



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### List of issues in relation to the third periodic report of Slovenia\*

##### **Constitutional and legal framework within which the Covenant is implemented (art. 2)**

1. Please provide examples of cases relating to the reporting period in which the provisions of the Covenant have been invoked before and/or applied by courts. Please also provide information about measures taken to raise awareness of the Covenant among judges, prosecutors and lawyers.
2. Please provide information about steps taken to bring the Human Rights Ombudsman of the Republic of Slovenia into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). Please also provide information on measures taken to ensure that the Ombudsman has the resources necessary to perform its functions effectively, in particular taking into consideration that it has also been designated as the national preventive mechanism under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

##### **Non-discrimination, equality between men and women, and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20 and 26)**

3. Please indicate whether during the reporting period there have been any reports concerning acts of discrimination, including acts of violence and, if so, please provide disaggregated statistical information for the past five years on: (a) the number of complaints received by relevant authorities; (b) the investigations carried out and their results, including the sentences handed down to the perpetrators; and (c) the remedies provided to the victims. Please also provide information about the steps taken to guarantee in practice that the Advocate of the Principle of Equality carries out his mandate independently and effectively and provide statistical information for the past five years on the number of complaints he received, the actions he has taken and their outcome. In addition, please provide information about measures taken to facilitate and encourage reporting of acts of discrimination.
4. In relation to paragraph 142 of the State party's report (CCPR/C/SVN/3), please provide statistical information for the past five years on: (a) the number of complaints received by relevant authorities in relation to article 297 of the Criminal Code; (b) the

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\* Adopted by the Committee at its 114th session (29 June–24 July 2015).



investigations carried out; and (c) the sentences passed, indicating whether they resulted in acquittal or conviction. In doing so, please specify how many of these cases referred to manifestations of hate speech or intolerance made by State officials.

5. Please provide updated statistical information about female representation in public affairs. In doing so, please include information about female representation in the National Council and the judiciary. In addition, please provide information about the impact of the measures taken to increase the representation of women in decision-making positions in the private sector.

6. Please provide updated statistical information about the regulation of the status of the citizens of other republics of the former Socialist Federal Republic of Yugoslavia who were transferred from the Register of Permanent Residents to the Register of Aliens after the independence of Slovenia, the so-called “erased”. In this respect, please also provide information about measures taken to ensure that those people living in Slovenia who have not had their status regulated can fully enjoy their rights under the Covenant.

7. Please provide information about the impact of the National Programme of Measures for Roma for the Period 2010-2015, in particular with regard to addressing discrimination. In relation to paragraphs 190 and 191 of the report, please update the Committee on steps taken to adopt a new programme for the period 2015-2020, outline its main aspects and provide information about the participation of Roma representatives in its development. Please also provide information about any measures taken to prevent and combat discrimination against the Roma community since the submission of the report. In relation to paragraph 184 of the report, please provide detailed information about the exact composition of the Roma Community Council and indicate whether the State party plans to revise the rules related to such composition and, if so, please provide information on the proposed changes.

**Violence against women, including domestic violence (arts. 2, 3, 6, 7 and 26)**

8. While taking note of the information provided in annex II with regard to the enforcement of domestic violence criminal offences in 2009 and 2010 as well as in annex III (table 3), please provide updated statistical information from 2011 on: (a) the number of complaints received by relevant authorities with regard to violence against women, including domestic violence; (b) investigations carried out; (c) sentences passed, indicating whether they resulted in acquittal or conviction; and (d) reparation provided to victims. Please inform the Committee about the steps taken to facilitate and encourage reporting of violence against women, including domestic violence. Please also provide information about the impact of the 2009-2014 National Programme on Prevention of Family Violence and indicate whether a new similar programme has been adopted as from 2015.

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)**

9. Please indicate whether any complaints concerning ill-treatment or torture by law enforcement officials have been received during the reporting period and, if so, please provide statistical information for the past five years on: (a) the number of complaints received by relevant authorities; (b) criminal and/or disciplinary proceedings carried out; (c) sentences handed down, indicating whether they resulted in acquittals or convictions; and (d) reparation provided to victims, including rehabilitation. Please also provide information on training activities on the use of force for law enforcement officials.

**Trafficking in persons (art. 8)**

10. Please provide information about the procedures in place to identify victims of trafficking in persons and to refer them for assistance, and indicate whether these procedures have been formalized. In doing so, please include additional information about the manual aimed at identifying potential victims of trafficking referred to in paragraph 122 of the report. In the light of the information provided in paragraph 119 of the report, please indicate what measures are taken to guarantee that victims of trafficking have access to assistance, including adequate accommodation, on the basis of their needs and not on the basis of their cooperation in investigations and criminal proceedings.

