report), the CEDAW (5th and 6th periodic reports) and a Common Core Document. In November 2014, Slovenia will present its 2nd periodic report under the ICESCR.

### III Implementation of adopted recommendations of the first round of the UPR

#### A. Rule of law: court backlogs, trial without undue delay, fair trial and ill treatment by law enforcement officials (recommendations 30–31, 54–57)

31. Judicial reform aimed at increasing efficiency has been implemented; Slovenia is continuing its projects to reduce court backlogs. As a result, backlogs have been reduced to the point where they can no longer be considered a systemic problem.

Courts	30.12.2008	31.12.2009	31.12.2010	31.12.2011	31.12.2012	30.9.2013	Percentage
							decrease (2008–2013)
Higher- instance	667	242	326	788	1,005	999	+49.8%
District	10,748	14,452	24,275	24,121	22,355	20,192	+87.8%
Local	262,656	239,477	236,043	215,733	175,475	160,777	-38.8%
Total	274,071	254,171	260,644	240,642	198,835	181,968	-33.7%

Table 1: Backlogs in courts of general jurisdiction of first and second instance as at 30 September 2013.

32. A comparison of data from the previous report from 31 December 2008 with the recent data for the first nine months of 2013 indicates that the total number of backlogs in the courts of first and second instance was reduced by more than a third. This is a significant step forward, given that since 2009 stricter criteria were adopted for designating a case as backlog<sup>34</sup>.

33. A certain increase in the volume of court backlogs at second-instance higher courts and first-instance district courts, which, however, does not have significant effect on the total number of court backlogs, is the result of the 'soft' reorganisation of courts of first instance imposed by the Act Amending the Courts Act<sup>35</sup>, which concentrated judicial authority in 11 districts as of 1 January 2010<sup>36</sup>. Since the focus is now on districts, the number of court backlogs has reduced in local courts, while in district courts it has slightly increased (in absolute terms). It should also be noted that there are 50 fewer judges



compared to 2010, while the trend of reducing the burden of pending cases and court backlogs is proceeding at the same pace.

34. The Commitment to citizens to improve the situation in the judiciary was signed by the Prime Minister, the Minister of Justice and the President of the Supreme Court in June 2013. In addition to legislative measures, pending cases – especially concerning commercial disputes – are also being successfully tackled through organisational measures, particularly the so-called Procedural Triage, which was first implemented in 2012.

35. In 2013, police legislation was reformed in order to provide for more operational autonomy, for the protection of freedom and human rights in police procedures, and to ensure safety. This resulted in a higher level of human rights and freedoms, particularly concerning cases in which police officers abuse their powers to infringe people's rights and freedoms. Apart from internal supervision performed by the Ministry of the Interior (MoI) through managing police tasks and addressing complaints over the work of police officers and the Police themselves, police work is also scrutinised by several other institutions and bodies<sup>37</sup> to provide for independent, unbiased, timely, transparent, thorough and efficient investigations of alleged violations of human rights and fundamental freedoms during police procedures.

36. Since 2010, training of police officers and social services staff has been carried out by the Police within the new Recognising stereotypes, overcoming prejudice and eliminating discrimination in a multicultural society programme. Police officers also attend Romani classes. Apart from regular training on border issues and aliens, border police officers attend lectures on combating cultural stereotypes and discrimination against aliens and training on conducting interviews with illegal migrants. The Legal-informational centre for NGO's and the IOM cooperate with the Police during readmission procedures and offer *pro bono* legal aid to aliens. The officer higher education study programme, which was converted into a higher professional educational degree (6th level) in 2013, provides police officers with in-depth knowledge and skills for performing police duties, including protecting human rights in police procedures.

## **B. Anti-discrimination measures (recommendations 19, 21, 26, 63, 64)**

37. In 2010 and 2011, the OEO implemented the project Achieve Equality within Diversity, which included raising awareness of the **Equal in Diversity – Getting There** in society and pointing to the fact that no one should be discriminated on the grounds of race or ethnic affiliation, disability, age, religion or belief, gender, sexual orientation or any other personal circumstance. Guidelines for encouraging equality and protection against discrimination were drafted, workshops and training were organised for NGOs, civil servants at the national and local levels, judges and state prosecutors. There was an extensive media campaign aimed at raising awareness of the existence, prohibition and negative effects of discrimination, promoting diversity, multiculturalism and tolerance in general, irrespective of gender, nationality, race and ethnic origin, religion or belief, disability, age or sexual orientation. The website [www.zagovornik.gov.si](http://www.zagovornik.gov.si) was launched, providing information about the project, basic facts about discrimination, tips and advice on what to do in cases of discrimination and the possibility of filing a petition for a case of alleged discrimination to be considered by the Advocate of the Principle of Equality. Leaflets with this information were published in 11 languages.

38. In addition to the Criminal Code, which, under certain conditions, defines **public incitement to hatred and intolerance** as an offence, such heinous acts are also prohibited by the Media Act<sup>38</sup>, which explicitly prohibits the dissemination of programming that encourages ethnic, racial, religious, sexual or any other inequality, or violence and war, or incites ethnic, racial, religious, sexual or any other hatred and intolerance. Incitement to

intolerance also constitutes an offence under Article 20 of the Protection of Public Order Act<sup>39</sup>, when violent and audacious behaviour, misbehaviour, damage to official inscriptions, markings or decisions, writing on buildings and the destruction of state symbols is implemented for the purpose of inciting national, racial, sexual, ethnic, religious and political intolerance or intolerance of sexual orientation.

