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SLOVENIA

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I. LAND AND PEOPLE

A. Geography and climate

1. Slovenia is one of the smaller countries in Central Europe. It covers an area of 20,273 km². Slovenia borders Austria in the north, Hungary in the north-east, Croatia in the south-east, and Italy and the Adriatic Sea (46.6 km of coastline) in the west. It is situated at the crossroads of Central Europe, the Mediterranean and the Alps. The Alps, including the Julian Alps, the Kamnik-Savinja Alps, the Karavanke chain and Pohorje, dominate northern Slovenia along the border with Austria. The term “karst” - a limestone region of underground rivers, gorges and caves - originates from Slovenia’s Karst plateau between Ljubljana and the Italian border. In the Pannonian plain to the east and north-east, towards the Croatian and Hungarian borders, the landscape is essentially flat.

2. The coastline is only 46.6 km long, but there are 26,000 km of rivers and streams, including some 7,500 springs of drinking water, several hundred of which are first-class therapeutic mineral springs.

3. A major part of Slovenian terrain is hilly or mountainous, with around 90 per cent of the surface 200 m or more above sea level. Average height above sea level is 556.8 m and the highest mountain is Triglav, “three-heads”, which is 2,864 m high. Triglav is also a national symbol, featured on the national coat of arms and the flag.

4. Forests cover one half of the territory, or some 10,124 km²; Slovenia is thus the third most forested country in Europe, after Finland and Sweden. Remnants of primeval forests are still to be found, the largest one in the Kočevje area. Bears, which can no longer be found to the north on this region, still live in these forests and it is still possible to come upon a wolf or a lynx. Grassland covers 5,593 km² of the country, and fields and gardens 2,471 km². There are also 363 km² of orchards and 216 km² of vineyards.

5. Slovenia has three climatic zones. The coastal region has a typically Mediterranean climate with mild winters. The centre and the north-west are influenced by the Alps with longer and colder winters and fairly warm summers. A major part of Slovenia has a continental climate with cold winters and warm summers. The average temperatures are -2° C in January and 21° C in July. The average rainfall is 1,000 mm in the littoral, up to 3,500 mm in the Alps, 800 mm in the south-east and 1,400 mm in central Slovenia.

6. Slovenia is home to more than 50,000 animal species and 3,000 plant species. Approximately 8 per cent of Slovenian territory is under special protection: the largest area with such a regime is the Triglav National Park with a surface of 848 km². The Škocjan caves were inscribed on the United Nations Educational, Scientific and Cultural Organization World Heritage List in 1986, and the Sečovelje saltpans were included in the Ramsar List of Wetlands of International Importance.

B. Demographic data

1. Latest demographic developments

7. According to the data from the 2002 census, Slovenia had 1,964,036 inhabitants. According to the latest information (31 December 2003) Slovenia has 1,996,433 inhabitants, of whom 976,802, or 48.93 per cent, are male and 1,019,631, or 51.07 per cent, are female. Population density amounts to 98 inhabitants per km².

8. Slovenia's capital city is Ljubljana, with a population of 252,585. Other major urban centres are Maribor (94,635), Celje (37,476), Kranj (35,019), Velenje (25,966), Koper (23,064), Novo Mesto (21,604), Ptuj (18,830), Trbovlje (15,751), Jesenice (13,202), Nova Gorica (12,942), Murska Sobota (12,615), Škofja Loka (12,141), Kamnik (12,128) and Domžale (11,527).

2. Life expectancy

9. In the period 2000-2002 the life expectancy at birth was 72.27 years for men and 80.20 years for women. Life expectancy is on the rise: between 1990-1992 and 2000-2002 the life expectancy of men increased by 2.85 years and of women by 2.97 years. Life expectancy grows with age: in the past 10 years life expectancy has grown the most for people aged 85 and more. More and more people reach "old age": half the men can expect to live more than 75 years and half the women can expect to live at least 83 years.

