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SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF THE  
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1

### Slovenia\*

The present report is a summary of seven stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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

## **I. BACKGROUND AND FRAMEWORK**

### **A. Scope of international obligations**

1. Association for the Theory and Culture of Handicap (YHD) stated that Slovenia had mistranslated concepts and meanings from the UN Convention on the Rights of Persons with Disabilities in its current policy, and, for instance, “personal assistance”, well known concept with clear definitions in the European and international context, was ignored and translated as “personal help”.<sup>2</sup>

### **B. Constitutional and legislative framework**

2. The Human Rights Ombudsman of the Republic of Slovenia (the Ombudsman) stated that the year 2008 brought a series of new laws and amendments in the legislative field. Some laws had to be adopted urgently because, among other reasons, they had been requested by the Constitutional Court. The Ombudsman found that some of the legislation was adopted too quickly, without enough consideration for the opinions of professionals and the interested public. It recommended that public participation in adopting regulations be governed by a special law defining the stakeholders, the time of discussion, the way of commenting, and the obligation of the stakeholders of these discussions to take a position regarding the comments.<sup>3</sup>

### **C. Institutional and human rights infrastructure**

3. The Ombudsman was alarmed that the State Electoral Commission (DVK) refused to consider to the Ombudsman's initiative for better preliminary information on electoral and referendum procedures, noting that some data was published less than two weeks before the expiry of the statutory time limits.<sup>4</sup>

### **D. Policy measures**

4. The Ombudsman explained that it does not have executive power but can express observations. The Ombudsman said its project initiatives (“Let us Face Discrimination”, “Environment and Human Rights”, “Poverty and Human Rights”, “Advocate – a child’s voice”) had detected problems even before the state administration had noticed them, but the state reacted too late, or not at all.<sup>5</sup>

5. YHD noted that there is no practice of mainstreaming in the field of disability, and questions concerning education, health, housing, discrimination, employment, equal opportunities, and gender regarding persons living with disabilities are forwarded to the Directorate for the Disabled, and are thus resolved (if they are) in the frame of narrow disability policy. The Directorate for Disabled doesn’t let any questions concerning rights of persons with disabilities to be brought into public debate.<sup>6</sup>

6. In 2005, the Council of Europe’s Office of the Commissioner for Human Rights (CoE-Commissioner) noted the drawing up of a new National Action Programme for Employment and Social Inclusion of Roma.<sup>7</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### Implementation of international human rights obligations

#### 1. Equality and non-discrimination

7. In 2005, the CoE-Commissioner welcomed the legislative and institutional developments in combating discrimination and recommended that adequate resources be made available to the Advocate for the Principle of Equality. It also welcomed the Ombudsman's strengthened focus and new resources allocated to combating discrimination.<sup>8</sup>

8. The CoE-Commissioner stated that it was extremely concerned about the continuous public manifestations of hate speech and intolerance by some politicians. It called for greater responsibility of politicians and media in this regard and for the full respect of the rights and values laid down in international instruments.<sup>9</sup> The Ombudsman stated that since the notion of hate speech is not well known, people do not recognise it as such and fail to act as provided for by the legislation. It also underlined the crucial role of state bodies in sanctioning efficiently criminal acts committed out of hatred, noting that competent law enforcement authorities did not react to individual complaints or reports, even in cases forwarded by the Ombudsman.<sup>10</sup> The CoE-Commissioner also expressed concern over the homophobic and intolerant public statements made by some politicians during the discussions about the draft Law on Registered Same-Sex Partnership in the Parliament.<sup>11</sup> In 2006, the European Commission against Racism and Intolerance (CoE-ECRI) strongly recommended that Slovenia introduce a criminal law provision that expressly considers the racist motivation of an offence as a specific aggravating circumstance. More generally, CoE-ECRI recommended that Slovenia keep the criminal law provisions in force against racism and racial discrimination under review and fine-tune them as necessary.<sup>12</sup>