39. In the period 2011–2013, the Culture and Media Inspectorate received four reports of alleged violations of the Media Act relating to the prohibition of hate speech and incitement to discrimination and intolerance through the media, but the inspection procedure was not initiated because no elements of hate speech were detected in the cases concerned. In 2011, the Inspectorate, having detected an alleged criminal offence of public incitement to hatred, violence or intolerance pursuant to the first and third paragraphs of Article 297 of the Criminal Code, committed through electronic publication, filed a criminal complaint against the responsible persons with the competent prosecutor's office.

40. To prevent or limit hate speech and other illegal content on the Internet and in online media, the Slovenian Internet reporting portal Web Eye, Spletno-oko.si, for anonymous reporting of hate speech and other illegal content disseminated via the Internet has proved highly effective. Spletno-oko.si operates under the Safer Internet Plus programme and the INHOPE organisation. The Office of the State Prosecutor General, the police and representatives of mass media and other organisations involved in the protection of children's rights cooperate in this project as members of the advisory body. Since 2013, the Office of Slovenia for Youth has been coordinating the CoE No hate speech movement campaign. It includes youth structures and CoE organisations involved with young people and focuses on informal education, intercultural dialogue and hate speech.

41. The annual call for co-financing mass media programmes includes an objective "the culture of public dialogue". The part of the call aimed at programmes of special importance in the public and cultural interests of Slovenia defined "ensuring compliance with the principles of cultural diversity, the principle of equal opportunities of sexes and promoting tolerance" as one of the criteria for assessing individual projects submitted by the media. For reasons of freedom of expression of the media and protection of editorial independence, direct media interference by the state is not possible and not allowed.

42. The ethical behaviour of deputies is the responsibility of the NA. Outside the scope of deputy immunity (e.g. outside NA sessions), the prohibition of hate speech applies also to deputies.

**1. Gender equality and empowerment of women (recommendations 4, 14, 22, 23, 25, 65–70, 74)**

43. Within biannual action plans in accordance with the National Programme for Equal Opportunities for Women and Men 2005–2013, Slovenia continued its endeavours to promote gender equality and stop discrimination against women.

44. In cooperation with the relevant partners, the Government carried out activities aimed at increasing the number of women in top-level positions and in decision-making in business and their empowerment in science and research. Among other things, the OEO organised a conference on the role of management in shaping non-discriminatory policies, together with eliminating **gender-based discrimination**; it conducted a survey on gender balance in decision-making positions in the business sector, organised a press conference "Have we really tapped the full potential?", which focused on gender imbalance in decision-making positions, published a brochure under the same title, and cooperated with the Managers' Association – Women Managers' Section on drafting guidelines for encouraging equality in decision-making business positions.

45. Legislation stipulating a minimum quota of women and men on candidate lists contributed to an **increased share of women in political decision-making positions**. A draft law amending the NA Elections Act is being considered; it envisages at least a 40%<sup>40</sup> share of women and men on candidate lists and amends the rules on the composition of candidate lists. With the parliamentary elections on 4 December 2011, the share of women deputies increased considerably and women account for a third of all deputies in the NA. On 27 February 2013, a woman was elected Prime Minister for the first time.

46. Following the 2010 local elections, the OEO commissioned an analysis to examine the impact of gender quotas on the electability of women. In the 2010 elections, 11.95% of women stood for mayor and 10 were elected (5%). The share of women on candidate lists for a seat on town and municipal councils has increased to 38%, with 23.26% having been elected. In areas where the Roma community autochthonously resides, one female councillor was elected among 18 Roma councillors. The OEO co-funded an analysis of the impact of electoral districts on the electability of women to the NA. In 2011, it organised a Mentoring Day with a Female Politician in cooperation with the Government, the NA and the universities of Ljubljana, Maribor and Primorska.<sup>41</sup>

47. **Equal pay for women and men** for equal work is guaranteed by the Employment Relationship Act, which also incorporates the relevant recommendations of the ILO. The Government did not adopt any particular measures to reduce the male-female income disparity, except for awareness rising on the persisting gender pay gap and its causes on the occasion of European Equal Pay Day. The 2012 data show that the average pay of women was 4.6% below the average pay of men, making it one of the smallest disparities in the EU.

48. The prohibition of sexual harassment is regulated by the Employment Relationship Act. The Health and Safety at Work Act stipulates that at workplaces where there is higher risk of third-party violence, the employer must ensure a design and equipment of the workplace that reduces the risk of violence and allows assistance to be provided at the workplace under threat. Pursuant to the Decree on measures for protecting the worker's dignity at work in state administration<sup>42</sup>, each authority must have at least one counsellor to provide information and assistance to victims.

49. The Government pursues various activities **to identify and eliminate stereotypes**, particularly by organising consultations, training and seminars, by drafting analyses and studies on the division of power between women and men in different areas, by encouraging fathers to assume a more active role in child care and equal division of tasks within the family, as well as responsible partnership and parenting.

50. Slovenia withdrew from the Night Work (Women) Convention<sup>43</sup>, as the conditions are too limiting and imply discrimination. Despite the withdrawal, women workers will not remain without protection. The current legislation on night work guarantees special protection for night workers regardless of their gender and the tasks they perform.

