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Compilation on Slovenia

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. It was recommended that Slovenia ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance,³ the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights⁴ and the Convention on the Reduction of Statelessness.⁵ The Committee on Economic, Social and Cultural Rights recommended that Slovenia ratify the Equality of Treatment (Social Security) Convention, 1962 (No. 118) of the International Labour Organization (ILO).⁶

3. In 2017, Slovenia submitted its midterm report regarding the implementation of the recommendations made during its second universal periodic review.⁷

4. Slovenia contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2017 and 2018.⁸

III. National human rights framework⁹

5. In 2016, the Human Rights Committee recommended that Slovenia establish a fully functioning and independent national human rights institution with a broad-based human rights mandate and provide it with adequate resources, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).¹⁰ The Special Rapporteur on minority issues noted the adoption in 2017 of



amendments to the Human Rights Ombudsman Act, setting out a new legal basis for the Office of the Ombudsman to apply for A status under the Paris Principles.¹¹

6. The Special Rapporteur on minority issues noted the adoption of the Protection from Discrimination Act of 2016, which resulted in the office of the Advocate of the Principle of Equality becoming an independent State body. The mandate included investigative and decisional powers to order the end of discriminatory practices, although no direct punitive powers.¹²

7. The Special Rapporteur recommended that Slovenia adopt multi-year funding formulas for both the Office of the Ombudsman and the Advocate of the Principle of Equality that properly reflected their current or expanded mandates.¹³

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination¹⁴

8. The ILO Committee of Experts on the Application of Conventions and Recommendations noted the lack of a comprehensive strategy for non-discrimination, including the absence of a policy against racism.¹⁵ The Human Rights Committee and the Committee on Economic, Social and Cultural Rights recommended that Slovenia adopt a comprehensive anti-discrimination strategy, in consultation with civil society representatives.¹⁶ The Committee on the Rights of Persons with Disabilities recommended that Slovenia explicitly incorporate into its anti-discrimination legislation, policies and strategies the recognition of multiple and intersectional discrimination based on sex, age, ethnic background or sexual orientation or on migrant, asylum-seeking, refugee, disability or any other status.¹⁷

9. The Human Rights Committee expressed concern that hate speech on the Internet, including in online forums, was on the rise, particularly against migrants, Roma, lesbian, gay, bisexual and transgender persons and Muslims.¹⁸ The Committee was also concerned about the use of racist and xenophobic rhetoric by politicians towards persons belonging to minority groups, including migrants and refugees.¹⁹ The Committee on the Elimination of Racial Discrimination expressed concern about reports of a lack of action in response to the use of racist and xenophobic rhetoric by political figures and the existence of organizations promoting racial hatred and violence.²⁰

10. The Special Rapporteur on minority issues noted that while article 297 of the Penal Code addressed hate speech, its provisions had traditionally been interpreted in a narrow, restrictive way. Consequently, very few cases had led to prosecution and conviction.²¹

11. The Committee on the Elimination of Racial Discrimination recommended that Slovenia strengthen the response of its criminal justice system in cases of racist hate speech and racially motivated violence by ensuring effective investigation and appropriate prosecution and punishment of perpetrators. The Committee also recommended that Slovenia amend its criminal code to specifically recognize racist motives as an aggravating circumstance for all crimes and offences.²²

12. The Special Rapporteur on minority issues stated that, in order to counter hate speech and incitement to violence against minorities more effectively, a clearer picture of which minorities were targeted, by whom and how was necessary. He recommended that disaggregated data on those matters be collated and published by the responsible authorities.²³

13. The Human Rights Committee regretted that the amendments to the Law on Marriage and Family Relations granting, on an equal basis, the rights of same-sex couples to inherit, to access reproductive treatments and to adopt children were made subject to a

referendum in December 2015 notwithstanding the provisions of the Constitution to the contrary, and that they were rejected.²⁴

14. The same Committee recommended that Slovenia ensure that all lesbian, gay, bisexual and transgender persons were guaranteed equal rights and that it intensify its efforts to combat stereotypes and prejudice against such persons, including by launching a nationwide awareness-raising campaign in cooperation with civil society organizations.²⁵ Likewise, the Committee on Economic, Social and Cultural Rights recommended that Slovenia explicitly prohibit discrimination on the basis of sexual orientation.²⁶

2. Development, the environment, and business and human rights

15. The Committee on Economic, Social and Cultural Rights encouraged Slovenia to gradually increase its official development assistance with a view to achieving the international commitment of 0.7 per cent of its gross national product and to pursue a human rights-based approach in its development cooperation policy.²⁷ In 2015, Slovenia noted that it had been supporting a human rights-based approach to development internationally.²⁸

16. The same Committee recommended that Slovenia address the root causes of corruption and adopt all necessary policy and legislative measures to combat corruption and related impunity effectively and to ensure that public affairs were conducted, in law and in practice, in a transparent manner. It also recommended that Slovenia guarantee protection of the human rights of those engaged in anti-corruption activities, in particular victims, whistle-blowers, witnesses and their lawyers.²⁹

B. Civil and political rights

1. Right to life, liberty and security of person³⁰

17. The Committee on the Rights of Persons with Disabilities was concerned at the reported cases of excessive use of force against persons in psychiatric institutions by judicial police officers and medical staff and about the use of electroconvulsive therapy on persons with disabilities.³¹

18. The Human Rights Committee and the Committee on Economic, Social and Cultural Rights were concerned about the high prevalence of domestic violence in Slovenia and the limited effectiveness of mechanisms to protect victims of domestic violence, including the non-enforcement of restraining orders issued against alleged perpetrators.³²