**Right to liberty and security of person, treatment of persons deprived of their liberty and right to a fair trial (arts. 9, 10 and 14)**

11. In relation to paragraphs 47 to 52 of the report, please: (a) clarify whether in all cases in which a person deprived of liberty does not have the means to pay for a defence counsel, he or she will have access to free counsel as from the outset of deprivation of liberty and, if so, please indicate what measures are taken to guarantee in practice that this right can be exercised without delay; and (b) provide information about the criteria applied by the police to determine whether the appointment of a defence counsel ex officio is in the interest of justice.

12. Please provide statistical information on the number of persons deprived of their liberty in the State party, disaggregated by sex, age, whether in pre-trial detention or convicted, and place of deprivation of liberty. In doing so, please also indicate the official capacity of each place of deprivation of liberty. Please provide statistical information for the past five years on the use of the alternative measures referred to in paragraph 45 of the report. In addition, please provide information about efforts undertaken to ensure that the conditions of detention in all places of deprivation of liberty are in line with relevant international human rights standards, including with the Standard Minimum Rules for the Treatment of Prisoners.

13. In the light of the information provided in paragraph 129 and table 1 of the report, please provide updated information on court backlogs and the average time for the resolution of judicial cases. In relation to paragraph 127 of the report, please provide updated information about the number of petitions received by the Ombudsman relating to delays in court proceedings and the measures taken in that respect. Please also indicate whether additional measures aimed at further reducing and preventing court backlogs, in particular in district courts, have been adopted after the submission of the report and, if so, please provide information about them and their impact.

**Treatment of aliens (arts. 2, 7, 13 and 24)**

14. While taking into consideration the information provided in paragraph 262 of the common core document, please provide detailed information about the procedural safeguards in place to uphold the principle of non-refoulement and its implementation in practice. Please also indicate whether the State party provides free legal aid from the beginning of the asylum proceedings and provide information on the measures taken to ensure that, in all cases when it is required, asylum seekers have access to free, good-quality interpretation services. In relation to paragraph 175 of the report, please also clarify whether unaccompanied minors are assigned legal guardians and legal representatives from when they enter the State party and indicate how it is ensured that the legal representatives have regular contact with the minors they represent.

**Freedom of expression (art. 19)**

15. Please provide statistical information for the past five years on the application of the offence of defamation. Please also indicate whether steps have been taken to ensure that defamation is not punished by imprisonment.

**Protection of children (art. 24)**

16. In relation to paragraphs 180 and 181 of the report, please provide information about measures taken to guarantee in practice that all children born in the territory of the State party acquire a nationality even if the conditions to acquire Slovenian nationality are not met.

17. While taking note of the information provided in paragraph 173 of the report and annex III to the report (tables 2 to 4), please provide statistical data for the past five years on: (a) the number of complaints received by relevant authorities concerning abuse, exploitation, including child labour and maltreatment of children; (b) investigations carried out and their results, indicating if they resulted in convictions or acquittals; and (c) assistance provided to victims, including rehabilitation services. In addition, please indicate whether there have been reports of harmful practices such as early and forced marriage within the Roma population and, if so, please provide information about measures taken to identify and prevent such practices, to prosecute and punish those responsible and to provide reparation to victims, including rehabilitation.

18. Please provide information on measures taken to explicitly prohibit all forms of corporal punishment of children in all settings, including in the home.

**Rights of minorities (arts. 26 and 27)**

19. Please indicate how the State party monitors the impact of the measures taken to protect minorities and assesses their needs in the absence of data disaggregated by ethnic origin and religious affiliation.

20. In the light of the Committee's previous concluding observations (see CCPR/CO/84/SVN, para. 16), please indicate whether any steps have been taken or are planned to be taken to eliminate the difference in status between "autochthonous" and "non-autochthonous" Roma from domestic law. In relation to paragraph 186 of the report, please indicate whether, besides the 20 municipalities bound to do so by the Local Self Government Act, other municipalities have guaranteed to the Roma communities settled under their jurisdiction the right to be represented in the municipal councils.

**Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)**

21. Please indicate whether, besides publishing the draft on the website of the Ministry of Foreign Affairs, other measures have been taken to disseminate the third periodic report of the State party and its forthcoming examination by the Committee. While taking note of the information provided in paragraph 2 of the report, please provide more detailed information on the involvement of representatives of civil society, non-governmental organizations, minority groups and the Human Rights Ombudsman in the process of preparing the report.

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