



Submission to the UN Human Rights Council

# Universal Periodic Review Slovenia

4th cycle

July 2024

The Human Rights Ombudsman of the Republic of Slovenia (the Ombudsman) is a constitutional body with a mandate to protect and promote human rights in Slovenia, granted A status in accordance with the Principles relating to the Status of National Institutions in 2021. Its mandate includes monitoring, research, issuing opinions and recommendations to authorities, human rights education, awareness-raising and investigating complaints from anyone who believes that their human rights or fundamental freedoms have been violated by a state authority, local government authority or holder of public authority.<sup>i</sup> The Ombudsman may initiate a procedure to review the constitutionality or legality of regulations and may file a constitutional complaint with the Constitutional Court on an individual case before him. The Ombudsman also acts as the national preventive mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In this submission, the Ombudsman briefly outlines some current human rights issues and concerns in Slovenia that require attention, some long-standing and already addressed by previous UPR recommendations, and some new.

## 1. Human Rights Framework

*(In reference to the following UPR recommendations in the previous cycle: 20, 81, 82)*

Slovenia still hasn't established an independent mechanism to promote, protect and monitor the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) in accordance with Article 33(2). The Ombudsman, as an A-Status NHRI, has been recommending for years that the responsible authorities propose legislative changes in this regard and has offered to take on this responsibility on several occasions.

There is also no designated national rapporteur on trafficking in human beings in Slovenia. The Ombudsman proposes the establishment of an independent national rapporteur within the Office of the Human Rights Ombudsman, with additional human and financial resources.

For years, the Ombudsman has been calling for the effective implementation of the declaratory decisions of the Constitutional Court of the Republic of Slovenia within the set deadlines. Several decisions of the Constitutional Court have still not been implemented a decade or more after their adoption.

The Ombudsman is also dissatisfied with the implementation of his recommendations to the authorities and urges the competent authorities to implement them more quickly.

The Ombudsman notes the high proportion of laws that are adopted in Parliament under the urgent procedure. This also results in short or even extremely short public consultations, including insufficient consultations with NHRIs and other relevant stakeholders, on draft laws by the Government. The Ombudsman recommended that the Government and its Ministries, as the main law-drafting bodies, act transparently and in accordance with the principle of good administration, and adequately involve in the law-drafting process those persons and bodies directly affected by proposed laws or regulations.

## 2. Equality and non-discrimination

*(Recommendations: 22, 25 – 54)*

Slovenia has still not adopted a comprehensive anti-discrimination strategy.

The development of targeted policies and measures is also hampered by the lack of data collection disaggregated by protected ground.

An effective prosecution of the hate speech remains an issue in Slovenia. The Ombudsman notes that there is in general very little interest in changing existing legal framework or practices in combating hate speech, especially via media and Internet. Half a decade ago, the Ombudsman recommended to the authorities that, with regard to the implementation of the norms prohibiting the dissemination of hate speech in the media, they should determine how the public interest is to be protected, what measures are to be taken to remedy irregularities and what sanctions are to be imposed on media outlets that allow hate speech to be published. This recommendation by the Ombudsman has not yet been implemented. The Ombudsman also recommended authorities to prepare appropriate legal bases that will enable effective prevention of hate speech on the Internet and social networks.

### 3. The environment

In the field of the environment and spatial planning, the Ombudsman has for several years been pointing out the unacceptability of excessively long inspections and other administrative procedures.

For more than a decade, the Ombudsman has also been calling for the necessary rehabilitation of some of the industrially polluted areas and is concerned about the slow rehabilitation of individual heavily polluted areas, such as the Mežica Valley, the Celje Basin, Zasavje, Anhovo and other areas that require immediate and continuous rehabilitation.

The Ombudsman is also concerned that the right to drinking water, which was enshrined in the Slovenian Constitution in 2016 (Article 70a), has still not been transposed into legislation.