19. The Independent Expert on the enjoyment of all human rights by older persons stated that elder abuse was a recognized problem in Slovenia and that the most common forms of violence were neglect and physical and psychological abuse.³³ She called on the Government to devise a comprehensive strategy for the protection of older persons from violence and all forms of abuse, and encouraged it to ensure that elder abuse was prevented, detected and reported at all levels and in all settings and that cases of elder abuse were investigated and prosecuted.³⁴

2. Administration of justice, including impunity, and the rule of law³⁵

20. The Human Rights Committee remained concerned at reports of a large backlog of cases in the labour and social courts. It expressed concern at the lengthy duration of court proceedings and the lack of timely and effective access to free legal aid in criminal proceedings where the interests of justice so required. The Committee recommended that Slovenia adopt a comprehensive strategy to address the backlog of cases throughout the judiciary and ensure the right to a fair trial without undue delay. It also recommended that Slovenia ensure that free legal aid was available in criminal proceedings without undue delay to all those who did not have sufficient means to pay for it.³⁶

21. The same Committee recommended that Slovenia expedite efforts to improve the living conditions in detention facilities in line with the International Covenant on Civil and Political Rights and the United Nations Standard Minimum Rules for the Treatment of

Prisoners (the Nelson Mandela Rules). It recommended that Slovenia consider not only the construction of new prison facilities, but also the wider application of alternative non-custodial sentences, such as electronic monitoring, parole and community service.³⁷

3. Fundamental freedoms³⁸

22. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that defamation continued to be a criminal offence under the Penal Code.³⁹ The Human Rights Committee recommended that Slovenia reconsider decriminalizing defamation and restrict the application of criminal law to the most serious cases.⁴⁰

4. Prohibition of all forms of slavery⁴¹

23. The Committee on the Elimination of Racial Discrimination expressed concern about the low rates of investigation and conviction in cases of human trafficking and the lack of adequate mechanisms to identify, protect and rehabilitate victims of trafficking.⁴² The Committee on the Elimination of Discrimination against Women recommended that Slovenia investigate, prosecute and punish all cases of trafficking in persons and ensure that the sentences imposed on perpetrators were commensurate with the gravity of the crime. The Committee recommended that Slovenia strengthen measures to identify and provide support to women at risk of trafficking, in particular Roma, migrant, refugee and asylum-seeking women, and measures aimed at addressing the root causes of trafficking.⁴³

24. The Committee on the Elimination of Discrimination against Women recommended that Slovenia provide victims of trafficking with adequate access to health care and counselling and ensure that all victims of trafficking obtained effective protection and redress, including rehabilitation and compensation.⁴⁴ The Human Rights Committee recommended that Slovenia ensure that victims of trafficking were provided with adequate assistance regardless of whether they cooperated with law enforcement authorities in investigations and criminal proceedings.⁴⁵

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work

25. The Committee on Economic, Social and Cultural Rights reiterated its concern about the high levels of unemployment in Slovenia, particularly affecting youth, persons with disabilities and persons belonging to ethnic minorities, and expressed concern about the continuous job insecurity faced by short-term contract workers.⁴⁶ The Committee on the Elimination of Discrimination against Women was concerned about the disproportionately high unemployment rate among women.⁴⁷

2. Right to social security

26. The Committee on Economic, Social and Cultural Rights recommended that Slovenia revise the eligibility conditions and rates for social security benefits, while taking into account the actual cost of living in Slovenia and paying particular attention to unemployed persons, persons with disabilities and older persons.⁴⁸

3. Right to an adequate standard of living⁴⁹

27. The Committee on Economic, Social and Cultural Rights was concerned about the increasing risk of poverty faced by especially disadvantaged and marginalized groups such as older persons. The Committee was also concerned at regional disparities in poverty levels, with the eastern and south-eastern regions being most affected by poverty.⁵⁰

28. The Independent Expert on older persons stated that institutional care for older people remained predominant. Institutional care was understaffed and those taking care of older persons had inadequate training.⁵¹ The Independent Expert encouraged Slovenia to pursue the process of deinstitutionalization of care and to prepare an action plan for deinstitutionalization, including the parallel development of community-based services in consultation with civil society, local communities and older persons themselves.

Community-based services had to be tailored to the needs of older persons in full respect of their physical, psychological, social and cultural condition.⁵²

29. The Committee on Economic, Social and Cultural Rights was concerned that citizens of non-European countries were not eligible for social housing in Slovenia, that in practice refugees did not enjoy access to social housing, and that, owing to insufficient availability of accessible housing, persons with disabilities were often placed in institutions. The Committee urged Slovenia to repeal any discriminatory provisions from the Housing Act, and to expedite the process of adopting a housing policy that addressed, inter alia, access to social housing by all residents without discrimination and the special housing needs of persons with disabilities.⁵³ The Independent Expert on older persons recommended that Slovenia adopt a housing policy that took into account the special needs of older persons to enable them to live independently.⁵⁴

4. Right to health⁵⁵

30. The Committee on Economic, Social and Cultural Rights recommended that Slovenia reform its health insurance system with a view to increasing the proportion of essential rights and services covered by the basic health insurance, and ensure that all residents had access to basic health insurance without discrimination.⁵⁶

31. The same Committee was concerned that regional disparities in access to health-care services persisted, particularly the inadequate numbers of primary health-care experts in some of the remote rural areas, and that measures taken to that end were not comprehensive. The Committee recommended that Slovenia step up its efforts to provide equal access to quality health-care services to all persons in the country.⁵⁷

32. The Independent Expert on older persons called on Slovenia to ensure the availability and accessibility of palliative care for all older persons in need, particularly those who suffered from a life-threatening or life-limiting illness.⁵⁸

5. Right to education

33. The Committee on Economic, Social and Cultural Rights noted with concern the regional disparities in access to education, including tertiary education, with the eastern region of Slovenia being most affected by limited access to education. The Committee recommended that Slovenia ensure equal access to quality education for all students.⁵⁹

