

**Submission by the United Nations High Commissioner for Refugees  
For the Office of the High Commissioner for Human Rights' Compilation Report –**

**Universal Periodic Review:**

**SLOVENIA**

**I. BACKGROUND INFORMATION**

Slovenia succeeded to the *1951 Convention Relating to the Status of Refugees* and to its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*) on 6 July 1992, after it declared its independence from Yugoslavia on 25 June 1991. Slovenia is also a State party to the *1954 Convention Relating to the Status of Stateless Persons* (the “*1954 Convention*”), but is not yet a State party to the *1961 Convention on the reduction of Statelessness* (the “*1961 Convention*”).

Between 1 January and 31 October 2013, 258 asylum applications were lodged in Slovenia. In the same period, 32 persons were provided with international protection (18 with refugee status and 14 with subsidiary protection). The five main countries of origin were Syria (55), Kosovo (29), Pakistan (19), Afghanistan (14) and Algeria (14). The majority of the asylum-seekers are accommodated at the Asylum Home in Ljubljana and a few stay in private accommodations. In comparison to other countries in the region of Central Europe, Slovenia has one of the lowest recognition rates of beneficiaries of international protection.<sup>1</sup>

UNHCR enjoys unimpeded access to its persons of concern and to all sites of their accommodation or detention. UNHCR has access to the asylum procedure and to information on individual decisions, files and interviews, provided explicit consent is given by the applicant.

**II. ACHIEVEMENTS AND BEST PRACTICES**

***I. Access to territory and asylum procedures***

The Government cooperates with UNHCR and NGOs in the joint monitoring of the EU external border practices to ensure respect of the *non-refoulement* principle and in particular access of persons in need of international protection to the territory and to the asylum procedures. On 1 October 2008, a Bilateral Memorandum of Understanding (MOU) between the Ministry of Interior of the Republic of Slovenia, the Police and UNHCR Regional Representation for Central Europe was signed. The memorandum builds on previous cooperation developed in the framework of a pilot border monitoring project with the

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<sup>1</sup> 5 persons were granted international protection in 2008, 21 in 2009, 23 in 2010, 24 in 2011 and 34 in 2012.

participation of the authorities, UNHCR and its implementing partner *Pravno Informacijski Center nevladnih organizacij*. It regulates the cooperation, roles and responsibilities as well as working methodologies of the actors involved. The MOU is an excellent example of cooperation between UNHCR, State authorities and non-governmental organisations. The border monitoring activities are mostly conducted by the NGO partner, while the project funding, oversight and supervision is carried out by the UNHCR Regional Representation for Central Europe based in Budapest.

## **2. *Quality of the asylum system***

The Government continues to implement the recommendations of the EC co-funded Asylum Systems Quality Assurance Evaluation Mechanism Project (ASQAEM), carried out between September 2008 and February 2010 to enhance the quality of the asylum procedures. As a follow-up to the project, UNHCR conducts an annual evaluation of first instance decisions through independent experts and shares its findings with the relevant authorities. Slovenia has also taken the necessary measures to shorten the period of time within which 1<sup>st</sup> instance asylum decisions are issued.

## **3. *Age, gender and diversity mainstreaming strategy***

The Government continues to actively participate as a member of the multifunctional team in the Age, Gender and Diversity participatory assessment process coordinated by UNHCR on an annual basis to assess the situation and the specific needs of asylum-seekers and refugees. Based on these discussions and on the outcomes of the joint monitoring missions, UNHCR and its partners ensure that the concerns of persons in need of international protection are addressed in the context of the design of programmes and when formulating intervention strategies.

## **4. *Human trafficking in persons***

The Government established the Interdepartmental Working Group against Trafficking in Human Beings and developed an Action Plan focusing on the prevention of trafficking and promoting awareness-raising among the public about this issue. Furthermore, the Ministry of Interior has been financing the programme PATS (*Project Against Human Trafficking and Sex and Gender Based Violence*) since 2004. This project addresses gaps in current anti-trafficking programs. In this respect, the project aims at 1) developing sustainable "best practices" and strategies to prevent and combat trafficking and sexual exploitation of human beings, especially women and children; 2) promoting gender equality and the building up of cultural and political consensus in order to change the legal framework and establish adequate mechanisms for gender equality; 3) raising awareness about the root causes of prostitution and trafficking in women and children for sexual purposes; and 4) highlighting the links between violence against women and the normalization of sexual exploitation throughout the sex industry, which constitutes women's rights violations.

## **5. *Sexual and Gender-based Violence***

UNHCR welcomes the continual commitment by the Sexual and Gender-based Violence (SGBV) working group at the Asylum Home to address and refer cases of suspected and/or victims, including children, of SGBV and trafficking to professional counselling and assistance. There are Standard Operating Procedures on SGBV in place at the reception facility since 2008. A SGBV working group involving government, NGO partners and UNHCR is one of the mechanisms used to address SGBV concerns by tackling the cases and proposing solutions in case of incidents at the Asylum Home.

