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Civil and Political Rights**

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**Consideration of reports submitted by States
parties under article 40 of the Covenant**

Third periodic reports of States parties due in 2010

Slovenia*


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Annexes**

** Annexes can be consulted in the files of the secretariat.

I. Introduction

1. The Third Periodic Report of the Republic of Slovenia was drawn up in accordance with the provisions of Article 40 of the International Covenant on Civil and Political Rights (ICCPR) and the recommendations adopted by the Human Rights Committee as recorded in its concluding observations following examination of the Second Periodic Report of Slovenia on 25 July 2005¹. Relevant text has been structured in such a way that it provides answers to the questions raised in the above concluding observations and recommendations. The report covers the period between July 2005 and May 2014.

2. The reporting process is coordinated by the Ministry of Foreign Affairs through the work of the Interministerial Commission on Human Rights², based on the reports and participation of representatives of the following ministries: Ministry of Justice, Ministry of the Interior, Ministry of Labour, Family, Social Affairs and Equal Opportunities, Ministry of Education, Science and Sport, Ministry of Culture, Ministry of Defence, Ministry of Health, Ministry of Infrastructure and Spatial Planning, Ministry of Agriculture and the Environment, Office for National Minorities, Statistical Office, and Office for Slovenians Abroad. The draft report was published on the website of the Ministry of Foreign Affairs, with a deadline to submit comments by NGOs, institutions and private individuals. Later, it was discussed and approved by the Interministerial Commission on Human Rights and the Government at their respective sessions. This report and the recommendations received will be published on the website of the Ministry of Foreign Affairs³.

3. All enclosures and the content of two previous reports of Slovenia, including relevant enclosures⁴, form part of this report. Another important part of this report is the Core Document, which was updated concurrently with the drafting of this report. It is to be published simultaneously with the report in order to be available to the Human Rights Committee for the purposes of examining the third periodic report under the ICCPR. The Core Document addresses the topics contained in the articles of the ICCPR which are not explicitly discussed in this periodic report, as it is focused on providing answers to the recommendations from the concluding observations of the Human Rights Committee. All reports and recommendations are also available on OHCHR⁵ website.

4. **Legal status of the ICCPR according to national legislation.** Article 8 of the Slovenian Constitution reads as follows: "Laws and other regulations must comply with generally accepted principles of international law and with treaties that are binding on Slovenia. Ratified and published treaties shall be applied directly". In light of the Constitution, ratified treaties are thus defined as internal legal sources at both the sub-constitutional and supra-legal levels.

¹ CCPR/CO/84/SVN.

² In April 2013, the Government established a new Interministerial Commission on Human Rights (the previous one was suspended in May 2012). Its members are representatives of all ministries, including those from the Statistical Office and the Office of the Prime Minister. The Commission steers the national process of reporting to the UN treaty bodies, the UPR and regional organisations, and monitors the implementation of adopted recommendations. The Commission is empowered to cooperate with representatives of other institutions and may invite them to participate in its sessions. It is also empowered to cooperate with civil society representatives, whom it may also invite to participate in its sessions.

³ http://www.mzz.gov.si/si/zunanja_politika_in_mednarodno_pravo/zunanja_politika/clovekove_pravice/60_let_splosne_deklaracije_o_clovekovih_pravicah/zbornik/.

⁴ CCPR/C/SVN/2004/2, CCPR/C/74/Add.1.

⁵ <http://www.ohchr.org/EN/countries/ENACARegion/Pages/SIIndex.aspx>.

5. **Institutional protection of human rights and fundamental freedoms.** In its Chapter II, Articles 14 to 65, “Human Rights and Fundamental Freedoms”, the Constitution regulates the protection of human rights and fundamental freedoms (equality before the law, exercise and limitation of rights, temporary suspension and restriction of rights, inviolability of human life, prohibition of torture, protection of personal liberty, orders for and the duration of detention, protection of human personality and dignity, equal protection of rights, right to judicial protection, public nature of court proceedings, right to legal remedies, right to compensation, presumption of innocence, principle of legality in criminal law, legal guarantees in criminal proceedings, right to rehabilitation and compensation, prohibition of double jeopardy, freedom of movement, right to private property and inheritance, right to personal dignity and safety, protection of the right to privacy and personality rights, inviolability of dwellings, protection of privacy of correspondence and other means of communication, protection of personal data, freedom of expression, right to correction and reply, freedom of conscience, right of assembly and association, right to vote, participation in the management of public affairs, right to petition, right to conscientious objection, criteria for extradition, asylum, freedom of work, right to social security, right to health care, rights of disabled persons, marriage and family, rights and duties of parents, freedom of choice in childbearing, rights of children, education and schooling, autonomy of universities and other institutions of higher education, freedom of science and the arts, intellectual property rights, expression of national affiliation, right to use one’s language and script, prohibition of incitement to discrimination and intolerance and prohibition of incitement to violence and war, special rights of the autochthonous Italian and Hungarian national communities in Slovenia, status and special rights of the Roma community living in Slovenia), and in Article 72 the right to a healthy living environment.

6. The protection of human rights and fundamental freedoms is supervised and implemented by the judicial system, the Government and the Parliament, the Ombudsman, numerous non-governmental organisations (NGOs) involved in the protection and promotion of human rights, local self-government bodies, academic institutions and distinguished individuals, several civic associations composed of, in particular, minorities, students, youth, professional and interest groups, etc. In addition to the UN, human rights in Slovenia are monitored by the Council of Europe, EU and OSCE. Following two decades of democracy and as a result of permanent internal and external monitoring of the situation and development aimed at protecting and promoting human rights, Slovenia has become more publicly aware and sensitive in this regard; consequently, it reacts more promptly to various violations of human rights and fundamental freedoms. This process, of course, can never be completed, but the human rights situation can gradually and systematically improve; this is also the subject of the report below, which deals with the implementation of individual recommendations of the Human Rights Committee as recorded in its concluding observations following the examination of the Second Periodic Report of Slovenia.

II. Answers to the recommendations of the Human Rights Committee contained in the concluding observations following consideration of the second periodic report of Slovenia of 25 July 2005 (CCPR/CO/84/SVN)

Answer to recommendations contained in paragraph 7 of the Committee's concluding observations (domestic violence)

7. The criminal legislation was amended in 2008 in order to provide for more efficient combating of violence against women and domestic violence. Under the new legislation, domestic violence is criminalised in Article 191 of the Criminal Code⁶⁷ as an independent criminal offence, which is an improvement on the previous partial regulation of domestic violence within the scope of other, more general criminal offences (e.g. the criminal offence of violent conduct under previous Article 299 of the Criminal Code⁸).

8. The 2008 Family Violence Prevention Act⁹ is the first legal act passed in Slovenia to clearly specify different types of violence in the family. It identifies the role, tasks, network and cooperation of different state authorities and NGOs in responding to domestic violence, and provides for measures to protect the victims.

9. The Act applies to victims and perpetrators alike, since they both need professional help in order to change their behaviour pattern(s). However, a violent person may, on the proposal of the victim, be denied access to a common dwelling and, if necessary, leave the dwelling to the exclusive use of the victim. The victim is no longer obliged to leave his/her home and go to a safe house or maternity home; now, the one who is violent must go.

10. The Act requires social services to keep their own records of domestic violence, allowing them to take timely action to protect those in need. In addition, the Act provides for the regular training of qualified professionals dealing with violence, and envisages a multidisciplinary approach in dealing with victims, which has proved to be very adequate and effective in Europe.

11. The Act does not impose any sanctions, since criminal affairs are governed by the Criminal Procedure Act¹⁰ and the Criminal Code. The Act focuses on an extensive field of civil law and the functioning of social services, which may solve the problems of victims in the long run. It specifically highlights the importance of systematic and coordinated action by state institutions, civil society and the general public, which can contribute in any way to

⁶ Official Gazette of the Republic of Slovenia No. 50/12 — official consolidated text.

⁷ Family violence (Article 191).

(1) Whoever within a family treats badly another person, beats them, or in any other way treats them painfully or degradingly, threatens with direct attack on their life or limb to throw them out of the joint residence or in any other way limits their freedom of movement, stalks them, forces them to work or give up their work, or in any other way puts them into a subordinate position by aggressively limiting their equal rights shall be sentenced to imprisonment for not more than five years.

(2) The same punishment shall be imposed on whoever commits the acts under the preceding paragraph in any other permanent living community.

(3) If the act under paragraph 1 is committed against a person with whom the perpetrator lived in a family or other permanent community, which fell apart, however this act is connected to the community, the perpetrator shall be sentenced to imprisonment for not more than three years.

⁸ Official Gazette of the Republic of Slovenia No. 95/2004 — consolidated text.

⁹ Official Gazette of the Republic of Slovenia No. 16/2008.

¹⁰ Official Gazette of the Republic of Slovenia No. 32/12 — official consolidated text, and No. 47/13.

reducing domestic violence and the risk of it and, at the same time, to prompt reporting of acts of violence and the appropriate punishment of perpetrators.

12. Based on the Family Violence Prevention Act, four implementing regulations were adopted in the years following its entry into force: Rules on the organisation and work of multidisciplinary teams and regional services and on the activities of social services in dealing with domestic violence, the Rules on cooperation between the Police and other authorities in the detection and prevention of domestic violence, the Rules on procedures for addressing domestic violence in the implementation of health activities and the Rules on addressing domestic violence for educational institutions. In addition, various instructions and guidelines for the operation of institutions in the fight against domestic violence have been drafted.

13. In 2009, Slovenia adopted the Resolution on the 2009–2014 National Programme on Prevention of Family Violence, a strategic document setting out the objectives, measures and key policy makers for the prevention and reduction of domestic violence in Slovenia for a five-year period. Through two-year action plans, the Government provides for more transparent use of public funds aimed at reducing violence, and targeted activities of the competent authorities for specific target groups.

1. Assistance to victims

14. In December 2013, the Ministry of Education and Sport, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, and the Police signed the Agreement Relating to the Implementation of Tasks to Protect Children as specified in the Family Violence Prevention Act, which is intended for social services, educational institutions and the Police to carry out tasks set out by the Family Violence Prevention Act and the relevant implementing regulations. The Agreement explains in more detail the individual activities of each of the institutions with a view to protecting children in situations of domestic violence. Since 2010, education and training seminars have been organised for qualified professionals dealing with the implementation of the Act, including relevant rules, and the Agreement.

15. The Police Tasks and Powers Act was passed in 2013. It significantly upgraded the power of the Police to impose a restraining order to protect victims of domestic violence. Namely, a number of deficiencies was detected in connection with the exercise of this power (a restraining order which the Police may impose on offenders in cases of domestic violence was introduced in 2003 through the Amended Police Act, while this measure was applied in practice only after the entry into force of the relevant implementing regulation). Prior to the entry into force of the Police Tasks and Powers Act, the Police were allowed to issue restraining orders to offenders on the scene of the offence, while under this Act, such a measure may be imposed as soon as the offender has been found, irrespective of location. Moreover, the new Act provides for the detention of offenders failing to comply with such an order (Articles 60 and 61). Before, the applicable Minor Offences Act provided for the production of offenders before the minor offences court; however, due to the fact that, after the entry into force of the new Minor Offences Act, decisions on offences are usually made in a fast-track procedure before the minor offence court, offenders may no longer be brought before the court, since it has no real jurisdiction to prosecute such offences. The new provision thus tightens the measure, i.e. provides the legal basis to make it effective and achieve its purpose. The Police Tasks and Powers Act also provides an additional legal basis for notifying or informing the responsible person of the educational institution involved about the duration of the restraining order or other information relevant for the protection of a child/minor in cases where the places not to be approached by the offender also include the educational institution attended by a child or minor as the victim.

16. Based on Article 18 of the Family Violence Prevention Act, the Police, at the request of a victim, upon entering a person's dwelling, must ensure that the victim can remove items that are necessary to satisfy his/her basic daily living needs and the basic needs of his/her children.

17. On 25 October 2012, Directive 2012/29/EU laying down minimum standards on the rights, support and protection of victims of crime was adopted; the deadline for its implementation is 16 November 2015. The Directive is aimed at ensuring that victims of crime are provided with appropriate information, support and protection, including participation in criminal proceedings. Moreover, the Directive provides that in cases of child victim(s), priority should be given to the child's best interests, which are to be considered on a case by case basis. A relevant approach should be adapted to the child's needs and should take into account the child's age and level of maturity, his/her views, needs and concerns. The transposition of Directive 2012/29/EU into Slovenian national legislation has been planned, along with the Act amending the Criminal Procedure Act (planned to be adopted in 2015), and with a special victims of crime act within the timeline for transposition set by the Directive.

2. Awareness raising and education

18. With a view to raising awareness of domestic violence, the Police published on its website (www.Policija.si) all relevant information relating to such violence, including all police procedures. The website is currently being completed with translations into several foreign languages.

19. In 2013, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, in partnership with the Police, participated in the public call for applications of the European Commission PROGRESS to obtain funds for a national campaign to combat violence against women of three generations (teenagers, adults and older women). The project was rated as the second best at the EU level, which helped to obtain approx. EUR 270,000 for the campaign. In addition to the above co-financing partners, other participants in the project include the Ministry of Justice, the Ministry of Health and the Office of the State Prosecutor General. On 7 March 2014, the project was introduced at an opening ceremony followed by a conference held at the national level, during which Slovenia officially launched a two-year national campaign against violence against women "VESNA — to live a life free of violence".

20. In the period from 2008 to 2011, Slovenia conducted the first national research¹¹ on violence in the private sphere and in partnerships entitled "The Incidence and Response to Violence in the Private Sphere and Partnerships", which was co-financed by the Office for Equal Opportunities¹², the Ministry of the Interior/Police and the Slovenian Research Agency.

21. As regards training and education, the Judicial Training Centre which, under the Family Violence Prevention Act, has been tasked with implementing judicial training on the prevention of domestic violence, deserves special mention. In 2010, it organised consultations on outstanding issues with respect to the application of the Family Violence Prevention Act and a two-day seminar on domestic violence. Training sessions included discussions of individual sets of issues relating to the application of the Family Violence Prevention Act, the Criminal Procedure Act and the then applicable Police Act. In 2011,

¹¹ Further details in Enclosure I.

¹² During the reorganisation of the Government in 2012, the Office for Equal Opportunities was integrated into the Ministry of Labour, Family, Social Affairs and Equal Opportunities as an independent internal unit.

training for efficient cooperation on domestic violence was organised in cooperation with the Legal Information Centre for NGOs. In addition, consultations on violence against children were organised in cooperation with the Association of State Prosecutors of Slovenia and the General Police Directorate. In 2010, in addition to independent training sessions, domestic violence was also included in criminal law courses for judges, seminars for investigating judges and the training “Role and Importance of the State Prosecutor in Relation to Criminal Offence Victims and Injured Parties”.

22. The Police have set up a system of regular annual training for officers, including training and specialisation in domestic violence and violence against children and women. The higher education study programme Police Officer, which was raised to a higher vocational study programme (6th level) in 2013, facilitates inter alia the deepening of expert skills and qualifications of police officers for the performance of police tasks, including the protection of human rights in police procedures. In addition, round tables, conferences and campaigns on domestic violence are organised by the General Police Directorate and individual police directorates.

23. The Ministry of Labour, Family, Social Affairs and Equal Opportunities plays an important role in education, training and awareness raising. In 2010, two seminars were held on preventing domestic violence for qualified professionals working at social services, safe houses, maternity homes, and emergency shelters, and for regional coordinators¹³. The emphasis was on the work with victims and perpetrators. In 2011, two seminars were held on preventing domestic violence, including a seminar aimed at preventing violence against the elderly.

24. In order to ensure effective work in the education system, particularly in terms of early recognition of various forms of violence (including domestic violence), the Ministry of Education, Science and Sport has issued several public tenders over recent years. It is important to develop relevant social and civic competencies in the school system; as a result, educational institutions, based on a call for applications of the European Social Fund (ESF) “Development of Social and Civic Competences”, worked on various aspects of competencies and cooperated with scientific institutions in designing and implementing models for the development of social and civic competencies. Since 2011, several projects on addressing and preventing violence have been financed, such as the project Systemic Dealing with Domestic Violence — Training for Teaching Professionals¹⁴.

25. As part of the project Training for Qualified Professionals in Education to Strengthen Competencies for the Prevention of Violence, entitled IN SEM¹⁵, five programmes of professional training were carried out in the 2010–2012 period: the programme “Strengthening Families”, a CAP programme for the prevention of child abuse, the CAP programme “Without Peer Violence”, the programme “I Choose Non-Violence”, and the programme “Volunteerism — Strengthening Non-Violence Values”.¹⁶

¹³ Social services employ qualified professionals, i.e. workers-coordinators offering the necessary support to victims of violence. Currently, social services have twelve such coordinators.

¹⁴ Further details in Enclosure I.

¹⁵ Further information on the projects is available at: http://www.mss.gov.si/si/solstvo/strukturni_skladi/instrumenti_operacije_upravicenci_in_gradiva/.

¹⁶ The professional training programmes included 3,380 participants, i.e. 2,542 in 2011 and 838 in 2012. The total number of qualified professionals who successfully met all the obligations required during their 5-day training was 2,892; these persons became multipliers of the above content.

