



# International Convention for the Protection of All Persons from Enforced Disappearance

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## Committee on Enforced Disappearances

### List of issues in relation to the report submitted by Slovenia under article 29 (1) of the Convention\*

#### I. General information

1. Concerning paragraphs 4 and 5 of the State Party's report,<sup>1</sup> please indicate what measures have been taken to promote the invocation of the Convention and its application by the national courts or other relevant authorities, in accordance with articles 8 and 153 of the Constitution. If available, please provide examples of case law involving such application.
2. With reference to the institution of the Human Rights Ombudsman of Slovenia, accredited with A status, please provide additional information about:
  - (a) The measures taken to enhance its effectiveness and independence, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to implement the recommendations made by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions;<sup>2</sup>
  - (b) Its mandate and any activities that it has undertaken in relation to the Convention, indicating the Human Rights Ombudsman's competence to receive complaints concerning enforced disappearance;
  - (c) The financial, technical and human resources provided for its effective functioning.
3. With regard to paragraph 3 of the State Party's report, please explain how the process for the preparation of the report, coordinated by the Ministry of Justice and approved by the Interministerial Commission on Human Rights, complied with the Committee's guidelines on the form and content of reports under article 29 to be submitted by States Parties to the Convention,<sup>3</sup> providing information about the consultations held with the Human Rights Ombudsman, civil society organizations and other stakeholders.

#### II. Definition and criminalization of enforced disappearance (arts. 1–7)

4. Please explain what type of information the list of missing persons,<sup>4</sup> managed by the police, contains and how such information enables differentiation between cases of enforced disappearance as defined under article 2 of the Convention and cases of disappearance that

\* Adopted by the Committee at its twenty-ninth session (22 September–2 October 2025).

<sup>1</sup> [CED/C/SVN/1](#).

<sup>2</sup> Report of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, December 2020, pp. 22–24.

<sup>3</sup> [CED/C/2](#).

<sup>4</sup> See <https://www.policija.si/eng/missing-persons> and [CED/C/SVN/1](#), para. 49.



do not fall under that category. Please specify whether the information is cross-checked with other databases and what methodology is used to keep databases updated (arts. 1–3, 12 and 24).

5. Please describe the steps taken to have a consolidated national database on disappeared persons and ensure that relevant statistical data can be gathered whenever necessary and used to identify cases of enforced disappearance in the State Party. Please provide information on the measures taken to guarantee that the statistical data is disaggregated by sex, gender identity, sexual orientation, age, nationality, ethnic origin, religious affiliation and occupation of the victim and that it indicates:

(a) The number of disappeared persons in the State Party, specifying the date and place of disappearance and how many of those persons have been located;

(b) The number of persons who may have been subjected to enforced disappearance within the meaning of article 2 of the Convention;

(c) The number of persons who may have been subjected to the acts referred to in article 3 of the Convention (arts. 1–3, 12 and 24).

6. With respect to paragraphs 9 and 10 of the State Party's report, please indicate whether the State Party plans to include in the Constitution a specific provision on protection from enforced disappearance. Please specify the measures taken to ensure that no exceptional circumstances may be invoked to justify an enforced disappearance, including a war and a state of emergency (Constitution, art. 16), and the rights that may not be derogated from in these contexts (arts. 1, 12 and 24).

7. Regarding paragraphs 11–14 of the State Party's report, the Committee notes that the Criminal Code defines enforced disappearance in the context of crimes against humanity (art. 101) and that some of the circumstances of war crimes (art. 102) may also correspond to aspects of enforced disappearance. It also notes the separate offence covering abduction and enforced disappearances under article 134 (3) of the Criminal Code. In that connection, please indicate:

(a) The steps taken to fully harmonize the definition of enforced disappearance contained in articles 101 and 134 (3) of the Criminal Code with article 2 of the Convention;

(b) Whether articles 101, 102 and 134 (3) of the Criminal Code have been applied in relation to enforced disappearances and, if so, what the outcome of the proceedings was (arts. 2, 4 and 5).

8. In relation to paragraphs 18–22 of the State Party's report and article 49 of the Criminal Code, please specify the maximum and the minimum penalties envisaged for enforced disappearance and the actions adopted to ensure appropriate penalties, taking into account its extreme seriousness. Please explain the efforts made to guarantee that the courts take into account the mitigating and aggravating circumstances provided for under article 7 (2) of the Convention (arts. 2, 4 and 7).