9. SRI referred to the 1997 penal code decriminalizing homosexual sex and permitting homosexual civil unions. SRI informed that in 2006 gay activists filed a complaint to the Constitutional Court because the law did not afford the same social, family, and inheritance rights as those granted to heterosexual married couples. The court had not yet issued a ruling on the matter.<sup>13</sup> Fundación Mundial Déjame Vivir en Paz (FMDVEP) considered necessary that Slovenia recognize the Rights of homosexuals to adopt a child.<sup>14</sup>

10. Amnesty International (AI) considered the revocation of the permanent residency status of citizens of other former Yugoslav republics who had been permanent residents in Slovenia ("the erased") had been conducted in a discriminatory manner against those from the other republics of the former Yugoslavia living in Slovenia, whereas foreigners from all other countries were granted the right to reside permanently in Slovenia.<sup>15</sup>

11. Sexual Rights Initiative (SRI)<sup>16</sup> stated that some 60 per cent of Slovenia's women are in the workforce. High number and full time employment of women has been supported by parental leave arrangements, including individual right of fathers to paternity leave, 100 per cent wage compensation for maternity, parental and paternity leave, provision of accessible and affordable care services, facilities, comprehensive and coordinated actions addressing the role of men and employers in achieving a balance between work and family life. However, while the average length of unemployment was the same for men and women, women frequently held lower paid

jobs. SRI stated that there is an also great difference on countryside areas there women still live mostly according to the stereotypes that restrict them to their roles as mothers and wives.<sup>17</sup>

12. In 2005, the CoE-Commissioner welcomed the plans for the improvement of social institutions and the community-based approach adopted in caring for persons with disabilities in social institutions.<sup>18</sup> The Ombudsman considered the State was not committed and efficient enough to apply the principle of equal opportunities and equal treatment, and prevent discrimination experienced by the persons living with disabilities in various spheres of their life. It suggested a regulatory framework aimed at providing additional financial resources; reasonable adjustments of the study process to students with special needs; redefining the level of disability necessary for a parking card; and to improve the control over the use of the parking spaces for persons living with disabilities.<sup>19</sup>

## **2. Right to life, liberty and security of the person**

13. In 2006, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) recommended that Slovenia remind police officers, through appropriate means and at regular intervals, that the ill-treatment of detained persons is not acceptable and will be the subject of severe sanctions.<sup>20</sup> It reiterated earlier recommendations that whenever a detained person brought before a judge alleges ill-treatment by police officers, these allegations be recorded in writing, a forensic medical examination immediately ordered, and the steps taken to ensure that the allegations are properly investigated. Such an approach should be followed whether or not the person concerned bears visible external injuries. Moreover, even in the absence of an express allegation of ill-treatment, a forensic medical examination should be requested whenever there are other grounds to believe that a detained person could have been the victim of ill-treatment.<sup>21</sup>

14. The Ombudsman informed of its visits to prison centres, the re-education centre, police stations, specially protected departments of mental hospitals and social care institutions and reported that the situation is the worst in prisons, highlighting unacceptable conditions, including a severe lack of personnel and means necessary for the work of prison guards. Regarding the conditions of detained persons suffering from mental disturbance or illness, it stated that psychiatric hospitals have begun to reject patients since hospitals do not have suitable space and staff resources.<sup>22</sup>

15. SRI stated that it was very difficult to ascertain the extent and severity of violence against women in the family because women often hesitate to report assaults to the police for fear of social censure or reprisal, but also because incidents of violence in the home, either between spouses or other family members are most frequently classified by authorities as violations of the statute concerning public disturbance. SRI also stated that sexual harassment remains a widespread problem in Slovenia. SRI recommended that the Government in consultations with civil society organizations, academics and women victims of domestic violence, develop and promulgate a specific law on domestic violence that includes both penalties and treatment options for perpetrators, clearly establishes obligations of police in cases of domestic violence and provides for the creation, staffing and overseen of services. It also recommended conducting a wide-reaching awareness campaign on domestic violence, through a joint effort between the State, media and NGOs.<sup>23</sup>