## 6. Family reunification

UNHCR welcomes the amendments to the *Aliens Law* in 2011, which broadened the scope of family members eligible for family reunification to *de facto* and same sex partners.

### III. KEY PROTECTION ISSUES AND RECOMMENDATIONS

#### Issue 1: Protection of Asylum-Seekers and Refugees

The national refugee legislation, the International Protection Act, is not fully in line with the *1951 Convention*. According to Article 2 of the International Protection Act, “(...) *international protection shall be provided to only third country citizens and stateless persons (...)*”, making the law non-applicable to all persons who may meet the refugee definition under Article 1(2) of the *1951 Convention*.<sup>2</sup> Furthermore, there are no specific legal guarantees against *non-refoulement* contained in the *Asylum Act*, despite the obligation in Article 33 of the *1951 Convention*. It is however noted that the Aliens Act (ZTuj-2) in Article 72<sup>3</sup> contains the principle of *non-refoulement*.

In this regard, the Committee against Torture, in its 46<sup>th</sup> Session, indicated that it was “concerned that the new Law on International Protection which regulates asylum and asylum-related matters, does not contain a clause on non-refoulement, where there are substantial grounds for believing that, if expelled, returned or extradited to another State, a person would be in danger of being subjected to torture. It is also concerned about the length and uncertainties related to the refugee status determination process (art. 3).”<sup>4</sup> The Committee recommended that Slovenia ensure that the principle of *non-refoulement* is established in all legislative acts that regulate asylum or asylum-related matters, including the procedures for subsidiary protection concerning vulnerable groups, in particular victims of trafficking. It also recommended that Slovenia amend the Law on International Protection so that it reflects the principles and criteria established in international refugee law and human rights standards, especially the *1951 Convention*.<sup>5</sup>

#### **Recommendations:**

UNHCR recommends that the Government of Slovenia:

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<sup>2</sup> See also Articles 7, 8, 9 and 10 of the *International Protection Act*:

7. "applicant for international protection" (hereinafter: Applicant) means a third country national or stateless person who has lodged a complete Application for international protection in the Republic of Slovenia;

8. "applicant filing the application of intent to apply for international protection" (hereinafter: Applicant Filing the Application of Intent) means a third country national or stateless person who is in the Republic of Slovenia and has for the first time expressed before official authorities his or her intent to apply for international protection;

9. "refugee" (hereinafter: Refugee) means a third country national or stateless person who was granted the protection stipulated in the second paragraph of the previous Article;

10. "person granted subsidiary protection" means a third country national or stateless person who was granted the protection stipulated in the third paragraph of the previous Article;

<sup>3</sup> The principle of *non-refoulement* referred to in this Act and customary international law shall mean an obligation of the Republic of Slovenia not to deport an alien to a country in which his life or freedom would be threatened on the basis of race, religion, nationality, membership of a special group or political conviction, or a country in which the alien would be exposed to torture or other cruel, inhumane and humiliating treatment or punishment.

<sup>4</sup> Committee against Torture, *Concluding observations of the Committee against Torture - Slovenia*, para 17, 20 June 2011, CAT/C/SVN/CO/3.

<sup>5</sup> *Id.*

- Introduce legislative amendments to the International Protection Act that would avail international protection in Slovenia to all persons meeting the refugee definition as contained in Article 1(2) of the *1951 Convention*; and
- Introduce specific legal safeguards against *refoulement* in the International Protection Act, in line with Article 33 of the 1951 Convention.

## **Issue 2: Strengthening of the asylum procedures**

UNHCR wishes to note that legal aid/assistance, at the first instance, is an essential procedural safeguard to ensure the fairness, efficiency and quality of first instance decision-making and reduce the need for appeals. The objective of having fair and efficient asylum procedures could be undermined, if free legal assistance and support are not provided at the first instance. Moreover, in order to ensure the best interest of the child, child asylum-seekers should be appointed a guardian and receive free legal aid during the first instance asylum procedure in Slovenia.

Access to medical and psychological services is another major gap, as asylum-seekers only have access to basic medical services; and it is only in exceptional circumstances following the approval of an interdepartmental committee that they may be granted specialized medical and/or psychological treatment.

Currently, Slovenia does not provide comprehensive protection to children, especially unaccompanied and separated children, because there is no formal mechanism in place to determine the child's best interests (BID). Also, the guardianship system for unaccompanied minors is not efficient and in most cases the guardians are not trained and have little experience working with foreign children. There is no mechanism in place to suitably take care of the special needs of unaccompanied minors.

UNHCR wishes to note that age assessment procedures should be undertaken as a measure of last resort and not as a routine practice. It should only be employed in cases where grounds for serious doubt exist, and where other approaches, such as interviews and attempts to gather documentary evidence, have failed to establish the individual's age. If an age assessment is thought to be necessary, informed consent must be gained and the procedure should be multi-disciplinary and undertaken by independent professionals with appropriate expertise and familiarity with the child's ethnic and cultural background. They must balance physical, developmental, psychological, environmental and cultural factors.