51. Since 2004, a working group has been operating within the Institute of Public Health of Slovenia (IPHS) which regularly analyses all cases of **maternal death**. Each case is scrutinised following a single protocol. Based on the findings, the group publishes a comprehensive report every three years, with recommendations for clinical and public health measures in the field of reproductive health, focusing particularly on the importance of socio-economic factors, the detection and treatment of mental disorders, and the need for education and awareness raising among the general public and medical professionals. Between 2010 and 2013, several symposia were dedicated to the main causes of maternal death in Slovenia, and the national association of perinatal medicine adopted clinical guidelines. The Ministry of Health (MoH) co-finances programmes on reproductive health and rights at the national, regional and local levels. Since post-natal mental disorders and

suicide are among the main causes of maternal death in Slovenia, in 2013 the IPHS published a draft programme for the detection and treatment of mental problems and disorders in the perinatal period, which will serve as the basis for further activities.

**2. Same-sex partnerships (recommendations 5, 6, 7, 8, 22)**

52. On 16 June 2011, the NA adopted the **Family Code**, according to which a same-sex union (partnership, extramarital union) is equal to a union between a man and a woman. The Act was rejected in a referendum held on 25 March 2012, with 45.45% voting for its adoption and 54.55% against. The relevant ministry has prepared working documents for a new family code and a draft law on civil partnership. In April 2014, the draft law was submitted for inter-ministerial consideration and public debate. The procedure has been suspended following the resignation of the Government. At the 2nd IDAHO Forum in May 2014, Slovenia was among 17 countries that signed the Declaration of Intent, which draws attention to the issues of homophobia and transphobia.

**3. Rights of persons with disabilities (recommendations 4, 22)**

53. Slovenia boasts a modern disability policy. In 2008, it ratified the CRPD and its optional protocol.

54. November 2010 saw the adoption of the Act Guaranteeing Equal Opportunities for Persons with Disabilities<sup>44</sup>, which is intended to prevent and stop discrimination based on disability and create equal opportunities for persons with disabilities in all spheres of life. Its basic principles are the guarantee of equal opportunities as a planned activity and access of persons with disabilities to public services, the physical environment, goods and services, information, and communications. The Act also stipulates the right to equal participation in procedures before public authorities. It refers to both direct and indirect discrimination on grounds of disability. The Act includes a definition of reasonable accommodation and of harassment on grounds of disability. Existing measures in other relevant regulations have been supplemented by new ones<sup>45</sup>.

55. The 2004 Vocational Rehabilitation and Employment of Disabled Persons Act<sup>46</sup> with amendments is the basic law on the employment of persons with disabilities. An analysis of its implementation shows the positive effect of the measures taken<sup>47</sup>. Despite the harsh economic and financial crisis, the share of persons with disabilities in employment has remained stable (about 4% of the active working population). Similarly, the share of persons with disabilities among the unemployed has remained the same (approximately 14%). In 2013, almost 70% more persons with disabilities found new employment than in 2008, before the onset of the crisis – a result of the active employment policy in this area: comprehensive, interconnected and combined measures of vocational rehabilitation, employment incentives and the quota system.

56. In January 2014, the Government adopted the Action Plan for Persons with Disabilities 2014–2021<sup>48</sup>. It is aimed at promoting, protecting and guaranteeing the full and equal enjoyment of human rights of persons with disabilities and promoting respect for their dignity. The programme is based on 13 main objectives<sup>49</sup>, with 91 measures which thoroughly regulate all areas of their lives. An inter-ministerial working group, which brings together the main professional institutions and representative organisations of disabled persons, was appointed to implement and monitor these objectives and measures. It reports to the Government annually.

4. **Rights of national, Roma and other ethnic communities (recommendations 27–29, 71, 73, 76, 89–92, 94, 95)**

57. A new law on the autochthonous Italian and Hungarian national communities in Slovenia is being drafted. It will guarantee more consistent implementation of their rights which are already included in more than 100 sectoral acts.

58. Certain amendments to the **2007 Roma Community Act**<sup>50</sup> are being prepared in order to comprehensively regulate its status. The protection of the Roma community is enshrined in other laws<sup>51</sup> and forms part of numerous programmes, strategies and resolutions.

59. In 2010, the Government adopted a National Programme of Measures for Roma for the Period 2010–2015, which is the national strategy for their social inclusion. Its implementation is monitored by the Government Commission for the Protection of the Roma Community. The Government reports annually to the NA on the implementation of the Act and the national strategy. The latter document defines priority areas<sup>52</sup> for short- and long-term measures at the national and local community levels. The long-term objective and purpose of the adopted programme of measures is to contribute to the development of mutual understanding and dialogue between the Roma community and the majority population, and to promote the implementation of human and minority rights. The current strategy expires in 2015. A new strategy will be adopted for the 2015–2020 period. The implementation of measures is financed by the national and local budgets and from EU funds. Documents that will serve as a basis for drawing on these funds with regard to the social inclusion of Roma are being drafted and will be included in the 2015–2020 strategy.

60. The MoH implements measures to improve the **health care of Roma**. The IPHS guarantees the regular implementation of measures in areas populated by Roma, which are evaluated annually<sup>53</sup>.

61. With a view to improving **the employability of Roma** and reducing the number of unemployed, Roma are included in active employment policy programmes aimed at training, employment incentives and the creation of jobs and promotion of self-employment.

62. In 2011, MESS amended the Strategy of the **education of Roma**, which encourages their access to education, also by financing Roma teaching assistants. MESS provides funds for social incubators, which are important centres of extracurricular activities, as well as learning assistance for young and adult Roma within their communities. The Ministry prioritises the inclusion of Roma in pre-school institutions and finances several projects to stimulate cooperation among different local players<sup>54</sup>. MESS also sets more favourable norms and standards for classes with Roma pupils, provides funds for teaching aids, prints Roma fairy tales and works on Roma history and literature, as well as Romani language, and manuals for working with Roma pupils. Slovenian schools and pre-school institutions do not segregate Roma children. They attend regular classes, except those with special needs according to the Placement of Children with Special Needs Act.