### 4. Right to life, liberty and security of person

*(Recommendations: 71, 76)*

In 2023, the Ombudsman received an alarming and significant increase in the number of complaints regarding various forms of violence against residents of care homes. In this context, the Ombudsman considers that there is a need to invest in ensuring the safety, training and education of all, especially those professionals who work with older people. The lack of adequate staffing is also a key issue. Adequate staffing is essential for the proper care of the most vulnerable, and efforts must be made to ensure proper working conditions and decent pay.

In 2023, the media reported allegations of violent behaviour by staff at the Psychiatric Clinic of the University of Ljubljana. The Ombudsman is currently preparing his recommendation on this matter.

Overcrowding in prisons remains one of the primary issues in penal enforcement. The average incarceration rate in Slovenia increased by 23% between January 2021 and January 2022. The situation worsened further in 2023. An extreme and intolerable example is the Ljubljana prison, where the Ombudsman recorded an occupancy rate of 209% on January 10, 2024. The overcrowding problem is exacerbated by a critical shortage of judicial police officers. The consequences of overcrowding manifest in various ways, impacting the maintenance of order and discipline, the treatment of inmates, and the implementation of their rights. This leads to degrading and inhumane conditions for the inmates and inadequate working conditions and burdens for the staff. Due to overcrowding and the shortage of judicial police officers, institutions were forced to cancel escorts to courts and health facilities outside the institution in 1,416 cases in 2023. These cancellations result in prolonged court proceedings and violations of the right to a trial within a reasonable time, as well as the right to medical care. The Ombudsman considers the situation in Slovenian prisons to be alarming and notes a lack of measures to increase or supplement the use of alternative measures that could replace detention and imprisonment.

## 5. Right to health

A number of issues in the field of healthcare have remained unanswered for many years. There is nothing fundamentally new about tackling unacceptable waiting times in many areas of healthcare and in dentistry. Slovenia is facing a staff shortage in almost all areas of health care. This is not only the case for doctors but especially for nursing staff, medical technicians, medical graduates, paramedics, etc.

The Ombudsman has noted that long-term holistic rehabilitation is not available for people with acquired brain injury, which should be provided along a continuum of care ranging from hospital- to community-based rehabilitation. There is also no systemic provision for adequate and continuous care and treatment of persons under 65 who require institutional care at the end of hospital treatment. The Ombudsman recommended the Ministry of Health regulate the accommodation and treatment of persons whose health condition does not allow them to live independently after hospital treatment and of persons with acquired brain injury, as this lack of regulation interferes with the right to social and health security.

## 6. Rights of specific persons or groups

### 6.1 Children

The Ombudsman has persistently and, over many years, raised concerns over the general shortage of experts in clinical psychology of children and adolescents, psychiatry and child psychiatry in Slovenia causing long waiting times in the field of psychological and psychiatric treatment of children.

Urgent systemic action is needed in institutional care for children with severe mental health disorders. The Ombudsman considers that children and adolescents should be placed only in secure units which are designed for children and adolescents in terms of staff, space, services and programmes, and not for adults, as is the case with secure units in specialist social care institutions, where they are placed. Primarily the Ombudsman persistently calls for deinstitutionalisation.

Another problem is the length of court proceedings, which have a much more negative impact on children and their development than lengthy proceedings have on the parties in general. The lack of forensic experts, in particular clinical psychologists and paediatric psychiatrists, is a critical factor in proceedings involving decisions about the child and his or her rights. The Ombudsman also recalls that, for more than 15 years, the envisaged Juvenile Justice Act (e.g. to reduce the length of detention, to introduce mandatory legal representation from the moment of police custody, etc.) has still not been proposed and adopted, even though this was already foreseen for in the then new Criminal Code in 2008.

In 2020, the Ombudsman recommended that the competent ministry introduce family assistance in families caring for children with special needs under 18, aiming to reduce the institutionalisation of children with special needs and to realise the rights of children with special needs to family life. Unfortunately, this recommendation has not yet been implemented.