16. As currently late-term abortions occur and they might constitute a serious health risk for women, SRI recommended that Slovenia issue a complementary act allowing the public health sector to intervene as needed to protect the life and health of women undergoing a late-term abortion, without any criminal sanctions being imposed on them. The media meanwhile should conduct a campaign to raise the awareness about the issue. SRI also recommended improving abortion services facilities to ensure that they meet the best health standards and to guarantee that women will no longer be placed on waiting lists as, in some cases, a long waiting period could endanger their life and health.<sup>24</sup>

17. SRI stated that Slovenian NGOs estimated that 1,500 to 2,500 trafficked women pass through Slovenia every year, usually from Eastern Europe and the Balkans en route to Western Europe, and that 1,500 to 2,000 women and girls are trafficked to Slovenia annually. It also stated that Slovenia is, to a much lesser degree, also a country of origin for trafficking in women and children. According to local NGOs, around 100 Slovenian women and girls have been trafficked abroad, mostly to Western European countries. SRI explained that in 2005, the National Assembly passed a witness-protection law designed to improve prosecution of forced-prostitution and trafficking cases. SRI recommended establishing mechanisms to control the borders and airports to detect human trafficking cases, with full involvement and overseen by human rights state offices and relevant civil society organizations, as well as to conduct an awareness campaign to inform women about rights in regard to human trafficking and to reduce their vulnerability.<sup>25</sup> In 2005, the CoE-Commissioner welcomed the efforts in preventing and combating trafficking in human beings. It also welcomed the reflection period of three months, which is granted for all victims of trafficking in Slovenia, but expressed concern about the strict conditions for issuance of even a temporary residence permit.<sup>26</sup>

18. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment within the home is still lawful. It stated that the 1991 Constitution, the 1989 Marriage and Family Relations Act and the Penal Code (amended in 1999) are not prohibiting corporal punishment in all settings. It stated that in 2004 the Government informed of its intention to consider an explicit prohibition of corporal punishment of children within the family, but noted that no information about it has been available. In 2008, a number of government officials signed the Council of Europe petition against corporal punishment of children in all areas.<sup>27</sup>

### **3. Administration of justice and the rule of law**

19. The Ombudsman noted that the judicial backlog has been statistically reduced, but stated that it continues to receive reports of nine or more years of court proceedings. The Ombudsman recommended the adoption of measures to ensure faster decision-making on interlocutory injunctions, since some courts need several years to issue a decision on the proposal for issuing an interlocutory injunction. It stated that the situation is similar in the case of enforcement proceedings.<sup>28</sup> The Ombudsman was also concerned about long court procedures regarding the child custody. It called for the establishment of specialised family courts as soon as possible and the introduction of a Child Advocate.<sup>29</sup> In 2005, the COE-Commissioner welcomed the efforts to reduce the judicial backlog and the length of court proceedings. It remained concerned, however, about the continued backlog especially in civil cases concerning private persons and encouraged the government to take further measures to reduce backlog.<sup>30</sup>

20. The Ombudsman considered that access to legal protection is very difficult for individuals who are weaker in social or economic terms. It is especially alarming that legal aid is very difficult to receive in lawsuits concerning child support, where the plaintiff -parent has to cover the costs of the court procedure.<sup>31</sup>

21. The Ombudsman stated that every year it finds irregularities in the police's handling of individuals. It underlined the need to improve the efficiency of the Internal Affairs Inspectorate in supervising the application of the Private Protection and Security Services Act, and in controlling the legality and professionalism of the private protection agencies.<sup>32</sup> In 2005, the CoE-Commissioner welcomed the reforms made so far to the system of investigating cases of alleged misconduct by police. It added that the fact that human rights NGOs had been involved in the reform process is commendable and the co-operation between the NGOs and the police should continue also in the future. The CoE-Commissioner encouraged careful monitoring of the functioning of the new system.<sup>33</sup>