26. The ministry responsible for education is currently drafting amendments to the Organisation and Financing of Education Act. As regards the learning environment, a new article is envisaged to ban all forms of violence in educational institution(s).¹⁷

Answer to recommendations contained in paragraph 8 of the Committee's concluding observations (participation of women in public affairs and in the political and economic sectors)

1. Legal and practical measures, statistics

27. Women and men in Slovenia have the same political rights, both legally and formally. However, in practice, they do not have the same status with respect to political decision-making. Given their share in the population, women are not adequately represented at all levels of political decision-making; therefore, relevant legislation was passed, providing for a minimum share of women and men on candidate lists for elections to the European Parliament, the National Assembly and municipal councils. Following the introduction of quotas, the situation has improved.

28. At the 2008 National Assembly elections, the share of women on the candidate lists of political parties accounted for 35.3% (12 women elected, 13.3%, out of 90 seats) in the early elections of 2011, the share rose to 43.2% (29 women elected, or 32.2%). At the last local elections (2010), the lists of candidates contained 38% women candidates, 23.3% of whom were elected as councillors; the share of women mayoral candidates amounted to 12% (2.6 percentage points more than in 2006); out of 208 mayoral posts, 10 women were elected (5%). Pursuant to the Local Self-Government Act, the Roma communities in their autochthonous areas have the right to be represented on the municipal council — out of 18 elected councillors, Roma have one woman councillor, accounting for 5.5%. In the European Parliament, the representation is balanced — Slovenia has four women and four men MEPs (2009–2014).

2. Analysis and research

29. For the 2006 and 2010 local elections, an analysis was made of the lists of candidates and the election results for municipal councils and mayoralties (as requested by the Office for Equal Opportunities) with a view to examining the impact of quotas on gender balance.

30. The analysis of the 2010 local elections showed that the positive measures had improved women's representation on candidate lists. The alternate placing by gender on the lists proved less effective, given that the majority of political parties and other list proposers merely observed the minimum legal requirements and placed women alternately in every third place on the list. The analysis has shown that positive measures are important but insufficient mechanisms to increase the share of women in political decision-making at the local level. At the same time, less technical measures and activities are required to create a political culture open to gender-balanced representation in decision-making positions.

¹⁷ The proposed article reads as follows: "In order to ensure the performance of educational work in kindergartens, schools and other institutions for education and training, it is necessary, in accordance with the objectives set out in the preceding Article, to provide a safe and supportive learning environment where any form of violence and unequal treatment based on gender, social and cultural origin, religion, race, ethnicity and national origin, and peculiarities of physical and mental development shall be prohibited."

31. In 2011, an analysis was made of the impact of electoral districts on the electability of women to the National Assembly.¹⁸ The results showed that the success of a female or male candidate depends on the electoral potential of the district. Repeated appearances in elections allow political parties to make a fairly reliable assessment of district electability. The relevant obstacles to achieving balanced representation are, in particular, lack of political will and the institutional inflexibility of the electoral system in relation to measures aimed at ensuring gender equality. The above analysis and the analysis of political parties' candidate lists and party lists for the 2011 National Assembly early elections were presented in 2011 at a press conference entitled "Do Gender Quotas Work?" organised by the Women's Lobby of Slovenia and the Office for Equal Opportunities.

3. Awareness-raising

32. A pilot project "Mentoring Day with a Female Politician"¹⁹ was launched in 2011 with a view to raising awareness and supporting women's increased involvement in politics. The aim was to give female students interested in politics an opportunity to learn more about political decision-making; the top-level female politicians acted as mentors (ministers and MPs). On International Women's Day, 8 March 2011, female students spent a day with a female politician, accompanying her in her duties and learning about her work. The day ended with a debate in the National Assembly, with the participants sharing their experiences and discussing incentives to encourage the engagement of women in politics; their contributions were published in a brochure "A Day with a Female Politician".

33. On 20 March 2013, Slovenia's first woman Prime Minister took office.²⁰ Two women (15.4%) were appointed to ministerial positions (13). Gender representation in state authorities and public administration is more balanced when compared to gender representation in politics: 43% of directors-general, 56% of heads of government offices, and 59% of heads of administrative units.

34. Representation of women in leading positions in companies has been persistently low. In 2013, women accounted for only 10% of the presidents of management boards of the largest listed companies; 20% were members of management boards, and 24% were non-executive and 19% executive directors.

35. In 2011, the Office for Equal Opportunities conducted a research on the balanced participation of women in decision-making in 800 Slovenia's largest companies, calling on them to take steps to ensure gender equality and sign the declaration on increased representation of women on the boards of European companies issued by the European Commission. The research showed that in only 21.8% of organisations did women hold the top decision-making positions. Only 2.8% of organisations took relevant measures aimed to ensure balanced gender representation. When explaining the reasons for their failing to achieve balanced gender representation in decision-making positions, the companies pointed to the substantial prevalence of one gender (40.2%) and to the fact that, rather than a group, top management consisted of one person only (28.6%). Persistent prejudices can be noted in the responses stating that there are not enough experienced and appropriate candidates among women (5.6%) and that men choose men for promotion.

¹⁸ Analysis carried out by the Women's Lobby of Slovenia and co-funded by the Office for Equal Opportunities.

¹⁹ The pilot project for mentoring young women was carried out by the Office for Equal Opportunities, at the initiative of a female expert in political participation, in collaboration with the Government, the National Assembly, and some university faculties.

²⁰ On 5 May 2014, the Prime Minister submitted her resignation.

36. On the occasion of International Women's Day 2012, the Office for Equal Opportunities, in cooperation with the Faculty of Social Sciences and Managers' Association — Women Managers Section, organised a thematic press conference titled "Are we using all the potential?". The event included a presentation of the above research, the guidelines on promoting equality in decision-making positions in the economy, "Include.all", and a thematic brochure.

37. In 2013, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, in collaboration with the Managers' Association and the Commission for the Prevention of Corruption launched a two-year project "Include.all" to improve the knowledge on situation of women and men managers and on barriers to balanced gender representation in business decision-making.²¹

38. In the period 2012–2015, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, assisted by the Norwegian Financial Mechanism, carries out the project "Towards Equalizing Power Relations between Women and Men", which is aimed at promoting gender balance in decision-making and at reconciling professional and private/family life. Activities are aimed at increasing the participation and representation of women in political and business decision-making, and at facilitating the reconciliation of professional and family obligations, i.e. the private life of women and men.

Answer to the recommendations contained in paragraph 9 of the Committee's concluding observations (ill-treatment by law enforcement officers, rights of detainees)

1. Legal basis for the deprivation of liberty

39. Article 19, paragraph 2, of the Constitution²² stipulates that no person may be deprived of liberty except in cases and according to a procedure defined by law.

40. Admissibility of interference with freedom (personal liberty) in the Slovenian legal order is regulated with considerable detail, including relevant guarantees, which provides for effective judicial protection.

41. Coercive measures depriving persons of the right to freedom in Slovenian criminal proceedings include deprivation of liberty, detention (arrest), and pre-trial detention. Deprivation of liberty is largely regulated by the Criminal Procedure Act, the Minor Offences Act, the Police Tasks and Powers Act, the Road Traffic Safety Act, the State Border Control Act, and the Cooperation in Criminal Matters with the Member States of the European Union Act. The Act also specifies the conditions for deprivation of liberty and detention, its maximum period and the rights of persons deprived of liberty (any detention amounts to deprivation of liberty; however, a person who has been deprived of liberty is not necessarily detained — detention/custody usually involves a longer period of time). The duration of deprivation of liberty and detention depends on the legal basis; the maximum period of detention under the Criminal Procedure Act and the State Border Control Act is limited to 24 hours; subject to other legal bases, this period is shorter.

42. Pre-trial detention must be ordered by an investigating judge, upon written request by the State Prosecutor²³. In case of a well-founded suspicion that a person has committed a

²¹ Further details in Enclosure I.

²² Official Gazette of the Republic of Slovenia Nos. 33/91-I, 42/97, 66/00, 24/03, 69/04, 68/06, and 47/13.

criminal offence, detention may be ordered against that person if there is a risk that they would attempt to flee, try to destroy evidence, influence the witness, or repeat the criminal offence²⁴.

43. The general provision of the Criminal Procedure Act, Article 200, paragraph 2, stipulates that detention shall be ordered for the shortest time possible. The order shall be served on the person concerned at the time of deprivation of liberty and no later than forty-eight hours from the time of apprehension or from the time the person was brought before the investigating judge (in case of deprivation of liberty by the Police and/or detention under Article 157, paragraphs 1 and 2 of the Criminal Procedure Act). The detainee may file a complaint against the order, which will be reviewed by a panel of three judges within 48 hours²⁵. Under the order of the investigating judge, the detainee may be held in pre-trial detention for the first month. After this period, he/she may be kept in pre-trial detention only on the basis of an order to extend such detention. A panel of three judges may extend the duration of detention for a maximum of two months. If proceedings are in progress for a criminal offence punishable by law by more than five years' imprisonment, the panel of judges of the Supreme Court may extend detention by another three months at the most. Before filing a charge in the summary proceedings, pre-trial detention may not exceed fifteen days.

44. During an investigation, the investigating judge may release a person from pre-trial detention with the consent of the State Prosecutor. If an agreement between them cannot be reached, the matter is decided by a panel of three judges. After filing a charge until a judgment is reached by the court of first instance, a panel of judges is vested with deciding matters of detention. After the expiry of two months from the last order of detention, the panel shall be bound to examine proprio motu if reasons for detention still exist, and, on that basis, decide to extend or abrogate it. The extraordinary judicial review "request for protection of legality", which is normally reserved solely for final judgments, may be filed with the Supreme Court to rule on the order of pre-trial detention²⁶.

45. In addition to detention, the Criminal Procedure Act also provides for more lenient alternative measures to ensure the presence of the defendant at the trial and the unimpeded course of proceedings, and prevent the risk of the offence being repeated²⁷. These measures include: summons, compulsory appearance or promise by the defendant not to leave his/her residence, restraining order in respect of a specific place or person, appearance at the police station, bail, and house arrest.

2. Rights of persons deprived of liberty

(a) Basic rights

46. The Criminal Procedure Act, Article 4, stipulates that a person who has been deprived of liberty must be immediately advised of his/her rights in his/her mother tongue or in a language he/she understands. These rights include: the reason for the deprivation of liberty, the right to remain silent, the right to counsel of his/her own choice and the right to have the competent authority, upon his/her request, inform his/her immediate family (in

²³ Criminal Procedure Act, Article 202, paragraph 1, and the Constitution of the Republic of Slovenia, Article 20.

²⁴ Criminal Procedure Act, Article 201, paragraph 1.

²⁵ Constitution of the Republic of Slovenia, Article 20, paragraph 2; Criminal Procedure Act, Article 202, paragraphs 3, 4 and 6.

²⁶ Criminal Procedure Act, Article 420.

²⁷ Criminal Procedure Act, Article 192.

case of an alien, his/her embassy) of the deprivation of liberty. A similar provision is contained in the Cooperation in Criminal Matters Act, the Police Tasks and Powers Act, and the Minor Offences Act. The last two acts are used as the basis for exercising the rights of a person deprived of liberty in accordance with other acts (Road Traffic Safety Act, State Border Control Act). The Police Tasks and Powers Act systemically regulates the right to medical assistance, information to employers and the competent social services (when care is to be taken of children or other persons otherwise supported by the detainee), or another competent authority or person (needed in order to take care of animals or secure his/her property). The detainee may exercise his/her rights at any time, despite previously having relinquished any of them. A suspect who does not have funds to hire a lawyer may apply for free legal assistance in accordance with the Free Legal Aid Act²⁸.

(b) Mandatory defence

47. The Criminal Procedure Act provides for mandatory defence (Article 70), i.e. the defendant must have a defence counsel from the very first interrogation if he/she is mute, deaf, or otherwise incapable of defending himself/herself successfully, or if criminal proceedings are conducted against the defendant for a criminal offence punishable by thirty years of imprisonment or life imprisonment, or if he/she is brought before an investigating judge (as the Police believe that there are grounds for detention). The defendant must have a defence counsel when the State Prosecutor proposes detention or another measure before the investigating judge to secure his/her presence in proceedings (home detention, bail, etc.). The defendant must have a defence counsel for the entire duration of detention. He/she is also entitled to a defence counsel at the time the charge is served on him/her if eight years' imprisonment or a more severe punishment is imposed by law for the criminal offence with which he/she is charged.

48. If, in cases of mandatory defence, the defendant fails to appoint a defence counsel, the president of the court appoints a defence counsel *ex officio* for the course of criminal proceedings until the finality of the judgement; if the defendant has been sentenced to thirty years or life imprisonment or is deaf, mute or otherwise unable to defend himself/herself successfully, he/she will also have a defence counsel appointed for him/her for the extraordinary judicial review. If a defence counsel is appointed *ex officio* after the charge has been filed, the defendant must be informed of this when the charge is served on him/her. If, in a case in which defence is mandatory, the defendant has no defence counsel and fails to appoint one, the president of the court appoints a defence counsel *ex officio*. Only a lawyer may be appointed as defence counsel.

49. Article 4, paragraph 4, of the Act amending the Criminal Procedure Act²⁹, which entered into force on 15 May 2012, introduced a new provision, according to which the Police, at the request of a suspect who has been deprived of liberty and does not have sufficient funds to engage a defence counsel, appoints a defence counsel for him/her at the expense of the State if this is in the interests of justice (based on Article 14(3)(d) of the ICCPR). The defence counsel also represents the defendant in criminal proceedings, under the same conditions as the one appointed by the court.

²⁸ Free Legal Aid Act, Official Gazette of the Republic of Slovenia Nos. 96/04 — official consolidated text, 23/08 and 15/14 — Constitutional Court decision. The Act stipulates that the purpose of free legal assistance is to exercise the right to judicial protection based on the principle of equality by taking into account the social situation of persons who are not able to exercise this right without jeopardising their subsistence and that of their families.

²⁹ Official Gazette of the Republic of Slovenia No. 91/11.

50. A minor must have a defence counsel from the beginning of the preparatory proceedings if the criminal offence he/she is charged with is punishable by more than three years imprisonment; in case of offences subject to less severe punishments, he/she must have a defence counsel if so decided by the judge dealing with juvenile offences. If, in these instances, a minor fails to engage a defence counsel, and this has not been done by his legal representative or relatives, the judge dealing with cases of minors appoints one *ex officio*³⁰.

51. The fees and necessary expenses for an *ex officio* defence counsel in proceedings related to criminal offences, the perpetrator of which is prosecuted *ex officio*, are initially covered from the budget and later on by persons on whom they are incumbent³¹. In a decision on costs, the court may exempt the defendant from the obligation to reimburse the costs of criminal proceedings in full or in part if this would jeopardise the sustenance of the defendant or persons he/she is bound to support. If the circumstances warranting exemption are established after the decision on costs has been passed, the presiding judge may, by a special ruling, at the request of the defendant, exempt him/her from reimbursing these costs, or may allow him/her to pay in instalments.

52. If the defendant in a mandatory defense case does not have his counsel present at the main hearing, this is considered a substantial violation of the criminal procedure provisions³², and is to be examined *ex officio* by the second instance court³³. This is also grounds for extraordinary legal remedy — a request for the protection of legality³⁴. If the defendant fails to engage a defence counsel in the preparatory stage of the main hearing or in the complaints procedure, this may be considered a substantial violation of the criminal procedure provisions³⁵, which the court takes into account if it is indicated by the defendant in the complaint.

3. Supervision of police work

53. The Police have been legally granted certain powers by the State to perform their tasks and duties. By using these powers, the Police often directly interfere with human rights and fundamental freedoms which, in turn, requires constant oversight of their work.

(a) Political supervision (administrative and parliamentary)

54. Political supervision of the implementation of police powers is carried out by the National Assembly (Parliament). Pursuant to Article 20 of the Deputies Act and the National Assembly Rules of Procedure, deputies are entitled to present relevant initiatives and to pose questions to the Government or a particular minister. The National Assembly also influences the work and powers of the Police through relevant working bodies and the institute of interpellation with respect to the work of a minister³⁶ and/or a vote of no confidence in the Government³⁷.

55. A specific form of parliamentary supervision of police work is the National Assembly committee tasked with supervising intelligence and security services. It was established on the basis of the Parliamentary Supervision of the Intelligence and Security

³⁰ Criminal Procedure Act, Article 454.

³¹ Criminal Procedure Act, Article 92, paragraph 3.

³² Criminal Procedure Act, Article 371, paragraph 1.

³³ Criminal Procedure Act, Article 383.

³⁴ Criminal Procedure Act, Article 420, paragraph 1.

³⁵ Criminal Procedure Act, Article 371, paragraph 2.

³⁶ Constitution of the Republic of Slovenia, Article 118.

³⁷ Constitution of the Republic of Slovenia, Article 116.

Services Act (Article 9) which, in view of police work, limits such supervision to covert investigation measures.

56. In order to establish and assess the actual situation which can provide the basis for decisions by the National Assembly on the political responsibility of public office holders, and in order to amend the legislation in a particular area, including other decisions within its competence, the National Assembly, based on the Parliamentary Investigation Act (Article 1), may set up a parliamentary commission.

(b) Supervision by the State Prosecutor's Office and the courts

57. Pertinent control of police work in pre-trial proceedings may be exercised by the courts and the State Prosecutor's Office. The latter is obliged to guide the work of the Police by issuing mandatory instructions, professional opinions and proposals for the collection of information and implementation of other measures within the competence of the Police³⁸. Article 148, paragraph 7, of the Criminal Procedure Act stipulates that a person against whom an action or measure under paragraphs 2 and 3 of the same article has been undertaken is entitled to lodge a complaint with the competent public prosecutor within three days.