63. In November 2011, the Government Commission for the Protection of the Roma Community approved the concept of modernising **Roma settlements**, i.e. good practices in resolving housing issues, which include the modernisation and development of Roma settlements, their public infrastructure, spatial continuity and interconnectedness with surrounding settlements, the participation of Roma in the development and maintenance of the settlement, and preservation and development of Roma culture.

64. The objective of this spatial planning policy is comprehensive integration of Roma into the Slovenian society, i.e. gradual formal, infrastructural and social integration of Roma settlements into the Slovenian settlement system, with concurrent rehabilitation of

these areas. This can only succeed in partnership between municipalities, the Roma and state institutions. Given the current legal order and applicable legislation in Slovenia, spatial planning is the exclusive responsibility of municipalities. These must include Roma settlements in their settlement systems and municipal spatial plans, enable their further development and legalisation, and provide them with public utilities.

65. Based on public tenders, the line ministries provide for the regulation of the basic infrastructure in Roma settlements (construction, renovation or modernisation of water supply networks, sewerage, connection to power supply networks, construction and reconstruction of local roads)<sup>55</sup>. In the 2014–2020 period, the relevant ministry will replace public tenders with a programme-based approach<sup>56</sup>.

66. In addition to the general voting right to which Roma are entitled as citizens of Slovenia, they also hold a special voting right in twenty municipalities where they have been historically present, which enables them to elect their own representative to the municipal council. In certain municipalities in which Roma have not been historically present and consequently have no representative on the municipal council, special municipal working bodies are set up to monitor the situation of the Roma community, through which Roma may engage with the municipality and present their own initiatives and proposals.

67. The MoC has been developing a dynamic model to protect the **cultural rights** of minorities, which includes the Roma community. On this basis various anti-discrimination measures, including the co-financing of Roma cultural projects. The Ministry also provides counselling, workshops and expert assistance for Roma.

68. Since 1990, the MoC has systematically implemented measures for minority communities, including those not explicitly mentioned in the Constitution. The rights of minorities are addressed in the context of support for human rights and cultural diversity. In compliance with Articles 14, 61 and 62 of the Constitution, members of all minority communities are guaranteed individual rights to preserve their own national, linguistic and cultural features. For a number of years, the Ministry has developed and, on the basis of regular evaluations, upgraded and improved the model for protecting the cultural rights of various minority groups, which also comprise ethnic minorities, including the national communities recognised under the Constitution, the Roma community and other minority ethnic communities.

69. Minority policy is implemented through a programme aimed at protecting their cultural identities and an integration programme aimed at improving access to cultural goods, services and creativity. The MoC strives to protect the cultural rights of minorities and other social groups with financial and organisational instruments<sup>57</sup> as well as normative instruments<sup>58</sup>.

70. In 2012, the MoC commissioned a study "Ethnic Vitality of Areas Inhabited by Small Minority Ethnic Communities and Autochthonous Peoples", which was aimed at identifying the cultural needs and their articulation in areas populated by Gottschee German settlers, Serbs in Bela Krajina and Croats along the border with Croatia. The study shows that special attention should be devoted to regional integration and maintaining local identities.

71. In February 2011, the Slovenian NA adopted the Declaration of Slovenia on the Status of National Communities of Members of Nations of the Former SFRY in Slovenia<sup>59</sup>, which concerns the implementation of the rights of these communities in education as well as cultural and political participation. On 17 October 2013, the Government Council for Issues concerning the National Communities of Members of Nations of the Former SFRY in Slovenia was re-established on the basis of the provisions of the Declaration, as a consultative body of the Slovenian Government for the situation of these communities. All

representatives of national communities, ministries and government bodies are equal members of the Council, which addresses issues, requirements and proposals concerning the preservation, promotion and development of ethnic and national identities of members of all national communities.

**C. Violence against women and domestic violence (recommendations 18, 23, 32–39, 72)**

72. The Slovenian Criminal Code defines the criminal offence against marriage, family and children. Issue is also regulated by the Family Violence Prevention Act<sup>60</sup>. Domestic violence prevention campaigns are being implemented in cooperation with NGOs.

73. In 2009, Slovenia adopted the Resolution on the 2009–2014 National Programme on Prevention of Family Violence (NPPFV). This strategic document sets out objectives, measures and key players to reduce and prevent domestic violence. The document aims to combine measures implemented by various ministries and provides for effective activities to reduce domestic violence, both in terms of identification and prevention. Therefore, the Resolution also provides for the implementation of a national awareness-raising campaign on the issue of violence and for reducing the extent of such deviant behaviour in every society. Rules were adopted in certain fields to implement the 2008 Family Violence Prevention Act (FVPA), effectively provide assistance to children and cooperate with other authorities.

74. The two-year nation-wide awareness raising campaign "VESNA – to live a life free of violence" officially started on 7 March 2014 with a national conference. The target group is women of three generations (young women, adults and old women), for whom different, target-oriented activities have been envisaged. Activities are tailored to the needs and lifestyle of each target group.

75. Several other sector-specific implementing acts on education, health care, social security, and the police have been passed to implement the FVPA, effectively provide assistance to children and cooperate with other authorities<sup>61</sup>.