### **Recommendations:**

UNHCR recommends that the Government of Slovenia:

- Ensure that access to free legal counseling is available at all instances of the asylum procedure by reinstating the provision of legal assistance at all levels;
- Ensure that asylum-seekers at the Asylum Home have effective access to specialized medical and psychological services and care;
- Ensure that the principle of the best interests of the child is guaranteed upon arrival and at all stages of the asylum procedure;
- Enhance the cooperation between the Centre for Social Work and the social workers at the Asylum Home in order to comprehensively assess the special needs of unaccompanied minors; and
- Ensure that age assessment is a measure of last resort and is not dehumanizing and adopt standard operating procedures on conducting age assessment;

### **Issue 3: Upholding the rights of refugees and other persons granted asylum**

In 2013, following the proposal of the Ministry of Interior, the right to family unification for beneficiaries of international protection under the International Protection Act was abrogated; and instead included only within the Aliens Act. UNHCR shared its concern with the Ministry that the abrogation of the right to family unity from the International Protection Act may have a negative impact on the welfare and integration of beneficiaries of international protection due to lack of special consideration. Also, under the current national legislation, the possibility to apply for social housing is restricted to Slovene citizens.

#### **Recommendations:**

UNHCR recommends that the Government of Slovenia:

- Reinsert a specific reference to family reunification of beneficiaries of international protection in the International Protection Act; and
- Ensure that persons accorded international protection, especially those with insufficient financial means, are able to access social housing.

### **Issue 4: Prevention and reduction of statelessness**

Establishing a statelessness determination procedure is the most efficient means for States party to the *1954 Convention relating to the Status of Stateless Persons (1954 Convention)* to identify the beneficiaries of the Convention with the view to providing them with appropriate protection. The *1954 Convention* requires States to facilitate the naturalization of stateless persons which the Act on Citizenship of Slovenia facilitates by limiting the permanent residence requirement to only five years.

Accession by Slovenia to the *1961 Convention on the Reduction of Statelessness (1961 Convention)* would establish a stronger framework to prevent and reduce statelessness. The *1961 Convention* establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life. This instrument is therefore complementary to standards contained in other human rights treaties that address the right to a nationality. An increase in the number of State parties to the two Statelessness Conventions is essential to strengthening international efforts to prevent and reduce statelessness and ensuring full enjoyment by stateless persons of their basic rights.

Article 9 of the Act on Citizenship of Slovenia grants citizenship to children born in the country when the child's parents are unknown, their nationality is unknown or when the parents are stateless. This safeguard does not prevent children from being born stateless in the territory to parents who cannot transfer their nationality to their child, as also envisaged under article 1 of the 1961 Convention.

After the declaration of the country's independence, nationals of the former Yugoslavia who had permanent residence in Slovenia have been "erased", as their names were removed from the population registers in 1992. Despite the steps taken to resolve the issue of the so-called "erased" persons, the Government of Slovenia should take the necessary measures to remedy the situation and continue to implement in full and good faith the decision and recommendations of the European Court of Human Rights contained in the decision *Kuric*

*and Others vs. Slovenia (2010)*.<sup>6</sup> Following the decision in *Kuric and Other vs. Slovenia*, the National Assembly of Slovenia adopted in 2010 the Act amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia (ZUSDDD-B) which entered into force on 24 July 2010. Under the Act, the erased persons were able to lodge applications for permanent residence permit in the Republic of Slovenia until 24 July 2013 (3 year implementation period). The ruling of the European Human Rights Court also provided that Slovenia had to establish a compensation scheme for those persons who were erased from the permanent residence registry.

### **Recommendations:**

UNHCR recommends that the Government of Slovenia:

- Adopt and implement a statelessness determination procedure to ensure the protection of stateless persons who are not refugees under the *1954 Convention*;
- Implement legislation that codifies the protection guaranteed in the *1954 Convention* in national legislation;
- Accede to the *1961 Convention on the Reduction of Statelessness*;
- Amend the Citizenship Act so that all children born in the territory acquire Slovenian nationality if they are otherwise stateless; and
- Provide an effective solution for the situation of individuals who became stateless after they had been erased (following the dissolution of the Former Republic of Yugoslavia), by facilitating their access to the citizenship of Slovenia.

**Human Rights Liaison Unit**  
**Division of International Protection**  
**UNHCR**  
**March 2014**

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<sup>6</sup> On 26 June 2012, the European Court of Human Rights (ECtHR) delivered its judgment in the case of *Kurić and Others v. Slovenia* (Appl. No. 26828/06), which raised questions surrounding the ‘erased’. The Court held, unanimously, that there had been a violation of Article 8 (right to respect for private and/or family life) of the European Convention on Human Rights (ECHR); a violation of Article 13 (right to an effective remedy) in combination with Article 8 ECHR; and a violation of Article 14 (prohibition of discrimination) in combination with Article 8 ECHR.

The Court noted in particular that the applicants had been deprived of the legal status that had previously given them access to a wide range of rights - including entitlement to health insurance and pension rights - and opportunities, for instance in the sphere of employment. The Court concluded that the Slovenian State should have regularised the residence status of former Yugoslav citizens. Furthermore, the Court indicated to Slovenia that it should set up a compensation scheme for the erased people in Slovenia.