34. UNESCO recommended that Slovenia allocate sufficient funding to education, in line with benchmarks endorsed under Sustainable Development Goal 4.⁶⁰

D. Rights of specific persons or groups

1. Women⁶¹

35. The Committee on the Elimination of Discrimination against Women recommended that Slovenia ensure the effective implementation of the national programme for equal opportunities for women and men for the period 2015–2020.⁶² Furthermore, the Committee called for the realization of substantive gender equality throughout the process of implementation of the 2030 Agenda for Sustainable Development.⁶³

36. The same Committee noted with concern the failure to comprehensively prohibit all forms of violence against women in both the public and private spheres and the lenient sentences imposed by courts on perpetrators of acts of domestic violence. It also noted with concern that the network of shelters and crisis centres did not cover the entire territory of Slovenia and that free counselling and assistance were not accessible to all women who were victims of violence.⁶⁴

37. The same Committee recommended that Slovenia amend its legislation to include all forms of violence against women in both the public and private spheres.⁶⁵ The Human Rights Committee recommended that Slovenia strengthen measures aimed at preventing and combating violence against women, including domestic violence and sexual abuse, by, inter alia, ensuring that victims had access to effective remedies and means of protection,

including police protection, adequate emergency shelters, rehabilitative services, legal assistance and other support services and that all cases of violence against women, including domestic violence, were thoroughly investigated and that perpetrators were prosecuted and were punished with appropriate sanctions.⁶⁶

38. The Committee on the Elimination of Discrimination against Women was concerned about the occupational segregation in the labour market, the wage gap in traditionally female-dominated sectors and the limited access by women to skilled and better-paid jobs.⁶⁷ The Committee recommended that Slovenia adopt and implement policies that reversed cultural patterns and transformed traditional gender stereotypes and norms of sex-appropriate roles in society transmitted through schooling and parenting, in order to eliminate occupational segregation and achieve substantive equality of women and men in the labour market. It recommended that Slovenia address the gender pay gap and improve access by women to skilled and better-paid jobs, including through the diversification of fields of study and vocational training for women and men and boys and girls.⁶⁸

39. The Committee recommended that Slovenia strengthen awareness-raising and education initiatives for both women and men on the sharing of domestic and family responsibilities and provide incentives for active participation by men in such tasks, and increase the use of paternity leave by fathers and ensure that employers fulfilled the legal obligation to make such leave available by introducing compulsory paternity leave.⁶⁹

40. The Committee also recommended that Slovenia expedite the preparation and adoption of temporary special measures to increase the representation of women in management and on supervisory boards of companies.⁷⁰

41. The Committee further recommended that Slovenia develop a strategy for the protection and promotion of the sexual and reproductive health and rights of women and provide high-quality and accessible public sexual and reproductive health-care services covered by the compulsory health insurance, in particular for adolescent girls and women belonging to disadvantaged and marginalized groups, such as women living in poverty, women asylum seekers and refugees, Roma women and women who were victims of violence.⁷¹

2. Children⁷²

42. In 2018, the Committee on the Rights of Persons with Disabilities expressed concern about the lack of an explicit and comprehensive prohibition of corporal punishment of children in all settings.⁷³ In 2016, the Human Rights Committee recommended that Slovenia take practical steps to put an end to corporal punishment in all settings. It recommended that Slovenia encourage non-violent forms of discipline as alternatives to corporal punishment and conduct public information campaigns to raise awareness about its harmful effects.⁷⁴

3. Persons with disabilities⁷⁵

43. The Committee on the Rights of Persons with Disabilities was concerned about the persistence of a paternalistic approach to persons with disabilities underpinned by the medical and charity models of disability and about a number of disability definitions that were not in compliance with the human rights model of disability, in particular definitions that were derogatory or described the “unfitness” of persons to participate in regular education, independent life and work on the grounds of their impairment. The Committee recommended that Slovenia conduct a review of its national legislation, policies and programmes, bring them into line with the provisions of the Convention on the Rights of Persons with Disabilities, including the various definitions of disability in legislation, and align them with the human rights model of disability.⁷⁶

44. The same Committee recommended that Slovenia adopt a strategy to prevent all forms of violence against, and abuse and ill-treatment of, persons with disabilities, in particular women with disabilities, and conduct an investigation into all allegations of violence and abuse of persons with disabilities in institutions, expedite the investigation of suspicious causes of deaths of residents of institutions, provide redress to victims and sanction perpetrators. It also recommended that Slovenia adopt a strategy to monitor the

situation of children with disabilities in alternative care, with a view to identifying all instances of violence against children with disabilities.⁷⁷

45. The same Committee was concerned at the large number of persons with disabilities residing in institutions because of the lack of an explicit policy, national and municipal capacity and measures for deinstitutionalization of persons with disabilities, and the insufficient provision of independent living services in the community. It recommended that Slovenia adopt and implement a strategy and action plan aimed at deinstitutionalization, provide sufficient funding for developing community-based independent living schemes and allocate sufficient resources to ensure that services in the community were available, accessible, affordable, acceptable and accommodating for persons with disabilities.⁷⁸

46. The same Committee recommended that Slovenia ensure the efficiency and effectiveness of social protection and poverty reduction programmes for persons with disabilities, the accessibility of public housing and the accessibility and availability of health services for persons with disabilities, and adopt measures aimed at promoting an inclusive, open and accessible labour market in all sectors for all persons with disabilities.⁷⁹

47. The same Committee was concerned that numerous public buildings and services, including public transport, remained inaccessible, especially outside the capital. The Committee recommended that Slovenia adopt clear accessibility standards and measures providing for sanctions for failure to comply with accessibility standards, develop operational measures to ensure the accessibility of transport services and of all buildings open to the public and increase budget allocations for such measures, especially in areas outside the capital.⁸⁰