76. The Slovenian Research Agency, the OEO and the MoI/Police co-financed the target research project "Violence and Responses to it in the Private Sphere and Partnerships". At the end of 2010, the results of the first empirical national research on violence in the private sphere and partnerships were published, and followed at the end of 2011 by analyses on the work of the Police, courts and social services concerning violence against women and domestic violence. The research has shown that the number of cases of domestic violence that are detected, identified and processed by institutions is increasing. This is also due to the implementation of legislation that both enables and imposes the obligation of institutions to provide effective assistance to victims and to prosecute offenders. In addition, the number of cases processed also increased as a result of the victims' increased willingness to seek help and the increased awareness and sensitivity of staff in institutions established to help such victims.

77. Adopted in 2013, the Police Tasks and Powers Act<sup>62</sup> significantly upgraded the police restraining order. Police officers may impose such a measure on the offender not only on the scene of the offence, but also immediately after the offender has been apprehended, regardless of location. An offender who has repeatedly violated a restraining order may be detained by the Police and, at the same time, a fine may be imposed. For the cases when the place that the offender must not approach is an education institution attended by a victim who is a child or a minor, the legal basis was added to inform the relevant personnel at the education institutions of the duration of the restraining order or other information vital to the protection of the victim.

78. With a view to raising public awareness, the Police publish on its web page, in several foreign languages, information on domestic violence and on police procedures.

79. Housing capacities for women victims of violence have increased. One of the safe houses has also been adapted for the needs of disabled persons. One crisis centre has been adapted for the needs of older people. The network of crisis centres and shelters expanded to regions in which such services were previously unavailable, and the housing capacities for victims of violence are currently provided for.

80. NGOs caution about the changed criminal offence of threat under Article 135 of the Criminal Code, which stipulates that the threatening of the security of another person without any consequences and when only one person is involved is liable to private prosecution<sup>63</sup>. This change was made particularly due to prosecutors' experience of a large number of withdrawn complaints of injured parties during the later stages of the procedure. The adequacy of this solution is being reviewed in 2014.

81. The available statistics show the improved effectiveness of justice in terms of prosecutions and conviction related to the offence of domestic violence under Article 191 of the Criminal Code<sup>64</sup>.

#### **D. Children's rights and violence against children (recommendations 4, 9, 12, 13, 17, 24, 50–53, 75)**

82. Regarding general executive measures, in 2006, on the basis of the recommendation of the Committee on the Rights of the Child, the Government adopted the Programme for Children and Youth 2006–2016. Since the basic document needed revising, the Government adopted the updated Programme for Children and Youth 2013–2016. The Child Observatory within the Social Protection Institute organised a single database on children and youth. In recent years, Slovenia has devoted particular attention to vulnerable groups of children. An important novelty in the prevention of child abuse is the passage of the FVPA and adoption of the Resolution on the 2009–2014 NPPFV<sup>65</sup>.

83. The amended Criminal Code specified criminal offences against sexual integrity of children in more detail, including Article 175 (Exploitation through Prostitution) and Article 176 (Presentation, Manufacture, Possession and Distribution of Pornographic Material). The sentence was elevated to a maximum of eight years, and intentional access to child pornography by computerised means was criminalised. The amendment introduced a new Article 173 a (criminal offence of soliciting persons under 15 years for sexual purposes), which incriminated grooming<sup>66</sup>.

84. Human rights education has already been introduced in the Slovenian school system and training programmes. Slovenia continues its efforts, also at the international level, by supporting the UN Declaration on Human Rights Education and Training, which was adopted by the UNGA, and by promoting and further implementing the World Program for Human Rights Education.

85. In 2011, as part of the e-Justice project and to implement draft Article 35 of the CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the Ministry of Justice (MoJ) placed video conference equipment in 11 child-friendly interview rooms at social services.<sup>67</sup> MoJ is preparing interdisciplinary training for experts on how to conduct interviews with children, including in the child-friendly interview rooms, by using video conference equipment.

86. Following expert consultations, which were organised by the Supreme Court in 2008, the judiciary, on the basis of opinions of various experts and the experience of judges acquired when working with children involved in criminal proceedings, issued a



publication tailored to the needs of children of different age groups. To facilitate and prepare children to testify in criminal proceedings, the publication aims to explain to children in a friendly manner their role in the proceedings, as well as the importance and functioning of the court. The website of the courts has published the following brochures: "Jan and Jana Go to Court" for children aged 5–8 and "Going to Court as a Witness" for children aged 9–13.

87. According to the FVPA, children are a specially protected category covered by MLFSAEO, since all relevant authorities – when encountering violence against a child – must take immediate and effective action. The Act particularly stipulates that children are considered victims of violence even if the violence occurs against another family member in their presence. Nevertheless, the provision of the Family Code, which was rejected in a referendum on 25 March 2012, was wider, banning all forms of corporal punishment by parents, other persons, state authorities or providers of public services responsible for the care of children.<sup>68</sup>

#### **E. Freedom of religion and belief (recommendations 59, 60, 61, 62)**

88. Slovenia guarantees freedom of religion and belief. According to the Criminal Code, public incitement to hatred, violence or intolerance based on religion is punishable by imprisonment up to two years. Incitement to religious hatred is also prohibited under the Religious Freedom Act. Freedom of construction and use of premises and buildings for religious purposes is provided for in the Religious Freedom Act. In 2013, the Islamic Religious Community laid the foundation stone for an Islamic cultural centre and mosque in Ljubljana.

