

## SLOVENIA

### **CERD A/55/18 (2000)**

237. The Committee considered the initial, second, third and fourth periodic reports of Slovenia (CERD/C/352/Add.1) at its 1405th and 1406th meetings, on 2 and 3 August 2000 (CERD/C/SR.1405 and 1406) and at its 1416th meeting (CERD/C/SR.1416), on 10 August 2000, adopted the following concluding observations.

#### 1. Introduction

238. The Committee welcomes the detailed report presented by the Government of Slovenia, which follows the Committee's guidelines and contains relevant information about the implementation of the provisions of the Convention in the State party. The Committee particularly welcomes the opportunity to be able to initiate a dialogue with the State party and appreciates the detailed answers to questions raised and concerns expressed during the consideration of the report.

#### 2. Positive aspects

239. The Committee welcomes the efforts undertaken by the authorities of the State party since its independence in 1991 to ensure the promotion and protection of human rights. In particular, it notes the adoption of the 1991 Constitution, which guarantees a wide range of human rights, and the enactment of the Citizenship Act (1991), the Personal Data Protection Act (1999), the Radio and Television Act (1994), the Law on Asylum (1997), the Human Rights Ombudsman Act (1993/4), the Act on the Legal Status of the Religious Communities (1991), the Political Parties Act (1994), the Act on the Legal Status of Religious Communities (1991) and the Redress of Wrongs Act (1996).

240. The establishment of specific institutions dealing with human rights issues, such as the Office of the Human Rights Ombudsman, the Office for Nationalities, the Office for Immigration and Refugees, the Office for Religious Communities and the Office of the Republic of Slovenia Youth, are considered as positive measures. With reference to the Office of the Human Rights Ombudsman, the Committee especially welcomes the fact that the Ombudsman may by law initiate proceedings ex officio.

241. The Committee welcomes the appropriate measures taken by the State party authorities to resolve the issue of citizenship of former citizens of the Socialist Federal Republic of Yugoslavia following the proclamation of the independence of Slovenia.

242. The Committee notes the specific measures taken for the promotion and the protection of the human rights of the Roma population, including their right to vote and to be elected, the possibility given to this community to gain access to education, including pre-school education, and programmes

for professional training.

### 3. Concerns and recommendations

243. Although the State party provided some information in its report, the Committee remains concerned at the status of the Convention vis-à-vis domestic law, especially regarding cases of conflicts with national legislation and the possibility of invoking provisions of the Convention in the courts. In this connection, the Committee requests the State party to provide further information in its next periodic report on the status of the Convention in domestic law and on court cases, if any, during which the Convention was invoked.

244. The Committee notes that different minority groups are provided by law with differentiated protection measures in different areas of daily life, such as political representation, access to media, education and culture. The Committee notes that minority groups such as Croats, Serbs, Bosnians and Roma do not enjoy the same level of protection from the State party as the Italian and Hungarian minorities. In this connection, the Committee recommends that the State party, in accordance with article 2 of the Convention, ensure that persons or groups of persons belonging to other minority groups are not discriminated against.

245. The Committee is concerned that the legislation presently in force doesn't seem to respond to all the requirements of article 4 of the Convention, which are mandatory. It is also noted that no information on condemnations of individuals and organizations that disseminate ideas of racial superiority or use racial violence was provided by the State party in its report. The Committee takes note of the oral comments made by the delegation on this matter and recommends that the State party review the existing domestic legal framework with a view to implementing all provisions of article 4 of the Convention and to including in the next periodic report relevant information on this subject. The Committee also recommends that the State party take all appropriate measures to inform the general public about existing judicial remedies for victims of racism or xenophobia in order to encourage the use of such remedies.

246. Although the Committee welcomes the initiatives taken by the Slovenian authorities to sensitize and train civil servants and public officials on human rights and racial discrimination issues, the Committee remains concerned that these efforts are still insufficient. The Committee recommends that the State party strengthen its human rights sensitization and training programmes, especially with regard to law enforcement and military personnel.

247. The Committee is concerned that the temporary protection offered by the State party to refugees might be insufficient to guarantee their basic rights. The Committee recommends that the State party review its policy on temporary protection of refugees in order to guarantee all their rights, especially those covered by the Convention, and facilitate their integration in Slovenian society.

248. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making such a

declaration be considered.

249. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

250. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized.

251. The Committee recommends that the State party's next periodic report, due on 6 July 2001, be an updating report and that it address the points raised in the present observations.

## **CERD A/58/18 (2003)**

228. The Committee considered the fifth periodic report of Slovenia, which was due on 6 July 2001 (CERD/C/398/Add.1), at its 1570th and 1571st meetings (CERD/C/SR.1570 and 1571), held on 13 and 14 March 2003. At its 1581st meeting (CERD/C/SR.1581), held on 21 March 2003, it adopted the following concluding observations.