58. Slovenia has introduced a modern and specialised system for prosecuting perpetrators of criminal offences who are officials vested with police powers. Such a system has been in place since 2007 and was created following the judgments by the European Court of Human Rights (ECHR) in *Rehbock v. Slovenia* (No. 29462/95 of 28 November 2000)³⁹ and *Matko v. Slovenia* (No. 43993/98 of 2 November 2006), as well as the 2006 decision of the Constitutional Court on the launch of an independent investigation into the death of detainees⁴⁰. The system aims to provide for an independent, unbiased, timely, transparent, thorough, and efficient investigation of criminal offences committed by these officials. It was updated in 2011 by the new State Prosecutor's Office Act⁴¹. The Department for the Investigation and Prosecution of Officials with Special Authorisations (Specialised Department) now operates as an independent internal organisational unit holding a special status at the Specialised State Prosecutor's Office (in terms of organisational structure, it is independent of the Police and composed of officers specially selected by the State Prosecutor's Office in which they are employed; they are not part of the organisational structure and hierarchy of the Police). The Specialised Department operates in accordance with the principle of technical and operational autonomy expressly guaranteed by the provisions of the State Prosecutor's Office Act.

³⁸ Criminal Procedure Act, Article 160 a.

³⁹ In this case, the ECHR pointed out that the burden of proof regarding non-excessive use of force is on the respondent state. The applicant and two more persons were arrested by thirteen police officers, whereby the applicant's jaw was broken and he suffered other injuries to his face. The arrest was planned and the applicant did not resist. The ECHR did not credit the explanation that the injuries occurred as a result of the applicant's falling on a car. In Slovenia, there was no court investigation into the justification for the use of force. The ECHR ruled that Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms had been violated, awarding the applicant compensation for non-pecuniary damage in the amount of DEM 25,000. See also: Harris, Boyle & Warbrick, *Law of the European Convention on Human Rights*, Second Edition, Oxford University Press, Oxford, 2009, pp. 77-78.

⁴⁰ Decisions Nos. Up-555/03 and Up-827/04, 6 July 2006; Official Gazette of the Republic of Slovenia No. 78/06, and OdiUS XV, 92.

⁴¹ Official Gazette of the Republic of Slovenia No. 58/11.

59. The Specialised Department has exclusive territorial and subject matter jurisdiction to prosecute all criminal offences committed by officials pertaining to:

- (a) The Police;
- (b) Military police vested with police powers in pre-trial proceedings;
- (c) Officers seconded to missions abroad vested with police powers in pre-trial proceedings;
- (d) Intelligence and security services of the ministry responsible for defence;
- (e) The Slovenian Intelligence and Security Agency⁴².

60. Tasks relating to the detection and investigation of crimes under jurisdiction of the Special Department are carried out by persons vested with police powers in pre-trial proceedings. Special Department prosecutors are responsible for prosecuting criminal offences and guiding police officers of the Specialised Department as regards detecting and investigating criminal offences.

61. The Specialised Department most frequently deals with the following criminal offences listed in the Criminal Code: violation of human dignity and abuse of office or official duties, unconscientious performance of work, falsification of official documents and abuse of office or official duties. There are not many alternative forms of criminal prosecution, since relevant actions may not be appropriate for settlement or deferred prosecution. Most criminal offences committed by police officers outside their work concern domestic violence and road traffic accidents caused by negligence.⁴³

62. The supervisory function of the judiciary is not limited to subsequent control of legality of police work in concrete cases (assessment of facts in criminal procedures, including proceedings conducted against police officers), but also includes control of police work in pre-trial proceedings. This is done through verifying the criteria for issuing orders regarding particular procedural acts (e.g. house and personal searches under Article 215, certain cases of covert surveillance under Article 149 a, and other investigation measures under Articles 150 and 151 of the Criminal Procedure Act), the exclusion of illegally obtained evidence⁴⁴, and through verifying the consideration of procedural guarantees specifically provided for with respect to police powers exercised by police officers concerning serious interferences with human rights (deprivation of liberty, detention, etc.).

63. Pursuant to Article 160 of the Constitution and Articles 50 to 60 of the Constitutional Court Act, the Constitutional Court, which is at the top of the hierarchical structure among the branches of power, decides on constitutional complaints with respect to human rights and violations of fundamental freedoms. In so doing, it carries out the supervision of the exercise of police powers.

(c) Supervision by the public

64. According to the European Code of Ethics, supervision of the Police in an open democratic society should be complemented by the means through which the Police is accountable to the public, i.e. citizens and their representatives, since this is essential to upholding the relationship between the Police and the public. Adopted in 1992, the Code of Police Ethics, including the new Code of 2008, is raising awareness among police officers

⁴² State Prosecutor's Office Act, Article 199.

⁴³ Joint report on the work of State Prosecutor's Offices for 2012, p. 92.
http://www.dt-rs.si/uploads/porocilo_2012_internet.pdf.

⁴⁴ Criminal Procedure Act, Article 18.

of the importance to comply with ethical principles and strengthen ethical and moral conduct in practice. Police officers are also bound to such conduct through the Code of Conduct for Civil Servants.

65. The critical assessment of police work by the public occurs primarily through the media. As provided for in Article 6 of the Media Act, the activity of the media is based on the freedom of expression, protection of human personality and dignity, and on the free flow of information. As such, the media are an important factor in shaping the public opinion on the Police.

66. Obtaining public information on police work is also a form of civic supervision of its work. The Constitution (Article 39) stipulates that, except in cases provided by law, anyone has the right to obtain information of a public nature in which they have a well-founded legal interest under the law. Exercising these rights is further specified in the Access to Public Information Act, which is aimed at ensuring that the work of the authorities is public and transparent, and at enabling natural and legal persons to exercise their rights to acquiring public information (Article 2).

67. The work of the Police is also very closely followed by NGOs. In this respect, mention should be made of Article 70 of the Police Tasks and Powers Act advising the Police, in particular, of the right of detainees to communicate in writing with the Human Rights Ombudsman and relevant national or international courts or other national or international supervisory bodies, including NGOs and humanitarian organisations. A detainee has the right to submit an initiative, request or complaint in a sealed envelope, without police officers being able to inspect it. Police officers must assist the detainee with the exercise of this right. The new Rules on Police Powers⁴⁵, which entered into force on 2 April 2014, complement the right of detainees to written communication with the right to communicate with the Ombudsman by telephone. The drafting of the Rules on Police Powers included a novelty; i.e., the Police Tasks and Powers Act stipulates that the Minister may issue Rules on the implementation of police powers only after obtaining the prior opinion of the Ombudsman. This represents a higher standard of human rights and freedoms, particularly concerning cases when the Police use their powers to interfere with people's rights and freedoms.

(d) Complaints procedure

68. Another form of external control over police work is carried out through the complaints procedure against police officers, since it includes the participation of the public. The new Police Tasks and Powers Act additionally provides for independent, objective, professional and high-quality resolution, i.e. consideration of complaints against police officers (the dominus litis of the entire complaint procedure is the Ministry of the Interior, which has adequate powers and capacity to investigate alleged violations of human rights and freedoms).

(e) Supervision by the Ombudsman

69. The Ombudsman also has a significant impact on the work of the Police, having the task of protecting human rights and fundamental freedoms in relations between individuals and state authorities, local self-government bodies and holders of public authority.

70. The Ombudsman was established on the basis of Article 159 of the Constitution, by the Human Rights Ombudsman Act, which also specifies its competences and powers.

⁴⁵ Official Gazette of the Republic of Slovenia No. 16/14.

71. Any person who believes that his/her human rights or fundamental freedoms have been violated by an act, an action or maladministration of a state authority, local self-government body or holder of public authority⁴⁶ may lodge a petition with the Ombudsman to initiate proceedings.

72. Regarding the start of proceedings pursuant to Article 33 of the Human Rights Ombudsman Act, the Ombudsman may request all necessary explanations and information from the Police.

73. In order to perform his/her tasks, the Ombudsman or authorised representative may enter any official premises of any state authority, local self-government body or holder of public authority; it may inspect prisons or other places of detention, and other institutions with restricted freedom of movement. The Ombudsman has the right to talk in private with persons who have been deprived of liberty⁴⁷.

74. Based on the findings, the Ombudsman may communicate to the relevant authority its views on the case under investigation, from the aspect of protection of human rights and fundamental freedoms⁴⁸, while the authority is obliged to inform, in due time, the Ombudsman about the steps taken in accordance with the proposals, opinions, critiques, or recommendations⁴⁹.

75. Pursuant to Article 43 of the Human Rights Ombudsman Act, the Ombudsman reports to the National Assembly by submitting regular or special working reports and findings on the level of the respect for human rights, fundamental freedoms and legal security of Slovenian citizens. Based on the Ombudsman's annual reports, the National Assembly adopts recommendations that are binding on the Police to comply with and implement.

76. In addition, Slovenia introduced a special supervisory mechanism within the scope of the Ombudsman, which has been operating since 2007. This is a preventive control mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was ratified in 2006.

77. The system of a national preventive mechanism, which was introduced under the Optional Protocol, has the following content: the Ombudsman is to include in its groups for monitoring the treatment of all persons deprived of liberty or with restricted liberty who are kept in places of detention, representatives of NGOs dealing with human rights registered in Slovenia, or humanitarian organisations recognised by the Slovenian legal order. NGOs and humanitarian organisations are selected independently by the Ombudsman on the basis of a public call for proposals. The new system has helped enhance independent monitoring (both in terms of financial and human resources), the effectiveness of supervision and its legitimacy.

78. The mechanism of the Ombudsman's cooperation with NGOs and humanitarian organisations for the inspection of places of detention was first used in 2007 and has been very successful; as a result, the number of inspections increased substantially.

79. The control mechanism is regarded as Slovenia's contribution to the international development of institutional fight against torture and other cruel treatment. In connection

⁴⁶ Human Rights Ombudsman Act, Article 26.

⁴⁷ Human Rights Ombudsman Act, Article 42.

⁴⁸ Human Rights Ombudsman Act, Article 25.

⁴⁹ Human Rights Ombudsman Act, Article 40.

with Slovenia, this mechanism has occasionally been called the “Ombudsman plus model”⁵⁰ and/or “NGO inclusive model”.⁵¹

(f) Supervision by international organisations

80. To further ensure the protection of human rights, police work is also supervised by international organisations, who derive this power from ratified and published treaties that are directly applicable in Slovenia under Article 8 of the Constitution. Special importance is given to the opinions of those international law bodies that are part of the UN and the Council of Europe.

(g) General legal remedies

81. In addition to the above, anyone who believes that his/her rights and fundamental freedoms have been violated in a police procedure has several legal remedies available, such as filing a criminal complaint, a criminal charge, an administrative dispute, a claim for damages or filing a complaint with certain national and international institutions.

(h) Regular internal (administrative) control system

82. Following the division of functional power and the legal regulation of public administration, the Police is a body within the Ministry of the Interior. Subject to statutory provisions⁵², the latter is responsible for providing the Police with relevant guidelines and binding instructions for the implementation of national security policy and strategic security objectives, its operation, organisation and financing, and for exercising control over it. To this end, the Minister may require that Police management submit reports, data and other documents relating to its work, development, organisation, human resources and financial objectives. Guidance and supervision are provided by organised professional services at the Ministry.

83. The Police also have their own internal control mechanisms to establish the legality and expertise in the exercise of its powers and to investigate any systemic irregularities as well as irregularities in specific cases.

(i) Systemic guidelines for the Slovenian legal order

84. In a systemic decision adopted in 2006⁵³, the Constitutional Court ruled that the State, in addressing a case in which a person loses their life during an action of law enforcement authorities, is obliged, pursuant to Article 15, paragraph 4, of the Constitution and to Article 13 of the European Convention on Human Rights, to launch an independent investigation into the circumstances of the case and allow the relatives of the deceased (the plaintiffs) effective access to such investigation.

⁵⁰ See: Rachel Murray, Elina Steinerte, Malcolm Evans, Antenor Hallo de Wolf, *The Optional Protocol to the UN Convention against Torture*, (1st Edition), Oxford University Press, Oxford, New York, 2011, pp. 116 (remark no. 3) and 135.

⁵¹ See: Ivan Šelih, in: Rights of persons deprived of their liberty: the role of national human rights structures which are OPCAT mechanisms and of those which are not, Workshop debriefing paper, University of Padua, Council of Europe, EU, 2008 (Chapter Five — Co-operation among national actors), pp. 37-41.

⁵² Public Administration Act, Article 23, and the Organisation and Work of the Police Act, Articles 3 to 13.

⁵³ Decisions Nos. Up-555/03 and Up-827/04 of 6 July 2006, Official Gazette of the Republic of Slovenia No. 78/06 and OdlUS XV, 92.

85. In 2006, the Constitutional Court delivered another systemic decision⁵⁴ which held, in systemic terms and in the context of the relevant asylum procedure, that the prohibition of torture under the Constitution is absolute in nature.

4. Development of criminal legislation

86. In 2008, Slovenia adopted a new Criminal Code, which introduced a separate criminal offence of torture; since 2011, this has been included in the Criminal Code chapter on criminal offences against human rights and freedoms. This is Article 135 a of the Criminal Code, which derives from Article 1, in connection with Article 4, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN CAT), ratified by Slovenia in 1993. This criminal offence (among other relevant offences in the Criminal Code) is particularly important in terms of sanctioning transgressions of powers and ill-treatment committed in an official capacity by authorised persons such as members of the Police, military police, etc.

87. The criminal offence of torture was removed from Article 265 of the Criminal Code since, taking into account the elements of a criminal offence, it does not belong in the chapter on criminal offences against official duties and public powers, and since such an offence, in its basic form, may be committed by any individual regardless of his/her personal status. As a result, this criminal offence was included in the chapter on criminal offences against human rights and freedoms. Slovenia has thus complied with a modern doctrinal approach which does not limit human rights violations committed through the act of torture to the perpetrator's status; in fact, no such restriction is provided for in the first sentence of Article 18 of Constitution, which stipulates an absolute prohibition of torture in connection with Article 15, paragraphs 4 and 5, of the Constitution. Such a solution is based on the provision of the UN CAT which, in Article 15, stipulates that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

5. Compensation for damages and other rights

88. According to the Constitution, everyone has the right to compensation for damages caused through unlawful actions in connection with the performance of any function or other activity by a person or body performing such function or activity under state authority, local community authority or as a bearer of public authority⁵⁵.

89. The Criminal Procedure Act envisages a special procedure for compensation, rehabilitation and the exercise of other rights of persons whose conviction or deprivation of liberty were unjustified⁵⁶. Under this procedure, any person whose remand in pre-trial detention or deprivation of liberty was unjustified may exercise the right to compensation. Before filing a damages claim with the court, the injured party should submit his/her claim to the State Attorney's Office to agree on the extent of the damage and the type and amount of compensation⁵⁷. If the claim is not granted or if the State Attorney's Office and the injured party fail to reach an agreement within three months from the date of filing the claim, the injured party may file a damages claim with the court⁵⁸. Such claim is subject to

⁵⁴ Constitutional Court Decision No. U-I-238/06 of 7 December 2006, Official Gazette of the Republic of Slovenia No. 134/06 and OdlUS XV, 83.

⁵⁵ Article 26, paragraph 1.

⁵⁶ Articles 538 to 546.

⁵⁷ Criminal Procedure Act, Article 539, paragraph 2.

⁵⁸ Criminal Procedure Act, Article 540.

the general rules of indemnity law. The period of limitation is three years⁵⁹. In Slovenia, such civil proceedings are well established.

90. A convict or their close family members may request a transfer to another institution to serve a prison sentence; the decision on the transfer is taken by the director-general of the Prison Administration. A convict who believes that he/she has been subjected to torture or other cruel, inhuman or degrading treatment may request judicial protection; the prison institution is obliged to convey the request to the competent state prosecutor. The convict may file a complaint with the Director of the Prison Administration in respect of any other violations or irregularities. If he/she does not receive an answer within 30 days or is not satisfied with the decision, he/she may file a complaint with the ministry responsible for justice. In cases of violations or irregularities, the convict may also file a complaint with the supervisory authorities at the institution.

91. The Enforcement of Criminal Sanctions Act, Article 85, stipulates that when other violations of rights or irregularities are involved for which no judicial protection is guaranteed, the convict has a right to complain to the Director-General of the Prison Administration.

6. Reform of police legislation

92. In 2013, police legislation was reformed, introducing several amendments, which was necessary to provide for more operational autonomy, protection of freedom and human rights in police procedures, and to ensure safety.

93. To replace the Police Act, the National Assembly passed the Police Tasks and Powers Act and the Organisation and Work of the Police Act. The purpose of separating the regulations was to define the organisation and specifics of labour law regulation (organisational regulation) and also the manner in which the tasks and powers of the Police are to be carried out (procedural regulation). This solution has provided for more transparent and clearer regulation of an extensive topic.

94. The solutions introduced by the two acts were developed on the basis of comparative law reviews, incumbent experience, analysis, research, the Human Rights Ombudsman's recommendations, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, relevant case law, ECHR, etc. A review of proposals made by the internal and external public was made prior to the drafting of the two Acts; these are aimed at protecting liberty and respect for human rights and fundamental freedoms and at defining the work of the Police, which is based on operational autonomy and the rule of law.