9. In the light of articles 104 (liability of military commanders and other superiors) and 133 (unlawful deprivation of liberty) of the Criminal Code, as well as articles 4 and 43 of the Defence Act, please further explain how this legislation ensures that any person engaging in the conduct enumerated in article 6 (1) (a) and (b) of the Convention is held criminally responsible. Please also indicate whether the notion of due obedience as a criminal law defence has any impact on the implementation of the prohibition of invoking an order or instruction from a public authority to justify an offence of enforced disappearance (art. 6).

10. In the light of the Committee's general comment No. 1 (2023) on enforced disappearance in the context of migration, please indicate the number of complaints that have been lodged concerning cases of disappearance that occurred in the context of migration (including of refugees and asylum-seekers) or trafficking in persons. Please describe the measures taken in these cases to search for the disappeared persons, investigate their disappearance, bring the perpetrators to justice, provide the victims with appropriate protection and reparation and prevent such disappearances. Please explain the actions taken to prevent the disappearance of unaccompanied children and protect them from enforced

disappearance, in particular in the context of migration and trafficking (arts. 1–3, 12, 24 and 25).

### **III. Judicial procedure and cooperation in relation to enforced disappearance (arts. 8–15)**

11. In relation to paragraphs 23 and 24 of the State Party's report, the Committee notes that, in accordance with article 95 of the Criminal Code, criminal prosecution and execution of a sentence are not time-barred, inter alia, for enforced disappearance in the context of crimes against humanity (art. 101) and war crimes (art. 102). It also notes that the limitation period for criminal prosecution is 20 years from the commission of the offence of abduction and enforced disappearance under article 134 (3) of the Criminal Code. Please specify to what extent the statute of limitations applied by the State Party could be considered proportionate to the extreme seriousness of the crime. Please also provide information on the measures taken to guarantee the right of victims of enforced disappearance to an effective remedy during the term of limitation (art. 8).

12. Given that the rules on territorial jurisdiction are set forth in the general part of the Criminal Code, please explain how the State Party establishes its competence to exercise jurisdiction over enforced disappearance in the cases contemplated in article 9 (1) and (2) of the Convention. Please provide information on any extraditions related to cases of enforced disappearance that may have occurred since the entry into force of the Convention (art. 9).

13. Please describe the procedures in place to ensure that alleged offenders are brought before the competent authorities, including those measures set out under article 192 of the Criminal Procedure Act, as well as the legal, administrative or judicial measures for carrying out a preliminary inquiry or investigation to establish the facts should the State Party take the measures referred to in article 10 (1) of the Convention (art. 10).

14. Regarding paragraphs 37–49 of the State Party's report, please describe the measures taken to prevent and combat corruption in the treatment of any case related to enforced disappearance and their outcomes, including actions carried out by the Commission for the Prevention of Corruption (arts. 11 and 12).

15. Please clarify the measures taken to ensure that cases of enforced disappearance may be investigated and tried only by the competent civilian authorities and remain expressly outside the jurisdiction of the military courts (arts. 11 and 12).

16. As relates to paragraph 110 of the State Party's report and in view of the civilian character of the Intelligence and Security Service, please specify the scope of the mandate of the Service for the investigation of alleged enforced disappearance committed by the Slovenian Armed Forces and indicate which courts would be competent to address these cases (arts. 11 and 12).

17. With reference to paragraphs 26, 27 and 45–49 of the State Party's report, as well as the Criminal Procedure Act and the Police Tasks and Powers Act, please specify:

(a) Which authorities are responsible for receiving complaints and investigating cases of alleged enforced disappearance, how the Police and the Section for the Investigation and Prosecution of Official Persons Having Special Authority within the State Party's Specialized Prosecutor's Office divide their functions, which persons can report such cases to those authorities and what are the requirements for doing so;

(b) What measures are taken to ensure a prompt, thorough and impartial investigation, including in the absence of an official complaint;

(c) What steps are taken to ensure that the competent authorities have the necessary powers and resources to search for disappeared persons and conduct investigations into allegations of enforced disappearance, including access to documentation and other relevant information and access to places of deprivation of liberty and any other place in which there are reasonable grounds to believe that a disappeared person may be held;

(d) Whether any complaints of enforced disappearance have been lodged since the entry into force of the Convention and, if so, provide disaggregated data on the search and investigations carried out and their results, the profile of the perpetrators, the proportion of proceedings initiated that resulted in convictions and the sanctions imposed on the perpetrators (arts. 2, 3 and 12).

