



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/84/L/SVN
28 April 2005

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

**List of issues to be taken up in connection with the consideration of the
second periodic report of SLOVENIA (CCPR/C/SVN/2004/2)**

**Constitutional and legal framework within which the Covenant
is implemented; right to an effective remedy (art. 2)**

1. Please provide information on how the provisions of the Covenant are legally binding under domestic law. Have there been any cases in which the Covenant has been directly enforced by the courts? Please provide details of the relevant cases, if any.
2. Please provide further information on the competence and activities of the Ombudsman in implementing Covenant rights, and in particular regarding complaints that have been received, investigations that have been carried out and their results (paras. 153 and 253).

Gender equality; protection of the child (arts. 3 and 24)

3. Please explain why domestic violence does not constitute a specific criminal offence. Please provide updated statistics on domestic violence and on the measures taken or foreseen to eliminate such practices and to provide adequate protection to victims. What programmes are being undertaken to create awareness (para. 22)?
4. Please provide information on the measures to increase women's participation in employment, particularly in public administration. Please also provide detailed information on the percentages of women employed at all levels of the public administration (para. 36).
5. Please provide further information on the participation of women in the private sector, especially at senior levels, and on measures taken to ensure equal pay for work of equal value by men and women (paras. 24-37). What practical measures have been taken or foreseen to address the fact that women are still primarily employed in poorly paid sectors (paras. 27, 32 and 34)?

6. Please provide information on the prevalence of violence against children. What legislation exists to protect children against violence, for example against sexual exploitation and domestic violence? To what extent is it implemented, and with what success (paras. 251, 252 and 256)?

Right to life; freedom from torture and cruel, inhuman or degrading treatment; right to be free of arbitrary arrest and detention; treatment of prisoners and other detainees (arts. 6, 7, 9 and 10)

7. According to information before the Committee, human rights violations such as arbitrary arrest and detention, excessive use of force by the police, ill-treatment of detainees in police custody and inhuman conditions of detention still exist. Please provide information on the practical measures adopted to prevent such violations of human rights. Please also provide specific information on each case referred to in the report, for example regarding the death that occurred during a house search, the investigation undertaken and its outcome (paras. 41-51).

8. Please provide information on the investigations, prosecutions and sentences of law enforcement personnel who have committed human rights violations such as those mentioned, in the past five years. What legal remedies are available to victims of those acts? Please provide information on the number of such cases, their outcome, and the compensation awarded to the victims when such claims are successful. According to information before the Committee, failure to investigate those acts and long delays frequently occur. Please provide information.

9. According to the report (paras. 43 and 44), there has been a significant increase in the use of coercive measures by the police. Please explain the reasons.

10. According to information before the Committee, excessive use of force and torture by the police, especially against minorities, is frequent. Please explain the reasons why torture is not made a specific offence and provide more detailed information on the introduction of a special provision in the Penal Code, as mentioned in paragraph 60 of the report.

11. Please provide updated information in regard to pre-trial detention: number of remand orders; place and conditions of detention; average period of detention; and compensation for unlawful detention. What measures are being taken or foreseen to reduce the number of those who are kept under pre-trial detention (paras. 84-92 and 96)?

12. Please elaborate on information provided in the report (para. 114) on measures taken or foreseen to overcome overcrowding in prisons.

Prohibition of slavery or forced or compulsory labour (art. 8)

13. According to information before the Committee, trafficking in women and children remains a significant problem in Slovenia. Please provide information on trafficking in persons. What legal and practical measures have been taken or are foreseen to combat trafficking, and with what results (paras. 63-67)?

14. Please provide detailed information about cases of enslavement investigated by the police between 1991 and 2003. Have there been any convictions as a result of those investigations? Have there been any convictions under new article 387 of the Penal Code on "Trafficking in Human Beings" (para. 61)?

Freedom of movement (arts. 12 and 13)

15. Please describe the measures that have been taken or are foreseen to address the cases of residents who are originally from other republics of the former Federal Republic of Yugoslavia and have expressed their desire to become Slovenian citizens. Are they in a position to obtain the necessary identity documents? On what basis have applications for permanent residency and citizenship been rejected (paras. 5-9 and 133-143)?

16. Please explain the legal and practical progress made in regard to the enactment of a comprehensive integration policy for refugees and asylum-seekers. Please provide additional information that enables the Committee to get an accurate picture of the present situation of refugees and asylum-seekers in Slovenia. What measures have been taken or are foreseen to integrate refugees into Slovenian society? Please comment on reception facilities, court procedures, as well as on education and health condition (paras. 15-17 and 132-143).

Right to a fair trial (art. 14)

17. How does the State party intend to address the problem of backlogs in the courts? How does the backlog affect penal matters? What measures has the State party taken or foreseen to reduce delays in the disposal of cases (para. 153 ff.)?

Right to freedom of expression (art. 19)

18. According to information before the Committee, no prosecution was initiated in the case of a serious attack on Mr. Miran Petek, an investigative journalist. Please provide information on this case and explain the reasons

19. Please provide additional information in regard to the competence and activities of the Broadcasting Council. How does the Council ensure the independence of the media? Please provide information regarding the practical measures addressing the reported problem of self-censorship (paras. 210 and 243).

**Right to take part in public affairs; non-discrimination; protection
of national minorities (arts. 25, 26 and 27)**

20. In addition to the bilateral agreements on minority rights mentioned in the report, is there general legislation for the protection of ethnic, linguistic, and religious minorities? Do other communities have equal access to public service and governmental positions? What practical measures have been taken or are foreseen to prevent discrimination against persons belonging to an ethnic minority (paras. 268-279)?

21. Please provide information about the Roma minority and the specific measures taken to improve its situation in regard to employment, education, health and housing (paras. 251, 269 and 274).

22. What is the legal distinction between “indigenous” (autochthonous) and “new” (non-autochthonous) Roma? What measures have been taken or are foreseen to reduce the number of cases of those without official documents or who are stateless (para. 272)?

23. The law allows only the Italian and Hungarian minorities the right to be represented as a community in Parliament. Please explain this situation, in particular in view of the fact other minorities are numerically larger than the Italian and Hungarian communities (paras. 270 and 275).