## ANNEX

### Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies and Special Procedures Reports

#### - Universal Periodic Review:

### SLOVENIA

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations and from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Slovenia.

#### **I. Treaty Bodies**

##### **Committee against Torture**

CAT/C/SVN/CO/3, 46<sup>th</sup> Session

20 June 2011

#### **B. Positive aspects**

5. The Committee notes the State party's ongoing efforts to revise its legislation in areas of relevance to the Convention, including:

(a) Introduction of article 265 defining and criminalizing torture and the amendments increasing the maximum punishment for trafficking in human beings in the Penal Code, in 2008;

#### **C. Principal subjects of concern and recommendations**

##### **Violence against women and children, including domestic violence**

15. While noting the legal and administrative measures undertaken by the State party to combat gender-based violence and violence against children, the Committee remains concerned about the prevalence of violence against women and girls (see concluding observations of the Committee on the Elimination of Discrimination against Women, CEDAW/C/SVN/CO/4, para. 23). The Committee is also concerned that corporal punishment of children remains lawful at home (arts. 2, 12 and 16).

**The Committee recommends that the State party enhances its efforts to prevent, prosecute and punish all forms of violence against women and children, including domestic violence, and ensure effective and full implementation of the existing laws and the national strategies adopted to that end, including the National Programme of Family Violence Prevention for the period 2009–2014. The Committee also recommends that the State party accelerate the adoption of the draft Marriage and Family Act, which prohibits corporal punishment of children in the home (see concluding observations of the Committee on the Rights of the Child, CRC/C/15/Add.230, para. 40). Furthermore, the State party is encouraged to conduct broader awareness-raising campaigns and training on domestic violence for law enforcement agencies, judges,**

**lawyers and social workers who are in direct contact with the victims and for the public at large.**

### **Trafficking in persons**

16. The Committee welcomes the amendments of the Penal Code introducing human trafficking as a crime and increasing the punishment for such acts as well as the policies aiming at raising awareness, protecting victims and prosecuting perpetrators. However, the Committee remains concerned that trafficking of women for prostitution continues to be a problem in Slovenia and that measures to protect and assist victims are project-based and not institutionalized and regrets the lack of information on the number of cases where the victims received redress, including compensation (arts. 2, 4 and 16).

**The State party should strengthen its efforts to combat trafficking in persons, especially in women and children, in particular by:**

- (a) Continuing its efforts to raise awareness for all law enforcement personnel, judges and prosecutors on trafficking in persons;**
- (b) Prosecuting perpetrators under the relevant provision of the Penal Code and ensuring that all victims of trafficking obtain effective redress, including compensation and rehabilitation; and**
- (c) Improving the identification of victims of trafficking and providing them with appropriate rehabilitation programmes, genuine access to health care and counselling, and institutionalizing such services.**

### **Asylum and non-refoulement**

17. Notwithstanding article 51 of the Aliens Act on non-refoulement, the Committee remains concerned that the new Law on International Protection which regulates asylum and asylum-related matters, does not contain a clause on non-refoulement, where there are substantial grounds for believing that, if expelled, returned or extradited to another State, a person would be in danger of being subjected to torture. It is also concerned about the length and uncertainties related to the refugee status determination process (art. 3).

**The State party should:**

- (a) Ensure that the principle of non-refoulement is established in all legislative acts that regulate asylum or asylum-related matters, including the procedures for subsidiary protection concerning vulnerable groups, in particular victims of trafficking;**
- (b) Ensure procedural safeguards against refoulement and effective remedies with respect to refoulement claims in removal proceedings, including review by an independent judicial body concerning rejections;**
- (c) Ensure that persons whose applications for asylum have been rejected have the right to lodge an effective appeal with the effect of suspending the execution of the decision on the expulsion or deportation; and**
- (d) Amend the Law on International Protection so that it reflects the principles and criteria established in international refugee law and human rights standards, especially the 1951 Convention relating to the Status of Refugees and its Protocol of 1967.**

18. While noting the legislative measures taken to amend the Act Regulating the Legal Status of citizens of Former Socialist Federal Republic of Yugoslavia Living in the Republic of Slovenia in order to remedy the provisions that were found to be unconstitutional, the Committee remains concerned that the State party failed to enforce the Act and to restore the residency rights of persons, known as the “erased”, originating from other Yugoslav republics whose permanent residence in Slovenia was unlawfully revoked in 1992 and already returned to other republics of Former Socialist Republic of Yugoslavia. The Committee is concerned



that the discrimination against the so called “erased” persons, including against those who belong to Roma community, is persistent (arts. 3 and 16).

