



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
20 September 2010

Original: English

Committee on the Elimination of Racial Discrimination

Seventy-seventh session

2–27 August 2010

Consideration of reports submitted by States parties under article 9 of the convention

Concluding observations of the Committee on the Elimination of Racial Discrimination

Slovenia

1. The Committee considered the sixth and seventh periodic reports of Slovenia (CERD/C/SVN/7), submitted in one document, at its 2028th and 2029th meetings (CERD/C/SR.2028 and CERD/C/SR.2029), held on 12 and 13 August 2010. At its 2044th meetings (CERD/C/SR.2044), held on 24 August 2010, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined sixth and seventh periodic reports of the State party, which included responses to the concerns raised in the Committee's previous concluding observations (CERD/C/62/CO/9), and the opportunity thus offered to resume the dialogue with the State party. It also expresses appreciation for the frank and sincere dialogue held with the delegation, as well as the oral responses provided to the list of themes and the wide range of questions posed by Committee members.

B. Positive aspects

3. The Committee notes with satisfaction the establishment of two programmes: the programme for special care and the programme for integration within the Ministry of Culture aimed at combating social exclusion and marginalization of the ethnic minorities residing in Slovenia.

4. The Committee welcomes the adoption of a project called "promotion of employability, education and social inclusion of migrant workers and their families". Its objective is to establish an "Info Point" to facilitate and help prevent exploitation and

discrimination of migrant workers and improve their employment opportunities in the State party.

5. The Committee welcomes the following legislative and institutional developments in combating racial discrimination of the Roma community in Slovenia:

(a) The adoption in March 2010 of the National Programme of Measures for Roma People for the 2010–2015 period. This programme outlines a series of measures to combat discrimination against Roma in access to education, housing, health care, employment and living conditions;

(b) The adoption in 2007 of the Roma Community Act;

(c) The establishment of the Roma Community Council, which represents the interests of the Roma community in Slovenia before State authorities;

(d) The adoption in 2004 of the Strategy Plan for the Education of Roma, in the drafting of which representatives of the Union of Roma of Slovenia participated.

6. The Committee notes with appreciation that the State party, in preparing its periodic report, consulted with organizations of civil society working in the area of human rights protection.

C. Concerns and recommendations

7. The Committee has taken note of the 2002 census data provided by the State party on the ethnic composition of the population and the main minorities residing in Slovenia. It is concerned, however, about the insufficient data on persons from certain minority groups, particularly minorities from former Yugoslav republics.

The Committee recommends that, in accordance with paragraphs 10 to 12 of the reporting guidelines for the CERD-specific document adopted at its seventy-first session (CERD/C/2007/1), the State party provide information on the use of mother tongues as indicative of ethnic differences, together with information derived from targeted social surveys performed on a voluntary basis, with full respect for the privacy and anonymity of the individuals concerned, and recalls its general recommendation No. 8 (1990) on identification with a particular racial or ethnic group.

8. The Committee, while expressing appreciation for the measures adopted by the State party to eliminate discrimination against the Roma communities, such as the National Roma Programme 2010–2015, remains concerned about the continued marginalization and precarious socio-economic situation of members of this minority, and the discrimination with which they are faced, including in the fields of education, housing, health and employment. (arts. 2 and 5)

The Committee urges the State party to enhance its efforts aimed at combating discrimination against Roma. In light of its general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination, the Committee recommends that the State party engage in a data-gathering exercise to ensure that special measures in favour of Roma in the fields of education, housing, health and employment are designed and implemented on the basis of need, and that their implementation is monitored and their effectiveness is regularly assessed.

9. While welcoming the various measures adopted by the State party to ensure equal access to education for Roma children including through the Strategy for the Education of Roma in the Republic of Slovenia, the Committee is concerned about the practice of

segregating these children in Slovene schools – ordinary or “special” – which has not yet been completely abolished. (arts. 2, 3 and 5(e) (v))

The Committee, in light of its general recommendation No. 27 (2000) on discrimination against Roma, recommends that the State party take all necessary measures to eradicate completely the practice of segregating Roma children in the school system and ensure that they enjoy equal opportunities in access to quality education at all levels. The Committee also recommends that the State party ensure that all measures provided for in the Strategy for the Education of Roma in the Republic of Slovenia are implemented in practice and the time frames, resources, responsibilities and monitoring mechanisms are clearly set out.