3. Infant mortality

10. In 1991 infant mortality was 8.2 infant deaths per 1,000 live births, one third of the level in 1970. This mortality rate continues to decrease and was 4.9 in 2000, 4.2 in 2001 and 3.8 in 2002.

4. Maternal mortality

11. The maternal mortality rate in the period 1985-2000 was 17 (per 100,000 live births).

5. Fertility rate

12. The fertility rate in Slovenia is decreasing: in 2003 the rate was 1.20 children per woman of child-bearing age compared to 1.42 in 1991.

6. Proportion of people under 15 years of age and over 65 years of age

13. According to the data from the 2002 census (31 March 2002), there were 300,167 people (15.3 per cent of the entire population) below the age of 15 years. There were 1,663,869 people (84.7 per cent) over 15 years of age, of whom 804,286 (48.3 per cent) were male and 859,583 (51.7 per cent) female. There were 288,981 people over 65 (14.7 per cent).

7. Rural and urban population

14. A total of 50.8 per cent of the population in Slovenia live in urban settlements, according to the data from the 2002 census.

8. Single mothers

15. In 2002 there were 428,303 families in Slovenia, 24.4 per cent (104,292) of which had one parent. There were 89,683 single mothers in 2002.

9. Education and illiteracy rate

16. The educational structure of the population over 15 years (by sex) is as follows:

(a) Slovenia has always had a relatively highly educated population. Adult illiteracy is virtually non-existent. In 2001, the adult illiteracy rate was estimated at 0.3 per cent for men and 0.4 per cent for women;

(b) According to the census data (31 March 2002), 0.7 per cent of the population have had no education (0.5 per cent of males and 0.8 per cent of females);

(c) 6.3 per cent of the population have had an incomplete basic education (i.e. did not complete primary school) (5.3 per cent of males and 7.2 per cent of females);

(d) 26.1 per cent of the population have received a full primary education (previously eight years, now nine years) (21.1 per cent of males and 30.8 per cent of females);

(e) 54.1 per cent of the population have had a secondary school education (60.6 per cent of males and 47.9 per cent of females);

(f) 5.1 per cent of the population have had a short-term tertiary education (4.5 per cent of males and 5.6 per cent of females);

(g) 7.9 per cent of the population have had a university education (8.1 per cent of males and 7.7 per cent of females).

10. Population by ethnic affiliation

17. With regard to nationality, Slovenia's population is relatively homogeneous: 83.06 per cent are Slovenes (as of 31 March 2002).

18. The most numerous other nationalities are Serbs (1.98 per cent), Croats (1.81 per cent), Bosnians (1.1 per cent) and members of other nations of the former multinational Yugoslavia (Macedonians, Montenegrins, Albanians and others). Two autochthonous national minorities live in the Republic of Slovenia, namely the Hungarian community in the east and the Italian community in the west; both are relatively small, with a total of 6,243 Hungarians and 2,258 Italians.

11. Religions

19. The Slovenian population is predominantly Catholic (69.1 per cent). There are a few members of other religions, for example 1.1 per cent are Protestant, 0.6 per cent are Orthodox and 0.6 per cent are Muslim. For 6.3 per cent of the population the religion is not known, 5.3 per cent are atheists, while 14.1 per cent indicated in the census that they did not wish to state to which religion they belonged. There are around 30 other religious communities, spiritual groups, societies and associations registered in Slovenia.

C. The economy

1. Gross domestic product (GDP) and gross domestic income (GDI)¹

20. The gross domestic product (in millions of euros) and the growth rate since 1995 are given below:

2003	24 503	2.3
2002	23 492	3.4
2001	21 925	2.7
2000	20 740	3.9
1999	20 011	5.6
1998	18 602	3.6
1997	17 240	4.8
1996	16 093	3.6
1995	15 496	4.1

21. The gross domestic product per capita (in euros) for the same period was:

2003	12 273
2002	11 775
2001	11 007
2000	10 425
1999	10 088
1998	9 383
1997	8 677
1996	8 082
1995	7 797