**In light of its general comment No. 2 (2008) on implementation of article 2 by States parties, the Committee recalls the special protection of certain minorities or marginalized individuals or groups especially at risk is part of the State party’s obligations under the Convention. In this respect, the Committee recommends that the State party takes measures to restore the permanent resident status of the so-called “erased” persons who were returned to other States in Former Socialist Federal Republic of Yugoslavia. The Committee also encourages the State party to facilitate the full integration of the “erased” persons, including of those who belong to Roma communities and guarantee them with fair procedures for application for citizenship.**

#### **Roma minority**

21. While noting the State party’s explanation that collection of data on ethnicity contradicts the right to privacy, the Committee remains concerned that no other alternative modalities have been developed by the State party in order to study the extent of ethnically motivated crimes and to prevent and monitor occurrences of such acts, while ensuring protection of individual privacy. It is further concerned about discrimination against the non-national Roma minority (see concluding observations of the Committee on Economic, Social and Cultural Rights, E/C.12/SVN/CO/1) (arts. 2, 10 and 16).

**In light of its general comment No. 2, the Committee recalls that the special protection of certain minorities or marginalized individuals or groups especially at risk is part of the State party’s obligations under the Convention. The Committee notes that the purpose of gathering statistical data is to make possible for the State parties to identify and obtain a better understanding of the ethnic groups in its territory and the kind of discrimination they are or may be subject to, to find appropriate responses and solutions to the forms of discrimination identified, and to measure progress made. The Committee therefore recommends that the State party study and report the extent of crimes that are ethnically motivated, investigate root causes whilst ensuring the right to privacy and take all necessary measures to prevent such crimes in the future. In this respect, the State party should strengthen its efforts to combat any types of discrimination against Roma minorities.**

#### **Data collection**

22. The Committee regrets the absence of comprehensive and disaggregated data on complaints, investigations, prosecutions and convictions of cases of torture and ill-treatment by law enforcement and prison personnel, as well as on domestic, sexual violence and violence against women and violence against children and other vulnerable groups. It also repeats the absence of information on redress available to victims of torture and ill-treatment. **The State party should compile statistical data, disaggregated by crime, ethnicity, age and sex, relevant to the monitoring of the implementation of the Convention at the national level, including data on complaints, investigations, prosecutions and convictions of cases of torture and ill-treatment by law enforcement and prison personnel, domestic and sexual violence and violence against children and other vulnerable groups, as well as on means of redress, including compensation and rehabilitation, provided to the victims.**

#### **Committee on the Elimination of Racial Discrimination**

CERD/C/ SVN/CO/6-7, 77<sup>th</sup> Session

20 September 2010

7. The Committee has taken note of the 2002 census data provided by the State party on the ethnic composition of the population and the main minorities residing in Slovenia. It is concerned, however, about the insufficient data on persons from certain minority groups, particularly minorities from former Yugoslav republics.

**The Committee recommends that, in accordance with paragraphs 10 to 12 of the reporting guidelines for the CERD-specific document adopted at its seventy-first session (CERD/C/2007/1), the State party provide information on the use of mother tongues as indicative of ethnic differences, together with information derived from targeted social surveys performed on a voluntary basis, with full respect for the privacy and anonymity of the individuals concerned, and recalls its general recommendation No. 8 (1990) on identification with a particular racial or ethnic group.**

8. The Committee, while expressing appreciation for the measures adopted by the State party to eliminate discrimination against the Roma communities, such as the National Roma Programme 2010–2015, remains concerned about the continued marginalization and precarious socio-economic situation of members of this minority, and the discrimination with which they are faced, including in the fields of education, housing, health and employment. (arts. 2 and 5)

**The Committee urges the State party to enhance its efforts aimed at combating discrimination against Roma. In light of its general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination, the Committee recommends that the State party engage in a data-gathering exercise to ensure that special measures in favour of Roma in the fields of education, housing, health and employment are designed and implemented on the basis of need, and that their implementation is monitored and their effectiveness is regularly assessed.**

9. While welcoming the various measures adopted by the State party to ensure equal access to education for Roma children including through the Strategy for the Education of Roma in the Republic of Slovenia, the Committee is concerned about the practice of segregating these children in Slovene schools – ordinary or “special” – which has not yet been completely abolished. (arts. 2, 3 and 5(e) (v))

**The Committee, in light of its general recommendation No. 27 (2000) on discrimination against Roma, recommends that the State party take all necessary measures to eradicate completely the practice of segregating Roma children in the school system and ensure that they enjoy equal opportunities in access to quality education at all levels. The Committee also recommends that the State party ensure that all measures provided for in the Strategy for the Education of Roma in the Republic of Slovenia are implemented in practice and the time frames, resources, responsibilities and monitoring mechanisms are clearly set out.**

10. The Committee welcomes the steps taken to eliminate discrimination against Roma in the field of housing, including by the involvement of the Ministry of Environment and its expert working group. However, it remains concerned about de facto segregation and other forms of discrimination related to housing encountered by the Roma minority. The Committee continues to be concerned about the housing conditions in many segregated neighbourhoods. The Committee is also concerned at the placing of Roma in camps outside populated areas

that are isolated without access to health care and other basic facilities. (arts. 2, 3 and 5 (e) (iii))