#### **4. Right to privacy, marriage and family life**

22. The Ombudsman stated that the media is excessively interfering in the privacy of both adults, and children. It stated that, although the Journalists' Honorary Tribunal confirmed statements from most of the Ombudsmen's notifications, it is clear that the media's self-control is not enough, and that more efficient mechanisms need to be considered. It welcomed the solutions in the new Penal Code which offered the possibility for penalising the unnecessary and harmful exposure of children in media.<sup>34</sup>

#### **5. Freedom of religion or belief, expression, and association**

23. In 2005, the CoE-Commissioner regretted that the building of the Mosque in Ljubljana continues to be held up. It urged the authorities to work together to find a solution to this long standing problem. It hoped that the various legal and political obstacles so far employed to prevent the building of the mosque, will rapidly give away to a consensus, recognising the rights of the Muslim community to effectively practise their religion.<sup>35</sup> The Ombudsman stated that opposition to the construction of a mosque, hateful inscriptions on the premises and memorial landmarks of some religious communities are still very common. It stated that inciting hatred on a religious basis gets very little criticism, and as a rule, the perpetrators are not condemned.<sup>36</sup>

24. The Ombudsman stated that the often uncertain position of journalists in terms of labour laws affects the quality and impartiality of their work. Its proposals for a better regulation of journalists' status by the Media Act have not yet been realised.<sup>37</sup>

25. In 2006, CoE-ECRI encouraged Slovenia to impress on the media, without encroaching on their editorial independence, the need to ensure that reporting does not contribute to creating an atmosphere of hostility and rejection towards members of any minority groups vulnerable to racism, including Muslims or the "erased".<sup>38</sup> The Ombudsman stated that media should raise public awareness and information on human rights violations through correct reporting of violations. It also said that the media should not actively participate in spreading hate speech and prejudice.<sup>39</sup>

26. The Ombudsman reported complaints regarding alleged discrimination in respect to joining or leaving associations. It recommended the adoption of additional guarantees for safeguarding the rights of free association, especially in cases involving public authorities or the

use of public resources. With regard to the operation of associations and other groups, it pointed to the fact that no inspection (supervision) is envisaged for their operation in all fields and considered this necessary where sensitive personal data is revealed.<sup>40</sup>

27. Regarding the Act on disability organizations, YHD said a disability organization can only be an organization which fulfills very difficult criteria, privileging old disability organizations which are usually organized according to medical diagnosis (association of paraplegics, dystrophy, blind, deaf, etc.), and thus force persons living with disabilities to turn to those with questions. YHD added that small grass-root organizations without the status according to the Act, are not eligible for funding for example by the Lottery Foundation, where organizations are automatically denied funding if they don't have the status.<sup>41</sup>

## **6. Right to work and to just and favourable conditions of work**

28. In 2005, the CoE-Commissioner welcomed the measures taken so far in respect of improving equal access to employment as well as the efforts taken to enforce the monitoring of labour rights, but that these measures alone will not be sufficient, encouraging the authorities to increase the use of preventive measures, such as providing information to the employers, employees and the public about their rights and duties.<sup>42</sup> The Ombudsman the need to strengthen labour inspection and the inspection of the civil service system, and to adopt more specific measures to prevent mobbing. It found that the provisions in the Labour Relationships Acts are quite loose and leave open questions both in terms of detecting (proving) mobbing, as in terms of procedures for their actual reduction.<sup>43</sup>

29. In 2006, CoE-ECRI strongly recommended that Slovenia introduce comprehensive strategies which address all areas where Roma experience disadvantage and discrimination, including employment. It recommended that such strategies be in all cases accompanied by implementation plans setting out time frames, resources, responsibilities, outcomes and monitoring mechanisms in order to ensure that they do not remain a dead letter.<sup>44</sup>

30. AI stated that many of "the erased" lost their jobs and could no longer be legally employed when their permanent residency status was revoked. Many of "the erased" are still unable to find jobs because they have no documents or because they are considered foreigners with no right to work. They face the choice of being unemployed with no source of income, or of being employed in the "informal sector" with low salaries and no social protection. Many of "the erased" have also lost their entitlement to a pension or seen their expected pension significantly reduced even when they eventually managed to restore their legal status.<sup>45</sup>