10. The Committee welcomes the steps taken to eliminate discrimination against Roma in the field of housing, including by the involvement of the Ministry of Environment and its expert working group. However, it remains concerned about de facto segregation and other forms of discrimination related to housing encountered by the Roma minority. The Committee continues to be concerned about the housing conditions in many segregated neighborhoods. The Committee is also concerned at the placing of Roma in camps outside populated areas that are isolated without access to health care and other basic facilities. (arts. 2, 3 and 5 (e) (iii))

In light of its general recommendation No. 27 (2000), the Committee recommends that the State party effectively implement and monitor compliance, at the local level, with its laws, policies and projects in particular within the framework of the National Programme of Measures for Roma people for the 2010–2015 period aimed at ensuring the right to housing for all without discrimination, including social housing. The Committee reiterates its recommendation that the State party strengthen its measures aimed at improving the housing conditions of the Roma in view of the importance of such conditions for their enjoyment of other rights enshrined in the Convention. The Committee also recommends that the State party intensify its efforts to involve Roma communities and associations as partners, together with other persons, in housing project construction, rehabilitation and maintenance. It further recommends that the State party refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other basic facilities

11. While welcoming the adoption of the Criminal Code in 2008 which criminalizes incitement to racial hatred, the Committee is concerned about continuing public manifestations of hate speech and intolerance by some politicians in the media, including online, towards persons belonging to minorities. (arts. 4 and 7)

The Committee recommends that the State party continue to endeavour to combat prejudices against persons belonging to ethnic minorities and improve relations between the general public and minority communities. The Committee also recommends that the State party ensure the effective investigation and prosecution of all acts of political discourse against these minorities that are not in line with the Convention.

12. While taking note that the State party Constitution provides for representation in Parliament of the Italian and Hungarian minorities, the Committee remains concerned regarding the issue of representation of other minorities in the Slovenian Parliament and in regional elected bodies. (art. 5 (c))

The Committee recommends that the State party adopt measures to protect persons belonging to minorities not explicitly provided for in the Constitution, in the exercise of their political rights without discrimination, and take measures to ensure

that all groups of minorities are represented in Parliament and in regional elected bodies.

13. While taking note of the adoption in March 2010 of the law regulating the legal status of the “erased” people, the Committee remains concerned at the situation of the non-Slovenes from the former Yugoslavia, including Bosnians, ethnic Albanians from Kosovo, Macedonians and Serbs, whose legal status remains unresolved and who are therefore facing difficulties in terms of access to social and economic rights, such as access to health-care services, social security, education and employment. The Committee is also concerned that the new law does not envisage any outreach campaign directed towards “the erased” people living abroad in order to inform them of its existence. (art. 5 (d) and (e)).

The Committee recommends that the State party:

(a) Resolve definitely the legal status of all concerned citizens from the former Socialist Federal Republic of Yugoslavia States presently living in Slovenia;

(b) Ensure the full enjoyment of their economic and social rights including the access to health services, social security, education and employment;

(c) Conduct an outreach campaign to inform “the erased” currently living outside Slovenia of the existence of the new legislative measures and the possibility of benefiting from them; and

(d) Grant full reparation, including restitution, satisfaction, compensation, rehabilitation and guarantees of non-repetition, to all individuals affected by the “erasure”.

14. The Committee is concerned that very few acts of racial discrimination have been prosecuted and punished in the State party. (art. 6)

The Committee requests that the State party ensure that appropriate provisions are available in national legislation and inform the public about all legal remedies in the field of racial discrimination. Furthermore, the Committee reminds the State party that the mere absence of complaints and legal action by victims of racial discrimination may be mainly an indication of the absence of relevant specific legislation, or of a lack of awareness of the availability of legal remedies, or of insufficient will on the part of the authorities to prosecute.

15. The Committee believes that the public should be better informed of the procedure provided under article 14 of the Convention. It suggests that the State party publicize more extensively the declaration made under article 14 of the Convention in the various languages used in the country.

16. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties whose provisions have a direct bearing on the subject of racial discrimination, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

17. In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal

order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

18. The Committee recommends that the State party continue consulting and expanding its dialogue with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.

19. 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 and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992. In this connection, the Committee cites General Assembly resolution 61/148 and 63/243, in which the Assembly General strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

20. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official language, the language of minorities and other commonly used languages, as appropriate.

21. Noting that the State Party submitted its core document in 2004, the Committee encourages the State Party to submit an updated version in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/MC/2006/3).

22. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 10 and 13 above.

23. The Committee also wishes to draw the attention of the State party to the particular importance of recommendations 7, 9, 11 and 12 and request the State party to provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.

24. The Committee recommends that the State party submit its combined eighth to eleventh periodic reports in a single document, due on 6 July 2013, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations. The Committee also urges the State party to observe the page limit of 40 pages for treaty-specific reports and 60–80 pages for the common core document (see harmonized guidelines for reporting contained in document HRI/GEN.2/Rev.6, para. 19).