**In light of its general recommendation No. 27 (2000), the Committee recommends that the State party effectively implement and monitor compliance, at the local level, with its laws, policies and projects in particular within the framework of the National Programme of Measures for Roma people for the 2010–2015 period aimed at ensuring the right to housing for all without discrimination, including social housing. The Committee reiterates its recommendation that the State party strengthen its measures aimed at improving the housing conditions of the Roma in view of the importance of such conditions for their enjoyment of other rights enshrined in the Convention. The Committee also recommends that the State party intensify its efforts to involve Roma communities and associations as partners, together with other persons, in housing project construction, rehabilitation and maintenance. It further recommends that the State party refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other basic facilities**

13. While taking note of the adoption in March 2010 of the law regulating the legal status of the “erased” people, the Committee remains concerned at the situation of the non–Slovenes from the former Yugoslavia, including Bosnians, ethnic Albanians from Kosovo, Macedonians and Serbs, whose legal status remains unresolved and who are therefore facing difficulties in terms of access to social and economic rights, such as access to health–care services, social security, education and employment. The Committee is also concerned that the new law does not envisage any outreach campaign directed towards “the erased” people living abroad in order to inform them of its existence. (art. 5 (d) and (e)).

**The Committee recommends that the State party:**

- (a) Resolve definitely the legal status of all concerned citizens from the former Socialist Federal Republic of Yugoslavia States presently living in Slovenia;**
- (b) Ensure the full enjoyment of their economic and social rights including the access to health services, social security, education and employment;**
- (c) Conduct an outreach campaign to inform “the erased” currently living outside Slovenia of the existence of the new legislative measures and the possibility of benefiting from them; and**
- (d) Grant full reparation, including restitution, satisfaction, compensation, rehabilitation and guarantees of non–repetition, to all individuals affected by the “erasure”.**

### **Committee on the Rights of the Child**

CRC/C/OPSC/SVN/CO/1, 51<sup>st</sup> Session

23 July 2009

#### **Positive aspects**

4. The Committee notes with appreciation the adoption of the following legislative and other measures:

- (a) The amendments of the Penal Code in 2004 and 2008 which, inter alia, introduced human trafficking as a criminal offence and broadened the scope of the offences related to child pornography;

#### **II. Data**

6. While welcoming the statistical data provided in the report of the State party and the replies to the list of issues, the Committee regrets the lack of data related to the Optional Protocol disaggregated by, inter alia, age, sex, origin, urban/rural areas, and the most vulnerable groups. While noting the research carried out on the issue of domestic violence and trafficking in persons, the Committee regrets the lack of research on the specific areas covered by the Optional Protocol.

**7. The Committee recommends that the State party develop and implement a comprehensive and systematic mechanism of data collection, analysis, monitoring and impact assessment of all the areas covered by the Optional Protocol. The data should be disaggregated, inter alia, by nature of the offence and by sex, age, national and ethnic origin, urban/rural areas, socio-economic status, with particular attention to the most vulnerable groups of children. The Committee further recommends that the State party undertake research into the issues covered by the Optional Protocol to identify the causes and extent of sale of children, child prostitution and child pornography.**

#### **General principles of the Convention on the Rights of Children (arts. 2, 3, 6 and 12)**

8. The Committee notes that the four general principles of the Convention have been mostly taken into account in the measures of implementation adopted by the State party under the Optional Protocol. However, the Committee is concerned at discriminatory attitudes faced by some vulnerable children, including Roma children, asylum seekers and children born in Slovenia without nationality, which may affect their protection and prevent their full enjoyment of the rights enshrined in the Optional Protocol.

**9. The Committee recommends that the four general principles of the Convention, in particular the principles of non-discrimination and best interests of the child, be included in all measures taken by the State party to ensure the implementation of the provisions of the Optional Protocol, including in the examination of asylum applications submitted by children as well as in judicial and administrative proceedings.**

#### **National Plan of Action**

10. While noting the adoption of the Action Plan for the fight against human trafficking for the period 2008-2009, the Committee is concerned that there is no specific plan of action covering all aspects of the Optional Protocol.

**11. The Committee recommends that the State party develop, in consultation and cooperation with all relevant stakeholders, a national plan of action aimed at addressing sale of children, child prostitution and child pornography, and provide adequate human and financial resources for its implementation. In doing so, the State party is invited to take particular attention to the implementation of all provisions of the Optional Protocol taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the First, Second and Third World Congresses against Sexual Exploitation of Children held in Stockholm, Yokohama and Rio de Janeiro in 1996, 2001 and 2008 respectively.**

#### **Coordination and evaluation**

12. The Committee, while noting the appointment, in 2003, of an inter-ministerial working group for combating trafficking in human beings, composed by representatives of ministries, government bodies, and non-governmental organizations (NGO), is concerned at the lack of a national entity adequately resourced and mandated to coordinate all areas covered by the Optional Protocol.