95. The Organisation and Work of the Police Act regulates the relationship between the Ministry of the Interior and the Police on the basis of the Government of the Republic of Slovenia Act and the Public Administration Act; it defines in more detail the Ministry's guidance and control of the Police; aimed at decentralising and strengthening the autonomy and independence of police directorates, it defines the tasks of the General Police Directorate, police directorates and police stations; it also defines cooperation with the local community, as well as highlighting the role and importance of policing in the community. The Act also contains provisions on labour law, legal aid and psychological assistance and support to police officers, including their close family members, etc.

96. The Police Tasks and Powers Act is the basic source of police powers. It introduces the basic concepts and specifies, for the first time, police procedures and tactical

⁵⁹ Criminal Procedure Act, Article 539.

considerations, the general principles for performing police tasks, including a definition of all general police powers and the use of instruments of restraint. It contains several safeguards to ensure human rights and fundamental freedoms. With the new police legislation in place, Slovenia thoroughly modernised the domain of obtaining DNA samples, their use and storage with respect to human rights protection and, in so doing, closely followed the ECHR Grand Chamber judgment in *S. and Marper v. United Kingdom*, Nos. 30562/04 and 30566/04, of 4 December 2008.

97. The Police Tasks and Powers Act aims to systemically regulate (general and/or safety related) powers it contains, and to correct and supplement provisions in areas which, during the implementation of the Police Act, proved to be insufficiently and inadequately defined, thus providing an even higher level of both legal and personal safety of people and their property, and to coordinate these provisions with other systemic laws.

98. In terms of implementing detention measures, the Act establishes a line of separation between the constitutional categories of restriction of movement and deprivation of liberty, it specifies in detail the rights of persons whose movement has been restricted or who have been deprived of liberty; it shortens the permissible detention time in some cases, but stipulates that the time taken for police procedures prior to the order of detention is to be included in the period of detention; at the statutory level, it comprehensively regulates the fundamental rights of detainees in police procedures. In order to improve the protection of violence victims, the Act introduces the possibility to detain an offender who violates a restraining order regarding a specific person, place or area.

Answer to recommendations contained in paragraph 10 of the Committee’s concluding observations (“the erased”)

99. With a view to implementing the Constitutional Court Decision No. U-I-246/02-28 of 3 April 2003, Slovenia passed the Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia⁶⁰, which entered into force on 24 July 2010. The National Assembly passed the Act with a view to finally regulating the status of persons erased from the Register of Permanent Residents. In addition to the implementation of the above Constitutional Court Decision, and the elimination of constitutional inconsistencies (including by settling the legal status with retroactive effect, i.e. beginning from the date of “erasure”), the Act also regulates several other related issues (regulation of the status of children of the erased and retroactive regulation of the status of Slovenian citizens who, at the time of Slovenia’s independence, were citizens of other republics of the former SFRY and who were erased from the Register of Permanent Residents, but who afterwards were granted Slovenian citizenship without previously receiving a permanent residence permit. The content of the Act was examined by the Constitutional Court. In its Decision No. U-II-1/10-19 of 10 June 2010⁶¹, which ruled on the inadmissibility of the requested referendum, the Court held that the amending Act eliminates, in compliance with the Constitution, the constitutional inconsistencies established in Constitutional Court Decision No. U-I-246/02-28, and that the regulation of other issues (the status of children of the erased and retroactive regulation of the status of Slovenian citizens) is fully justified, since these are closely connected with eliminating the above inconsistencies. The Constitutional Court also assessed that, on the basis of the amending Act, the legal status of citizens of other republics of the former SFRY who had

⁶⁰ Official Gazette of the Republic of Slovenia No. 50/10.

⁶¹ Bis.

been erased from the Register of Permanent Residents could be finally resolved unless this has already been accomplished.

100. The amending Act specifies the conditions under which an alien — who on 25 June 1991 was citizen of another republic of the former SFRY and has not yet obtained a permanent residence permit in Slovenia — can obtain such a permit regardless of the provisions of the Aliens Act. It also lists cases in which permanent residence permits and registered permanent residence are to be recognised with retroactive effect, i.e. from the date the registration of permanent residence ceased (a specific decision is issued in the matter), to citizens of other republics of the former SFRY who were erased from the Register of Permanent Residents. Under the amending Act, a permanent residence permit can also be obtained by persons erased from the Register of Permanent Residents who do not reside in Slovenia due to justified absence.

101. Since informing the erased on the content of the Act was important for the regulation of their status under the amending Act and for an efficient conduct of administrative procedures, the Ministry of the Interior, by numerous activities, presented the Act to all interested parties even before its entry into force. On its taking effect, the Ministry issued a special brochure in the Slovenian language available to all interested parties at administrative units in Slovenia, Slovenian diplomatic missions and consular posts in the former SFRY successor states; it was also distributed to relevant NGOs. In January 2012, the Ministry issued the brochure in four languages of the former SFRY successor states. Its content and all relevant information are also available on the Ministry's web pages.

102. In addition to the amending Act, which regulates the legal status of persons erased from the Register of Permanent Residents by making it possible to retroactively acquire a permanent residence permit also for those who had left the Slovenian territory, Slovenia in 2013 adopted a special compensation scheme. On 3 December 2013, the Act on Compensations for Persons Erased from the Register of Permanent Residents was published in the Official Gazette of the Republic of Slovenia No. 99 and entered into force on 18 December 2013. It will start to apply on 18 June 2014.

103. The Act regulates the compensation for persons who were erased from the Register of Permanent Residents after Slovenia's independence and is aimed at remedying violations of human rights and fundamental freedoms and at implementing the judgement of the Grand Chamber of the European Court of Human Rights (ECHR) of 26 June 2012 in the case *Kurić and others v. Slovenia*. The Slovenian legal order systemically regulates just satisfaction, i.e. compensation for persons who had been erased from the Register of Permanent Residents.

104. According to the Act, eligible persons can claim financial compensation in an administrative procedure while they are also entitled to other types of just satisfaction provided in the form of special measures and priority treatment. In an administrative procedure, financial compensation is to be determined on the basis of the period of erasure. For each month of erasure, a person is entitled to EUR 50 in damages.

105. An eligible person who believes that the damage incurred as a result of erasure exceeds the amount to be awarded in the administrative procedure may file an action for damages in judicial proceedings. In addition to financial compensation for damages in an administrative procedure, this Act offers such persons the possibility of claiming financial compensation also in judicial proceedings under the general rules of the Code of Obligations, with a new three-year time limit for bringing a relevant action.

106. In addition to financial compensation, the Act also provides for other forms of just satisfaction which enable or facilitate access to rights in different areas in which practice has shown that such facilitation would be useful or necessary. The Act entitles eligible

persons to the payment of contributions for compulsory health insurance, inclusion and priority treatment in social assistance programmes, facilitation of exercising rights to public funds, state scholarships, equal treatment as Slovenian citizens in resolving housing issues, access to education system, and inclusion and priority treatment in integration programmes.

107. In accordance with the ECHR judgment of 12 March 2014 in the case of *Kurić and Others v. Slovenia*, compensation amounts are to be set by the respondent state, which may decide by itself on remedies which it will apply to execute the judgment. In view of the exceptional circumstances of the case, the solution involving the setting of a lump sum of compensation for pecuniary and non-pecuniary damage is appropriate.

Answer to recommendations contained in paragraph 11 of the Committee’s concluding observations (trafficking in human beings — in particular women and children)

108. Slovenia has ratified several conventions and protocols concerning wider area of human rights protection, as well as those concerning the narrower areas of prevention, punishment and combat against trafficking in human beings. The relevant activities reach back to 2001; in the same year, the Interministerial Working Group on the Fight against Trafficking in Human Beings was established and the National Coordinator⁶² appointed, who is part of the Ministry of the Interior. The Working Group is composed of representatives of line ministries and government offices, NGOs and humanitarian organisations. Its term of office and tasks are set out by a government resolution and include the drafting of two-year action plans and annual reports. The latest reform took place in 2012 with the introduction of reporting by the National Coordinator on trafficking before the relevant National Assembly committee. The Working Group has consistently developed the combating of such trafficking, which is evident from the documents drafted so far, annual reports, action plans, legislation and operation policies. The development of measures against trafficking in Slovenia has been divided into three periods: identification of the issue, implementation and strengthening the action, with the latter starting in 2010.

109. Since 2004, the Working Group has drawn up action plans which provide the basis for the development of good practice. The latest Action Plan for the 2012–2013 period was adopted by the Government in January 2012. A new action plan for the 2014–2016 period is being drafted. Along with several activities planned by the law enforcement authorities, financially evaluated projects to be carried out by NGOs as selected through public tendering procedures are essential. NGOs play an important role in prevention and assistance programmes for trafficking victims. The importance of positive cooperation between governmental and non-governmental sectors at both operational level and the level of planning and drafting joint measures and activities should be highlighted. The current action plan has been designed on this basis as a continuation of good practice, especially of projects that have proven effective, and require continuity.

110. A special area of the fight against trafficking is the issue of children — victims of trafficking, to which Slovenia has been paying due legislative and other attention. Relevant activities have been integrated into the overall activities against trafficking.

⁶² See activities performed by the Interministerial Working Group on the Fight against Trafficking in Human Beings at the website www.vlada.si/si/teme_in_projekti/boj_proti_trgovini_z_ljudmi.

111. The provisions of the criminal procedure with respect to minors as witnesses should be highlighted. General provisions of the Criminal Procedure Act provide for special rights for victims (some refer to all victims, some to certain groups):

- The investigating judge and chair of the panel must inform the injured party about the above rights.
- In criminal proceedings conducted as a result of criminal offences against sexual integrity, a criminal offence of neglect of minors and cruel treatment or a criminal offence of trafficking in human beings, an injured party who is a minor must have an attorney to ensure his/her rights, particularly as regards protecting the minor's integrity during examination before the court and during the assertion of a claim for indemnification. To injured parties who are minors without an attorney, the court shall assign an attorney *ex officio*.
- In compliance with the provisions of the Criminal Procedure Act, as part of an investigation or at the main hearing, it may be ordered that the defendant be removed from interrogation if a witness is unwilling to testify in their presence or if circumstances indicate that the witness will fail to tell the truth in their presence. The defendant may not be present during the examination of witnesses under the age of 15 who are victims of criminal offences against sexual integrity, neglect and cruel treatment of minors or trafficking, or exposed as a witness in direct questioning in the main hearing. In such cases, the court is obliged to decide that the records of previous questioning of such persons be read.
- If a person under the age of 14 is examined as a witness in the main hearing, the panel may order that the public be excluded.
- If a minor participates in the main hearing as a witness or the injured party, he/she must be removed from the courtroom as soon as his/her presence is no longer required.
- In such questioning, in particular if the witness is also a victim of the criminal offence at issue, he/she must be examined considerately to avoid producing harmful effect on his/her state of mind. If necessary, a teacher or some other qualified professional should be called to assist in the examination.

112. If disclosure of particular personal data or the entire identity of a certain witness could endanger his/her life or body, or the life or body of his/her close relatives or persons proposed by the witness, the court may order one or more protective measures to conceal the identity of such witnesses.

113. In Slovenia, trafficking in human beings mainly takes the form of exploitation of the prostitution of women and, in recent years, also an increasingly frequent exploitation of work in night clubs which, however, does not always involve prostitution.

114. The statistics on the number of trafficking victims for the last four years are, as follows: in 2013, 41 victims were identified, of whom 40 were women (1 minor) and one man (not yet formal data); in 2012, 15 victims, of whom 13 were women and 2 men; in 2011, 21 victims, of whom 20 were women (1 minor) and one man; in 2010, 33 victims, of whom 32 were women (1 minor) and one man.

115. At the turn of the 20th century, when the issue of trafficking was defined by the United Nations Convention against Transnational Organized Crime, the need for specific legislation or at least a more precise definition of this offence also became more evident in Slovenia. The Convention was ratified by the National Assembly on 9 April 2004, while the associated Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, was ratified on 21 April 2004. This also provided the basis for

defining the new crime of “trafficking in human beings”, which was incorporated into the amended Criminal Code of 5 May 2004. Based on the internationally binding document, the National Assembly also passed the Act Ratifying the Council of Europe Convention on Action against Trafficking in Human Beings on 15 July 2009. The amended Criminal Code⁶³ therefore defines trafficking as a separate criminal offence, which was also incorporated into the criminal offence of enslavement. The prosecution and punishment of trafficking are also indirectly associated with the following criminal offences: exploitation through prostitution, prohibited crossing of a state border or territory, and presentation, manufacture, possession, and distribution of pornographic material.

116. European documents and guidelines streamlining the course of activities in Slovenia also played an important role in the drafting of legislation and policy on combating trafficking. The provisions of Directive 2011/36/EU have been transposed into the national legislation. Passed in November 2011 (entry into force on 15 May 2012), the Act Amending the Criminal Code amends Article 113 of the Criminal Code⁶⁴ by instituting a new form of criminal offence. The list of purposes of such trafficking was extended (in addition to sexual exploitation, forced labour, enslavement and servitude) to include the use of persons traded for the purpose of committing criminal offences (such as recruitment for street theft). Another new feature in the first paragraph is the provision removing any doubt concerning the punishability of the criminal offence of trafficking committed with the consent of the injured parties. Since the victims of this criminal offence are in an entirely subordinate position, their potential consent may not be taken into account, which means that absolute consensual incapacity is deemed to exist. In Article 113, paragraph 2, of the Act Amending the Criminal Code, the “giving or taking payments or benefits in order to obtain the consent of a person who exercises control over another person” is identified as a form of the aggravated criminal offence of trafficking in human beings. A more severe penalty in such cases is justified by the additional direct economic exploitation of control over people through the sale of such control or its purchase, due to the committed criminal offences listed in Article 113, paragraph 1, of the Criminal Code. Also in this part, supplemented statutory elements of trafficking provide a more appropriate framework for prosecuting all known forms of this criminal offence and imposing proportionate criminal sanctions. A new paragraph 3 was added to Article 199⁶⁵ of the Criminal Code to explicitly address the exploitation of trafficking victims. Certain provisions of the Directive, in particular those that are not directly binding, have been only partly transposed into the national legislative framework. The “victims of trafficking in human beings” are not

⁶³ Trafficking in human beings, Article 113.

(1) Whoever purchases another person, takes possession of them, accommodates them, transports them, sells them, delivers them or uses them in any other way or recruits, exchanges or transfers control over this person, or acts as a broker in such operations, for the purpose of prostitution or another form of sexual exploitation, forced labour, enslavement, service, committing criminal offences or trafficking in organs, human tissue or blood shall, regardless of possible consent by this person, receive a prison sentence of between one and ten years.

(2) If an offence from the preceding paragraph was committed against a minor or with force, threats, deception, kidnapping or exploitation of a subordinate or dependent position or by giving or taking payments or benefits in order to obtain the consent of a person who exercises control over another person, or in order to force a victim to become pregnant or be artificially inseminated, shall receive a prison sentence of between three and fifteen years.

(3) Whoever carries out an offence under paragraphs 1 and 2 of this Article as a member of a criminal organisation to commit such offences, or if a large pecuniary benefit was gained through committing the offence, the perpetrator shall be subject to the same punishment as specified in the preceding paragraph.

⁶⁴ Criminal offence of trafficking in human beings.

⁶⁵ Criminal offence of illegal employment.

specifically defined; assistance to such victims is carried out only through contractual relationships with NGOs as providers of such programmes; the status of the National Rapporteur or an equivalent mechanism is not properly regulated; in particular, it does not provide for an independent evaluation of measures.

117. The effectiveness of the prosecution of criminal offences related to trafficking is reflected in the convictions of the perpetrators. Statistical data on the cases heard and the number of convictions are available in annual reports published on the web page of the Ministry of the Interior. Between 2011 and 2013, law enforcement authorities (the Police and prosecution) detected and tackled several forms of trafficking; in 2011, fifteen criminal proceedings were instituted, in 2012 twenty seven and in 2013 fifteen. The majority of cases involved some form of exploitation through prostitution and other sexual abuse of trafficking victims. There were also cases of forced labour in the form of forced begging and forced commission of criminal activities (e.g. theft). The number of judgments passed for the criminal offence of trafficking has also increased; in 2011 there were six such judgments, in 2012 eight and in 2013 only two, which is due to the length of particular criminal proceedings. Convictions in each reporting year reflect the course of criminal proceedings held in preceding years.

Assistance, care and (re)integration

118. Assistance and protection of trafficking victims is provided on the basis of statutory public tenders for assistance and prevention programmes published by the Ministry of the Interior and the Ministry of Labour, Family, Social Affairs and Equal Opportunities, and carried out by NGOs selected through the tendering procedures. The Government earmarks approx. EUR 90,000 annually for both projects. The engagement of NGOs dealing with trafficking is also one of the guiding principles of the National Coordinator. In 2012, another NGO joined the Interministerial Working Group, bringing their number to four. Their role is preventive action in various awareness-raising programmes for young people and direct assistance programmes for victims and their accommodation in safe houses. The programmes are financed mostly by various line ministries and are aimed at raising the awareness of children in elementary and secondary schools, and of the high-risk population of migrant workers. Programmes of providing direct assistance to victims are focused on their physical, psychological and social recovery, as well as on regulating their legal status, and on criminal proceedings if the victim acts as a witness. The listed forms of assistance include:

- Suitable accommodation, food and care;
- Psychological assistance;
- Basic health care services in accordance with the law governing health care and health insurance;
- Ensuring the safety of victims and employees implementing the care programme;
- 24-hour availability for victims in crisis accommodation;
- Translation and interpretation services, if required;
- Providing appropriate support to child victims;
- Counselling and information, particularly concerning victims' rights, in a language they can understand;
- Returning victims to their country of origin;
- Other activities aimed at socialisation and revitalisation;

- Raising awareness of young people and staff working with them of the dangers and traps of such trafficking;
- Assistance to victims in regulating their legal status in Slovenia;
- Informing child victims about their rights;
- Ensuring that the rights and interests of victims are represented and considered at appropriate levels of prosecution of the perpetrators;
- Appropriate support to child victims throughout the legal proceedings;
- Professional training for health care providers and other participating bodies (the Police, staff of social services, etc.) in the process of assisting victims and prosecuting the perpetrators.