48. The Committee recommended that Slovenia adopt a national strategy, with benchmarks and with resources, aimed at ensuring the full inclusion of children with disabilities in society, paying attention to the development of inclusive settings in early assistance, education, housing, health and all community services.⁸¹

49. The same Committee recommended that Slovenia adopt a strategy and action plan for the implementation of inclusive education at all levels for all children with disabilities, establish a comprehensive monitoring system to assess the progress of inclusive education, and strengthen the capacity of inclusive schools to train teachers in inclusive education, curriculum accommodation and teaching methods.⁸²

50. The Special Rapporteur on minority issues stated that Slovenia had generally a positive and constructive approach to the use of sign language. He nonetheless urged the Government to strengthen and effectively protect the human rights of members of the Slovenian deaf community, including by amending or adopting relevant legislation making it an official language.⁸³

4. Minorities⁸⁴

51. The Special Rapporteur on minority issues noted the constitutional distinction between autochthonous Italian and Hungarian national communities and other minorities, and the special rights of the Roma community. He explained that the Constitution recognized two “autochthonous national communities” – Hungarians and Italians – and that they were afforded a widely recognized, high level of protection. The “autochthonous” Roma were granted special rights under the Constitution and under the 2007 Roma Community Act, but those rights were not as extensive as those recognized for the Hungarian and Italian communities.⁸⁵

52. The Special Rapporteur stated that although much had been achieved for the protection of the rights of minorities, in particular of Hungarians and Italians, too many Slovenian citizens belonging to minority groups were left out. He urged Slovenia to formulate and adopt comprehensive legislation to better protect the rights of all minorities in Slovenia and to ensure that legislation on the rights of minorities included additional provisions on education in the minority mother tongue where there was a sufficient demand in a locality, to the degree appropriate according to the principle of proportionality, or at least provide for teaching of a minority language where possible.⁸⁶

53. The Committee on the Elimination of Racial Discrimination remained concerned about the lack of representation of minorities, other than the Italian and Hungarian minorities, in Parliament and in regional elected bodies.⁸⁷ The Committee recommended that Slovenia ensure that all minority ethnic groups were adequately represented in Parliament and in regional elected bodies, ensure the effective functioning of the Roma Community Council, including by revising the rules on its composition and its functions, and ensure the actual inclusion and representation of all Roma in municipal councils.⁸⁸

54. The Special Rapporteur on minority issues stated that the Roma and Sinti communities continued to be the most marginalized and vulnerable.⁸⁹ The Human Rights Committee was concerned that limited progress had been achieved in improving the situation of Roma, who continued to suffer from prejudice, discrimination and social exclusion. The Committee was concerned about the distinction made by Slovenia between “autochthonous” and “non-autochthonous” Roma communities and that only the former was granted special rights and opportunities.⁹⁰

55. The Committee on the Elimination of Racial Discrimination recommended that Slovenia ensure the effective implementation, monitoring and evaluation of the National Programme of Measures for Roma for the period 2016–2021.⁹¹ The Special Rapporteur on minority issues recommended that Slovenia remove the unhelpful, probably harmful and possibly discriminatory distinction in legislation and other measures made between “autochthonous” and “non-autochthonous” Roma communities.⁹²

56. The Independent Expert on older persons stated that most Roma people in Slovenia still lived apart from the majority of the population, in isolated settlements, which were generally below the minimum living standards.⁹³ The Special Rapporteur on minority issues noted that the main obstacle faced by Roma communities was the informal nature of their settlements, and consequently their lack of security of tenure with regard to their homes and property, which led to restrictions on their rights to adequate housing and to water and sanitation.⁹⁴ The Committee on Economic, Social and Cultural Rights was concerned that the majority of Roma who lived in informal settlements were vulnerable to forced eviction.⁹⁵ The Committee on the Elimination of Racial Discrimination was concerned that Roma were disproportionately affected by the absence of provisions prohibiting forced eviction.⁹⁶

57. The Committee on the Elimination of Racial Discrimination recommended that Slovenia ensure security of tenure for people living in informal settlements, take all measures necessary to guarantee that evictions were carried out in accordance with international standards, and provide remedies and adequate alternative housing to those affected in cases of eviction.⁹⁷ The Special Rapporteur on minority issues and the Committee on Economic, Social and Cultural Rights made similar recommendations.⁹⁸ The Committee on Economic, Social and Cultural Rights recommended that Slovenia take effective measures to end segregation of Roma communities, prevent acts of discrimination against Roma attempting to buy or rent housing outside their segregated areas and facilitate access to social housing for Roma.⁹⁹

58. The Committee on the Elimination of Racial Discrimination was concerned that access by Roma to employment and health services remained limited. A disproportionately large number of Roma had poor access to clean drinking water and adequate sanitation, exposing them to grave health risks.¹⁰⁰ The Committee recommended that Slovenia guarantee effective access for Roma to public services, such as electricity and health services, and to the formal labour market, and step up efforts to provide access to adequate sanitation and safe drinking water for the Roma population.¹⁰¹

59. The Committee on Economic, Social and Cultural Rights expressed its concern that the majority of Roma children in primary and secondary school were enrolled in classes for children with special needs, that they achieved low school performance and that their dropout rate remained high.¹⁰² The Committee recommended that Slovenia adopt effective and adequately resourced measures aimed at integrating Roma children into preschool institutions, ending school segregation and reducing school dropout.¹⁰³ The Committee on the Elimination of Racial Discrimination recommended that Slovenia continue to adopt measures to provide all Roma with effective access to high quality education at all levels.¹⁰⁴

The Committee on Economic, Social and Cultural Rights, UNESCO and the ILO Committee of Experts made similar recommendations.¹⁰⁵

