



CHECK AGAINST DELIVERY

**Statement by**

**H. E. Mr Goran Klemenčič**

**Minister of Justice of the Republic of Slovenia**

**20<sup>th</sup> session of the Working Group on the Universal Periodic Review**

**United Nations Human Rights Council**

Geneva, 4 November 2014

*Mr President,  
Representatives of Members and Observers,  
Ladies and Gentlemen,*

It is an honour to address you today on behalf of the Republic of Slovenia. Our second national report to the Universal Periodic Review is a result of intensive coordination between ministries and other government institutions, as well as a process of dialogue with NGOs. The competent parliamentary committee has been briefed about the UPR reporting process, and the Slovenian delegation for today's inter-active dialogue includes representatives of many line ministries.

Human rights rank high on Slovenia's list of priorities, which is quite evident from the second chapter of our Constitution, 'Human Rights and Fundamental Freedoms', which includes approximately one third of all constitutional provisions. Popular human rights and demands for democratisation were at the very heart of Slovenia's struggle for independence, and for well over 20 years, human rights have been among the top priorities of our foreign policy. We believe our efforts internationally should go hand in hand with efforts to improve the human rights situation at home. We thus welcome today's opportunity to look constructively into how Slovenia is faring domestically and how it can do better in responding to human rights challenges.

There have been several new developments, since we submitted our national UPR report to the Office of the UN High Commissioner for Human Rights in July. Following early elections, a new National Assembly was formed in July. Out of 90 elected members of parliament 32 (35.6%) are women, which is the highest percentage in the history of Slovenia. Similarly, 7 out of a total of 17 (41.2 %) ministerial positions in the new Government that was sworn in this September are held by women.

The coalition agreement of the new Government contains several proposals aimed at increasing the enjoyment of human rights, such as establishing a governmental council for human rights, strengthening the Advocate for Equal Opportunities and enhancing dialogue with civil society, including in the preparation of proposed legislation.

Slovenia has an active national human rights institution which provides an independent assessment of the national implementation of human rights obligations and standards. The protection of human rights and fundamental freedoms is also subject to review by the Constitutional Court. We have a vibrant, free and independent civil society, and its views are important for addressing the human rights situation at the national, regional and international levels.

Since the first review of Slovenia four years ago, we have regularly monitored the implementation of the recommendations. We also submitted a voluntary mid-term report in March 2012. Let me briefly present some areas of significant progress since 2010.

Slovenia has taken several measures to resolve the status of persons erased from the Register of Permanent Residents. A law regulating their status was passed in 2010, offering the erased the possibility to regulate their status and obtain a retroactively valid permanent residence permit. The law also enabled erased persons not living in Slovenia to obtain permanent residence permits. A special compensation scheme took effect in June 2014 whereby an eligible claimant (an erased person) can claim compensation through an administrative procedure and/or judicial procedure. By 1 November, more than 3,200 requests for lump-sum compensation had been resolved positively.

As Minister of Justice, I am especially happy to report progress in reducing court backlogs. Slovenia has implemented judicial reform aimed at increasing the efficiency of the judiciary.

As a result, backlogs have been reduced to the point where they can no longer be considered a systemic problem. Drawing on business experience, a project was established which allows those holding top-level positions in justice to draw up relevant development strategies and make quick and effective decisions. The project was acknowledged as an example of good practice by both the European Commission and the Council of Europe at the awards ceremony for the prestigious Crystal Scales in Justice Prize in 2012.

I am also happy to report that Slovenia has dealt with its reporting backlog to UN human rights treaty bodies by submitting its third report to the International Covenant on Civil and Political Rights and its initial report to the Convention on the Rights of Persons with Disabilities, both in July 2014. We have also just submitted the updated Common Core Document to the Office of the UN High Commissioner for Human Rights.

In 2011, the Slovenian National Assembly adopted a declaration on the status of members of national groups belonging to nations of the former SFRY, and a governmental council of national groups of former SFRY has subsequently been established.

Following the formation of the new Government, the line ministry introduced a new draft of the law on same-sex civil partnerships in mid-October. The draft is currently under public discussion. The new legislative proposal aims at eliminating discrimination in the field of partnerships on the basis of sexual orientation.

As many other countries, Slovenia too has undergone a severe financial and economic crisis. The Government had to take several austerity measures to stabilise public finances. However, wherever they pertained to social policies these measures were carefully reconsidered so as not to affect the most vulnerable groups. The majority of measures in the social field targeted recipients of transfers with the highest incomes, without affecting the benefits of the lowest income groups. The social transfers play a very important role in poverty reduction in Slovenia. The current Government will do its very best to retain essential social protection schemes, including for the most vulnerable and underprivileged.

We are grateful for the questions that we received in advance, and I would like to proceed by answering them.