#### **F. Persons transferred from the Register of Permanent Residents to the register of aliens after Slovenia's independence (recommendations 77–83, 85–87)**

89. In 2010, the NA passed the Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in Slovenia<sup>69</sup>, which entered into force on 24 July 2010 to implement the decision of the Constitutional Court of Slovenia No. U-I-246/02-28 of 3 April 2003. The NA passed the amending Act with a view to finally regulating the legal status of persons erased from the Register of Permanent Residents. In addition to the implementation of the Constitutional Court Decision No. U-I-246/02-28 and the remedying of the non-compliance established therein (including by the regulation of the status with retroactive effect, i.e. since the erasure), the Act also regulates certain other, related, issues<sup>70</sup>. The content of the Act was also reviewed by the Constitutional Court. In its Decision No. U-II-1/10-19 of 10 June 2010<sup>71</sup>, the Constitutional Court ruled on the unlawfulness of the required referendum, and also ruled that the amending Act remedies, in a constitutionally adequate manner, the non-compliance established in Constitutional Court Decision No. U-I-246/02-28, and that it legitimately regulates other issues<sup>72</sup> as they are closely connected with the remedying of the incompliances. The Court also assessed that the amending Act would provide the basis for finally regulating the legal status of citizens of other republics of the former SFRY erased from the Register of Permanent Residents, unless their status has already been regulated.

90. The amending Act also sets out the requirements to be met by a foreign national who was citizen of another republic of the former SFRY on 25 June 1991, and who has not yet obtained a permanent residence permit in Slovenia, to obtain the permit regardless of the provisions of the Aliens Act. The amending Act also lists cases in which it is deemed that citizens of other republics of the former SFRY who had been erased from the Register of

Permanent Residents had permanent residence permits and registered permanent residence also with retroactive effect, i.e. from the cessation of registration of permanent residence onwards (in respect of which they are issued with a special decision). According to the amending Act, a permanent residence permit may be obtained by persons erased from the Register of Permanent Residents who do not live in Slovenia due to justified absence.

91. As the regulation of the status of persons erased from the Register according to the amending Act and the effective management of administrative procedures also required that these persons be informed of the content of the amending Act, MoI presented the Act to those interested before its entry into force. Thereafter, the Ministry issued a special brochure in the Slovenian language which is available at all administrative units in Slovenia and at diplomatic missions and consular posts of Slovenia in the successor states of the former SFRY. It was also distributed to NGOs. In January 2012, MoI published the brochure in four additional languages of the successor states. The brochures and all relevant information are also available at the Ministry's website.

92. In addition to the amended Act regulating the status of persons erased from the Register of Permanent Residents in Slovenia and guaranteeing persons who left Slovenia the possibility of obtaining permanent residence permits, also with retroactive effect, Slovenia adopted a special compensation scheme in 2013, and an act providing for the redress of damages suffered by these persons. The Act on Compensations for Persons Erased from the Register of Permanent Residents (ARD), entered into force on December 2013 and with effect from June 2014.

93. The Act provides for compensation for damages suffered by persons erased from the Register of Permanent Residents after Slovenia's independence, remedies the violation of human rights and fundamental freedoms, and executes the judgement of the Grand Chamber of the European Court of Human Rights (ECHR) of 26 June 2012 passed in *Kurić and others v. Slovenia*. The Slovenian legal order systemically provides for just satisfaction, i.e. the compensation for damages suffered by persons erased from the Register of Permanent Residents.

94. The Act on Compensations stipulates that eligible persons may claim pecuniary compensation in an administrative procedure in which the pecuniary compensation will be set depending on the period of erasure since the date of erasure. For each completed month of erasure, a person is entitled to 50 euros compensation.

95. In addition to exercising the right to pecuniary compensation in an administrative procedure, the Act on Compensations offers eligible persons the option of claiming compensation in a judicial procedure in accordance with the general provisions of the Civil Code, with an additional three-year period for filing actions.

96. In addition to pecuniary compensation, the Act on Compensations provides for other forms of just satisfaction, providing or facilitating access to rights in various other areas regarding which it was deemed that such benefits could be useful or necessary. According to the Act on Compensations, eligible persons will be entitled to the payment of contributions for compulsory health insurance, to inclusive and priority consideration in social assistance programmes, to facilitation in exercising rights to public funds, to state scholarships, to equal treatment as Slovenian citizens in resolving housing problems, to access to the education system, and to participation or priority treatment in integration programmes.

97. The judgement of the Grand Chamber of the ECHR passed, on 12 March 2014 in *Kurić and others v. Slovenia* shows that the costs of compensation are subject to the discretion of the respondent state, and that, due to the exceptional circumstances of the case, the solution of awarding compensation on the basis of a lump sum appeared to be appropriate and that the state is free to select the method of implementing the judgement.

## **G. Rights of aliens and asylum seekers (recommendations 1, 4, 27, 96)**

98. The Government is examining the possibilities of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, whereby most of the rights in the Convention have already been included in the Slovenian legal system, and the scope and protection of migrant workers have been adequately regulated at the national level. Slovenia is a party to both international covenants on human rights, the ILO conventions C97 and C143 and the European Social Charter, which all contain a wide spectrum of protection of the rights of migrant workers.

99. During the reference period, Slovenia began intensively implementing integration measures with a view to developing a comprehensive and effective integration policy based on intercultural dialogue. Taking into account that integration is a dynamic and two-way process, Slovenia provides numerous programmes assisting immigrants in their integration into society and organises regular training for civil servants on intercultural competencies and an awareness-raising campaign for the majority population of the importance of accepting migration and on refugee issues. In recent years, the programmes have been made more accessible to foreign nationals.

100. All proposed amendments to legislation governing international protection are submitted to the UNHCR for preliminary observations and remarks. These remarks should be taken into account as far as possible. Both the UNHCR and NGOs engaged in international protection have been actively involved in implementing the provisions of the International Protection Act.