60. The Human Rights Committee was concerned about instances of child and forced marriage among members of the Roma community.¹⁰⁶ While welcoming the criminalization of child and/or forced marriage, the Committee on the Elimination of Discrimination against Women was concerned about the inadequate response by Slovenia with respect to the prevention, prosecution and punishment of such offences, especially among the Roma population.¹⁰⁷ The Human Rights Committee recommended that Slovenia ensure that the prohibition of child and forced marriage was implemented in practice.¹⁰⁸

5. Migrants, refugees and asylum seekers¹⁰⁹

61. The Committee on Economic, Social and Cultural Rights was concerned about the working conditions of migrant workers, which were characterized by low income and unlawful deductions, wage arrears, extra working hours without compensation, short-term contracts and subcontracting, lack of social benefits for workers in the informal economy and limited access to justice.¹¹⁰

62. The Human Rights Committee regretted the measures taken by Slovenia to respond to the influx of asylum seekers and migrants, including the adoption, on 18 February 2016, of a joint statement of the heads of police services of five European countries, including Slovenia, placing limits to entry solely on the basis of nationality and the possession of identification documents, rather than on an individual assessment of whether or not individuals concerned were in need of protection against non-refoulement.¹¹¹ The United Nations High Commissioner for Human Rights expressed similar concerns. He stated that the agreement by the police chiefs established a policy that included measures that seemed to be incompatible with the human rights obligations of the countries concerned.¹¹²

63. The High Commissioner stated that he was particularly troubled that the agreement appeared to enable the collective expulsion of non-nationals, acts explicitly prohibited under international law. The agreement established extremely narrow criteria for allowing entry – “fleeing war” – with no mention of “persecution”, which was the key criteria for recognizing refugees under the Convention relating to the Status of Refugees and its Protocol and related international law. The agreement contained no measures aimed at protecting extremely vulnerable women, children and men on the move.¹¹³

64. The Office of the United Nations High Commissioner for Refugees (UNHCR) was concerned that the amendments to the Act on foreigners that had come into force in 2017 might undermine the right to seek asylum and protection from refoulement. A new article of the Act introduced a possibility for the National Assembly to limit access to the territory and asylum procedures in cases of mass influxes of refugees and migrants.¹¹⁴ Moreover, the Committee on the Elimination of Racial Discrimination expressed concern about the absence of specific provisions prohibiting refoulement in the international protection act of 2007.¹¹⁵

65. The Human Rights Committee recommended that Slovenia take effective steps to allow persons in need of international protection access to the relevant procedures for international protection, and ensure that any measures taken by Slovenia, including in relation to bilateral and regional agreements, did not discriminate on the basis of country of origin, arrival or transit. It also recommended that Slovenia ensure that the procedure for international protection allowed for an individual assessment based on the circumstances of each case by trained professionals with legal expertise, and that legal representation of adequate quality was systematically made accessible throughout the entire procedure for requesting international protection.¹¹⁶ Furthermore, the Committee recommended that Slovenia ensure full respect of the principle of non-refoulement.¹¹⁷

66. The same Committee recommended that Slovenia ensure adequate living conditions in full respect of the right to be protected against inhuman or degrading treatment in all refugee camps and shelters, and guarantee access to basic needs, including food, health-care services, psychological support and legal counselling.¹¹⁸

67. UNHCR stated that Slovenia did not provide comprehensive protection to children, in particular unaccompanied and separated children, because there was no formal mechanism in place to consider the best interests of the child in decisions that affected them. The guardianship system for unaccompanied children was not effective; in most cases the guardians were not trained and had little experience working with foreign children.¹¹⁹

68. The Committee on the Elimination of Racial Discrimination recommended that Slovenia protect the rights of separated and unaccompanied children seeking asylum in full compliance with international standards, including through the introduction of best-interests determination procedures and the adoption of the benefit-of-the-doubt standard in the event of remaining uncertainty in age assessment.¹²⁰

69. The same Committee expressed concern about the abrogation in 2013 of the right to family reunification in the relevant provisions of the international protection act.¹²¹ The Human Rights Committee recommended that Slovenia consider steps to facilitate the process of family reunification for beneficiaries of international protection.¹²²

70. The Committee on the Elimination of Racial Discrimination expressed concern about the lack of free access to adequate secondary and tertiary medical health care and of social housing for asylum seekers and refugees.¹²³ UNHCR noted that asylum seekers had access only to basic medical services, and only in exceptional circumstances, following the approval of an interdepartmental committee, were they granted specialized treatment. Refugees were entitled to rental subsidies for up to three years. Under the national legislation, the possibility to apply for social housing was restricted to Slovenian citizens.¹²⁴

71. The Committee on the Elimination of Racial Discrimination recommended that Slovenia adopt all measures to ensure effective and equal access for asylum seekers and refugees to social housing and free public health services and ensure that all migrants, asylum seekers and refugees were provided with adequate basic services, shelter and humanitarian assistance while in transit in the territory of Slovenia.¹²⁵

6. Stateless persons¹²⁶

72. UNHCR recommended that Slovenia put in place a statelessness determination procedure to ensure the protection of stateless persons.¹²⁷

73. UNHCR stated that the act on citizenship granted citizenship to children born in the country when the child's parents were unknown, their nationality was unknown or when the parents were stateless. That safeguard did not prevent children from being born stateless in the territory to parents who could not transfer their nationality to their child, as envisaged under article 1 of the Convention on the Reduction of Statelessness. It recommended that Slovenia amend the act on citizenship to ensure that all children born in the territory of Slovenia acquired Slovenian nationality if they were otherwise stateless.¹²⁸

74. UNHCR stated that after Slovenia had declared independence, nationals of the former Yugoslavia who had permanent residence in Slovenia had been "erased", as their names had been removed from the population registers in 1992. Despite the steps already taken to tackle the issue, the status of the "erased" persons still had not been resolved.¹²⁹

75. The Committee on the Elimination of Racial Discrimination noted that under the Act of 2010 regulating the status of "erased" persons, applications for the restoration of residency status could be lodged only within three years from the date of entry into effect of the Act. Consequently, only a limited number of persons who had been subjected to the erasure had applied for the restoration of their residency status.¹³⁰ The Human Rights Committee expressed concern that there were no avenues for restoring the legal status of a significant number of "erased" persons since the expiry in 2013 of the 2010 Act to re-establish their permanent residency status.¹³¹ The Special Rapporteur on minority issues,¹³² the Independent Expert on older persons,¹³³ the Committee on Economic, Social and Cultural Rights,¹³⁴ and the Committee on the Elimination of Discrimination against Women¹³⁵ expressed similar concerns.

