

NHRI STATEMENT

UPR Pre-session on Slovenia
Geneva, 11 October 2019

This statement is delivered on behalf of the Human Rights Ombudsman of the Republic of Slovenia (the Ombudsman), a national human rights institution, whose mandate was strengthened in 2017 with amendments to the Human Rights Ombudsman Act, providing the necessary basis for acquiring Status A according to the Paris Principles, for which the Ombudsman has applied. In January 2019 the Human Rights Centre was set up as a special organisational unit with tasks of promoting, educating, organising consultations, preparing analyses and reports, and cooperating with civil society and state authorities regarding realisation and protection of human rights, all of which will now be done in a more regular manner than before. This welcome development and our presence here at the UPR Pre-session is also a result of the recommendations given to Slovenia in the previous cycle of the UPR.

The authorities in Slovenia have taken a number of positive steps to further strengthen the protection of human rights in the country since the previous review. While the Ombudsman welcomes the considerable progress, it remains concerned about many issues. Due to time constraints, this statement addresses only three of these: (i) disregard for the decisions of the Slovenian Constitutional Court, (ii) implementation of the right to drinking water and (iii) inadequate functioning of inspection services.

Several other issues are addressed in the Ombudsman's informational paper prepared for this UPR review.

Disregard for the decisions of the Constitutional Court

In the Ombudsman's view, one of the unacceptably persistent issues is the disregard for the decisions of the Constitutional Court of the Republic of Slovenia. As of today, there are 10 unimplemented decisions. To give one example, it has been four years since, in a procedure for the review of constitutionality which was instigated at the Ombudsman's request, the Constitutional Court annulled certain provisions of the Mental Health Act and decided that the annulment should become effective in one year's time. The legislator was therefore

given sufficient time to deal with the complex matter at hand, namely to adequately harmonise with the Constitution the procedure for admitting people who have been deprived of their legal capacity to secure departments of social care institutions. It is not acceptable that even such important decisions of the Constitutional Court, involving the deprivation of liberty of one of the most vulnerable groups of people, are not implemented in a timely fashion.

The competent authorities have to remedy unconstitutionality established with the decisions of the Constitutional Court of the Republic of Slovenia.

The implementation of the right to drinking water

At the end of 2016, the National Assembly amended the Constitution of the Republic of Slovenia by introducing a now explicit constitutional right – the right to drinking water. This was a welcome step. However, the legislative and implementing regulations still haven't been harmonised with the new constitutional provision.

The Government and the National Assembly of the Republic of Slovenia should promptly draft and adopt the regulations necessary to protect the right to drinking water determined in the Constitution of the Republic of Slovenia.

In the previous UPR cycle, several countries addressed the problems regarding access to drinking water in Roma settlements. However, regarding this issue, the Ombudsman noted a setback instead of the urgently required progress. In 2016 the Government installed plastic water tanks in two Roma settlements, which the Ombudsman warned could only act as a temporary measure and that such measure is completely unsuitable in times of winter frost and summer heat. Providing drinking water through a water tank is a step backwards with regard to the Government statement from 2011 that the observance of the right to drinking water arising from Slovenian and international legislation requires the provision of access through a public water supply system.

All residents of the Roma settlements should be provided with suitable access to drinking water without differentiation and irrespective of the legal status of the land.

Inadequate work of the inspection services

The Ombudsman receives a considerable number of complaints relating to the work of the inspection services (such as the Labour Inspectorate and the Inspectorate for the Environment and Spatial Planning), their staff shortages, poor responsiveness to notifiers, the transparency of their work and priorities, and delayed enforcement of complainants' rights. In the Ombudsman's opinion, the supervisions that inspectors carry out are often

insufficient and late and it all too often seems that the inspection services are neither effective nor fast enough.

The Government of the Republic of Slovenia must ensure effective work of inspection services.

For additional issues that need addressing via the UPR, please check the [Ombudsman's information paper prepared for this review](#).

Thank you.

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More info: Human Rights Ombudsman of the Republic of Slovenia, Information paper, UPR Pre-session for the 3rd cycle of the Universal Periodic Review of Slovenia, 11 October 2019, tinyurl.com/UPR2019