The Ombudsman highlighted the issue of accessibility of secondary schools in its 2019 Annual Report and made two recommendations, which remain unfulfilled. The Inspectorate of Education and Sport of the Republic of Slovenia promised regular inspections of kindergartens, primary and secondary schools, and access to education for persons with disabilities. When at the end of 2022, the Ombudsman checked to see how this promise had been implemented, it found that the Inspectorate had not kept it, citing staff shortages and a higher number of emergency initiatives, and an increase in the number of different types of violence in the school environment as the reasons.

## 6.2 Persons with disabilities

*(Recommendations: 113, 117, 118)*

Persons with disabilities all too frequently still find themselves facing numerous obstacles in public facilities. The Ombudsman has been continuously warning about the accessibility of public institutions, including schools, municipality buildings, courts, and administrative units for persons with disabilities.

For years, the Ombudsman has been highlighting the importance of deinstitutionalisation and the need to guarantee the right to independent living and community integration, as defined in the CRPD. Despite some progress at the declaratory level, even in 2023, there are hardly any examples of good practice, and at the same time, we are still faced with prejudice and intolerance, as both the state and the municipalities do not do enough to raise awareness and foster an enabling environment, without which no real progress can be expected.

The Ombudsman's main findings in the area of disability and pension insurance can be summarised as non-respect of deadlines for deciding on rights or lengthy procedures, low pensions, incomprehensibility of documents and insufficient explanation of administrative acts, inadequate definition of disability and definition not in line with the CRPD, the inconsistency of the individual regulations in the field of disability insurance, the difficulties of employing and integrating people with disabilities into society, the lack of uniformity of the various bodies (expert and other) which give opinions and make decisions on disability.

In light of the complaints handled and the inconsistencies found in the legislation, the Ombudsman recommended that the authorities unify and harmonise the definition of disability in all legislation with the CRPD, reform the disability assessment system and introduce a single disability assessment body, and amend the provisions of public regulations that discriminate against people with mental health problems in comparison with other people with disabilities who have comparable limitations.

National Preventative Mechanism (NPM) found persistent overcrowding in secure units of special social care institutions which provide institutional care services for adults with mental health problems and intellectual disabilities. Overcrowding and inadequate care environments are leading to ongoing violations of residents' rights. The NPM has urged immediate action to address these chronic issues, emphasizing that the current state represents a severe neglect of residents' rights and well-being. Regarding the situation of people with restricted movement in psychiatric hospitals and social care institutions, the Ombudsman also draws attention to the treatment, care and attitude of medical and other staff towards patients, residents or users, restrictions on visits and other problems, including long waiting lists for admission to an institution where necessary, but also premature

institutionalisation. In this context, the Ombudsman specifically calls for the development of community-based care to be strengthened so that institutional care is truly a last resort.

### 6.3 LGBTIQ+

*(Recommendations: 57, 60)*

The year 2023 was marked by violence, especially at the Pride parade, first in Ljubljana and then in Maribor. Incidents were also reported in the media in 2024.

Currently, people who wish to change the gender marker on their identity documents must obtain a medical certificate. This requirement effectively means that people wishing to change their legal gender must be diagnosed with a mental disorder by a health institution or doctor. The Ombudsman has repeatedly recommended that the authorities adopt legislation on legal recognition of gender markers.

### 6.4 Roma

*(Recommendations: 95, 121 - 123, 128 - 143)*

Social exclusion of Roma remains widespread, particularly in south-eastern Slovenia. Many Roma in this region live in segregated settlements without security of tenure, some even without basic services such as adequate safe drinking water, sanitation and electricity. The Ombudsman has consistently called for access to adequate housing for Roma to be ensured.

A 2022 Institute for Ethnic Studies report found only 21.3% of Roma pupils complete all nine grades of primary school, with the southeastern region averaging just 12.3%.

A 2018 National Institute of Public Health study revealed Roma men have an average life expectancy nearly 20 years less than the general Slovenian population. Premature mortality among Roma is 69%, compared to the national average of 19%, and the child mortality rate for Roma aged one to five is seven times higher. Roma women are 16 times more likely to be hospitalized for pregnancy and childbirth, and Roma face higher hospitalization rates for various diseases.

