



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General

15 July 2013

Original: English

## Committee against Torture

### List of issues prior to submission of the fourth periodic report of Slovenia, adopted by the Committee at its fiftieth session (6–31 May 2013)

The Committee against Torture at its thirty-eighth session (A/62/44, paras. 23 and 24) established a new optional procedure which consists in the preparation and adoption of a list of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

#### Articles 1 and 4

1. In the light of the Committee's previous concluding observations (para. 7), please provide information on steps taken to repeal the statute of limitation for the crime of torture and ensure that the offence is punishable by appropriate penalty which takes into account its grave nature, as set out in article 4, paragraph 2, of the Convention.

#### Article 2

2. In the light of the Committee's previous concluding observations (para. 8), please provide information on the legislative and other measures taken to guarantee the audio and video-recording of all interrogations of detainees throughout the country as a further means to prevent torture and ill-treatment.

3. In the light of the Committee's previous concluding observations (para. 11), please provide:

(a) Information on any measures taken to further strengthen the structure of the Office of the Ombudsman and broaden its mandate to carry out its own investigation into allegations of torture and ill-treatment; and

(b) Detailed data on the human, material and financial resources that the Office of the Ombudsman has been provided with and whether these are in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

4. The Committee refers to its previous concluding observations (para. 16) and recent reports of incidents of sex trafficking and forced labour, where victims in the country and persons transited through Slovenia to Western Europe faced those same forms of exploitation. In this connection, please indicate how the State party has strengthened its efforts to combat trafficking in persons, especially in women and children, and prosecute perpetrators.

5. The Committee notes the reservations and constitutional restrictions which the State party has with regard to the collection of disaggregated statistical data (CAT/C/SVN/3, para. 17). However, the Committee recalls paragraph 23 of its general comment No. 2 (2008) on implementation of article 2 by States parties in which it recommends that States parties provide disaggregated data, as this permits the States parties and the Committee to identify, compare and take steps to remedy discriminatory treatment that may otherwise go unnoticed and unaddressed. In the light thereof and of the Committee's previous concluding observations (para. 22), please inform the Committee whether the State party is now compiling statistical data, disaggregated by crime, ethnicity, age and sex, relevant to the monitoring of the implementation of the Convention at the national level. More specifically, please detail whether this includes data on:

(a) Complaints, investigations, prosecutions and convictions of cases of torture and ill-treatment by law enforcement and prison personnel;

(b) Domestic and sexual violence and violence against children and other vulnerable groups;

(c) Means of redress, including compensation and rehabilitation, provided to the victims.

6. In the light of the Committee's previous concluding observations (para. 15), the Committee remains concerned regarding the prevalence of violence against women, girls and children in the home. The Committee is particularly concerned by information provided by SOS Helpline that victims rarely report spousal rape to the authorities and estimating that only 5 percent of rape victims seek assistance or counselling. Please provide information on all measures taken to enhance efforts to prevent, prosecute and punish all forms of violence against women and children, including domestic violence, and to ensure effective and full implementation of the existing laws and the national strategies adopted to that end, including the National Programme of Family Violence Prevention for the period 2009–2014.

#### Article 3

7. In the light of the new Aliens Act adopted in 2011 (CAT/C/SVN/CO/3/Add.1, paras. 7 ff.), please provide updated data, disaggregated by age, sex and ethnicity, on the number of:

- (a) Asylum applications registered;
- (b) Applicants in detention;
- (c) Applicants whose application for asylum was accepted;
- (d) Applicants whose application for asylum was accepted on grounds that they had been tortured or might be tortured if returned to their country of origin;
- (e) Cases of refoulement or expulsion.

8. Please provide information on (a) violence against inhabitants of asylum centres and (b) measures available to prevent such violence within the asylum process.

9. In the light of the Committee's previous concluding observations (para. 18), please provide detailed information on:

- (a) The measures taken to enforce the amended Act regulating the legal status of citizens of Former Socialist Federal Republic of Yugoslavia living in the Republic of Slovenia and restore the permanent resident status of the so-called "erased" persons who were returned to other States in Former Socialist Federal Republic of Yugoslavia; and
- (b) Any steps taken to facilitate the full integration of the "erased" persons, including of those who belong to Roma communities and to guarantee them with fair procedures for application for citizenship.

## **Articles 5 and 7**

10. Since the consideration of the previous report, please indicate whether the State party has rejected, for any reason, any request for extradition by another State for an individual suspected of having committed an offence of torture, and has started prosecution proceedings as a result. If so, please provide information on the status and outcome of such proceedings.

## **Article 10**

11. Following the recommendations made by the Committee in its previous concluding observations (para. 20), please provide information on measures taken to:

- (a) Ensure that training on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) is provided to medical personnel and other officials involved in the investigation and documentation of cases of torture, on a regular and systematic basis;
- (b) Develop and implement a methodology to assess the effectiveness and impact of all educational and training programmes on the reduction of cases of torture and ill-treatment and to regularly evaluate the training provided to its law enforcement officials; and
- (c) Strengthen the State party's efforts to implement a gender-sensitive approach for the training of those involved in the custody, interrogation or treatment of women subjected to any form of arrest, detention or imprisonment.

12. Please provide information on steps taken to conduct broader awareness-raising campaigns and training on domestic violence for law enforcement officers, judges, lawyers and social workers who are in direct contact with the victims and for the public at large, taking note of the Committee's previous concluding observations (para. 15).