119. The assistance programme for trafficking victims is divided into two parts. The first set of measures is aimed at providing crisis accommodation during the reflection period of up to 30 days, with adequate accommodation in a shelter for victims, including the assistance outlined in indents 1–11, in order to remove the victims from the dangerous environment. The programme is carried out by the selected NGO, including all other necessary assistance. The second set of measures is focused on providing safe accommodation for victims who have decided to cooperate with law enforcement authorities in subsequent criminal proceedings. Such accommodation, which is also provided by the selected NGO, includes all necessary assistance and support in a safe place until the conclusion of the criminal proceedings.

120. Measures to ensure adequate protection and support to trafficking victims must include safe and adequate accommodation, counselling and information, international protection in accordance with Directive 2004/83/EC and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, as well as legal assistance, health care, and psychological and material assistance. To support the implementation of the existing international instruments, it is essential to provide the victim with a reflection period and the possibility to obtain a temporary residence permit. Such status of trafficking victims is regulated by the Aliens Act, which covers the provisions of Directive 2004/81/EC, as appropriate. The Act provides for several options regarding both the reflection period and the recovery period. The Police may issue to a trafficking victim illegally residing in Slovenia, ex officio or at the request of the victim, a permit to stay during the reflection period, i.e. for three months. During this period, the victim can decide whether he/she would like to participate as a witness in the criminal proceedings, which provides the basis for obtaining a temporary residence permit for one year or until the conclusion of the criminal proceedings, with the possibility of an extension. A temporary residence permit is issued by the relevant administrative unit.

121. The victim may choose a confidante (a NGO representative) to accompany him/her in all proceedings before institutions dealing with criminal offences. The confidante may be any person chosen by the victim who assumes this role and is willing to develop a trusting and supportive relationship with the victim. The tasks of a confidante include, in particular:

- Providing psychological and social assistance to the victim;
- Talking confidentially with the victim, providing relevant information and support in seeking appropriate solutions and actions during the investigation or consideration of the reported criminal offence;
- Being present, at the request of the victim, at informal actions taken by the victim and/or formal investigation/consideration of the criminal offence;

- Having a confidential relationship with the victim; therefore, the content of their conversations may not be communicated to third persons, and the information obtained in such conversations may not be disclosed in a formal hearing without the consent of the victim, as provided for by law (duties of privileged witnesses).

122. Trafficking is prevented through several events and projects aimed at raising the awareness of the general public and targeting high-risk groups. The general public is acquainted with the issues through various media reports, and the contents and events are also available at a specifically designed government web site. Prevention also includes the training of qualified professionals dealing with this issue. In October 2010, the Ministry of Justice published a translation of the leading ECHR judgment on trafficking in human beings *Rantsev v. Cyprus and the Russian Federation* (2009), which is part of the materials used in the advanced training of judges. Police officers attend training programmes on the detection of trafficking. The Slovenian border police participated in the drafting of a manual by the FRONTEX agency aimed at identifying potential trafficking victims. For this purpose, the Frontex agency drew up a manual containing indicators of potential victims for 2013, which is primarily intended for border police officers as a tool for faster and more efficient identification of potential perpetrators or victims. In any event, the manual is also a welcome tool for other police officers working in Slovenia, especially on international transport routes. The manual is also published on the Police intranet portal, which makes it available to all police officers in Slovenia. In 2011, the Police organised training on trafficking in human beings for 267 border police officers and senior officers. In 2012, the training was implemented for 25 border police officers, 25 officers responsible for shifts at border crossings, and 40 police officers who are members of the Specialised State Border Control Unit. In 2013, the training was organised for 121 border police officers and senior border police officers, 30 police officers and technical staff at the Aliens Centre, and 40 police officers and senior police officers working at the Airport Brnik Police Station. In 2014, training on compensatory measures is scheduled to be organised for all police officers at police stations. The training on this topic is also being implemented in other places such as schools, Slovenian embassies and consular posts, for teaching staff, etc. However, more should be done regarding training for social workers and other staff in public administration.

123. As part of the project “Professional Training for Teaching Professionals to Enhance the Competences for the Prevention of Violence”⁶⁶, a programme entitled “I Choose Non-Violence” was carried out by the Ključ Society in the 2010–2012 period, which was successfully completed by 258 qualified professionals. The programme covered several topics, including trafficking in human beings. It was designed for qualified professionals teaching higher grades in secondary schools, and was concluded, on a voluntary basis, by a sworn statement to choose non-violence: “I shall not provoke violence. I shall not overlook violence. I shall not incite violence. I shall take appropriate action concerning violence. I shall speak out and act against violence, and I shall keep myself informed of all types of trafficking in human beings”.

124. The international and regional cooperation is essential for exchanging information, experience and good practice. The project of providing training for investigators and creating the conditions for joint investigation teams in the Western Balkans region (JIT THB project) has been consistently implemented during the last two years through the co-funding of the European Commission, and will continue to be upgraded until 2015.

⁶⁶ Further details in Enclosure I.

Answer to recommendations contained in paragraph 12 of the Committee's concluding observations (court backlogs)

125. In compliance with Article 22 of the Constitution, everyone in Slovenia is guaranteed equal protection of rights in proceedings before a court and other state authorities that decide on their rights, duties or legal interests. Everyone has the right to have any decision regarding their rights and duties or any charges brought against them decided without undue delay by an independent, impartial court, constituted by law, where only a judge duly appointed pursuant to the rules previously established by law may judge such an individual⁶⁷.

126. The most pertinent topic of the Slovenian judiciary is court backlogs, which has also been noted by the Ombudsman in his/her annual reports. The official statistics of the Ministry of Justice clearly indicate that backlogs have been steadily declining for several years, which is evident from the reduced average length of court proceedings. One of the most important effects of the semi-pilot ECHR judgment *Lukenda v. Slovenia* in 2005 was to provide, within the context of the "Lukenda Project" a wide range of measures (including fast-track computerisation of court proceedings) that resulted in a significant reduction of unresolved pending cases in the Slovenian judicial system.

127. If in 1998 the average disposition time required to resolve a case before a Slovenian court was 14 months, in 2013, it was already less than 4 months⁶⁸. The same trend is also reflected in the decreasing number of petitions concerning court proceedings that are annually received by the Ombudsman. In 2008, the Ombudsman still received 574 petitions relating to various judicial proceedings. In the following years, however, their number steadily decreased, amounting to 548 in 2009, 504 in 2010, 473 in 2011 and 460 in 2012. On the basis of petitions received, the Ombudsman has noted that for some time now the length of court proceedings at first and second instances is becoming shorter. Similarly, the Ombudsman was gratified by the fact that the number of unresolved judicial cases is still being reduced and that they are resolved faster than before.

128. The Government in 2007 launched the above Lukenda Project, which was aimed at eliminating court backlogs as a systemic problem. As a result, court backlogs were significantly reduced. As an integrated approach, the Lukenda Project may, to some extent, be regarded as an upgrade of the measures implemented in a limited number of courts in the 2001–2004 period as part of the Hercules Project. However, unlike the Hercules project, which failed to contribute significantly to the elimination of backlogs in the Slovenian judiciary (except for backlogs in land registry cases) due to its limited application⁶⁹, the measures of the Lukenda Project were implemented by all courts. The Lukenda Project also introduced a complete computerisation of all court registers. In addition, the findings of both the Matra pilot project and the MatraFlex project were also applied, measuring the

⁶⁷ Constitution of the Republic of Slovenia, Article 23.

⁶⁸ This data refers to all cases, which means that it also includes those resolved in a relatively short time due to their nature. These are preliminary but authentic data obtained from the Data Warehouse of the Supreme Court of the Republic of Slovenia and published in the following document: "Opening of the 2014 Judicial Year" (11 February 2014, p. 6; published: http://www.sodisce.si/mma_bin2.php?nid=2014021113142777&static_id=20140211100532). In October 2012, the project Data Warehouse of the Supreme Court of the Republic of Slovenia (Data Warehouse) received a special mentions award within the context of the "Crystal Scales of Justice" awarded by the European Commission and the Council of Europe (link: http://www.coe.int/t/dghl/cooperation/cepej/events/edcj/cristal/default_en.asp).

⁶⁹ After 2004, measures introduced in the Hercules Project were carried out to a limited extent until 2009, but only to resolve pending land registry cases.

courts' workload and improving their effectiveness. In 2012, these efforts resulted in the establishment of a Data Warehouse of the Supreme Court and the President's Dashboards as specific business intelligence tools for monitoring, analysing and planning the operations of courts and the judiciary as a whole.

129. In 2013 the Slovenian courts received over 1,030,000 new incoming cases⁷⁰, slightly less than in 2012 and 2011, when the courts handled around 1,070,000 such cases. In 2010, a record caseload of new cases was recorded in Slovenia, totalling over 1,100,000 cases, whereas in 2009, the new caseload amounted to a total of about 925,000. Compared to 2008, (783,000 new cases) and 2005 (755,000 new cases), in 2013 the number of incoming cases increased by 32% and 37%, respectively. Nevertheless, the courts successfully handled the new caseload. In 2013, despite almost 1.38 million pending cases⁷¹, almost 1,065,000 cases were resolved. The number of pending cases as at the end of 2012 amounted to 322,000, which is a 30% decrease on 2010 (458,000 cases), and as much as 47% in comparison with 2005 (613,000 pending cases). The overall number of pending cases in 2013 fell to the lowest level since 1995⁷² despite the fact that, in the meantime, the yearly caseload of new cases increased enormously. This is also reflected in the shorter average disposition time for all judicial cases⁷³ which, in 1998, fell from 14.1 months to 3.6 months in 2013.

130. In order to ensure trial within a reasonable time, the Act on the Protection of the Right to a Trial without Undue Delay⁷⁴ was passed in 2006, with amendments in 2009 and 2012. The Act provides for legal remedies to protect the right to a trial without undue delay, as follows: an appeal with a motion to expedite the hearing of the case, a motion to set a deadline and a request for just satisfaction (including the possibility of monetary compensation)

131. For the most part, key reforms of the judiciary aimed at improving its effectiveness were carried out. Even so, Slovenia continues to implement the above steps to eliminate court backlogs. As a result, the backlogs have been significantly reduced, to the extent that they may no longer be regarded a systemic problem.

⁷⁰ The source of the data: Court Statistics of the Ministry of Justice of the Republic of Slovenia for the period 2005–2013 (the new caseload of all cases and all cases pertaining to the Central Department for Authentic Documents) (www.mp.gov.si).

⁷¹ The total new caseload in 2013 and the number of pending cases at the beginning of 2012 (358,000 cases).

⁷² As of 1 January 1995, a large reorganisation of the Slovenian first instance judiciary took place, which was one of the main reasons for the accumulation of pending cases. This also caused an increase in court backlogs. In 1995, a total of 358,000 cases were pending before the Slovenian courts, but this figure subsequently rose to almost 600,000 in 1998. Then, the annual number of pending cases was maintained at around 500,000 until 2007, and only after that year did it start to decline sharply due to the above measures taken in the Slovenian judiciary.

⁷³ The disposition time is calculated as the ratio between pending cases at the end of the observation period and resolved cases during the observation period (i.e. within the last 12 months), multiplied by 12. It refers to the planned (expected) length of judicial proceedings as may be expected on the basis of data on the volume of cases resolved within a period of one year and the remainder of cases pending at the end of the one-year period. It is a universally adopted and recognised indicator used by both the European Commission and the Commission for the Efficiency of Justice of the Council of Europe (CEPEJ).

⁷⁴ Official Gazette of the Republic of Slovenia No. 49/2006.

Table 1
Survey of trends in court backlogs at courts of general jurisdiction of first and second instance from 2005 to 30 December 2013

<i>Courts</i>	<i>31.12.2005</i>	<i>31.12.2006</i>	<i>31.12.2007</i>	<i>31.12.2008</i>	<i>31.12.2009</i>	<i>31.12.2010</i>
Higher courts	5,518	3,832	2,342	853	242	326
District courts	15,222	13,785	13,050	11,742	14,452	24,275
Local courts	287,928	305,565	304,076	287,401	239,477	236,043
Total	308,668	323,182	319,468	299,996	254,171	260,644

<i>Courts</i>	<i>31.12.2011</i>	<i>31.12.2012</i>	<i>31.12.2013</i>	<i>Reduction in % 2005–2010</i>	<i>Reduction in % 2005–2013</i>
Higher courts	788	1,005	799	-94.1%	-85.5%
District courts	24,121	22,355	19,210	+59.4%	+26.2%
Local courts	215,733	175,475	154,290	-18%	-46.4%
Total	240,642	198,835	174,299	-15.5%	-43.5%

132. The comparison of data from the last report referring to the situation at the end of 2005 and data from 2013 show that the total number of court backlogs in first and second instance courts was reduced by more than 40%. This is a substantial improvement, especially taking into account that the criteria for court backlogs were rendered more severe in 2009 and again in 2010.⁷⁵

133. An overall unsubstantial increase in court backlogs at the first instance district courts is a by-product of the “soft” reorganisation of the first instance courts with the adoption of the Courts Act Novella in 2010. The Act reformed court management by concentrating the former 55 first instance (local and district) courts within 11 districts, and making the presidents of district courts responsible for the work of all local courts in their respective districts. It should also be noted that Slovenia decreased the number of its judges by 50 since 2010, yet positive trends in the judiciary still continue.

134. The Lukenda Project was formally concluded in 2013; however, after the Commitment to Improve the Situation in the Judiciary was signed by the Prime Minister, the responsible minister and the President of the Supreme Court in June 2013, it was de facto extended in terms of human resources (i.e. the number of additional judicial staff), provided that clearly defined and predefined goals for reducing the number of pending cases in Slovenian courts are fulfilled. In addition to the legislative component, the number of pending cases in courts is now being successfully tackled also through the introduction of organisational measures, particularly the procedural triage, which was very successfully implemented at the largest commercial court in Slovenia, the Ljubljana District Court.

135. The introduction of ICT solutions in the judiciary should also be mentioned, in particular the almost complete informatisation of court registers in the framework of the Data Warehouse of the Supreme Court, which is a tool facilitating reporting, follow-up

⁷⁵ This means that from 2009 and 2010 onwards, certain important categories of court cases have been considered court backlogs. Thus, certain cases which, prior to the modified methodology, were considered court backlogs if they had been in the “judicial system” for 18 months became court backlogs according to the new methodology even if more than 6 months have elapsed since their receipt and, in some cases, even if they are older than three months.

analysis and planning, Mostly financed by the EU, this tool was declared an example of good practice by both the European Commission and the Council of Europe when awarding the prestigious prize for excellence in the judiciary, the Crystal Scales of Justice, in 2012.

Answer to recommendations contained in paragraph 13 of the Committee's concluding observations (hate speech)

136. The provision of Article 63 of the Constitution stipulates that any incitement to national, racial, religious or other discrimination, and the inflaming of national, racial, religious or other hatred and intolerance are unconstitutional. Any incitement to violence or war, in accordance with Article 20 of the ICCPR is also unconstitutional. Article 3 of the Religious Freedom Act stipulates that any incitement to religious discrimination and the inflaming of religious hatred and intolerance is prohibited and in line with Article 18 sanctioned by prohibiting the activity of the church or other religious community concerned in the event of a breach.

137. Article 3 of the Societies Act stipulates that it is not permitted to establish an association whose purpose, objective and activity are intended to bring about violent change in the constitutional order, the commitment of criminal offences or incitement of national, racial, religious or other forms of inequality, or to inflame national, racial, religious or other forms of hatred and intolerance or incitement to violence or war. Article 17 of the Political Parties Act stipulates that the registration body may remove a party from the register if the Constitutional Court so decrees by a decision.

138. The 2011 Act Amending the Criminal Code⁷⁶ introduced into Slovenian criminal law a new version of the criminal offence of public incitement to hatred, violence or intolerance (which, however, had historically been present for decades), the content of which relates to hate speech, including the denial of genocide. In particular, the provisions of Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law were taken into account in the process.

139. The criminal offence under Article 297 of the Criminal Code covers the incrimination of expression of hatred, violence or intolerance directed against particular protected groups and/or members of these groups. The protected groups are defined according to the criteria for the violation of the principle of equality under Article 14 of the Constitution, which are expressed by specific personal circumstances, as well as the violation of Article 63, paragraph 1, of the Constitution, which declares as unconstitutional any incitement to national, racial, religious or other discrimination, and the public incitement to hatred and intolerance for the above reasons. Since this criminal offence also limits the freedom of expression provided under Article 39 of the Constitution, Article 10 of the ECHR and Article 19 of the ICCPR, a delicate balance between the two different sets of constitutionally protected rights needs to be ensured.