## **H. Trafficking in human beings (recommendations 11, 16, 39–50)**

101. With the reform of the Inter-ministerial Working Group on the Fight against THB in 2012, the National Coordinator on the issue of THB was tasked with reporting before the relevant commission of the NA.

102. In the period between 2011 and 2013, the law enforcement authorities recorded and dealt with several forms of THB<sup>73</sup>. Most of the cases were identified as a form of exploiting prostitution and other sexual abuse of victims of trafficking. Instances of forced labour were also considered, such as forced begging and forced commission of crimes (e.g. theft)<sup>74</sup>.

103. Providing assistance and protecting trafficking victims is carried out on the basis of legally provided public tenders for programmes of assistance published by the MoI and MLFSAEO, and implemented by the NGOs selected in the tendering procedure. Engaging NGOs was also the main focus of the National Coordinator. As a result, another NGO was included in the new intergovernmental working group in 2012.

104. Since 2010, trafficking was prevented through a number of events and awareness-raising projects among the general public, including target risk groups. The general public was informed of the different forms of media reporting; the topics and events were also accessible at a government web site set up for this purpose. The target risk groups (adolescents and migrant workers) were informed about the risks of trafficking through various government projects. The prevention also includes training for professionals encountering this issue in their work. In October 2010, the MoJ published a translation of the leading judgement of the ECHR on THB<sup>75</sup>, which is included in training material for judges. Police officers participated in training programmes to uncover such trafficking. The Slovenian Police took part in the drafting of a manual of the FRONTEX Agency to identify potential trafficking victims. Regular training is provided for the staff of education institutions, diplomatic missions and consular posts, and social workers.

105. Child victims of trafficking are a special category in the fight against THB, to which Slovenia devotes adequate legal and other attention. Fight against trafficking in children, child prostitution and child pornography forms part of the biannual joint Government action plan for the fight against THB.

106. The 2013 manual of the FRONTEX Agency containing indicators of potential trafficking victims was drafted to serve as a tool for border police officers to identify potential perpetrators or victims quickly and effectively and is available in electronic form on the Police web site, which makes it accessible to all police officers in Slovenia.

#### Notes

- <sup>1</sup> Official Gazette of the Republic of Slovenia (hereinafter Ur.l.RS) No. 91/2011.
- <sup>2</sup> Most of the provisions of Directive 2011/36/EU have been transposed into national legislation.
- <sup>3</sup> Amendments were made to articles 90, 97 and 99 of the Constitution.
- <sup>4</sup> National Reform Programme presents the country's policies and measures to sustain growth and jobs and to reach the targets of the EU strategy Europe 2020.
- <sup>5</sup> In 2012, the EU-28 average was 34.4%.
- <sup>6</sup> The average for EU-28 was 30.6%.
- <sup>7</sup> Ur.l.RS Nos. 62/2010, 40/2011, 40/2012, 57/2012, 14/2013.
- <sup>8</sup> Ur.l.RS Nos. 61/2010, 40/2011, 110/2011, 40/2012, 14/2013.
- <sup>9</sup> Ur.l.RS No. 99/2013.
- <sup>10</sup> Ur.l.RS No. 99/2013.
- <sup>11</sup> Ur.l.RS No. 58/2011.
- <sup>12</sup> Ur.l.RS No. 90/2013.
- <sup>13</sup> Ur.l.RS No. 90/2013.
- <sup>14</sup> Ur.l.RS No. 41/2011.
- <sup>15</sup> Ur.l.RS No. 60/2010.
- <sup>16</sup> Ur.l.RS No. 21/2013.
- <sup>17</sup> The necessary measures are envisaged in the draft law on student work which is currently being considered by the Government. MLFSAEO expects to limit student work through the above and other measures, such as tax relief for employers who hire unemployed persons and benefit refunds upon the employment of young unemployed, resulting in an increased number of employment contracts.
- <sup>18</sup> Ur.l.RS No. 14/13.
- <sup>19</sup> Ur.l.RS No. 40/12.
- <sup>20</sup> Ur.l.RS No. 91/13.
- <sup>21</sup> In 2010, 782 beneficiaries received a housing subsidy, in 2011, 816 beneficiaries, and in 2012 as many as 1,406, which is partly due to the fact that municipalities cannot provide enough low-cost housing.
- <sup>22</sup> As part of the austerity measures, the national housing savings scheme was abolished in 2012, since its original purpose had not been fulfilled.
- <sup>23</sup> Chapter 2.4 in Part III of the report includes a detailed description of the issue.
- <sup>24</sup> Official Gazette of the Republic of Slovenia No. 50/10.
- <sup>25</sup> Chapter 6 in Part III of the report includes a detailed description of the issue.
- <sup>26</sup> Ur.l.RS No. 99/13
- <sup>27</sup> Ur.l.RS Nos. 11/11, 98/11, 83/12, 111/13 and 114/13.
- <sup>28</sup> Ur.l.RS Nos. 50/11 and 57/11.
- <sup>29</sup> Ur.l.RS No. 26/2014.
- <sup>30</sup> Ur.l.RS No. 87/11.
- <sup>31</sup> Ur.l.RS No. 45/2010.
- <sup>32</sup> Ur.l.RS Nos. 14/2007, 46/2010, 40/2012, and 100/2013.
- <sup>33</sup> Earlier requirement was 100 members with 10 years of previous activities.
- <sup>34</sup> From 2009 and 2010, respectively, certain important categories of cases are designated as constituting court backlog earlier than hitherto. Accordingly, before the adoption of the new methodology, certain cases that were considered as constituting court backlogs if they had been in the judicial system for 18 months, are now considered as such if more than 6 months have passed since they were received, and