Regarding the questions about the erased posed by the Netherlands, the Czech Republic, Spain, the United Kingdom and Mexico, I wish to share some additional information. I mentioned the fact that the erased can regulate their status by obtaining a permanent residence permit. The Compensation Act that regulates financial compensation also envisages six other specific measures: (1) the payment of the contribution for mandatory medical insurance; (2) inclusion in priority treatment in social welfare programmes; (3) exercise of rights pertaining to public funds; (4) state scholarships; (5) equal treatment in resolving housing issues and access to the educational system and inclusion, as well as (6) priority treatment in integration programmes.

Regarding the questions about the Roma that we received from Belgium, Germany, the Netherlands, Norway and the United Kingdom, I would like to point out that Slovenia has continued to work towards increasing the social inclusion and participation of Roma, as well as the recognition of, and awareness about, Romani culture, and towards improving the living conditions of Roma communities. There are approximately 10.000 Roma in Slovenia and their special needs are included in many sectoral policies and laws. Difficulties faced by the Roma community in Slovenia often put Roma in an underprivileged position and make them more exposed to discrimination. The National Programme of Measures for Roma 2010–2015 makes awareness-raising and related activities a priority area, warranting major attention and state financing.

We pay special attention to improving the housing conditions of the Roma, which is a priority under the National Programme. The objective is the gradual and formal, infrastructural and social inclusion of Roma settlements into the Slovenian settlement system, with the concurrent rehabilitation of these areas. In accordance with the applicable legislation, spatial planning in Slovenia falls under the executive competence of municipalities. Municipalities need to include these settlements in their municipal spatial plans, and the competent ministry is monitoring the developments and offering expert assistance. Through public tenders, financial incentives are provided for the provision of the basic infrastructure in Roma settlements, including the construction, reconstruction or modernisation of water supply and sewage systems, electrification and local roads, as well as the purchase of land in order to improve or consolidate Roma settlements. There has been progress in recent years in many Roma settlements in Slovenia: basic infrastructure has been constructed, and Roma settlements have been included in municipal spatial plans. We are striving to resolve the situation of those Roma still living in informal settlements.

The implementation of the Programme of Measures and the Roma Community Act provisions is systematically monitored by a government working body, namely the Commission for the Protection of the Roma Community, which includes Roma and local authorities representatives. The Commission reports to the National Assembly, which has so far discussed two reports (for the periods 2010–2011 and 2011–2012); the third report (for the period 2012–2013) is to be adopted by the Government in the following weeks.

In reply to the questions from the Netherlands, Norway, the Czech Republic, the United Kingdom and Mexico about Slovenia's activities to combat trafficking in human beings, I wish to reiterate that this issue is very important to Slovenia as a country of origin, transit and final destination. The National Coordinator and the Interdepartmental Working Group, which is comprised of representatives of line ministries, the National Assembly, the Office of the State Prosecutor General and NGOs, have a key role in preparing and implementing bi-annual action plans to combat trafficking in human beings. The coordinator reports annually to the Government and the National Assembly. The Government is still looking for possible solutions to enhance the role of the National Anti-Trafficking Coordinator within the governmental structure, in accordance with the Council of Europe GRETA recommendation.

Preventive measures in a broader sense also apply to legislative measures, especially with the 2012 amendments to the Criminal Code. We have organised a number of events and awareness-raising projects aimed at the general public, including target risk groups, with awareness projects in schools etc. Organised training is offered to qualified professionals who encounter trafficking in human beings in their work.

There is no special border police structure in Slovenia; one of the functions of border control is to detect and identify victims of trafficking. Immigration control measures are taken by border police stations at the land and sea borders and airports, as well as within the territory of the Republic of Slovenia.

The Slovenian Government provides assistance to all victims of trafficking, and earmarks funds every year for this purpose. The assistance to trafficking victims is offered by NGOs selected by public tender. At an early stage, the police and NGOs work together, as specified in the agreement, to provide safe housing assistance and urgent accommodation programmes. This form of assistance encompasses victims' physical, psychological and social recovery, as well as assistance with regulating their status (residence permits).

Regarding the prevention of the exploitation of trafficked workers, in addition to the preventive measures presented earlier, the Aliens Act also enables victims of trafficking or illegal employment to obtain a temporary residence permit (if they cooperate in criminal proceedings against their employer). Employment legislation requires that an employer who

employs a third-country national obtain a copy of valid residence permit from the worker. When a third-country national without a valid residence permit is repatriated, the employer must still settle all the obligations towards the third-country national for any work done, including related transaction costs. A proof needs to be provided to the labour inspectorate. High penalties are envisaged for violations.