140. The 2011 legislative amendment also transposed the provisions of the above 2008 Framework Decision referring to protection against the denial or gross trivialisation of crimes of genocide, crimes against humanity and war crimes under Articles 6, 7 and 8 of the Statute of the International Criminal Court, and crimes under Article 6 of the Charter of the International Military Tribunal appended to the London Agreement of 8 August 1945.

141. The above Article, paragraph 3, provides for an important exception in terms of website publication and similar media to the effect that if a responsible person of the media

⁷⁶ Act Amending the Criminal Code, Official Gazette of the Republic of Slovenia No. 91/11.

(e.g. the editor) in real time (if he has no possibility of prior review of the published content due to the open character of the media) has no means of preventing the publication classified as hate speech under this Article, he shall not be held liable for it.

142. In practice, the number of prosecutions (criminal charges by state prosecutors) and criminal convictions of perpetrators of criminal offences under Article 297 of the Criminal Code is increasing, which is attributed to the evolution of case-law and enhanced activity on the part of the Police and public prosecution service.

143. In addition to the Criminal Code, hate speech is also prohibited by legislation governing the mass media⁷⁷, which clearly states that it is prohibited to incite national, racial, religious, sexual or other discrimination, violence and war, or provoke national, racial, sexual, religious or other hatred and intolerance through broadcasting and audiovisual media services. Similarly, the prohibition of hate speech is also clearly stated in journalistic codes of conduct as autonomous legal sources.

144. Incitement to intolerance also constitutes an offence under the provisions of Article 20 of the Protection of Public Order Act, with violent and audacious behaviour, misbehaviour, damage to official inscriptions, markings or decisions, writing on buildings and the destruction of state symbols to incite national, racial, sexual, ethnic, religious, and political intolerance or intolerance of sexual orientation. For offences committed under these circumstances and/or for this purpose, a higher fine is provided for.

145. In the 2011–2013 period, the Culture and Media Inspectorate received four reports of alleged violations of the Media Act relating to the prohibition of hate speech and/or incitement to discrimination and intolerance through the media. However, inspection procedure was not initiated as no elements of hate speech were detected in the cases concerned. In 2011, on the grounds of its own detection of the criminal offence of public incitement to hatred, violence or intolerance pursuant to Article 297, paragraphs 1 and 3, of the Criminal Code, which was committed through electronic publication, the Culture and Media Inspectorate lodged with the competent prosecutor's office a criminal complaint against the perpetrators.

146. For the prevention and/or reduction of hate speech and other illegal content on the Internet, the Slovenian Internet point Web Eye (Spletno-oko.si) for anonymous reporting of hate speech and other illegal content disseminated via the Internet has proved to be highly effective. Web Eye (Spletno-oko.si) operates as part of the community programme Safer Internet Plus and the INHOPE organisation. The Office of the State Prosecutor General, the Police and representatives of mass media and other organisations actively engaged in the protection of children's rights cooperate in this project as members of the advisory body.

147. The annual call for co-financing mass media programmes is focused on the culture of public dialogue. The segment 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, equal opportunities of both genders and promoting tolerance" as one of the criteria to assess individual projects submitted by mass media.

148. The ethical conduct of deputies lies in the responsibility of the National Assembly. As regards cases that are not covered by the immunity of deputies (e.g. outside the National Assembly sessions), the prohibition of hate speech also applies to deputies.

149. In the prevention, detection and investigation of offences containing elements of xenophobia, racism or other forms of intolerance, the Police deal with particular care with all types of attacks involving racist or discriminatory motives and other forms of

⁷⁷ Media Act, Official Gazette of the Republic of Slovenia No. 110/06.

discrimination which can be understood as such on the basis of circumstances, written/verbal threats or insults expressed on the basis of diversity of persons, damage to property of a particular group, offensive graffiti, posters, flyers or other messages.

150. The Police cooperate closely with various institutions, such as the Ombudsman and NGOs⁷⁸. They also participated in the drafting and presentation of the Code for Regulation of Hate Speech, which was signed by various internet service providers. Intensive cooperation has been established between private–public sectors and the non-governmental sector, as well as with the prosecution and other professions.

151. In 2008, the Police set up electronic reporting of criminal offences, allowing anonymous reporting of criminal offences. Such reporting is intended not only for criminal offences characterised by hate, but also for other criminal offences, such as violence, in particular in relation to certain target groups.

Answer to recommendations contained in paragraph 14 of the Committee’s concluding observations (abuse, exploitation and ill-treatment of children)

152. The Marriage and Family Relations Act stipulates that parents, other persons, state authorities and holders of public authority must provide for the benefit of a child in all activities and procedures relating to the child. The parents act for the benefit of the child by satisfying his/her material, emotional, and psycho-social needs by conduct that is accepted and approved in society and which proves their concern and responsibility for the child, taking account of his/her personality and wishes.

153. The state provides protection for minors in cases of risk to their healthy development or whenever their other interests are concerned.

154. As a holder of public authority, social services are obliged to carry out the necessary measures concerning custody of a child or the protection of his/her property and other rights and interests.

155. Another measure is the removal of a child from the parents; social services are allowed to remove a child from his/her parents and place it in the custody of another person or institution when the parents have neglected his/her care or upbringing or when this is in the child’s best interests or for other important reasons.

156. Pursuant to Article 56 of the Constitution, children shall enjoy special protection and care. Children enjoy human rights and fundamental freedoms consistent with their age and maturity. They are also guaranteed special protection from economic, social, physical, mental, or other exploitation or abuse. Children and minors who are not cared for by their parents, who have no parents or who are without proper family care, shall enjoy the special protection of the state.

157. Article 192 of the Criminal Code, which incriminates the neglect and maltreatment of a child, stipulates that a parent, adoptive parent, guardian or another person who seriously breaches his/her obligations to a child shall be sentenced to imprisonment for not more than three years. It also stipulates that a parent, adoptive parent, guardian or another person who forces a child to work excessively or to perform work unsuitable to his/her age or who, out of greed, inures a child to begging or other conduct prejudicial to his/her proper development, or who maltreats or tortures him/her shall be sentenced to imprisonment for not more than five years.

⁷⁸ Peace Institute, Web Eye Project of the Faculty of Social Sciences.

158. Article 175 of the Code incriminates exploitation through prostitution and the involvement of minors. It stipulates that whoever participates for exploitative purposes in the prostitution of another or instructs, obtains or encourages another to engage in it by using force, threats or deception shall receive a prison sentence of between three months and five years. If such offence is committed against a minor, against more than one person or as part of a criminal organisation, the perpetrator shall receive a prison sentence of between one and ten years.

159. Article 287 of the Code refers to a separate criminal offence, stipulating that whoever publishes personal details of a child who is party to a judicial, administrative, or any other proceedings, or publishes other information relevant to establishing the child's identity, shall be punished by a fine or sentenced to imprisonment for not more than three years.

160. The Code also specifies other separate criminal offences that may be committed against children or minors (sexual assault on a person under 15 years of age; solicitation of persons under 15 years of age for sexual purposes; presentation, manufacture, possession and distribution of pornographic material). Children (minors) are provided with special criminal law protection when the principal criminal offence committed against them implies the commission of an aggravated form of criminal offence — in such cases, a stricter penalty is imposed (enslavement, trafficking in human beings, kidnapping, exploitation through prostitution, unlawful manufacture and trade in illicit drugs, etc.).

161. If violence occurs within the family, the Family Violence Prevention Act setting out measures for protection against domestic violence, and the Criminal Code, Chapter XXI (criminal offences against marriage, family and youth) apply.

162. Children are also protected by a restraining order pursuant to the Police Tasks and Powers of the Police Act⁷⁹, the Family Violence Prevention Act⁸⁰, and the Criminal Procedure Act (as an alternative measure to detention if this (more lenient) measure can achieve the same effect as detention and if the person is likely to have committed a criminal offence).

163. The basic principle of social services under the Family Violence Prevention Act and the Convention on the Rights of the Child is a child's best interests, and the law also stipulates that in cases of children victims of violence, their benefits and rights take precedence over the benefits and rights of other parties involved. A team and multidisciplinary expert assessment provides for the best interests of the child, whereby the participation of all parties involved, i.e. the parents and the child, is also important. The main factors are the age and maturity of the child and his/her understanding, and the professional methods of obtaining the child's opinion, desires and views on all matters pertaining to cases of domestic violence are adapted accordingly. The professional doctrine of working with abused children is based on various factors depending on the child's development and socio-cultural environment. Professional guidelines for the work of social services in the protection of children from domestic violence (2010) are based on two main objectives, i.e. the protection of the child's interests while preventing abuse and neglect, and ensuring that all actions and decisions taken throughout the process are undertaken on the basis of the principle of the best interests of the child.

164. As part of the police prevention project "*Policist Beno, kaj pa zdaj? / Officer Beno, What Now?*" comic strips were prepared to raise the awareness of children of potential

⁷⁹ Articles 60 and 61.

⁸⁰ Article 19 — Prohibition in Case of Acts of Violence; proceedings before the court are mandatory and the public excluded.

dangers and violence they may face. The target group comprises children aged 8–11. The stories were presented to elementary school children by police officers, who took on the role of protectors.⁸¹

165. A story (comic strip) titled “*How to Deal with Strangers in the Street*” was published in the well-known magazine for children *Ciciban*. The story was primarily intended for children aged 3 years or more to help them identify potential harassment by an unknown person. An article intended primarily for parents and persons important to a child, including instructions on how to approach and communicate with children when they face potential harassment by an unknown person, was published on the website of the *Ciciban* magazine.

166. Another story (comic strip) entitled “*At our Home*” was published in the *Ciciban* magazine. The story was intended primarily for children aged 3 years or more to identify domestic violence and, consequently, the child as a victim of such violence.

167. For 18 years, the Police have been implementing the project “*Police for Kids — Puppet Show 113*” intended for children aged 3 years or more and aimed at presenting situations that are potentially dangerous to children, and the Police as people or an institution to which children can go for help.⁸²

168. The Police participate in the working group Programme for Children and Youth implemented by the Ministry of Labour, Family, Social Affairs and Equal Opportunities. The Police are also active in the ZIPOM project, in which guidelines on child-related media coverage are prepared.

169. Representatives of the Police organise training on child abuse for internal experts (Police Academy Tacen, staff of various police units) and participate in the training organised by educational institutions.

170. Two projects on the safer use of the Internet should be mentioned: SAFE.SI⁸³ which has served since 2005 as a national point for raising awareness of the safe and responsible use of the Internet and new technologies among target groups of children, teenagers, parents, teachers and social workers through various online and offline activities, trainings, workshops, materials, promotional and media campaigns.

171. Set up in 2007, the Web Eye (www.spletno-oko.si) is another service offering anonymous online reporting of illegal online content — images of sexual abuse of children (child pornography) and hate speech. Cooperation with similar points in Europe has proved to be an effective measure in the fight to reduce illegal content on the Internet.

172. The Police have been tasked with statistically evaluating data on child abuse and submitting them to representative offices of various institutions (Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Health), as well as research institutes (e.g. Peace Institute, Social Security Institute, Institute of Criminology).

173. In 2013, the Police dealt with 378 cases (367 in 2012) concerning sexual integrity, which is a 3% increase; 88.1% of all cases were investigated (94.8% in 2012). A major

⁸¹ Further details in Enclosure I.

⁸² Content of the project presented at: <http://www.policija.si/index.php/preventiva-/preventiva/419-projekt-policija-za-otroke>.

⁸³ Safe.si eye and the Web Eye are part of a project implemented by the Centre for Safer Internet SAFE.SI, carried out by the University of Ljubljana – Faculty of Social Sciences, ARNES, Slovenian Association of Friends of Youth and Youth Information and Counselling Centre of Slovenia, and is financed by the DG Connect of the European Commission and the Ministry of Education, Science and Sport.

drop was recorded in the number of criminal offences of the presentation, production, possession and distribution of pornographic material (from 59 to 44 cases), which is a result of a smaller number of reported offences on the part of foreign security authorities. The number of criminal offences involving completed rape also decreased. An increase in the number of reports of violations of sexual integrity by abuse of position from 21 to 30 shows the increased awareness among individuals and society. The number of criminal offences involving sexual violence and sexual assault on a person under 15 and attempted rape, has increased.⁸⁴

174. As part of the project “Training of Teaching Professionals to Enhance Competences for Prevention of Violence” entitled IN SEM, five programmes of professional training were implemented during the 2010–2012 period: a programme titled “Strengthening Families”, a CAP programme for the prevention of child abuse, a CAP programme titled “Without Peer Violence” and “I choose Non-Violence”.⁸⁵

Answer to recommendations contained in paragraph 15 of the Committee’s concluding observations (unaccompanied minors)

175. The International Protection Act⁸⁶ defines unaccompanied minors as vulnerable people with special needs who participate in proceedings in a way that is appropriate and adapted to their age and stage of mental development. In accordance with the provisions of the Act, in proceedings involving unaccompanied minors, the principle of the best interests of the child should be taken into account and the child’s identity established as quickly as possible to start searching for parents or other relatives; the application should be processed as a priority; the contents of the brochure on rights and duties should be explained and a legal representative be appointed before the start of proceedings to represent the minor in respect of health care, education, protection of property rights and benefits and in the international protection procedure, in addition to fundamental procedural guarantees (access to interpretation services, opportunity to communicate with the UNHCR, written decision of the competent authority within the shortest possible time in a language that the applicant understands, right to information about rights and obligations). A minor participates in all actions of the procedure together with his/her legal representative, who must be properly trained in family law, social work, psychology, the protection of children’s rights and duties, the protection of human rights and fundamental freedoms and refugee law. In proceedings involving unaccompanied minors, the official conducting the proceedings must be specially trained for the work with minors.

176. The relevant authority, in accordance with the legislation, also provides adequate accommodation and care for unaccompanied minors. The vulnerability and traumatising of a minor are to be taken into account in providing their accommodation and psycho-social treatment. Upon arrival at the Asylum Centre, minors are provided adequate accommodation suited to their needs until the application for international protection has been received. When receiving an application for international protection, the minor, his/her legal representative, legal adviser (if he/she chooses one), translator and the official conducting the procedure must be present. Upon the receipt of the application, the minor is acquainted with the social worker who will help him/her integrate into the new environment, advise him/her, engage him/her in various activities and, if necessary, carry

⁸⁴ Further details in Enclosure II (Table 2).

⁸⁵ Further details in Enclosure I.

⁸⁶ Official Gazette of the Republic of Slovenia No. 11/11 — official consolidated text, No. 98/11 — Constitutional Court decision, Nos. 83/12, 111/13 and 114/13 — Constitutional Court decision.

out psycho-social interviews. The social worker and the legal representative are in contact during the whole period of the applicant's stay at the Asylum Centre. They conduct all activities taking into account the minor's best interests. Every minor is informed about organisations which he/she can contact for help, and he/she may contact parents and relatives. In addition to the care provided by the social worker, psycho-social care is also carried out by a psychologist at the Asylum Centre and an NGO representative (Slovene Philanthropy). Minors at an asylum home may take part in a number of assistance programmes co-financed by the European Refugee Fund and implemented by NGOs (helping and working with vulnerable groups of applicants for international protection, providing psycho-social support to minors under international protection, etc.). As regards the protection of children, the PATS project is worth mentioning, although it is not intended exclusively for unaccompanied minor applicants. The project aims to introduce mechanisms to identify, assist and protect victims of trafficking or sexual violence. Another protection mechanism is contained in the standard operating procedures in cases of sexual violence and gender-based violence, which have been in place at the Asylum Centre for a number of years.

177. Minors participate in formal and informal education. Regarding health insurance and education they have the same status as Slovenian citizens.

178. Statistical data on unaccompanied minors in Slovenia indicate that their number varies. In 2009, 26 cases were registered, in 2010 38 cases, in 2011 54 cases, in 2012 52 cases, and in 2013, the number of cases fell to 28. In recent years, most unaccompanied minors have come from Afghanistan, followed by Syria, Algeria and Morocco. The vast majority falls within the age group of 16 to 17 years.

179. No neglect of unaccompanied minors has been reported.

180. In accordance with the Register of Births, Deaths and Marriages Act, any child who is a Slovenian citizen (regardless of birth at home or abroad) is entered into the register of births, marriages and deaths (the civil register), as well as any alien child born on the territory of Slovenia. A live birth must be registered within 15 days from the date of birth, and the birth of a stillborn baby within 24 hours or on the first working day after the deadline. The entering of nationality into the civil register at birth is mandatory only for Slovenian citizens, while this information is not entered for children born to foreign nationals, since the Slovenian authorities are not empowered to establish foreign citizenship. Similarly, this information is not entered for stillborn babies, as they do not acquire citizenship.

181. The Citizenship of the Republic of Slovenia Act regulates the acquisition of citizenship on the basis of the principle of the right of blood (*ius sanguinis*). If the citizenship of a child's father or mother is known at birth, the child acquires the nationality of his/her father or mother, depending on the civil law of the country of origin. A child born or found on the territory of Slovenia is granted Slovenian citizenship if the father and mother are unknown or of unknown citizenship, or stateless. Such a solution has been provided for in order to prevent statelessness in case of birth of a child of unknown citizenship.