**13. The Committee encourages the State party to strengthen coordination among the relevant agencies, governmental departments and NGOs to ensure a systematic and**

**coherent approach to address the issues covered by the Optional Protocol as well as to ensure the periodic evaluation of its implementation. Furthermore, the Committee recommends that a mechanism be in place and that such a mechanism undertake coordination of strategy, policy development and implementation in the areas covered by the Optional Protocol and that be provided with sufficient human and financial resources to enable it to be fully operational.**

#### **Dissemination and training**

14. The Committee notes with appreciation the various training and dissemination activities undertaken by the State party in the fields of trafficking in human beings and violence against children. However, the Committee is concerned that the State party is not undertaking adequate dissemination and awareness-raising activities in systematic and targeted manner among relevant professional categories and the public at large, in particular children, on all areas covered by the Optional Protocol.

**15. The Committee recommends that the State party strengthen its training and dissemination activities, including the systematic development of training materials and courses, covering all areas of the Optional Protocol, for all relevant professionals including police officers, public prosecutors, judges, medical staff, media and other professionals involved in its implementation. The Committee further recommends, in the light of article 9, paragraph 2, of the Optional Protocol, that the State party make the provisions of the Optional Protocol widely known, particularly to children and their families, through, inter alia, media, school curricula, awareness-raising campaigns and training on harmful effects of all offences referred to in the Optional Protocol.**

#### **Measures adopted to prevent offences referred to in the Protocol**

16. The Committee welcomes the efforts made by the State party, in collaboration with the European Commission, professionals and the civil society, to prevent offences referred to trafficking in human beings, child abuse, violence against children, and child pornography. The Committee welcomes as well the financing of the Project against human trafficking and sex and gender violence (PATs); however, the Committee regrets the lack of a systematic and comprehensive strategy to address all the areas of the Optional Protocol, in particular in relation to certain groups of vulnerable children, such as Roma, street children and children with disabilities.

**17. The Committee recommends that the State party undertake targeted measures to prevent the sale of children, child prostitution and child pornography and pay increased attention to the situation of the groups of children who are at particular risk of being victims of offences referred to in the Optional Protocol. In this respect, it recommends that the State party allocate adequate human and financial resources for the implementation of such programmes.**

#### **Committee on the Rights of the Child**

CRC/C/OPAC/SVN/CO/1, 51<sup>st</sup> Session

11 November 2009

#### **Measures adopted to protect the rights of child victims**

The Committee takes note of the measures adopted by the State party to provide protection, rehabilitation and other assistance for children affected by armed conflicts in their countries of origin. It also notes the information that among the children seeking protection, no child was identified as having been recruited into armed forces or groups, or used in hostilities,

between 2002 and 2008. However, the Committee is concerned at allegations that children seeking protection at the borders could be repelled before their cases are properly evaluated.

**The Committee recommends that the State party :**

**En sure that children seeking protection at the borders are provided an opportunity to submit their request;**

**Identify at the earliest possible stage children entering Slovenia and asking for protection who may have been recruited or used in hostilities abroad;**

**Provide children who have a right to assistance, recovery and social reintegration with specific, culturally and child sensitive assistance for their physical and psychological recovery and their social reintegration;**

**Take into consideration the Committee's general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin.**

### **Committee on the Elimination of Discrimination against Women**

CEDAW/C/SVN/CO/4, 42<sup>nd</sup> Session

7 November 2008

#### **Principle of gender equality**

11. While noting the adoption of the Implementation of the Principle of Equal Treatment Act which amended some provisions of the Equal Opportunities for Women and Men Act and other measures taken by the State party to realize equality between women and men, the Committee notes with concern that there do remain impediments to the realization of de facto equality between women and men.

**12. The Committee recommends that the State party develop appropriate mechanisms and capacity to monitor implementation and measure impact of the legal provisions and other measures that guarantee women de jure equality so as to ensure that they also benefit women de facto. The Committee reiterates its request made in its previous concluding observations to provide, in the next report, an assessment of the implementation and the results of all laws, policies, plans, programmes and other measures taken to eliminate discrimination against women in all areas of their lives.**

#### **Non-governmental organizations**

19. While welcoming the important role played by non-governmental organizations and other civil society groups in implementing the gender-equality policy and the measures designed to fight violence against women and trafficking, in particular to protect victims, the Committee is concerned at the limited financial support available for the non-governmental organizations involved in provision of services for promotion of women's rights and the lack of transparency in the distribution of funding.

**20. While encouraging the State party to continue to develop its collaboration with civil society, the Committee recommends that the State party ensure that an adequate level of funding is made available for the non-governmental organizations to carry out their work and that the distribution of funds is conducted in a transparent manner.**

#### **Violence against women**

23. While welcoming the current legal and other measures undertaken by the State party to eliminate violence against women, in particular the adoption of the Domestic Violence

Prevention Act 2008, the Committee remains concerned at the continuing prevalence of violence against women and girls, the number of women murdered by their intimate partners, and the absence of a comprehensive national strategy and programme to combat all forms of violence against women and girls.