76. The Committee on Economic, Social and Cultural Rights was concerned that the Act Regulating Compensation for Damage to Persons Erased from the Permanent Population

Register (Compensation Act) excluded those who had not obtained legal status in Slovenia, and provided for inadequate financial compensation.¹³⁶ The Committee on the Elimination of Racial Discrimination was concerned that erased persons continued to face difficulties in accessing education, training and employment.¹³⁷

77. The Human Rights Committee recommended that Slovenia ensure that all remaining “erased” persons could restore their legal status without undue administrative constraints and that all “erased” persons were provided with full and effective reparation, including restitution and compensation.¹³⁸ UNHCR,¹³⁹ the Committee on the Elimination of Discrimination against Women,¹⁴⁰ the Committee on Economic, Social and Cultural Rights,¹⁴¹ the Committee on the Elimination of Racial Discrimination¹⁴² and the Special Rapporteur on minority issues¹⁴³ made similar recommendations.

78. The Committee on the Elimination of Racial Discrimination recommended that Slovenia ensure the full enjoyment by erased persons of their rights with respect to access to education, training and employment, paying special attention to Roma who had been subjected to erasure.¹⁴⁴

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Slovenia will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/SIindex.aspx.
- ² For relevant recommendations, see A/HRC/28/15, paras. 115.1, 115.4–115.17 and 115.133.
- ³ CERD/C/SVN/CO/8-11, para. 18, E/C.12/SVN/CO/2, para. 31 and CEDAW/C/SVN/CO/5-6, para. 46.
- ⁴ E/C.12/SVN/CO/2, para. 29 and A/HRC/30/43/Add.1, para. 67.
- ⁵ UNHCR submission for the universal periodic review of Slovenia, p. 3, CERD/C/SVN/CO/8-11, para. 18, CEDAW/C/SVN/CO/5-6, para. 38 and CEDAW/C/SVN/CO/5-6/Add.1, para. 26. See also letter dated 28 November 2017 from the Committee on the Elimination of Discrimination against Women addressed to the Permanent Representative of Slovenia to the United Nations Office and other international organizations in Geneva. Available from https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SVN/INT_CEDAW_FUL_SVN_29558_E.pdf.
- ⁶ E/C.12/SVN/CO/2, para. 18.
- ⁷ See www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx.
- ⁸ OHCHR, *OHCHR Report 2017*, pp. 79, 83 and 88 and *OHCHR Report 2018*, pp. 77 and 92.
- ⁹ For relevant recommendations, see A/HRC/28/15, paras. 115.22 and 115.31–115.39.
- ¹⁰ CCPR/C/SVN/CO/3, para. 6. See also CERD/C/SVN/CO/8-11, para. 17 and E/C.12/SVN/CO/2, para. 9.
- ¹¹ A/HRC/40/64/Add.1, para. 19. See also CCPR/C/SVN/CO/3/Add.1, paras. 24–28.
- ¹² A/HRC/40/64/Add.1, para. 18. See also CCPR/C/SVN/CO/3/Add.1, para. 2 and UNHCR submission, p. 2.
- ¹³ A/HRC/40/64/Add.1, para. 61. See also E/C.12/SVN/CO/2, para. 10.
- ¹⁴ For relevant recommendations, see A/HRC/28/15, paras. 115.44–115.47, 115.49–115.58, 115.62–115.70, 115.74, 115.76–115.78, 115.81, 115.85, 115.87, 115.92, 115.93, 115.98 and 115.103.
- ¹⁵ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3339086:NO.
- ¹⁶ CCPR/C/SVN/CO/3, para. 8 and E/C.12/SVN/CO/2, para. 10. See also A/HRC/30/43/Add.1, para. 74.
- ¹⁷ CRPD/C/SVN/CO/1, para. 7.
- ¹⁸ CCPR/C/SVN/CO/3, para. 7. See also A/HRC/40/64/Add.1, para. 49.
- ¹⁹ CCPR/C/SVN/CO/3, para. 7.
- ²⁰ CERD/C/SVN/CO/8-11, para. 8.
- ²¹ A/HRC/40/64/Add.1, para. 48. See also CERD/C/SVN/CO/8-11, para. 8.
- ²² CERD/C/SVN/CO/8-11, para. 9. See also E/C.12/SVN/CO/2, para. 10, CCPR/C/SVN/CO/3, para. 8 and CCPR/C/SVN/CO/3/Add.1, paras. 6–9.
- ²³ A/HRC/40/64/Add.1, para. 70. See also E/C.12/SVN/CO/2, para. 6 and CERD/C/SVN/CO/8-11, para. 5.
- ²⁴ CCPR/C/SVN/CO/3, para. 9.
- ²⁵ *Ibid.*, para. 10.
- ²⁶ E/C.12/SVN/CO/2, para. 12.
- ²⁷ *Ibid.*, para. 30.
- ²⁸ A/70/358, p. 5.
- ²⁹ E/C.12/SVN/CO/2, para. 7.
- ³⁰ For relevant recommendations, see A/HRC/28/15, paras. 115.106–115.109 and 115.21.