Answer to recommendations contained in paragraph 16 of the Committee's concluding observations (autochthonous/non-autochthonous Roma⁸⁷)

182. The concept of autochthony is difficult to define, both from the legal and expert aspects; therefore, countries apply different criteria to define it. In Slovenia, only the right to a representative of the Roma community on the councils of municipalities where Roma have traditionally lived stems from this concept. Roma in Slovenia enjoy full rights as citizens and all special rights specified by the laws adopted pursuant to Article 65 of the Constitution.⁸⁸

183. The criterion of autochthonous population is applied only through the right of the Roma to have their own elected representative on municipal councils. The legislator, in accordance with the constitutional concept of municipalities as local communities⁸⁹, based the political representation of the Roma community on the municipal council on a settled (traditional, historical) population in a given area of a municipality, which justifies the different treatment of these communities. Consequently, such a distinction is constitutionally admissible.

184. Notwithstanding the above, in accordance with applicable law, the members of the Roma community without a historical presence ("non-autochthonous" Roma) also have the right to participate in public affairs at both national and local levels. The Roma Community Council was established under the Roma Community Act⁹⁰ as the umbrella organisation of the Roma community in Slovenia to represent its interests in relation to state authorities; it is governed by public law. In addition to representatives of Roma communities with a historical presence on the Slovenian territory, Council members also include members of Roma communities without a traditional and historical presence. The Council is currently composed of two representatives of "non-autochthonous" Roma: a representative of Roma communities from Maribor and a representative of Roma communities from Velenje.

185. The Government Commission for the Roma Community is a Government working body operating as part of the executive branch of power. The Commission consists of representatives of state authorities, representatives of local communities and representatives of the Council. Currently, a representative of the Roma community from Maribor is a member of the Commission and also a member of the Council.

186. To regulate the status and special rights of the Roma community on the basis of Article 65 of the Constitution, Article 39 of the Local Self-Government Act⁹¹ stipulates that Roma in areas inhabited by the autochthonous Roma community shall have at least one representative on the municipal council. Article 101(a) of the Local Self-Government Act lists 20 municipalities as such areas. These municipalities are obliged to ensure the right to at least one representative on the municipal council to the Roma community residing in the area of the municipality. Despite the above obligation of such municipalities, other municipalities inhabited by members of the Roma community may, in accordance with the

⁸⁷ Part of the answer referring to the improvement of the living conditions of Roma and encouraging their involvement in public life is included in the following answer to the recommendation.

⁸⁸ More on the legal grounds for the protection of the Roma community is included in the answer to the next recommendation.

⁸⁹ Constitution of the Republic of Slovenia, Articles 138, 139 and 140.

⁹⁰ Official Gazette of the Republic of Slovenia No. 33/07.

⁹¹ Official Gazette of the Republic of Slovenia No. 94/2007 — official consolidated text, No. 27/08, Constitutional Court decision Up-2925/07-15 U-I-21/07-18, Nos. 76/08, 79/09, 51/10, 40/12 ZUJF — Fiscal Balance Act.

applicable Local Self-Government Act, guarantee the exercise of this right for members of the Roma community settled in the municipality. This is achieved by appropriate amendments to the Statute of the Municipality.

187. As regards the Roma community's participation in decision-making in public affairs at the local level, the Roma Community Act also stipulates that, in municipalities in which representatives of the Roma community are to be elected to the municipal council in compliance with the Local Self-Government Act, a special working body to monitor the status of the Roma community is to be established within the municipal council to monitor and addresses all current issues relating to the situation of the Roma community in a particular municipality or another form of local self-government organisation. Nevertheless, the Roma Community Act also allows for the possibility that a special working body for monitoring the status of the Roma community is established by other self-governing local communities. This possibility has already been used by some municipalities that are not explicitly listed in the Local Self-Government Act (such a working body was set up by the municipalities of Maribor, Velenje, Ljubljana, and Brežice).

Answer to recommendations contained in paragraph 17 of the Committee's concluding observations (rights of Roma)

188. The legal basis for the regulation of the status of Roma community members in Slovenia is provided for by Article 65 of the Constitution, sector-specific laws and the umbrella law, i.e. the above Roma Community Act passed by the National Assembly in 2007.

189. The Act comprehensively regulates the status of the Roma community in Slovenia; it defines the role of state authorities and the authorities of self-governing local communities in exercising the special rights of the Roma community; it regulates the organisation of the Roma community at the national and local levels, as well as its financing. Protection of the Roma community is also envisaged by other sector-specific laws⁹². In addition to legislation, care for the exercise of special rights of the Roma community and the improvement of its status are incorporated into numerous programmes, strategies and resolutions in different social areas. In 2010, the Government adopted the National Programme of Measures for Roma for the Period 2010–2015, which is a national strategy for the social inclusion of Roma. In accordance with the law, the implementation of the national strategy is monitored by the Government Commission for the Roma Community (paragraph 185).

190. The national strategy identifies priority areas where short-term and long-term measures of the state and self-governing local communities are called for and refer to living conditions, education, employment, health care, the preservation and development of different forms of Romani, cultural, informational and publishing activities of Roma, and awareness-raising and combating discrimination. The long-term objectives of the adopted Programme are to promote the development and increase mutual understanding and dialogue between members of the Roma community and the majority population, and to promote the implementation of human and minority rights. Most measures provided for in

⁹² Local Self-Government Act, Local Elections Act, Voting Rights Register Act, Organisation and Financing of Education Act, Elementary School Act, Pre-school Institutions Act, Media Act, Exercising of the Public Interest in Culture Act, Libraries 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, Interest in the Youth Sector Act, and Slovenian News Agency Act.

the national strategy have already been implemented, while long-term measures are being implemented continuously and will be included in the strategy for the new period. Funds for the implementation of measures are provided from national funds, funds of self-governing local communities and the EU. The basis for drawing on EU funds to ensure social inclusion of Roma is being drafted and will be included in the revised strategy for the period 2015–2020.

191. The implementation of the national strategy is systematically monitored annually by the Government Commission for the Roma Community. The Government reports annually to the National Assembly on the implementation of the law and the adopted national strategy. In 2015, the current national strategy will be concluded and a new strategy adopted to cover the period from 2015 to 2020.

1. Education

192. In 2004, all three expert councils in education adopted a document entitled *Strategy for the Education of Roma in the Republic of Slovenia*, which defines the premises, principles, goals and basic solutions to ensure an effective inclusion of Roma in education at all levels.

193. Many actions defined in the Strategy were carried out: an elective school subject on Roma culture was introduced, as well as a professional standard for Roma assistants. Intercultural co-existence programmes are being drafted and implemented every year; educational material in Romani was published and numerous symposia on the enhanced inclusion of Roma children in education and training system were carried out. Training seminars for teachers as part of additional training are being organised every year. A network of schools with Roma pupils has been set up to exchange experience and examples of good practice.

194. In 2011, the Ministry of Education, Science and Sport supplemented the 2004 Strategy on the basis of its evaluation. As a result, more funds have been earmarked for Roma education in recent years (both national and EU funds), resulting in substantial progress. Based on the evaluation of individual projects, the Ministry included the contents that are essential to the education of Roma in each invitation to tender for the Roma. It also provides funds for Roma assistants. In addition, the Ministry has funded a number of projects for the integration of different actors at the local level, e. g. the project of Expert groundwork, strategies and theoretical thematic classification for education in intercultural relations and active citizenship. Projects recently implemented by Roma themselves should also be mentioned. Between 2008 and 2010, the Union of Roma of Slovenia carried out the project “Successful Inclusion of Roma into Education”, which received a special mention by the European Commission in the competition for 2010 RegioStars Awards.⁹³ In the 2010–2013 period, a consortium of seven partners under the auspices of the Institute for Ethnic Studies implemented the project “Enhancing Social and Cultural Potentials in Environments with Roma Communities”. From 2011 to August 2014, the project “Successful Inclusion of Roma in Education II” has been taking place, based on the results already obtained through the completed project of the Union of Roma of Slovenia, the project of the Institute for Ethnic Studies and solutions of the Strategy and its supplements.⁹⁴ The project is being carried out by the Ljudska univerza Kočevje (Kočevje Adult Education Centre). The Centre for School and Extracurricular Activities will be implementing the project “Towards Knowledge Together — Implementing the Goals of the

⁹³ Further details in Enclosure I.

⁹⁴ Further details on this project in Enclosure I.

Strategy for the Education of Roma in the Republic of Slovenia” by the end of August 2015.

195. The Ministry also provides more favourable standards and norms for classes with Roma pupils, finances teaching aids, and prints works on Roma history and literature, including manuals for work with Roma pupils. Roma children attend regular classes at educational institutions. The only exceptions are children whose special needs have been established pursuant to the procedure of placement under the Placement of Children with Special Needs Act. Through projects, the Ministry finances the social incubators, which are important meeting points for extra-curricular activities, learning support and education of both younger and older Roma.

196. Greater emphasis is being placed on the integration of Roma in pre-school education with funds provided for kindergarten activities in Roma settlements (e.g. Kerinov Grm). Article 39 of the Rules on the Norms and Staff Requirements for the Implementation of Pre-school Education specifies details for classes with Roma pupils. It provides for a more favourable ratio of children to teaching staff, so that one assistant to the teacher is added per class, depending on the number of children. Higher material costs for the operation of these classes are covered by the state under Article 29 of the Pre-School Institutions Act and provided for each kindergarten separately, since the situation in pre-school institutions differs considerably, making it impossible to generalise the costs. Special contracts for financing classes with Roma children are concluded with kindergartens every year, so that the actual costs are correctly identified and agreed upon between the parties. The Strategy is aimed at including Roma children in pre-school education in kindergartens at least two years before they enter elementary school (i.e. by 4 years of age at the latest). Various measures are carried out to facilitate Roma children’s access to kindergartens, e.g. a more favourable staff-to-child ratio, etc.

197. Romani is taught as an elective subject, “Roma culture”, in elementary schools and through school projects financed by the relevant ministry.

198. The Ministry also co-finances projects for the education of adult representatives of the Roma community.

2. Employment

199. The Ministry of Labour, Family Social Affairs and Equal Opportunities has been implementing a number of active employment policy programmes in the labour market and employment which are also aimed at unemployed Roma. Based on the National Programme of Measures for Roma for the Period 2010–2015, the Ministry drafted a specific action programme of detailed measures to reduce unemployment among Roma and increase their social inclusion and access to the labour market. According to the Programme, the Ministry promotes and monitors the participation of unemployed Roma in all active employment policy measures. The Employment Service which implements the active employment policy measures does not keep separate records of unemployed Roma community members, since there is no legal basis for collecting data on ethnic origin. Only Roma who identify themselves as such in the process of preparing employment plans or in any other procedure implemented by the Employment Service are recorded in the unemployment records.

200. Among active employment policy measures until 2006, the Ministry implemented only local and national public works programmes aimed at increasing both the social and labour integration of the Roma community and/or public works intended for members of the Roma community (e.g. public works programmes under the following titles: Socialisation of Roma Children; Roma People for Roma People; Individual Learning Assistance for Roma Children; Environmental Actions in Roma Settlements; Increasing Employability of Roma, etc.). In 2006, the Ministry started to monitor the number of

unemployed Roma participating in active employment policy measures, except their involvement in services provided by the Vocational Information and Counselling Centre (CIPS), where Roma may obtain the necessary information on education and employment.

201. After 2006, unemployed Roma began to be increasingly involved in active employment policy measures. As a result, on an annual basis, between 700 and 1,000 Roma participated in active employment policy measures, such as formal education, institutional training programmes, career counselling and job-seeking assistance, and subsidies for self-employment and public works.

202. According to the amendments to the labour market legislation, since 2012, unemployed Roma have also been able to participate in workshops within labour market services which are conducted by concession operators selected on the basis of a public tender for the provision of services for life-long career orientation. These workshops are aimed at providing assistance to individuals in acquiring the skills needed to identify their interests, abilities and opportunities in the environment, to learn and decide on their employment and career goals, and to implement them. The importance of integrating Roma into these workshops is reflected in the support for a faster transition from unemployment to employment, which contributes to reducing social exclusion of Roma. Roma may also use services organised by the Vocational Centre organised to support persons in planning their education or career. Active employment policy programmes and measures enable Roma to train and acquire skills required for work on an equal footing with other unemployed persons; however, finding employers willing to employ Roma remains difficult, either for regular or temporary employment. Most members of the Roma community are included in programmes of institutional training and formal education (in particular programmes to finish the elementary school) and public works programmes carried out in certain local environments and aimed at activating the unemployed, increasing their labour market and social inclusion and providing them with new skills and working abilities. Under public works programmes, Roma participate in the programme entitled "Assistance to Roma in Socialisation". Such programme is carried in the form of education and learning assistance, free-time activities in Roma settlements, elimination of language barriers, providing assistance in establishing dialogue, integration of adults into education programmes, integration into the wider and local environment, providing assistance for improving housing and infrastructure conditions in Roma settlements, ensuring Roma access to public institutions, encouraging young people to re-integrate into education programmes, and promoting a healthier lifestyle. According to the data of the Employment Service, 9,020 Roma were integrated into various active employment policy programmes, labour market services and Vocational Centre services in the 2005–2013 period; for their integration into these programmes, the Ministry allocated funds exceeding EUR 11 million.

203. Despite the adverse conditions in the labour market, the number of unemployed Roma registered in the records of the Employment Service has not significantly increased (in 2011, it stood at 2,328; in 2012 2,313; in 2013, 2,406). In order to increase the employability of Roma and reduce the number of unemployed among them, they are being integrated into all active employment policy measures aimed at training and education, stimulating employment, creating jobs and promoting self-employment. Roma are also being integrated into labour market services and the services of the Vocational Centre. The Ministry estimates that numerous positive developments have occurred over the past years in respect of Roma employment; some have already brought results, while others promise to do so in the coming years.

204. The Ministry envisaged the financing of projects for Roma also in the Operational Programme for Human Resources Development for 2007–2013, which provides the basis for drawing on funds from the ESF. Projects for Roma implemented as part of the

Operational Programme will pursue the general goal of the fourth development priority, i.e. the implementation of the equal opportunities concept in the labour market and greater social inclusion of vulnerable groups, including in particular the long-term unemployed, people over 50, young people, first-time job seekers, persons with disabilities and other functional impairments, refugees, former convicts, drug addicts and former drug addicts, migrants and Roma, i.e. groups of people with a multiple combination of characteristics which exacerbate their situation regarding employability and prevent them from successfully integrating into the labour market and employment.

205. As part of the Operational Programme, the Ministry published two public tenders for promoting social entrepreneurship (the first in 2009 and the second in 2012) and one invitation to tender for promoting equal opportunities and social inclusion in the labour market; the beneficiaries were members of the Roma population as a vulnerable target group.

206. Both invitations to tender were aimed at promoting social entrepreneurship to encourage access to training and employment for vulnerable groups in the labour market (Roma are such a group) through the development of social entrepreneurship. Co-financing was provided for projects aimed at developing market activities (sale of goods or services) and creating jobs for vulnerable target groups. The following project activities were co-financed:

- Creation of new market activities or expansion of existing ones;
- Training of people belonging to the target group to help them take up such an activity;
- Creation of new jobs for people belonging to vulnerable target groups.

207. The second invitation to tender in 2012 involved a particularly successful project in which members of the Roma community were also involved. The project “Roma Restaurant — Romani kafenava” is a pilot project by which the applicant not only wishes to set up a model example of a Roma restaurant in Maribor, but also to use it as an example of good practice at the national level as well as in the Balkans and the EU.⁹⁵

208. The public invitation to tender for promoting equal opportunities and social inclusion in the labour market was aimed at improving the employability and social inclusion of vulnerable groups, creating jobs for members of vulnerable groups and ensuring gender equality; as an example of a successful project involving representatives of the Roma community, the project “Romano kher — Roma House” should be mentioned. The aim of the project is to encourage Roma to improve their self-esteem and to equip them with knowledge to successfully enter the labour market. The profile of an “employment agent” was set up. The task of such agent is to provide Roma with information they need to enter the labour market and with assistance in seeking potential employers; at the same time, the agent should establish contacts between the employer and the target group. Workshops for Roma councillors are also being carried out, since the provision of equal opportunities in the labour market requires that Roma have their own representatives to represent their interests and act on their behalf at the political level. In this way, a network of Roma councillors should be established to contribute to the exchange of knowledge and experience. The third part of the project refers to the establishment of a Roma academic network to connect students of the University of Ljubljana and Roma representatives and activists in light of the increasing social capital of Roma representatives. The project involved 100 Roma who had been trained to acquire better employment opportunities; it is

⁹⁵ Further details in Enclosure I.

expected that 25 jobs for Roma would be provided with the help of the employment agent. The training of Roma activists were provided for 30 persons, and four Roma were directly employed to help prepare and implement the project. The four-year (2010–2014) project is valued at almost EUR 1,000,000.

3. Health care

209. Rights and accessibility to both preventive and curative health care apply equally to all citizens of Slovenia.

210. On the basis of the 1995 Programme of Measures to Assist Roma, a series of tasks were implemented: a special project working group was set up to address the issue of health care and preventive measures for Roma; an analysis of “vaccination coverage” among Roma children in kindergartens and elementary schools was carried out; in 2004 and 2005, the Ministry of Health supported the programme “Raising Nutrition Culture to Promote and Protect the Health of Roma” and in 2009, it supported the programme for an innovative approach to the promotion of health care in the Roma community, entitled “Roma”; a study entitled “Risk Factors for Non-Communicable Diseases in Adult Roma Community Members” was conducted by the Murska Sobota Health Protection Institute in 2007; in 2008 and 2009, the Ministry co-financed — within the framework of a call for applications launched by the Slovenian Research Agency — the study “Assessment of the Use of Health Care Services among Roma Women and Children — Contribution to Reducing Health Inequalities”; in 2008, the Ministry organised the first national conference on the health of Roma entitled “Reducing Health Inequalities among the Roma Population”; in 2009, it organised another national conference entitled “Health of Roma Women” while in 2010, a conference on the health of Roma children took place. Activities to promote women’s health, including reproductive health and a healthy lifestyle, were carried out for the second consecutive year.