- sometimes even in cases when they are older than three months.
- <sup>35</sup> Ur.I.RS No. 96/2009.
- <sup>36</sup> Formerly 55 first-instance district and local courts.
- <sup>37</sup> The most important being the Department for the Investigation and Prosecution of Officials with Special Authorisations within the Specialised State Prosecutor's Office.
- <sup>38</sup> Ur.I.RS No. 110/2006.
- <sup>39</sup> Ur.I.RS No. 70/2006.
- <sup>40</sup> Instead of current 35%.
- <sup>41</sup> It was intended to give female students an opportunity to familiarise themselves with politics, political life and active participation.
- <sup>42</sup> Ur.I.RS Nos. 36/2009 and 21/2013.
- <sup>43</sup> ILO Convention 89.
- <sup>44</sup> Ur.I.RS No. 94/2010.
- <sup>45</sup> Among others, new measures include the right to assistive devices to overcome communication obstacles, right to reimbursement of costs of vehicle alteration, and financing of a call centre for the deaf.
- <sup>46</sup> Ur.I.RS No. 87/2011.
- <sup>47</sup> Vocational rehabilitation, system of quotas, employment incentives, etc.
- <sup>48</sup> It is a follow-up to the 2006 Action Programme for Persons with Disabilities 2007–2013.
- <sup>49</sup> The main objectives include: awareness raising and information, housing and inclusion, accessibility, education, work and employment, financial and social security, health and health care, cultural expression, sports and leisure activities, religious and spiritual life, organisations of persons with disabilities, violence and discrimination, and aging with disability.
- <sup>50</sup> Ur.I.RS No. 33/2007.
- <sup>51</sup> Local Self-Government Act, Local Elections Act, Voting Rights Register Act, Organization and Financing of Education Act, Elementary School Act, Pre-school Education Act, Media Act, Act Implementing the Public Interest in the Field of Culture, Librarianship Act, Promotion of Balanced Regional Development Act, Radiotelevizija Slovenija Act, Financing of Municipalities Act, Cultural Heritage Protection Act, Criminal Code of the Republic of Slovenia, Public Interest in Youth Sector Act, Slovenian Press Agency Act.
- <sup>52</sup> They concern housing, education, employment, health care, preserving and developing different varieties of Romani, culture, informational and publishing activities, awareness raising, and combating discrimination.
- <sup>53</sup> On the basis of national conferences on the reduction of inequality in the health of the Roma population, and the health of Roma women and children; programmes to promote health among Roma; activities aimed at improving the rate of immunisation and earlier recourse to medical assistance and respecting the instructions of health-care workers, and workshops focusing on health in Roma settlements.
- <sup>54</sup> See examples of good practices.
- <sup>55</sup> In 2012, 18 projects in 16 municipalities were co-financed. In 2013, 18 projects in 11 municipalities were co-financed.
- <sup>56</sup> In future, programmes to equip Roma settlements with basic public utility infrastructure will be drafted at municipal level and will include all the needs of Roma settlements, together with financial evaluation and overall assessment. Municipalities will integrate their programmes in regional development programmes, which will be in accordance with Slovenia's development strategy and will specify the time-frame and financial evaluation, and a system for monitoring, assessing and organising implementation.
- <sup>57</sup> Expert assistance and consultations for all providers engaged in minority issues, the open-door day organised by the heads of departments for all artists engaging in minority issues, etc.
- <sup>58</sup> Mediation, legal advice on awareness-raising, etc.
- <sup>59</sup> Ur.I.RS No. 7/2011.
- <sup>60</sup> Ur.I.RS No. 16/2008.
- <sup>61</sup> MLFSAEO, the Police, social services, educational institutions, multidisciplinary teams, and regional services, etc.
- <sup>62</sup> Ur.I.RS No. 15/2013.
- <sup>63</sup> This means that the State Prosecutor does not prosecute *ex officio*.

<sup>64</sup> In 2009, 89 adult offenders were convicted, in 2010 186 offenders, in 2011 207 offenders and in 2012 265 offenders; the number of convicted minor offenders also increased – in 2009, there were 2, in 2010 there were 6; in 2011 there were 9, and in 2012 there were 13 such offenders.

<sup>65</sup> Ur.l.RS No. 41/2009.

<sup>66</sup> I.e. when the offender arranges, through communication technologies, to meet with the future victim with a view to committing an illegal sexual offence.

<sup>67</sup> The project is presented in more detail under the section on good practices.

<sup>68</sup> More information on the Family Code is included in the chapter 2.2 Same-sex partnerships.

<sup>69</sup> Ur.l.RS No. 50/2010.

<sup>70</sup> Regulating the status of children of persons erased from the Register and regulating the status with retroactive effect for those citizens of Slovenia who were citizens of other republics of the former SFRY when Slovenia gained independence, and who were erased from the Register of Permanent Residents, and subsequently admitted to Slovenian citizenship without having received a permanent residence permit.

<sup>71</sup> Ur.l.RS No. 50/2010.

<sup>72</sup> The status of children of persons erased from the Register and the status with retroactive effect for citizens of Slovenia.

<sup>73</sup> In 2011, there were fifteen criminal proceedings (13 for the offence of trafficking), in 2012 twenty-seven (12 for the offence of trafficking), in 2013 fifteen (all for the offence of trafficking).

<sup>74</sup> In 2011, there were six, in 2012 eight, in 2013 only two.

<sup>75</sup> *Rantsev v. Cyprus and the Russian Federation* (2009).

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