HUMAN RIGHTS COMMITTEE

Fifty-first session

SUMMARY RECORD OF THE 1343rd MEETING

Held at the Palais des Nations, Geneva, on Wednesday, 20 July 1994, at 10 a.m.

Chairman: Mr. ANDO

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Consideration of reports submitted by States parties under article 40 of the Covenant (continued)

Initial report of Slovenia

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)
Initial report of Slovenia (CCPR/C/74/Add.1; HRI/CORE/1/Add.35)

1. At the invitation of the Chairman, Mrs. Šelih, Mr. Mahnić, Mr. Debelak and Mrs. Šmit (Slovenia) took places at the Committee table.

2. The CHAIRMAN welcomed the delegation of Slovenia, explained the procedure to be followed, and invited the head of the delegation to present and update the initial report (CCPR/C/74/Add.1).

3. Mrs. ŠELIH (Slovenia) first corrected the report in a few particulars.

4. The statement in paragraph 4 that the legislation of the former Yugoslavia had for the most part been in line with the Covenant was basically correct. However, the provisions of that and other international instruments ratified by the former Yugoslavia, notably in regard to certain political rights, had not been fully taken over into domestic legislation. Consequently a process of harmonization was under way, whereby the legislation of Slovenia would, in its essential aspects, be aligned with the international instruments in question.

5. Paragraph 14 should be corrected to indicate that the death penalty had been abolished de jure by an amendment to the Constitution in September 1989. De facto abolition had come into effect in 1957.

6. The number of temporary refugees mentioned in paragraph 36 should be updated in the light of a registration procedure carried out in October 1993, from which it had emerged that there had been some 30,200 temporary refugees in Slovenia at that time; there were probably an additional few thousand unregistered refugees in the country.

7. Paragraph 39 should be understood as referring to the third of the three categories of offences identified for the purposes of Slovene law, namely so-called "petty offences"; the others were criminal acts and economic transgressions and offences as described in paragraph 44. Magistrates for petty offences carried out their judicial functions in accordance with a special law of 1983.

8. The English translation of the original text of paragraph 52 was misleading. The final sentence should read: "Criminal law which enabled prosecution of persons for criminal offences of so-called 'enemy propaganda' was changed in 1990 (that is, in the time of the former Yugoslavia)."

9. Equally misleading was the introductory sentence of paragraph 70, where "three forms of social security for children" should read "three forms of societal care for children". The provisions described in that paragraph covered both social security issues in the strict sense of the term and more general measures of social care.

10. She then outlined the major legislative developments in the area of human rights in Slovenia during the very busy period of 13 months since the drafting of the initial report, as they related to the various articles of the Covenant.
11. In relation to articles 2 and 3 of the Covenant, Slovenia had ratified or acceded to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Political Rights of Women and the Convention on the Nationality of Married Women. It had also recently ratified the European Convention on Human Rights.

12. In relation to article 3, the principles of non-discrimination and equality between men and women had been taken into account in the legislation of Slovenia wherever appropriate, in instances too numerous to mention.

13. Concerning article 6, Slovenia had ratified the Convention on the Prevention and Punishment of the Crime of Genocide and the Second Optional Protocol to the International Covenant on Civil and Political Rights. Major items of legislation had passed through Parliament. She had already mentioned the de facto and de jure abolition of the death penalty.

14. Concerning article 7, Slovenia had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; a major law on the implementation of penal sanctions was being prepared for submission to Parliament. Some very basic principles on the implementation of penal sanctions were also included in the draft Criminal Code.

15. There had been no further developments in relation to article 8.

16. In connection with article 9, and paragraphs 22 to 26 of the report, she said that the new Law on Criminal Procedure was having its third reading in Parliament and was expected to be enacted by September 1994. That law gave the police the right to detain a person if any of the reasons for arrest specified therein existed; the suspect must, however, be brought before a court without delay. Detention for a maximum period of 48 hours was provided for in the case of persons caught in flagrante delicto, provided that the conditions for arrest ordered by the prosecuting magistrate were fulfilled. The person must be notified of his or her rights of defence and the right to counsel at that stage; the police were required, at the prisoner's request, to notify the immediate family. All other forms of deprivation of liberty had to be ordered by a judicial authority.

17. Turning to the specific issue of the liberty of movement and the rights of aliens, she said that Slovenia had ratified the Convention relating to the Status of Stateless Persons and the Convention relating to the Status of Refugees. In recent months the Law on Citizenship had been modified in regard to conditions for the naturalization of immigrants to Slovenia and their spouses and the acquisition of citizenship by a child, as well as in regard to the prevention of dual citizenship, the withdrawal of citizenship, the granting of citizenship to a category of persons fulfilling conditions set out in the law, and the acquisition of citizenship by minors who were the offspring of so-called mixed marriages. A new law on the status of temporary refugees was being prepared.

18. The right to a fair trial (art. 14) and questions of criminal procedure (art. 15) had been a focus of attention during the past 13 months, and before that, and were the subject of new legislation, which included laws on the Constitutional Court, on the ordinary courts, on the performance of
judicial functions, on notaries public, on the Bar, on labour and social courts as specialized courts and on the Ombudsman. She added that two major new and relevant pieces of legislation, namely the draft Criminal Code and the draft Law of Criminal Procedure, as well as a draft Law on State Prosecution, were also in the pipeline. Working drafts of laws on administrative courts and on petty offences had also been prepared. The right to privacy (art. 17) was in part covered by a Law on the Protection of Personal Data; a new law would reinforce such protection.

19. There had been no further developments in relation to article 18.

20. Freedom of expression (art. 19) was covered by two new laws, on the mass media and on radio and television.

21. War propaganda, racism and xenophobia (covered by art. 20) were classified as criminal offences under the draft Criminal Code. There were no statutory limitations of time on the prosecution of such offences.

22. Peaceful assembly (art. 21) was covered by a new Law on Public Gatherings that was being processed. In connection with the freedom of association (art. 22), Slovenia had ratified two conventions of the International Labour Organisation on the status of trade unions. She added that exercise of the right to strike in the public services was subject to the provision of minimum service. Draft laws on associations and on foundations were going through Parliament.