31. YHD stated that Slovenia's 2006 Employment and Vocational Rehabilitation of Disabled People Act deliberately excludes persons living with disabilities who have an "invalid" status under the Social Care for Physically and Mentally Disabled People Act (1983). They are marked as incapable for independent life and work, and are thus excluded from any form of vocational rehabilitation, and any other services and rights that would help them in the employment.<sup>46</sup>

## **7. Right to social security and to an adequate standard of living**

32. In 2005, the CoE-Commissioner welcomed the enactment of the Law on Registered Same-Sex Partnership, but regretted that it does not guarantee full equality for sexual minorities in the area of social security. The law falls behind increasingly common legal standards in many EU countries and the general principle of non-discrimination.<sup>47</sup>

33. The Ombudsman cited systemic shortcomings in the pension and disability insurance. It said the National Assembly instructed the government to prepare a new, updated list of physical disabilities, but the inadequate list from 1983 is still in use.<sup>48</sup>

34. The Ombudsman recommended that the government promptly prepare all implementing regulations to the Patient's Rights Act. It also recommended promptly drafting and adopting the amendments of the Health Services Act to better regulate the issue of granting concessions under the General Administrative Procedure Act following a public tender.<sup>49</sup> The Ombudsman also stated that Articles 36 and 39 in the Mental Health Act are in contradiction with each other. Article 36 explains that admission to treatment requires an individual's free will, and compliance with the conditions in Article 39. The legislation does not explain how a person can express free will, if they suffer from a severely disturbed judgement of reality.<sup>50</sup>

35. The Ombudsman recommended the rationalisation of the activities of social work centres, the provision for sufficient financial resources, and the immediate tackling of the issue of understaffing.<sup>51</sup> SRI recommended improving mental health services for women in public hospitals, including to adequate training of staff and professionals on gender issues and multicultural sensitivity, and actively involving NGOs in plans of improving the quality and conditions in public mental health services for women.<sup>52</sup> Regarding persons living with disabilities, YHD stated that new institutions are still being built and old renovated, and many persons with disabilities are confined to these as the only possibility, while community services are still very few.<sup>53</sup>

36. AI stated that, as foreigners without a permanent residence permit in Slovenia, "the erased" have had no, or only limited access to comprehensive healthcare after 1992; in some cases this has had serious consequences for their health.<sup>54</sup>

37. The CoE-Commissioner welcomed the measures outlined in the National Action Plan on Social Inclusion (2004-2006) to ensure suitable living conditions for all by increasing the number of non-profit housing units, implementing a new system of subsidising rents and by providing suitable housing and living conditions for at-risk groups.<sup>55</sup> The Ombudsman highlighted the housing policy as vague and inadequate, saying it raised doubts about the state's commitment to creating opportunities for citizens to obtain proper housing.<sup>56</sup> In 2005, the CoE-Commissioner regretted that only piece-meal progress appeared to have been made in addressing the housing difficulties faced by many Roma. The CoE-Commissioner urged Slovenia to pay particular attention to the local level implementation of the strategy of the Housing Fund of the Republic of Slovenia and to ensure that housing improvement programmes are adequately resourced. It also noted a recent recommendation by the Committee of Ministers of CoE on improving the housing conditions of Roma and Travellers in Europe, saying it provided useful and detailed policy guidance.<sup>57</sup>



38. The Ombudsman noted the unregulated area of the rules on the authorisation of monitoring including follow-up and inspection of the environment with systematic measurements.<sup>58</sup>

### **8. Right to education and to participate in the cultural life of the community**

39. In 2006, the CoE-ECRI strongly recommended that Slovenia ensure that all measures provided for in the “Strategy for the Education of Roma in the Republic of Slovenia” are implemented in practice and that time frames, resources, responsibilities, outcomes and monitoring mechanisms are clearly set out in order to facilitate implementation. It urged Slovenia to ensure that no Roma child without learning disabilities is sent to a special needs school. It recommended that Slovenia strengthen efforts to recruit a number of Roma teaching assistants that meets the needs, improve participation of Roma children in pre-school education, extend provision of Romany language classes, ensure that curricula for all children reflect Roma culture, history and identity and promote appreciation for diversity.<sup>59</sup>