211. Measures to improve the health care of Roma are also included in the National Programme for Roma.

212. Among the positive measures to the benefit of the Roma community, the preparation and adoption of the “Programme for Children and Youth 2006–2016” should be mentioned; the goals specified in the Programme, special family care, highlight the care for children and youth belonging to ethnic communities (Roma) with a view to improving their social status and facilitating their social inclusion, including appropriate health care.

213. The Ministry of Health implements measures to improve health care for Roma. The National Institute of Public Health regularly implements measures in areas populated by Roma people, which are evaluated annually on the basis of annual national conferences held on reducing health inequalities among the Roma population and on the health of Roma women and children; programmes aimed at promoting health of Roma; activities to improve vaccination coverage and facilitate faster seeking of help at health care services; the consideration of instructions of health care professionals and the organisation of workshops focused on health in Roma settlements. As a target group, Roma are also among the priority target groups in projects to be financed from the Norwegian Financial Mechanism.

214. In the past six years, the Murska Sobota Institute of Public Health⁹⁶ has implemented a programme aimed at promoting health in the Roma community, entitled “Khetaun ži

⁹⁶ This year, the Murska Sobota Health Protection Institute became part of the National Institute of Public Health. Since 1 January 2014, two new national institutes have been operating in Slovenia: the National Institute of Public Health (NIJZ) and the National Laboratory for Health, the

sastipe — Together towards Health”, broadcast by ROMIC, the Roma radio station. It is a weekly radio programme aimed at promoting health in the Roma Community broadcasting messages on preventive measures. Three national conferences on tackling health inequalities, entitled “Health of Roma Children” (Radenci, Novo Mesto, Kočevje), were organised. In two consecutive years (2008–2009) international Roma sports games were also organised. The Annual Programme of the National Institute of Public Health for 2014 envisages the implementation of the following activities: a national conference on Roma health; implementation of the programme “Promotion of Health in the Roma Community”, the publication of articles on the health of Roma for Roma radio station and the Roma bulletin, publication of articles on healthy nutrition in the Hungarian language for Roma radio station and the bulletin, active participation in activities organised by the Union of Roma of Slovenia.

4. Poverty and social inclusion

215. To date, the Ministry of Labour, Family, Social Affairs and Equal Opportunities has drawn up several documents with measures aimed at increasing the social inclusion of the most threatened social groups, including Roma. Some of the newest, currently valid documents are: the Resolution on the National Social Assistance Programme up to 2010, the National Report on Strategies for Social Protection and Social Inclusion 2008–2010 and normative acts which directly regulate the situation of socially deprived people in Slovenia (in particular the Social Assistance Act⁹⁷ and the Act Regulating Adjustments of Transfers to Individuals and Households⁹⁸). On 24 April 2013, the National Assembly adopted the Resolution on the National Social Assistance Programme 2013–2020, which is the basic document for the development of social assistance. The underlying principle of social assistance measures is to ensure dignity and equal opportunities, as well as to prevent social exclusion. The relevant ministry regularly co-finances programmes for social inclusion of Roma, which are carried out by NGOs.

216. In 2012, the Exercise of Rights to Public Funds Act and the Social Assistance Benefits Act were passed to ensure effectiveness and fairness in allocating various social transfers, taking into account the income and financial standing of eligible persons. Concurrently, the cash social assistance census for eligible persons belonging to active working population was raised — its purpose was to prevent the passivity of eligible persons and to stimulate active engagement of individuals in providing their own social security. Therefore, recipients of cash social assistance who belong to the active working population were entitled to additional weighting for the basic minimum income, depending on the scope of activity. In 2013, subsequent amendments were adopted to remedy irregularities established in the legislation adopted in 2012. The introduction of the legislation and amendments have certainly had an impact on the social conditions and economic situation of members of the Roma community; however, no information is available on the extent of the impact, since data are not recorded in respect of nationality or ethnic origin.

217. The National Social Assistance Programme 2013–2020 was adopted by the National Assembly in April 2013. Its drafting was coordinated by the Ministry of Labour, Family, Social Affairs and Equal Opportunities. The main objective of the Programme is to reduce the risk of poverty and improve the quality of life of individuals and families on the one

Environment and Food (NZLOH), which are the legal successors of regional health protection institutes and the Institute of Public Health of the Republic of Slovenia. (Act amending the Health Services Act (Official Gazette of the Republic of Slovenia No. 14/13).

⁹⁷ Official Gazette of the Republic of Slovenia No. 3/07 — official consolidated text.

⁹⁸ Official Gazette of the Republic of Slovenia No. 114/06.

hand, and to increase social cohesion and social inclusion of all population groups on the other. The Programme also provides the framework for creating a network of new innovative programmes, social activation programmes and various preventive programmes for more intensive social inclusion of Roma. The Ministry co-finances these programmes on the basis of regular annual invitations to tender on social assistance. However, there is no separate programme for Roma in this area. In the 2007–2013 period, the Ministry co-financed 33 development and preventive programmes for Roma on social assistance, with a total value of EUR 285,000.

218. Regular activities of the Ministry also include providing information and advice to representatives of the Roma community on any subject within its competence. Last year, several debates and counselling meetings on the amendments to social legislation and other regulations, including counselling on the acquisition of funds to finance regular activities of Roma, etc. took place with representatives of the Forum of Roma Councillors and the Union of Roma. Qualified professionals of social services have been actively involved in resolving Roma issues in their local communities; they are seeking solutions in cooperation with Roma and share their experience through the Social Services Association at regular annual consultations. Representatives of social services have recorded visible progress on the ground, which has helped improve the lives of Roma; it also has an impact on the attitude of society to Roma, which, however, changes only gradually; the priority issues are the education of Roma children and integration and activation of adult Roma. Roma themselves have noticed these changes and are willing to cooperate; they have started to develop their own projects and constitute associations.

5. Housing/living conditions

219. Slovenia has addressed the challenges concerning the housing conditions of the Roma community systematically and over a long period of time. Ensuring adequate housing for the Roma community is a priority task of the state; therefore, appropriate measures have been developed as part of the National Programme for Roma which are tailored to the needs of the Roma community.

220. In Slovenia, Roma are not settled in isolated areas outside settlements without nursing care and basic infrastructure. Some Roma in Slovenia live in isolated areas or, more precisely, on the outskirts of settlements which is, however, the result of the migration process of Roma in Slovenia throughout history and not at all the result of a government or other measure or regulation providing for the settlement of Roma in isolated areas outside settlements. On the contrary, both the Government and municipal bodies make every effort to stimulate the regulation and improvement of living conditions of Roma through positive measures.

221. The ministry responsible for physical planning has drawn up the *Concept of Roma Settlement Modernisation and Principles of Good Practice* as additional support to municipalities in resolving spatial planning issues regarding Roma settlements. The concept includes:

- Reconstruction and development of Roma settlements and provision of infrastructure facilities in them;
- Spatial and programme connection of Roma settlements with the surrounding settlements;
- Participation and integration of Roma in settlement planning;
- Preservation and development of Roma culture.

222. The *Concept of Roma Settlement Modernisation* shows that the resolution of spatial issues and improvement of Roma housing is a process that can only be successful if

municipalities, Roma and state institutions establish partnerships, whereby each partner must carry out their own commitments. In November 2011, the Government Commission for the Roma Community approved a concept to resolve spatial issues of Roma settlements and decided that the concept should serve as a guideline for further work of all relevant state authorities, municipalities and other institutions. According to the applicable legal order and legislation in Slovenia, spatial planning is in the exclusive responsibility of municipalities. A precondition for legalising Roma settlements is to put them on the municipal spatial plan. Through public invitations to tender, the ministry responsible for regional development provides for basic infrastructure in Roma settlements (construction, renovation or modernisation of water distribution and sewage systems, electrification, new constructions or reconstructions of local roads and paths, etc.). In 2012, 18 projects were co-financed in 16 municipalities. Co-financing was provided to arrange sewage systems in eight settlements, instal water distribution systems in six settlements, renovate road network in nine settlements and set up electricity networks in two settlements. In 2013, 18 projects in 11 municipalities were co-financed. In the 2014–2020 period, the Ministry of Labour, Family, Social Affairs and Equal Opportunities intends to replace the current practice of distributing funds by means of public tenders with a programme-based approach. In future, programmes for equipping Roma settlements with the basic utility infrastructure will be drafted by municipalities and cover all needs of such settlements, which will be evaluated from the financial as well as substantive aspects. Municipalities will integrate these programmes into regional development programmes, which will define the time dynamics and financial evaluation, the system of monitoring and evaluation and the implementation; these programmes will be harmonised with the Slovenian development strategy.

6. Preservation and development of Romani and cultural, information and publishing activities of the Roma community

223. The Ministry of Culture has developed a dynamic model for protecting minority cultural rights, on the basis of which it has introduced various measures against discrimination, including the co-financing of Roma cultural projects. It provides counselling services and professional assistance to Roma and also organises workshops.

224. Since 1993, the Ministry has created conditions for cultural activities of the Roma community in Slovenia and successfully provided services for the Roma community within the scope of the Department for Cultural Diversities and Human Rights. Various instruments have been developed for this purpose: normative, organisational and financial instruments and cohesion policy. The latter includes three programmes: a special programme, dedicated to protecting the specific rights of the Roma community, also involving positive discrimination; an integration programme for the inclusion of Roma into different cultural and art programmes organised by public and other institutions; and the European programme, aimed at filling gaps in training and employment programmes for Roma in culture. From the beginning of the implementation of specific programme for cultural projects for the Roma community to 2013, 800 cultural projects worth EUR 1,126,371.37 have been financed. The Ministry finances projects in different cultural areas, such as publications of books in the mother tongue, bilingual and multilingual texts, organising language and creative workshops, activities of amateur cultural groups, events, festivals, competitions, presentations of radio broadcasts and documentaries, various types of cooperation of minority groups and the Roma community with the majority population, etc. As part of the Integration Programme, 11 projects for members of the Roma community, worth EUR 30,620.30, were co-financed in the 2005–2012 period. The projects covered music, literary activities, scholarships and the purchase of equipment for associations. In the five public tenders for the selection of development projects aimed at raising the employability of vulnerable social groups in culture and at supporting their social inclusion within the ESF, the following projects were selected for co-financing:

16 projects worth EUR 1,427,762.02, which include members of the Roma community, and 16 projects worth EUR 1,774,970.30, which include various target groups, including members of the Roma community.

225. A positive step regarding information activities for the Roma community is the production of radio and television programmes for Roma. These have been broadcast by local radio and television stations (their production being financed from the state budget) for many years and are currently also prepared and broadcast as part of the Slovenian national radio and television programming, which is also provided for in the Radiotelevizija Slovenija Act. Since 2003, a Roma Information Centre — ROMIC has been operating as part of the Union of Roma of Slovenia; in 2008, it was assigned a radio frequency for the wider Murska Sobota area⁹⁹.

226. Measures regarding this field are also included in the National Programme for Roma.

227. In the past, the ministry responsible for education financed the preparation of the codification of the (variants of) Romani and the publication of materials on Romani and grammar. According to the revised Strategy for Education of Roma in the Republic of Slovenia (adopted in 2004, revised in 2011), particular attention was devoted to the teaching of Romani as the mother tongue and the Slovene language as the second (foreign) language. Therefore, ESF funds were earmarked for the financing of teaching materials, organising training for Roma assistants and implementing various forms of educational activities for the Roma community. For example, twelve trilingual picture books (in Slovene and in the Prekmurje and Dolenjska dialects of Romani) accompanied with handbooks were published. Literacy materials in Romani and Slovene were also developed. Social incubators implementing various activities in Romani for adults and children financed from the ESF and materials in Romani for various age groups (fairy tales, books, dictionaries, grammar books, etc.) should also be mentioned. An elective school subject on Roma culture has been introduced in elementary schools; apart from Romani, it includes the presentation of Roma tradition, customs and history. It is being taught by Roma assistants and teachers. The Ministry of Education, Science and Sport will continue its efforts for providing better access to different types of materials in Romani for educational institutions, both in printed form and online. For this purpose, the Ministry will enhance cooperation with the Ministry of Culture.

7. Participation of Roma in public life

228. In Slovenia, the right to the participation of Roma in public life is guaranteed at both local and national levels. The Roma Community in the Republic of Slovenia Act stipulates that the Council of the Roma Community (the Roma community umbrella organisation) may submit proposals, initiatives, and opinions on matters within its competence to the National Assembly, the National Council, the Government, other national authorities, holders of public authority and authorities of self-governing local communities. In addition, national authorities, holders of public authority and authorities of self-governing local communities must obtain the prior opinion of the Council for the purposes of adopting or issuing regulations and other general legal acts concerning the status of the Roma community. The Government body responsible, i.e. the Government Commission for the Roma Community, is composed of 16 members, four of which are representatives of the Roma community.

⁹⁹ Further details in Enclosure I.

229. In addition to the general voting right to which they are entitled as Slovenian citizens, members of the Roma community also enjoy, pursuant to the Local Elections Act, the Voting Rights Register Act and the Local Self-Government Act, a special voting right at local elections in the 20 municipalities where they are historically settled, which enables them to elect a Roma councillor from special lists of Roma who are entitled to vote.

230. At the local level, the Roma Community Act introduced special working bodies at the local level to monitor the status of the Roma community, which are set up in municipalities where a representative of the Roma community sits on the city or municipal council.

8. Measures to combat discrimination against Roma

231. Slovenia promotes and financially supports activities aimed at raising public awareness of Roma culture and language, and at promoting the informational and publishing activities of the Roma community. Public tenders of the Government Office for National Minorities are aimed at supporting the activities of Roma associations to promote and strengthen the identity of community members, the integration and cooperation of different parts of the community, awareness-raising and combating intolerance and discrimination, and to support information activities by encouraging the preparation and broadcasting of Roma programmes on local radio stations in order to provide a balanced presentation of Roma topics from different aspects (from the point of view of the Roma, the majority population, national organisations, state, local community, international community, expert public). This is undertaken with a view to preserving and consolidating the ethnic identity of Roma, their language and culture by involving Roma in programme preparation and broadcasting to influence the majority population and make them more tolerant of Roma and their values and also to encourage Roma to respect the values of the majority population.

232. Measures to combat discrimination against Roma are also included in the National Programme for Roma for the Period 2010–2015.¹⁰⁰

233. From 2008 to 2010, Slovenia was the first EU Member State to carry out the campaign “Dosta! Osvobodimo se predsodkov, spoznajmo Rome!” (“Dosta! Go beyond Prejudice, Discover Roma”). Implemented as part of a joint programme of the Council of Europe and the European Commission, this public awareness-raising campaign is focused on learning about and understanding Roma, their culture, way of life and, through conveying a positive message, on seeking to eliminate prejudices and stereotypes about this population group. Numerous activities were carried out as part of the campaign.¹⁰¹

234. Since 2010, two-day training sessions have been organised within the new programme “Awareness of Stereotypes, Control of Prejudices and Prevention of Discrimination in a Multicultural Community”.¹⁰²

¹⁰⁰ These measures include: (1) Activities aimed at preventing discrimination and overcoming certain prejudices and stereotypes associated with the Roma (including the implementation of the “Dosta” campaign); (2) Training Roma community representatives in self-managed local community councils (Roma councillors); (3) Training public administration and judicial personnel whose work brings them into contact with members of the Roma community.

¹⁰¹ Further details in Enclosure I.

¹⁰² In 2010, 16 such training courses were carried out (for 202 police officers). In 2011, 15 sessions were carried out for police officers and two for non-police participants (total 255 participants); 10 in 2012 (for 165 police officers); in 2013, 9 training courses were carried out for the Police (96 participants) and 7 for qualified professionals employed at social services and elementary schools (126 participants).

235. In 2010, the Police, in cooperation with NGOs, carried out a number of workshops for children in Roma settlements. The workshops on education and communication were intended for children and their parents. A documentary entitled “On Duty” was created as part of the project.

236. In 2013, the Police launched the activities of the “SKUPA-J” project. The project was prepared by the Ministry of the Interior in 2012 in response to a call for applications announced by the European Commission as part of the “PROGRESS” programme (2007-2013), anti-discrimination and diversity (Justice call). The programme is intended to support national activities in combating discrimination and promoting equality.

237. The main objective of the “SKUPA-J” project is to raise the awareness of civil servants, Roma and the general public with a view to overcoming obstacles and improving the quality of coexistence. The one-year project is roughly divided into two main parts: the first part is designed for civil servants (particularly those from social services), who have contact with the Roma population, while the second part is intended for members of the Roma community. In 2014, the following activities will be implemented: workshops to identify and prevent intolerance, learn the basics of Romani, set up a mobile classroom in a Roma settlement.¹⁰³

In 2011, three Romni courses were provided for the Police, with two variants in the Dolenjska dialect and one in the Pomurje dialect (41 participants), plus one Albanian language course (17 participants). In 2012, an advanced Albanian language course (for police officers from the police directorates of Koper and Ljubljana) and a course in Romani (for police officers of Police Directorate Ljubljana).

¹⁰³ Further details in Enclosure I.