- ³¹ CRPD/C/SVN/CO/1, para. 25.
- ³² CCPR/C/SVN/CO/3, para. 13 and E/C.12/SVN/CO/2, para. 19.
- ³³ A/HRC/30/43/Add.1, para. 21.
- ³⁴ Ibid., paras. 78–79.
- ³⁵ For the relevant recommendation, see A/HRC/28/15, para. 115.128.
- ³⁶ CCPR/C/SVN/CO/3, paras. 27–28.
- ³⁷ Ibid., para. 26.
- ³⁸ For relevant the recommendation, see A/HRC/28/15, para. 115.132.
- ³⁹ UNESCO submission for the universal periodic review of Slovenia, para. 6. See also CCPR/C/SVN/CO/3, para. 31.
- ⁴⁰ CCPR/C/SVN/CO/3, para. 32.
- ⁴¹ For relevant recommendations, see A/HRC/28/15, paras. 151.119–115.127.
- ⁴² CERD/C/SVN/CO/8-11, para. 14. See also CEDAW/C/SVN/CO/5-6, para. 21.
- ⁴³ CEDAW/C/SVN/CO/5-6, para. 22. See also CERD/C/SVN/CO/8-11, para. 15.
- ⁴⁴ CEDAW/C/SVN/CO/5-6, para. 22. See also CERD/C/SVN/CO/8-11, para. 15.
- ⁴⁵ CCPR/C/SVN/CO/3, para. 20. See also CCPR/C/SVN/CO/3/Add.1, para. 23.
- ⁴⁶ E/C.12/SVN/CO/2, para. 16.
- ⁴⁷ CEDAW/C/SVN/CO/5-6, para. 29.
- ⁴⁸ E/C.12/SVN/CO/2, para. 18.
- ⁴⁹ For relevant recommendations, see A/HRC/28/15, paras. 115.135–115.138.
- ⁵⁰ E/C.12/SVN/CO/2, para. 20. See also A/HRC/30/43/Add.1, para. 80.
- ⁵¹ A/HRC/30/43/Add.1, paras. 43 and 49.
- ⁵² Ibid., paras. 87 and 89.
- ⁵³ E/C.12/SVN/CO/2, para. 22.
- ⁵⁴ A/HRC/30/43/Add.1, para. 81.
- ⁵⁵ For relevant recommendations, see A/HRC/28/15, paras. 115.141–115.143.
- ⁵⁶ E/C.12/SVN/CO/2, para. 23.
- ⁵⁷ Ibid., para. 24.
- ⁵⁸ A/HRC/30/43/Add.1, para. 91.
- ⁵⁹ E/C.12/SVN/CO/2, para. 26.
- ⁶⁰ UNESCO submission, para. 11.
- ⁶¹ For relevant recommendations, see A/HRC/28/15, paras. 115.105–115.111, 115.23 and 115.59–115.61.
- ⁶² CEDAW/C/SVN/CO/5-6, para. 14.
- ⁶³ Ibid., para. 44.
- ⁶⁴ Ibid., para. 19.
- ⁶⁵ Ibid., para. 20.
- ⁶⁶ CCPR/C/SVN/CO/3, para. 14. See also CEDAW/C/SVN/CO/5-6, para. 20 and E/C.12/SVN/CO/2, para. 19.
- ⁶⁷ CEDAW/C/SVN/CO/5-6, para. 29.
- ⁶⁸ Ibid., para. 30.
- ⁶⁹ Ibid.
- ⁷⁰ Ibid., para. 24. See also CCPR/C/SVN/CO/3, para. 12.
- ⁷¹ CEDAW/C/SVN/CO/5-6, para. 32.
- ⁷² For relevant recommendations, see A/HRC/28/15, paras. 115.113–115.116, 115.21 and 115.23.
- ⁷³ CRPD/C/SVN/CO/1, para. 10. See also CCPR/C/SVN/CO/3, para. 29.
- ⁷⁴ CCPR/C/SVN/CO/3, para. 30. See also CRPD/C/SVN/CO/1, para. 11.
- ⁷⁵ For relevant recommendations, see A/HRC/28/15, paras. 115.21 and 115.145–115.148.
- ⁷⁶ CRPD/C/SVN/CO/1, paras. 4–5.
- ⁷⁷ Ibid., para. 11; see also para. 27.
- ⁷⁸ Ibid., paras. 31–32.
- ⁷⁹ Ibid., paras. 42, 46 and 48. See also E/C.12/SVN/CO/2, paras. 16, 20 and 22.
- ⁸⁰ CRPD/C/SVN/CO/1, paras. 14–15.
- ⁸¹ Ibid., para. 11.
- ⁸² Ibid., para. 40.
- ⁸³ A/HRC/40/64/Add.1, para. 71. See also CRPD/C/SVN/CO/1, para. 36.
- ⁸⁴ For relevant recommendations, see A/HRC/28/15, paras. 115.25, 115.71–115.73, 115.75, 115.79, 115.80–115.86, 115.88–115.91, 115.102, 115.138–115.140, 115.144 and 115.150–115.162.
- ⁸⁵ A/HRC/40/64/Add.1, paras. 6 and 11–13.
- ⁸⁶ Ibid., para. 66.
- ⁸⁷ CERD/C/SVN/CO/8-11, para. 10.
- ⁸⁸ Ibid., para. 11. See also A/HRC/40/64/Add.1, para. 62.
- ⁸⁹ A/HRC/40/64/Add.1, para. 33.