18. Please describe how the State Party ensures that persons suspected of having committed the offence of enforced disappearance are not in a position to influence the progress of the related search and investigation processes, including those carried out under the mandate of the Section for the Investigation and Prosecution of Official Persons Having Special Authority. Please indicate whether domestic law provides for suspension from duties, from the outset and for the duration of these processes, when the alleged offender is a State official. Please provide information on the mechanisms in place to ensure that law enforcement officials, security forces personnel or any other public officials who are suspected of being involved in the commission of an enforced disappearance do not participate in the search and investigation (art. 12).

19. Given reports concerning the low number of investigations, prosecutions and convictions in cases of trafficking,<sup>5</sup> please provide information on:

(a) The actions taken to prevent and combat trafficking in persons that address the possible link between such acts and enforced disappearance and to ensure that the applicable legislation, including article 113 of the Criminal Code and the International Protection Act (2016), takes sufficient account of the possibility that the victims may have been subjected to disappearance, including enforced disappearance;

(b) The statistical data, specifying the number of alleged victims, disaggregated by sex, age and nationality, the number of complaints made, the number of investigations carried out in relation to such cases, the proportion of proceedings that resulted in convictions and the sanctions imposed;

(c) The measures adopted to align the definition of trafficking with international standards; the outcomes of the action plan on combating trafficking in persons 2023–2024 and the activities of the National Working Group for Combating Trafficking in Human Beings and the National Anti-Trafficking Coordinator, in particular as they relate to the prevention, investigation and sanction of disappearances and enforced disappearances in the context of trafficking; and the measures taken to provide the victims with appropriate protection, support and reparation in the framework of the Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings (arts. 2, 3, 12 and 24).

20. Regarding paragraphs 50–63 of the State Party's report, the Committee notes that enforced disappearance is recognized as an extraditable criminal offence and that the extradition procedure and international legal assistance are regulated by the Criminal Procedure Act, the Cooperation in Criminal Matters with the Member States of the European Union Act, the Organization and Work of the Police Act and by bilateral and multilateral treaties, including the European Convention on Extradition. In this context, please provide information on:

(a) The criteria applied to verify that extradition requests are made only for criminal offences and not for a political offence, an offence connected with a political offence or a politically motivated offence;

(b) Any extradition agreements with other States Parties that may have been concluded since the entry into force of the Convention, including whether enforced disappearance is included in such agreements and the applicable time frames and protocols;

(c) Whether any restrictions or conditions apply to requests for mutual legal assistance or cooperation, and whether the State Party has made or received any request concerning a case of enforced disappearance since the entry into force of the Convention;

(d) The mechanisms in place to ensure mutual assistance to the authorities of requesting States, including the implementation of measures in the Schengen Information

<sup>5</sup> CEDAW/C/SVN/CO/7, para. 27 (b); and CAT/C/SVN/CO/4, para. 40.

System, with a view to facilitating the sharing of information and evidence, searching for and identifying disappeared persons and assisting the victims (arts. 13–15).

#### IV. Measures to prevent enforced disappearances (arts. 16–23)

21. With reference to paragraphs 64 and 65 of the State Party's report, the Committee takes note that extradition of the requested person is not to be granted if there are reasonable grounds to believe that the person would be in danger of being subjected to enforced disappearance. It also notes the Immigration Strategy (2024) and the challenges faced by the State Party concerning mixed migration flows, including of asylum-seekers and migrants in irregular situations, to its territory.<sup>6</sup> In this connection, please indicate:

(a) Whether the State Party envisages adopting an explicit legal provision prohibiting the expulsion, return, surrender or extradition of any person where there are substantial grounds to believe that he or she would be in danger of being subjected to enforced disappearance, as stated in article 72 of the Aliens Act of 2011, which explicitly prohibits *refoulement* in the case of risk of torture;

(b) Which procedures are applicable to expulsion, return, surrender and extradition, and what criteria are applied in such contexts to evaluate and verify the risk that the persons concerned may be subjected to enforced disappearance, including asylum proceedings under the exceptional procedures that could be activated in the context of the declaration of a complex crisis;

(c) Whether it is possible to appeal a decision authorizing an expulsion, return, surrender or extradition and, if so, before which authority, under which procedure and whether the appeal has suspensive effect;

(d) The actions taken to eliminate border and asylum practices that may contribute to enforced disappearances, such as pushbacks and chain *refoulement* based on bilateral readmission agreements<sup>7</sup> (art. 16).