40. In 2005, the CoE-Commissioner also said that the separation of Roma children from the others in important subjects does not fulfil the criteria of full integration. It also increases the risk of Roma children being taught at a lower standard than the others, which could have serious consequences for the Roma children and their prospects for the future. Consequently, the CoE-Commissioner recommended that Slovenia revise the implementation model adopted in Brsljin and ensure full integration of Roma children in the normal classroom for all the subjects. The model should be revised in consultation with experts on education and Roma representatives. It also said additional support should be made available to the school, teachers and the Roma pupils and their families.<sup>60</sup>

41. AI stated that children removed from the registry of permanent residents in 1992, or whose parents were removed from the registry, have in some cases lost access to secondary education. While no recent cases have been reported of children being excluded from school as a result of the “erasure”, AI remained concerned about the ongoing effects for some of “the erased” of the loss of years of education, and of the delays in the completion of their studies.<sup>61</sup>

### **9. Minorities and indigenous peoples**

42. In 2005, the CoE-Commissioner regretted the reluctance on the part of the Government to strengthen the regime of minority protection and encouraged Slovenia to engage in a constructive dialogue with all minority groups regarding the measures that are necessary to improve the situation of all minorities in Slovenia.<sup>62</sup> VARUH reported that while the Hungarian, the Italian and the Roma communities expected amendments and the application of applicable legislation, other minorities are fighting for other goals, especially in the fields of culture and education. It encouraged the government and the National Assembly to take a position on the initiatives for adopting further measures to protect minorities that are not explicitly defined in the Constitution, and to adopt additional measures to promote, develop and preserve their ethnic and national identity.<sup>63</sup>

43. AI explained that despite two separate decisions by the Constitutional Court that measures taken to regulate the status of “the erased” were unconstitutional, the government has failed to provide “the erased” with access to reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition for the aforementioned human rights

violations.<sup>64</sup> The latest attempt to pass a law on “the erased” was in 2009. According to the 2009 draft law, living in Slovenia is one of the conditions for restoration of residency status in the country. AI is concerned, however, that many “erased” were forcibly expelled from Slovenia and therefore are not able to meet the criterion of living in Slovenia for a continuous period of time. AI is also concerned that the draft law does not envisage any outreach campaign directed towards “the erased” who currently live abroad and therefore decreases their chances of benefiting from the law as many of them might not be aware of its existence. The draft remains silent on the possibility of compensation for the human rights violations suffered by “the erased”.<sup>65</sup> AI called on Slovenia to adopt legislative and other measures to grant full reparation, including restitution, satisfaction, compensation, rehabilitation and guarantees of non- repetition, to all individuals affected by the “erasure”; to ensure that such measures include all “erased” persons irrespective of where they currently reside; and to organize an outreach campaign to inform “the erased” currently living outside Slovenia of the existence of the new legislative measures and the possibility to benefit from them.<sup>66</sup>

44. In 2005, the CoE-Commissioner urged the Ministry of Interior to immediately continue and finalise the issuance of supplementary decisions giving retroactive effect to the permanent residence permit of all those persons, who are entitled to it. As regards the enactment of the law regulating and reinstating the status of the remaining erased persons, the CoE-Commissioner urged Slovenia to definitely resolve the issue in good faith and in accordance with the decisions of the Constitutional Court.<sup>67</sup> In 2006, CoE-ECRI urged that Slovenia restore the rights of persons erased from the registers of permanent residents on 26 February 1992, including the immediate resumption and finalisation of the process of issuing supplementary decisions granting retroactive permanent residence rights, and the adoption of a legal framework enabling those “erased” persons who have not yet secured permanent residence or Slovenian citizenship to have their rights reinstated in a manner that is as fair and generous as possible.<sup>68</sup>