- ⁹⁰ CCPR/C/SVN/CO/3, para. 23. See also CERD/C/SVN/CO/8-11, para. 6, E/C.12/SVN/CO/2, para. 11, A/HRC/30/43/Add.1, para. 75 and A/HRC/40/64/Add.1, para. 33.
- ⁹¹ CERD/C/SVN/CO/8-11, para. 7.
- ⁹² A/HRC/40/64/Add.1, para. 62. See also CCPR/C/SVN/CO/3, para. 24 and CERD/C/SVN/CO/8-11, para. 7.
- ⁹³ A/HRC/30/43/Add.1, para. 13. See also CERD/C/SVN/CO/8-11, para. 6 and E/C.12/SVN/CO/2, para. 21.
- ⁹⁴ A/HRC/40/64/Add.1, para. 35.
- ⁹⁵ E/C.12/SVN/CO/2, para. 21.
- ⁹⁶ CERD/C/SVN/CO/8-11, para. 6. See also E/C.12/SVN/CO/2, para. 21.
- ⁹⁷ CERD/C/SVN/CO/8-11, para. 7.
- ⁹⁸ A/HRC/40/64/Add.1, para. 63 and E/C.12/SVN/CO/2, para. 21.
- ⁹⁹ E/C.12/SVN/CO/2, para. 21. See also CERD/C/SVN/CO/8-11, para. 7.
- ¹⁰⁰ CERD/C/SVN/CO/8-11, para. 6. See also A/HRC/40/64/Add.1, paras. 35–36 and A/HRC/30/43/Add.1, para. 13.
- ¹⁰¹ CERD/C/SVN/CO/8-11, para. 7. See also A/HRC/40/64/Add.1, para. 64, A/HRC/30/43/Add.1, para. 75 and E/C.12/SVN/CO/2, para. 21.
- ¹⁰² E/C.12/SVN/CO/2, para. 27. See also CERD/C/SVN/CO/8-11, para. 6, A/HRC/40/64/Add.1, para. 39 and UNESCO submission, p. 3.
- ¹⁰³ E/C.12/SVN/CO/2, para. 27.
- ¹⁰⁴ CERD/C/SVN/CO/8-11, para. 7.
- ¹⁰⁵ E/C.12/SVN/CO/2, para. 27, UNESCO submission, para. 11 and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3339495:NO.
- ¹⁰⁶ CCPR/C/SVN/CO/3, para. 23.
- ¹⁰⁷ CEDAW/C/SVN/CO/5-6, para. 39.
- ¹⁰⁸ CCPR/C/SVN/CO/3, para. 24. See also CERD/C/SVN/CO/8-11, para. 7 and CEDAW/C/SVN/CO/5-6, para. 40.
- ¹⁰⁹ For relevant recommendations, see A/HRC/28/15, paras. 115.55 and 115.163.
- ¹¹⁰ E/C.12/SVN/CO/2, para. 17.
- ¹¹¹ CCPR/C/SVN/CO/3, para. 15.
- ¹¹² See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17091&LangID=E.
- ¹¹³ Ibid.
- ¹¹⁴ UNHCR submission, p. 4.
- ¹¹⁵ CERD/C/SVN/CO/8-11, para. 14. See also UNHCR submission, p. 4.
- ¹¹⁶ CCPR/C/SVN/CO/3, para. 16. See also UNHCR submission, p. 5, CERD/C/SVN/CO/8-11, para. 15 and CCPR/C/SVN/CO/3/Add.1, paras. 11–15.
- ¹¹⁷ CCPR/C/SVN/CO/3, para. 16. See also CEDAW/C/SVN/CO/5-6, para. 38, UNHCR submission, p. 5 and CCPR/C/SVN/CO/3/Add.1, para. 16.
- ¹¹⁸ CCPR/C/SVN/CO/3, para. 18. See also CEDAW/C/SVN/CO/5-6, para. 38.
- ¹¹⁹ UNHCR submission, p. 4. See also CERD/C/SVN/CO/8-11, para. 14.
- ¹²⁰ CERD/C/SVN/CO/8-11, para. 15. See also UNHCR submission, p. 5.
- ¹²¹ CERD/C/SVN/CO/8-11, para. 14.
- ¹²² CCPR/C/SVN/CO/3, para. 16. See also CCPR/C/SVN/CO/3/Add.1, paras. 18–20.
- ¹²³ CERD/C/SVN/CO/8-11, para. 14.
- ¹²⁴ UNHCR submission, pp. 4–5.
- ¹²⁵ CERD/C/SVN/CO/8-11, para. 15. See also UNHCR submission, p. 5.
- ¹²⁶ For relevant recommendations, see A/HRC/28/15, paras. 115.66, 115.96–115.97, 115.99–115.100, 115.102, 115.149 and 115.161.
- ¹²⁷ UNHCR submission, p. 3.
- ¹²⁸ Ibid.
- ¹²⁹ Ibid. See also CERD/C/SVN/CO/8-11, para. 12 and E/C.12/SVN/CO/2, para. 13.
- ¹³⁰ CERD/C/SVN/CO/8-11, para. 12.
- ¹³¹ CCPR/C/SVN/CO/3, para. 21.
- ¹³² A/HRC/40/64/Add.1, para. 53.
- ¹³³ A/HRC/30/43/Add.1, paras. 15–18.
- ¹³⁴ E/C.12/SVN/CO/2, para. 13.
- ¹³⁵ CEDAW/C/SVN/CO/5-6, para. 25. See also CEDAW/C/SVN/CO/5-6/Add.1, paras. 2–3.
- ¹³⁶ E/C.12/SVN/CO/2, para. 13. See also CERD/C/SVN/CO/8-11, para. 12.
- ¹³⁷ CERD/C/SVN/CO/8-11, para. 12.
- ¹³⁸ CCPR/C/SVN/CO/3, para. 22.
- ¹³⁹ UNHCR submission, p. 3.
- ¹⁴⁰ CEDAW/C/SVN/CO/5-6, para. 26.
- ¹⁴¹ E/C.12/SVN/CO/2, para. 13.

¹⁴² CERD/C/SVN/CO/8-11, para. 13.

¹⁴³ A/HRC/40/64/Add.1, para. 73.

¹⁴⁴ CERD/C/SVN/CO/8-11, para. 13.