The distinction between "autochthonous" and "non-autochthonous" Roma persists despite recommendations to eliminate it. The Act on Local Self-Government mandates Roma representation in municipal councils only in areas with "autochthonous" Roma populations, excluding urban areas like Ljubljana and Maribor, and some other municipalities with Roma population.

### 6.5 Women

*(Recommendations: 60, 70, 72, 101 – 105, 108)*

According to a survey done by the Statistical Office of the Republic of Slovenia - SURS (with data from 2020), 22% of women and 16% of men experienced physical (including threats) or sexual violence since the age of 15. The survey showed that women experience repeated violence more frequently and that violence against women has more serious consequences. Three-quarters of victims of intimate partner violence are women. Just over 60% of victims

speak about their experience with violence, most commonly with someone close to them. However, most violence remains unreported since victims seldom report it to the Police or other institutions.<sup>ii</sup> According to SURS, almost a third of ever-working women (31.7%) experienced sexual harassment at work.<sup>iii</sup>

The Ombudsman believes that more attention should continuously be paid to effective research and documentation of the extent, causes, consequences, and signs of violence and obtaining reliable, comparative data that would lead to effective policies to prevent and eliminate the consequences of violence and enable the assessment of the effectiveness of the measures. In the context of domestic violence, it is necessary to explore the extent of violence against all, including children and the elderly and to pay due attention to people with disabilities, migrants and those living in Roma communities, etc.

The Ombudsman repeatedly recommends that the competent authorities should continuously provide training for its professionals (in social work centres, educational institutions, health care, justice, and the Police) to make sure that the victims of violence receive appropriate help.

The Ombudsman would also like to point out that there is no special crisis referral centre in Slovenia for victims of rape or sexual violence which would perform a medical and forensic investigation and provide trauma assistance and counselling to the victims (in line with Article 25 of the Istanbul Convention).

## **6.6 Migrants, refugees and asylum seekers**

*(Recommendations: 146 - 154)*

The Ombudsman found serious delays in the processing of applications by third-country nationals for residence permits. The lengthy procedures for obtaining residence permits in Slovenia affect both foreigners already living in the country and those wishing to immigrate. This includes migrants applying for work permits and those applying for family reunification permits. The administrative bodies often cite systemic problems, such as a high volume of applications and insufficient staff, as the main causes of delays. The Ombudsman has found that these reasons are no longer acceptable after a reasonable period of time for organisational or staffing adjustments has elapsed.

The Asylum Home in Ljubljana - Slovenia's main asylum reception centre - was severely overcrowded in 2022 (up to 700 people in a facility designed for 230). The Ombudsman found that the overcrowded conditions did not meet the required minimum material reception standards. In September 2023, the Ombudsman again concluded that overcrowding at the reception centre for asylum seekers in Ljubljana violated individuals' rights to personal dignity, privacy, and security.

The Ombudsman also notes that migrants apprehended at the border are returned to Croatia and other neighbouring countries by the Slovenian authorities without a written decision, and thus have no access to legal remedies to challenge their return or transfer.

According to national legislation (Aliens Act), unaccompanied minors and families with children should primarily be accommodated in appropriate facilities for children. However, in practice, families with children and some unaccompanied minors are detained in the Postojna Centre for Foreigners, which is a closed facility. The Ombudsman's recommendation that

adequate alternative accommodation should be provided for families with children and that detention of minors should only be used as a last resort, remains unimplemented.

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<sup>i</sup> When to turn to The Human Rights Ombudsman?, [https://www.varuh-rs.si/fileadmin/user\\_upload/pdf/zlozenke\\_nase/zlozenka\\_praviceANG\\_web.pdf](https://www.varuh-rs.si/fileadmin/user_upload/pdf/zlozenke_nase/zlozenka_praviceANG_web.pdf)

<sup>ii</sup> More information available at: <https://www.stat.si/StatWeb/en/News/Index/10159>

<sup>iii</sup> <https://www.stat.si/StatWeb/en/News/Index/10283>