22. The gross national income (in millions of euros) for the same period was:

2003	24 435
2002	23 318
2001	21 968
2000	20 769
1999	20 069
1998	18 651
1997	17 306
1996	16 214
1995	15 650

2. Trade and foreign investments in Slovenia

23. Slovenia's trade is mainly with the European Union countries, particularly Germany, Italy, Austria and France. However, its economic relations are widening and alongside an increase in trade with its existing partners, it aims to include new markets within the EU and to re-establish trade links with parts of the former Yugoslav market and to achieve a greater presence in the United States of America, in some States of the former Soviet Union and among the members of the Central European Free Trade Association (CEFTA). In 2003, according to the data supplied by the Statistical Office, Slovenia exported 3.9 billion euros and imported 13.9 billion euros worth of goods and services. According to these data, the highest exports in 2003 were in the following fields: electrical machinery, apparatuses and appliances (11.6 per cent), road vehicles (11.4 per cent), furniture (6.9 per cent), and medical and pharmaceutical products (7.0 per cent).

24. At the end of 2002, foreign direct investments amounted to almost 4 billion euros (3,918 million euros). The majority of foreign investors in Slovenia come from the EU: 29.9 per cent from Austria, 10.9 per cent from Germany, 9.8 per cent from France, 7.5 per cent from Italy, and - from non-EU countries - 11.2 per cent from Switzerland. Following a considerable increase in the inflow of foreign direct investments in 2001, Slovenia in 2002 saw, for the first time, a relatively large amount of foreign direct investments, which had not been the case previously. In 2003, the inflow of foreign direct investments amounted to only 160 million euros (in 2002 1,707 million euros) and for the first time they were lower than outward direct investments. The latter achieved the highest volume so far, mostly on account of investing in former Yugoslav markets.

3. Unemployment

25. The labour force (as monitored by labour force surveys) averaged 962,000 people in 2003, 897,000 of whom were employed and 65,000 unemployed. The elimination of socialist "over-employment", the economic restructuring and the slow progress of privatization, all resulting in increased structural unemployment, were the main reasons for the employment stagnation, despite relatively dynamic economic growth after 1993. The registered unemployment rate in Slovenia dropped from 14.4 per cent in 1993 to 13.6 per cent in 1999; the implementation of the active employment policy and the deletions from the unemployed register led to a further rapid fall in unemployment to 11.2 per cent in 2003. The internationally comparable unemployment rate (ILO) decreased from 9.1 per cent in 1993 to 6.7 per cent in 2003. In November 2002, the Government adopted the Active Employment Policy Programme for 2003, an operational plan of strategic goals for the National Labour Market Development Programme for 2003. The plan consists of targeted measures that should improve the employability of people with low employment prospects, reduce the number of unskilled unemployed persons, narrow regional disparities in unemployment, and ensure equal access to the labour market and employment. The average gross monthly wage in Slovenia in 2003 was SIT 253,200 (approximately 1,083 euros).

26. The standardized rate of unemployment (ILO) in the period 1999-2003 was:

2003	6.7 %
2002	6.4 %
2001	6.4 %
2000	7.0 %
1999	7.6 %

4. Inflation rate

27. With the package of anti-inflation measures adopted by the Government in the areas of fiscal policy and regulated prices, Slovenian prices increased by 4.6 per cent in 2003 as a whole (7.2 per cent in 2002), while the average inflation rate was 5.6 per cent. The Government and the Bank of Slovenia made their policies more restrictive in the last quarter of 2003, which helped inflation to drop faster than forecast in autumn. Besides that, the Programme for Entering the [New Exchange Rate Mechanism] ERM2 and Introducing the Euro was adopted. Consequently in 2003, price growth was lower than in 2002, owing to a slowing rise in administered prices and slower depreciation of ease off inflationary expectations. The biggest impact of these measures is expected in 2004 and 2005, when inflation is expected to fall to 3.6 per cent in 2004 and to 2.9 per cent in 2005.