45. In 2006, CoE-ECRI recommended that Slovenia strengthen efforts to combat prejudice and stereotypes towards Roma among the general population, including by ensuring a prompt and unambiguous response in all cases where such prejudice results in more overt manifestations, such as discrimination or hate speech. It also recommended that Slovenia ensure that the provisions aimed at ensuring Roma representation in municipal councils are complied with by all relevant municipalities, and that in efforts to promote social inclusion of Roma and mutual integration between Roma and non-Roma communities, the authorities extend existing good practice in this area throughout the country.<sup>69</sup>

46. In 2005, the CoE-Commissioner also expressed concern about the discriminatory impact of the application of the terms autochthonous and non-autochthonous on the enjoyment of rights by Roma and urged Slovenia to abolish the use of such notions, and continue consultations relating to the enactment of the specific law devoted to the rights of the Roma. The Commissioner urged Slovenia to do its utmost to actively assist those Roma, who, while being entitled to it, are still without citizenship.<sup>70</sup> The CoE-Commissioner also said the projects improving the situation of Roma in different fields, be it housing, employment, or education, should be given a high priority in the allocation of financial resources, as they remain one of the most disadvantaged groups in Slovenian society. It considered it important to involve Roma communities in all stages of the cycle, from planning and implementing, to monitoring the impact of the program, also at a local level.<sup>71</sup> SRI recommended Slovenia to ensure Roma women’s involvement in the development process through joint work between NGOs and the State social system; enhance the social welfare system for Romani families, with a particular

focus on women and girls; establish auditing mechanisms to ensure that Roma women's complaints of domestic violence are properly investigated and create the necessary institutions – ideally managed by Roma women themselves- to provide shelter and support to victims; conduct serious investigations on complaints of forced sterilization and early marriage in Roma communities, with full involvement of Roma women in the planning and conducting of those investigations as well as in their follow-up; ensure proper registration of Roma women's NGO and their equal participation in relevant State-civil society interactions, as well as maintaining their opportunities to take advantage of State funding, training and other forms of general support to civil society organizations.<sup>72</sup>

### **10. Migrants, refugees and asylum-seekers**

47. The Ombudsman stated that the number of asylum applications in Slovenia continues to decrease. Some provisions of the International Protection Act are not in compliance with the Geneva Convention on Refugees and the Protocol relating to the Status of Refugees that Slovenia had acceded to. It noted that the United Nations High Commissioner for Refugees had made observations in this regard.<sup>73</sup>

48. The CoE-Commissioner encouraged Slovenia to review the procedures for retaining foreigners prior to expulsion so as to enable appeals to be promptly lodged before the Administrative Courts, without having to pass through a prior administrative appeal before the Ministry of Interior.<sup>74</sup>

49. To ensure that the support given to the refugees is adequate, the CoE-Commissioner also called for improved co-operation between the various authorities, and more inclusive approach to the NGOs qualified to work in this field. It urged the authorities to provide access to all asylum-seekers and refugees to adequate healthcare and education, not only emergency healthcare and primary education. Even if this is already the case in practise, as reported by the authorities, the situation should be regulated by law.<sup>75</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

N/A

### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

N/A

### **V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE**

N/A

*Notes*

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council. Two asterisks denote a national human rights institution with “B” status)

*Civil society*

AI Amnesty International, London, United Kingdom\*;  
 FMDVEP Fundación Mundial Déjame Vivir en Paz, San José, Costa Rica;  
 GIEACPC Global Initiative to End All Corporal Punishment of Children;  
 SRI Sexual Rights Initiative (Joint submission);  
 YHD Association for the Theory and Culture of Handicap (YHD), Ljubljana, Slovenia.

*National human rights institution*

VARUH Human Rights Ombudsman of the Republic of Slovenia, Ljubljana, Slovenia.\*\*

*Regional Organizations*

CoE Council of Europe, Strasbourg, France  
 CoE-Commissioner *The Council of Europe Commissioner for Human Rights*  
 CoE-CPT *European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*  
 CoE-ECRI *European Commission against Racism and Intolerance*

<sup>2</sup> YHD, p.2.

<sup>3</sup> VARUH, p.3.