Regarding the question from Belgium about addressing discrimination against children of same-sex couples in schools based on their family's sexual orientation, anti-discrimination training and education on human rights for teachers is provided by institutions such as the National Educational Institute and the Educational Research Institute. Slovenia also integrates human rights education into all aspects of education, including the national curricula. During the current school year, all secondary school students have received a book entitled 'My Name Is Damjan' on LGBTIs.

Regarding Spain's question, I wish to point out that Slovenian legislation on blood supply does not prohibit blood donations from men who have sex with men. However, medical experts consider sexual behaviour that carries higher risks of blood-borne diseases, regardless of sexual orientation, as grounds for permanently refusing blood donations. The Slovenian Ministry of Health and the blood transfusion service are currently examining existing practices with a view to adapting them to both the medical requirements of ensuring the safety of people receiving blood and the principle of non-discrimination.

To answer Mexico's questions about gender equality, I wish to reiterate Slovenia's full support for gender equality and the empowerment of women both domestically and internationally. In Slovenia, gender equality is a right, a goal and a horizontal principle permeating all spheres of the lives of both women and men in every period of life. The adoption of a special gender equality law and the National Programme for Equal Opportunities for Women and Men established a legal and programmatic framework for coordinated individual and joint actions by all government branches and institutions. To eliminate discrimination against women, as well as to close the gaps in different areas, the Government regularly monitors the status of women and responds to obstacles to achieving gender equality.

Regarding the position of women in the labour market, I would like to point out that the wage gap in Slovenia is among the lowest in Europe (approx. 2.5% in 2012). Employers have an explicit obligation to ensure equal remuneration for equal work and for work of equal value. Labour legislation additionally prohibits any discrimination based on gender, with sanctions prescribed for infringements, and employers' liability established for compensation to the worker thus discriminated, including for any mental suffering. Retaliation against victims of discrimination as well as against anyone helping them is prohibited.

Legislation passed in recent years has contributed to improving the systemic regulation of preventing and combating violence against women. In March 2014, the Government launched the project 'VESNA – to live a life free of violence' to systematically raise awareness among women of all ages who may be exposed to violence. The campaign is also a tool for disseminating information on various kinds of aid and their availability to victims. A national campaign on violence against women will once again be run this year from 19 November to 10 December, when the new Government also aims to ratify the Council of Europe Istanbul Convention on violence against women and domestic violence.

Regarding Norway's question about overcrowding in Slovenian prisons, we believe that the problem is not acute, as the European Court of Human Rights found violations in only one prison during the period 2009–2010. Since then, Slovenia has been actively and continuously working to remedy the violation (transfer of prisoners to other facilities, redistribution of prisoners in the mentioned prison, etc.), and these efforts are already

yielding results. To comply with a request of the Council of Europe Department for the Execution of Judgments of the European Court of Human Rights, Slovenia will submit a new action plan by December this year.

Regarding the question from Norway about the European Court on Human Rights ruling about Ljubljanska banka foreign currency savers, there indeed is one such pending ruling which concerns foreign currency savers who had deposits in banks on the territory of the former SFRY. The ruling concerns three savers from Bosnia and Herzegovina and their inability to recover "old" foreign-currency savings from banks located in Ljubljanska banka Sarajevo and a Tuzla branch of Investbanka. In accordance with the judgment of the Grand Chamber of European Court of Human Rights of 16 July 2014, the Republic of Slovenia is obliged to make all necessary arrangements, including legislative amendments, within one year, to allow depositors to recover their "old" foreign-currency savings under same conditions as those who had such savings in domestic branches of Slovenian banks.

Slovenia is disappointed with the decision of the European Court on Human Rights, as we believe that the case is an interstate dispute that should be resolved within the succession framework between the successor states of the former SFRY in accordance with the 2001 Agreement on Succession Issues. Nevertheless, Slovenia respects its international obligations and will take all steps necessary to effectively implement the judgment. The Government appointed a working group to implement the judgment and a group of legal experts. The Government needs to prepare an action plan, which will be presented to the Committee of Ministers of the Council of Europe by mid-January 2015.

Regarding the Norwegian question on strengthening the Human Rights Ombudsperson to qualify under Group A of the Paris Principles, I am happy to report that discussions on this are ongoing.

On the questions from Belgium about the ratifications of the Optional Protocol to the Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the CRC, I can confirm that inter-ministerial coordination procedures on both optional protocols are underway, to be followed by the ratification procedure. The ratification of the International Convention on the Protection of All Persons from Enforced Disappearance is still under discussion in Slovenia. Regarding the ratification of the amendment to article 8 of the ICERD, a matter of inconsistency of competence remains an obstacle; however, Slovenia has no substantive issues regarding the amendment and, we hope it will be ratified soon.

On behalf of the whole delegation, I now look forward to a productive and rewarding exchange of views.

Thank you.