22. Regarding paragraphs 66–76 of the State Party's report, please specify the legal provisions in place that expressly prohibit secret or unlawful detention. In view of the information provided in those paragraphs, the Committee notes allegations received according to which access to free legal aid is in practice provided in the State Party only prior to the court hearing and after police questioning.<sup>8</sup> In the light thereof and taking into account articles 19 and 20 of the Constitution, articles 203 and 210 of the Criminal Procedure Act and the Corrigendum to Police Tasks and Powers Act, please clarify:

(a) Which measures are taken to guarantee that all persons deprived of their liberty, including migrants, regardless of the offence of which they are accused, are afforded, from the outset of the deprivation of liberty, the fundamental legal safeguards provided for under article 17 of the Convention, in particular the rights to have prompt access to a counsel, to communicate with and be visited by family members, counsel or any other person of their choice and, in the case of foreign nationals, to communicate with their consular authorities;

(b) Whether any restrictions may be applied to the above rights, whether there have been complaints regarding the failure to observe these safeguards and, if so, what proceedings were carried out and what the outcomes were;

(c) How the access of the authorities or other bodies authorized to visit places of deprivation of liberty, including the Human Rights Ombudsman as the national preventive mechanism, is implemented in practice, even if such a visit is unannounced;

(d) The measures taken to guarantee that any person with a legitimate interest can initiate court proceedings to challenge the lawfulness of the deprivation of liberty, and the

<sup>6</sup> CAT/C/SVN/CO/4, para. 26.

<sup>7</sup> Ibid., para. 26 (a); and A/HRC/WG.6/48/SVN/3, para. 18.

<sup>8</sup> CAT/C/SVN/CO/4, para. 10.

measures in place to prevent the provision of this remedy being delayed or obstructed and to impose sanctions for delays or obstructions (arts. 17–20).

23. The Committee takes note that the Prison Administration of Slovenia manages the Central Records of Detainees for all prisons (art. 211 of the Criminal Procedure Act), and that the database on detainees is to comprise a register, a personal file and the central records (art. 17 of the Rules on the Execution of Detention). Please describe:

(a) The measures taken to ensure that official registers and records of persons deprived of liberty, regardless of the nature of the place of deprivation of liberty, include all the elements listed in article 17 (3) of the Convention and are duly completed and kept up to date;

(b) Whether any complaints have been lodged concerning a failure to record or delays in recording a deprivation of liberty or the recording of inaccurate information and, if so, what measures were taken to ensure that such omissions and errors were not repeated, including any disciplinary proceedings or sanctions involving the personnel concerned;

(c) The procedures to be followed to guarantee that any person with a legitimate interest has access to at least the information listed in article 18 (1) of the Convention, as well as the conditions that may be imposed on such access, and the appeal procedures available in event of a refusal to disclose such information (arts. 17–22).

24. Concerning paragraphs 104–115 of the State Party’s report, the Committee notes the State party’s statement according to which the text of the Convention is part of the standard studies for the profession of police officer. Please provide details of this training as provided to civilian and military law enforcement personnel, medical personnel, public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty, including judges, prosecutors and other officials responsible for the administration of justice, but also the public at large. Please indicate the content and frequency of such training (arts. 1–3 and 23).