**24. The Committee calls upon the State party to address the issue of gender based violence in a comprehensive manner, in line with general recommendation 19. In this respect, the Committee recommends that the State party develop a comprehensive strategy or action plan to prevent and eliminate all forms of violence against women and girls and an effective institutional mechanism to coordinate, monitor and assess the effectiveness of the measures taken. The Committee further recommends that the State party study and analyse all cases of murders of women by their intimate partners and, on that basis, adopt effective measures to protect women from this particular type of violence. The Committee urges the State party to ensure that a sufficient number of safe crisis centres and shelters are available to women victims of violence, staffed by expert personnel and provided with adequate financial resources for their effective functioning. The Committee requests the State party to provide, in the next periodic report, an analysis of the impact of the implementation of the Domestic Violence Prevention Act on the prevalence of violence against women.**

#### **Trafficking in women and girls**

25. While acknowledging the measures taken by the State party to combat trafficking in women and children, including the amendment of the Penal Code to include a specific provision on trafficking in human beings and the possibility of temporary residence permits for the victims of trafficking, the Committee is concerned at the continuing prevalence of trafficking and the fact that in spite of the initiation of criminal investigations into cases of alleged trafficking and the high number of alleged victims, no sentences on trafficking have yet been issued.

**26. The Committee urges the State party to continue its efforts to combat all forms of trafficking in women and children, in line with article 6 of the Convention. The Committee recommends the expansion of training activities for the judiciary, prosecutors and other public officials and expansion of those activities to relevant non-governmental organizations so as to ensure the prosecution and punishment of perpetrators. The Committee also recommends that the State party pursue international, regional and bilateral cooperation efforts with countries of origin, transit and destination to prevent trafficking and bring perpetrators to justice.**

#### **Vulnerable groups of women**

35. While noting the adoption of the Roma Community Act and welcoming achievements made in combating stereotyping of Roma, the Committee is concerned that Roma women and girls remain in a vulnerable situation and subject to discrimination, including with regard to education, health, housing and employment. It is further concerned about the low level of Roma women's formal education and the school dropout rates among Roma girls.

**36. The Committee urges the State party to take urgent and concrete measures to address stereotypic attitudes towards Roma women and girls, and accelerate their achievement of de facto equality. The Committee recommends that the State party intensify efforts to promote the access of Roma girls to education and their retention in all levels of education, and to address the high rate of unemployment among Roma women. The Committee recommends that the State party collect and make available statistical information pertaining to the education, health, employment and social, economic and political status of**

Roma women and girls, with a view to developing further specific policies to respond to their needs. It also requests the State party to include that information in its next periodic report.

## **II. Special Procedures**

### **Report of the independent expert on the issue of human rights obligations related to safe drinking water and sanitation, Catarina de Albuquerque**

Addendum: Mission to Slovenia  
Human Rights Council, 18<sup>th</sup> Session  
A/HRC/18/33/Add.2, 4 July 2011

57. The special procedures mandate holder concludes that Slovenia is meeting its human rights obligations related to water and sanitation for the vast majority of its population. Nevertheless, she has serious concerns about those who are excluded from the enjoyment of these rights, as such exclusion constitutes a violation of the international human rights obligations of Slovenia. The fact that the main responsibility for ensuring access to water and sanitation is within the competencies of the municipalities does not absolve the Government of its human rights obligations.

The mandate holder recalls that human rights obligations pertain to all levels of government, and calls on the central Government to ensure that all people in Slovenia are able to enjoy the rights to water and to sanitation on an equal basis. The working group on solving spatial problems in Roma settlements has the potential to play a valuable role in this regard, and should particularly ensure broad-based participation and consultation with Roma people. It should also ensure that its recommendations are fully in line with international human rights obligations.

58. Certain challenges also persist in terms of fighting pollution, and ensuring adequate sanitation and water availability in some regions. The Government has demonstrated a willingness to tackle those issues in line with its human rights obligations and, in this regard, the special procedures mandate holder recommends that the State:

(b) Urgently address the situation of people, especially Roma communities, who do not have access to safe drinking water and sanitation, and implement measures to ensure that their rights to water and sanitation are fully protected;

(e) Provide security of tenure to all Roma communities by taking measures to regularize their settlements. These measures must be undertaken in full consultation with and ensure the meaningful participation of the communities concerned. The Government should also consider multiple models of regularization and recognize that no one solution will be appropriate in all cases. In the interim, the Government should ensure that all communities have access to safe drinking water and sanitation regardless of the legal status of the land on which they live. Furthermore, special attention should be paid to ensuring that the most disadvantaged groups, such as women, people with disabilities, and children, have access to safe water and sanitation;

(f) Ensure that the National Programme of Measures for Roma for the Period 2010-2015 is implemented in all municipalities, including by offering incentives for municipalities to pay special attention to improving the lives of Roma people within their jurisdiction, and holding municipalities accountable where they fail to respect the human rights of Roma communities within their jurisdiction;



- (g) Collect disaggregated data to enable a fuller understanding of the socioeconomic situation of Roma people, in order to design targeted measures to address problems faced by this population. The State should also engage in health monitoring to identify improvements in or deterioration of health in Roma communities;**
- (h) Eliminate the distinction between “autochthonous” and “nonautochthonous” Roma communities in order to ensure the equality of rights of all Roma people;**