13. Please provide information on steps taken, including but not limited to the Ministry of Interior's Interdepartmental Working Group's anti-trafficking training programmes (CAT/C/SVN/CO/3/Add.1, paras. 7 ff.), to raise awareness for all law enforcement personnel, judges and prosecutors on trafficking in persons.

## **Article 11**

14. Please provide information on any new interrogation rules, instructions, methods and practices, as well as arrangements for the custody of persons subject to any form of arrest, detention or imprisonment, that may have been introduced since the consideration of the last periodic report, and the frequency with which they are reviewed with a view to preventing any cases of torture or ill-treatment.

## **Articles 12 and 13**

15. According to the information before the Committee, despite the Lukenda project's significant achievements in reducing the judicial backlog, court backlogs continue to result in lengthy trial delays. In the light of this information and the Committee's previous concluding observations (para. 10), please provide updated information on steps taken to reduce the court backlog, including non-custodial measures, and data on detainees awaiting trial.

16. The facts as presented by the applicant Pibernik against Slovenia, lodged with the European Court of Human Rights on 7 October 2010, raise concerns about the impartiality of investigations in the case of alleged torture or ill-treatment by the police. Please provide information on measures taken to ensure alleged victims of torture or ill-treatment their right to a prompt and impartial trial.

17. In the light of the Committee's previous concluding observations (para. 12) and the State party's follow-up information (CAT/C/SVN/CO/3/Add.1, para. 6), please provide updated statistical data, disaggregated by crime committed, ethnicity, age and sex, on complaints relating to torture and ill-treatment allegedly committed by law enforcement officials and on related investigations, prosecutions, convictions and on the penal or disciplinary sanctions applied under article 265 of the Criminal Code and other relevant domestic legislation.

#### **Article 14**

18. Please provide information on redress and compensation, including the means of rehabilitation, ordered by the courts and actually provided to victims of torture, or their families, and victims of trafficking, since the examination of the previous periodic report. This information should include the number of requests made, the number granted, the amounts of compensation ordered and those actually provided in each case.

19. Please provide detailed information on measures to set up a domestic compensation scheme to redress the damages suffered by "erased" persons for the infringement of their fundamental rights, as required by the European Court of Human Rights Grand Chamber judgement of June 2012. In particular, please provide information on progress on the outstanding questions of steps taken to determine the amount of lump sum compensation to be awarded to "erased" persons, the method of calculation of this compensation, the legal framework that will govern the compensation scheme and how the beneficiaries will be determined, as identified by the Committee of Ministers of the Council of Europe.

#### **Article 16**

20. With reference to the Committee's previous concluding observations (para. 14), please provide information on:

(a) Measures taken to establish close supervision and monitoring by the judicial organs of any placements in psychiatric institutions and to ensure that all places where mental-health patients are held for involuntary treatment are regularly visited by independent monitoring bodies;

(b) The number of complaints and appeals against involuntary placement in psychiatric hospitals;

(c) Any steps taken with regard to reviewing the application of electroconvulsive treatment, and any other treatment which could be in violation of the Convention; and cases of complaints against the use of measures such as electroconvulsive therapy and psychotropic drugs.

21. In the light of the Committee's previous concluding observations (para. 21) as well as various reports on persistent discrimination against the Roma minority and the absence of effective monitoring of discrimination, please provide information on measures taken to (a) study and report the extent of crimes that are ethnically motivated, (b) investigate root causes whilst ensuring the right to privacy, and (c) identify crimes that are ethnically motivated.

22. According to information before the Committee, Slovenian police opened an investigation in July 2011 into the appearance of posters with the slogan "Gypsies Raus" (Gypsies Get Out) and neo-Nazi signs in the town of Lendava, and arrested three young men for the crime. Please provide information on (a) the developments in this case and (b) measures taken against all forms of violence and discrimination against the Roma community.

23. According to the information before the Committee, the draft Marriage and Family Act, which prohibits corporal punishment of children in the home, was abolished in a referendum. In the light of this development, please describe which alternative measures the State party has taken to prevent, prosecute and punish all forms of domestic violence against children.

24. In the light of the Committee's previous concluding observations (para. 13) as well as several cases before the European Court of Human Rights concerning complaints about the conditions of detention in Slovenian prisons and persistent reports of overcrowding, please provide updated information on:

(a) Recent measures taken to bring the conditions of detention in places of deprivation of liberty into line with the Standard Minimum Rules for the Treatment of Prisoners, as well as other relevant international standards, with a view to reducing prison overcrowding, expanding non-custodial forms of detention and providing adequate accommodation and psychosocial support care for detainees who require psychiatric supervision and treatment; and

(b) Steps taken to investigate and prevent suicide in places of detention and the outcome of such investigations, if available.

#### **Other issues**

25. Please provide updated information on measures taken to respond to any threats of terrorism and please describe if, and how, these anti-terrorism measures have affected human rights safeguards in law and practice and how it has ensured that those measures comply with all its obligations under international law, especially the Convention, in accordance with relevant Security Council resolutions, in particular resolution 1624 (2005). Please describe the relevant training given to law enforcement officers; the number and types of persons convicted under such legislation; the legal safeguards and remedies available to persons subjected to anti-terrorist measures in law and in practice; whether there are complaints of non-observance of international standards; and the outcome of these complaints.

#### **General information on other measures and developments relating to the implementation of the Convention in the State party**

26. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the previous report that implement the provisions of the Convention or the Committee's recommendations. This may include institutional developments, plans and programmes, including resources allocated, and statistical data or any other information that the State party considers relevant.