## **V. Measures to protect and ensure the rights of victims of enforced disappearance (art. 24)**

25. Concerning paragraphs 116–125 of the State Party’s report, the Committee notes that the Act Amending the Compensation to Crime Victims Act (2023) removed the condition that victims of crime must be citizens of Slovenia or another member State of the European Union to be eligible for compensation. In this connection, please specify:

(a) To what extent the definition of the “injured party” (the victim) under the Criminal Procedure Act complies with article 24 (1) of the Convention, clarifying whether, as article 55 of the Criminal Procedure Act seems to require, the recognition of relatives as victims is only possible upon the confirmation of the death of the disappeared person;

(b) The forms of reparation and compensation provided for in national legislation for victims of enforced disappearance within the meaning of article 2 of the Convention, indicating whether they include all the forms of reparation listed in article 24 (5) of the Convention;

(c) What authority is responsible for granting compensation or reparation and what procedures are available to victims of enforced disappearance for obtaining it, including the applicable time limits, indicating whether access to compensation or reparation is conditional on a criminal conviction;

(d) The actions taken to ensure that “erased” persons, including persons belonging to the Roma community, have the right to restore their permanent resident status and receive full reparation;<sup>9</sup>

(e) Whether national legislation provides explicitly for the right of victims of enforced disappearance to the truth and what measures are taken to guarantee this right

<sup>9</sup> [A/HRC/59/15](#), para. 9; and [CAT/C/SVN/CO/4](#), para. 35.

regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person;

(f) The measures taken to ensure assistance to victims, including free medical and psychological support, the rights under article 65 of the Criminal Procedure Act and the right to free legal aid, explaining how the specific needs of victims of enforced disappearances are attended to (art. 24).

26. Please describe the activities undertaken by the government commission for resolving issues of concealed gravesites, appointed in 2016, and provide updated information on the progress made to locate and protect clandestine war gravesites, their marking and registration in the Register of War Gravesites, and the dignified burial of all victims of war and post-war violence in Slovenia (arts. 12, 14, 15 and 24).<sup>10</sup>

27. Please provide information on the legal situation of disappeared persons whose fate has not been clarified, and that of their relatives, in areas such as social welfare, financial matters, family law and property rights, and the application of a gender perspective in such contexts. Please describe the procedures in place to issue a declaration of absence or of death of the disappeared person and the impact such declarations have on the State Party's obligation to continue the search and investigation into an enforced disappearance until the fate of the disappeared person has been clarified (art. 24).

28. In view of the Societies Act, please report on the measures taken to guarantee the right to form and participate freely in organizations and associations attempting to establish the circumstances of enforced disappearances and the fate of disappeared persons and to assist victims of enforced disappearance (art. 24).

## **VI. Measures to protect children against enforced disappearance (art. 25)**

29. In the light of paragraphs 126–134 of the State Party's report, please clarify:

(a) Whether domestic law specifically criminalizes the conduct described in article 25 (1) of the Convention and, if not, whether the State Party intends to adopt legislation to that effect;

(b) Whether any complaints concerning the enforced disappearance or wrongful removal of children have been lodged since the entry into force of the Convention;

(c) What measures are taken to locate the children concerned, including in the framework of systems such as the second-generation Schengen Information System and the International Criminal Police Organization, the results thereof, the procedures for returning them to their families of origin and the actions taken to prosecute and punish the perpetrators of such acts;

(d) The results of the commission of inquiry determining and assessing the factual situation concerning cases of stolen children, appointed in 2024 (art. 25).

30. Please describe the steps taken in relation to birth registration, in particular of children born to foreign nationals, to prevent any risk of wrongful removal of children, and provide details on the results of those efforts (art. 25).

31. Concerning paragraphs 135–158 of the State Party's report, the Committee notes that the Family Code provides only for a full adoption and that it is asserted that adoption cannot be revoked. In view of the joint statement on illegal intercountry adoptions,<sup>11</sup> please provide

<sup>10</sup> [A/HRC/WG.6/48/SVN/3](#), paras. 33 and 34.

<sup>11</sup> [CED/C/9](#), adopted by the Committee on Enforced Disappearances, the Committee on the Rights of the Child, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, the Special Rapporteur on trafficking in persons, especially women and children, and the Working Group on Enforced or Involuntary Disappearances.

further information on the system of adoption or other forms of placement of children in the State Party and indicate the steps taken to establish any legal procedures to review and, where appropriate, annul any adoption, placement or guardianship that originated in an enforced disappearance. Please also indicate whether there is cooperation with other countries, as mentioned regarding North Macedonia, in the field of intercountry adoptions (art. 25).

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