### **A. Introduction**

229. The Committee welcomes the fifth periodic report, which is an updating report focusing specifically on the recommendations made by the Committee in its previous concluding observations (CERD/C/304/Add.105). The Committee further welcomes the additional information provided by the State party's delegation during its oral presentation and expresses its appreciation for the opportunity to continue its dialogue with the State party.

### **B. Positive aspects**

230. The Committee welcomes the fact that Slovenia has made the declaration under article 14 of the Convention, recognizing the competence of the Committee to examine communications from individuals or groups of individuals. The Committee encourages the State party to take steps to make this mechanism known as widely as possible.

231. The Committee notes with appreciation the steps taken with a view to ratifying the amendments to article 8, paragraph 6, of the Convention and expresses the hope that this process will be concluded soon, in line with General Assembly resolution 57/194.

232. The Committee is encouraged by the entry into force, in December 2002, of the Act amending the Citizenship Act of 1991 concerning the procedure for the acquisition of citizenship of the Republic of Slovenia for specific categories of persons residing in Slovenia.

233. The Committee is encouraged by the recent steps taken by the State party with a view to further implementing the Convention, such as the adoption of specific anti-discrimination legislation (inter alia, the Act on Media 2001, the Resolution on Migration Policy 2002, the Act amending the Local Government Act 2002, the Exercising of the Public Interest in Culture Act 2002 and the Employment Act 2002).

### **C. Concerns and recommendations**

234. The Committee appreciates the clarification provided by the delegation of various definitions used in the report and in domestic legislation to describe ethnic and national minorities, and "indigenous" and "new" communities. However, the Committee notes the potential discriminatory effects of the various definitions of the different ethnic groups and invites the State party to include in its next periodic

report detailed information on the legal definitions used for describing different minorities and their respective status.

235. The Committee expresses concern about the paucity of available data on the implementation of the Convention and emphasizes the importance of additional information, including statistical information, on the extent of integration of minorities into society. It recommends that the State party, while ensuring protection of individual privacy, provide relevant information on the demographic composition of its population, and invites the State party to include data from the latest census (April 2002) in its next report. In this respect the Committee draws the attention of the State party to its general recommendations XXIV and IV on article 1 of the Convention and concerning reporting by States parties, and paragraph 8 of the reporting guidelines.

236. With respect to article 2 of the Convention, the Committee, while noting that the Constitution of Slovenia provides for representation in Parliament of the Italian and Hungarian minorities, observes that the issue of the representation of other minorities in the Slovenian Parliament has not been addressed. The Committee therefore recommends that the State party consider taking further measures to ensure that all groups of minorities are represented in Parliament, and to include in its forthcoming report information concerning any measures taken in this regard.

237. The Committee acknowledges the efforts made by the State party to promote cultural diversity, as well as to promote equal opportunities for the Roma and facilitate their participation in decision-making processes. However, the Committee is concerned that discriminatory attitudes and practices may still persist and that the distinction between "indigenous" Roma and "new" Roma may give rise to further discrimination. The Committee encourages the State party to pursue its current efforts to combat any discriminatory practices and attitudes against Roma which may exist, in particular in the areas of housing, employment and treatment by the police, by, inter alia, developing comprehensive proactive strategies in these fields. The Committee invites the State party to provide data on the number of persons in these groups who have benefited from affirmative action.

238. The Committee appreciates the flexible approach of the State party as regards the education of Roma children by attempting to address the issue in each given community. However, the Committee is concerned at the existing practice of educating some children in vocational centres for adults and others in special classes. Recalling its general recommendation XXVII on discrimination against Roma, the Committee encourages the State party to promote the integration of children of Roma origin into mainstream schools.

239. While the situation as to the actual implementation of article 4 of the Convention, one of its core articles, would not seem to give rise to concern, the Committee requests the State party to provide in its next periodic report statistics and information on cases of alleged racially motivated offences, their investigation, and the results of any ensuing administrative or judicial proceedings.

240. The Committee is encouraged by the steps taken by the State party to address the long-standing issue of persons living in Slovenia who have not been able to obtain citizenship. It is nevertheless

concerned that many of the persons who have not acquired Slovenian citizenship may still experience administrative difficulties in complying with the specific requirements contained in the law. The Committee recommends that the State party give priority to addressing this issue and, taking into account the difficulties which have arisen, ensure that the new citizenship legislation is implemented in a non-discriminatory manner.

241. The Committee is concerned that a significant number of persons who have been living in Slovenia since independence without Slovenian citizenship may have been deprived under certain circumstances of their pensions, of apartments they were occupying, and of health care and other rights. The Committee takes note of the efforts undertaken by the State party to address these issues and requests the State party to provide, in its next periodic report, specific information on these issues and on any remedies provided.

242. The Committee encourages the State party to consult with organizations of civil society working to combat racial discrimination during the preparation of the next periodic report.

243. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

244. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized, along with other texts relevant to the Convention. The Committee encourages the State party to increase its current efforts in this respect, with a view to actively reaching out to the public in general.

245. The Committee recommends that the State party submit its sixth periodic report jointly with its seventh periodic report, due on 6 July 2005, and that it address all points raised in the present concluding observations.