<sup>4</sup> VARUH, p.3.

<sup>5</sup> VARUH, p.7.

<sup>6</sup> YHD, p.3.

<sup>7</sup> COE-Commissioner, pp.8-9.

<sup>8</sup> COE-Commissioner, p.10.

<sup>9</sup> COE-Commissioner, p.12.

<sup>10</sup> VARUH, p.3.

<sup>11</sup> COE-Commissioner, p.10.

<sup>12</sup> COE-ECRI, p.11

<sup>13</sup> SRI, p.4.

<sup>14</sup> FMDVEP, p.5.

<sup>15</sup> AI, p.3.

<sup>16</sup> SIR includes Mulabi – Latin American Space for Sexualities and Rights; Action Canada for Population and Development; Creating Resources for Empowerment and Action-India, the Polish Federation for Women and Family Planning, and others.

<sup>17</sup> SRI, p.1.

<sup>18</sup> COE-Commissioner, p.20.

<sup>19</sup> VARUH, p.4.

<sup>20</sup> COE-CPT, p.12.

<sup>21</sup> COE-CPT, p.13.

<sup>22</sup> VARUH, pp.4-5.

<sup>23</sup> SRI, p.3.

<sup>24</sup> SRI, p.2-3.

<sup>25</sup> SRI, p.5.

<sup>26</sup> COE-Commissioner, p.19.

<sup>27</sup> GIEACPC, p.2.

<sup>28</sup> VARUH, p.4.

<sup>29</sup> VARUH, p.7.

<sup>30</sup> COE-Commissioner, p.15.

<sup>31</sup> COE-Commissioner, p.15.

<sup>32</sup> VARUH, p.4.

<sup>33</sup> COE-Commissioner, p.16.

<sup>34</sup> VARUH, p.3.

<sup>35</sup> COE-Commissioner, p.10.

<sup>36</sup> VARUH, p.3.

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- <sup>37</sup> VARUH, p.4.  
<sup>38</sup> COE-ECRI, pp.24-25.  
<sup>39</sup> VARUH, p.3.  
<sup>40</sup> VARUH, p.4.  
<sup>41</sup> YHD, pp.1-2.  
<sup>42</sup> COE-Commissioner, p.21.  
<sup>43</sup> VARUH, p.6.  
<sup>44</sup> COE-ECRI, pp.34-35.  
<sup>45</sup> AI, pp.3-4.  
<sup>46</sup> YHD, p.3.  
<sup>47</sup> COE-Commissioner, p.10.  
<sup>48</sup> VARUH, pp.6-7.  
<sup>49</sup> VARUH, p.7.  
<sup>50</sup> VARUH, pp.6-7.  
<sup>51</sup> VARUH, p.7.  
<sup>52</sup> SRI, p.6.  
<sup>53</sup> YHD, p.3.  
<sup>54</sup> AI, p.4.  
<sup>55</sup> COE-Commissioner, p.14.  
<sup>56</sup> VARUH, p.6.  
<sup>57</sup> COE-Commissioner, p.9.  
<sup>58</sup> VARUH, pp.5-6.  
<sup>59</sup> COE-ECRI, pp.33-34.  
<sup>60</sup> COE-Commissioner, p.7.  
<sup>61</sup> AI, p.4.  
<sup>62</sup> COE-Commissioner, p.7.  
<sup>63</sup> VARUH, p.5.  
<sup>64</sup> AI, p.2.  
<sup>65</sup> AI, pp.4-5.  
<sup>66</sup> AI, p.5.  
<sup>67</sup> COE-Commissioner, p.12.  
<sup>68</sup> COE-ECRI, p.31.  
<sup>69</sup> COE-ECRI, p.35.  
<sup>70</sup> COE-Commissioner, p.7.  
<sup>71</sup> COE-Commissioner, pp.8-9.  
<sup>72</sup> SRI, p.3.  
<sup>73</sup> VARUH, p.5.  
<sup>74</sup> COE-Commissioner, p.17.  
<sup>75</sup> COE-Commissioner, pp.17-18.

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