28. The inflation rate² for 1997-2003 was:

2003	5.6 %
2002	7.5 %
2001	8.4 %
2000	8.9 %
1999	6.1 %
1998	7.9 %
1997	9.1 %

5. Foreign indebtedness

29. Data on foreign indebtedness of the Republic of Slovenia as of December 2003 are as follows:

- (a) Gross external debt - 12,995 million euro;
- (b) Long-term debt (LDOD) - 9,290 million euros;
- (c) Public and publicly guaranteed debt - 3,367 million euros;
- (d) Private non-guaranteed debt - 9,629 million euros;
- (f) Short-term debt - 2,439 million euros.

30. In relation to public and publicly guaranteed debt, it should be noted that Slovenia assumed 18 per cent of former Yugoslavia's non-allocated debt, in line with the New Financial Agreement (NFA) of 1996. Furthermore, Slovenia took over another 16.39 per cent of

Yugoslavia's non-allocated debt following bilateral negotiations with individual countries of the Paris Club. Total debt assumed from former Yugoslavia amounted to 523 million euros according to the current euro exchange rate, or 16 per cent of the public and publicly-guaranteed external debt.

II. GENERAL POLITICAL STRUCTURE

A. History

31. The Republic of Slovenia is one of the youngest States in the world. It was established after the break-up, or collapse, of the former Yugoslavia.

32. However, the first independent Slovenian State dates back much further. After the Romans were driven out by the Mongolian Avars, who had in turn been driven out by the Slavs, in 623 King Samo established a kingdom (tribal confederation) stretching from Lake Balaton (now in Hungary) to the Mediterranean, which had its centre in the present Czech Republic. The territory fell under the Frankish Empire in the late eighth century, and in the tenth century it became an independent Duchy of Carantania under the Holy Roman Emperor Otto I. From this period onwards and until 1414, a special ceremony of the enthronement of princes, conducted in Slovenian, took place. From 1335 until 1918, Slovenes were governed by the Habsburgs of the Austro-Hungarian Empire - except for a brief interlude from 1809 to 1814, during the Napoleonic Wars, when the region was reorganized by France as part of the Illyrian Provinces.

33. After the First World War Slovenia was absorbed into the Kingdom of the Serbs, Croats, and Slovenes (renamed the Kingdom of Yugoslavia in 1929). Then, after 1941, during the Second World War, Germany, Hungary and Italy divided the territory among themselves. In spite of forced transfers of the population during the war, since 1945 most Slovenes have been living in the Slovenian Republic, which in 1947 also acquired Slovenian-speaking districts on the Adriatic Sea (in Istria) from Italy.

34. On the basis of the right to self-determination, recognized not only by the International Covenant on Civil and Political Rights but also the Constitution of the former Yugoslavia, the inhabitants of the Republic of Slovenia decided, by absolute majority in the plebiscite held on 23 December 1990, to establish an independent Slovenia, which would no longer be united with the Socialist Federal Republic of Yugoslavia. Following the plebiscite decision, the Assembly of the Republic of Slovenia (the parliament), as the highest body of power, on 25 June 1991 adopted the constitutional act - the Basic Constitutional Document on the Independence of the Republic of Slovenia. The Yugoslav Army, which did not respect this constitutional act of the parliament and the plebiscite decision of the Slovenian people, on 27 June 1991 launched an armed aggression against the Republic of Slovenia. After 10 days, the aggression ended with a ceasefire, which was followed in October 1991 by the withdrawal of the Yugoslav Army from Slovenia. In this way the Republic of Slovenia had already gained effective control over its entire territory by the second half of 1991. Since January 1992 the Republic of Slovenia has been internationally recognized as an independent State. In May 1992 the Republic of Slovenia became a member of the United Nations.

B. Constitutional framework

1. Slovenia - a republic and a democratic State

35. On 23 December 1991 the parliament of the Republic of Slovenia adopted a new Constitution. This Constitution defines the Republic of Slovenia as a democratic republic. A State based on the rule of law and social welfare. Power is held by the people, and the citizens express this power directly and through elections on the principle of the division of power into three branches (legislative, executive and judicial).

2. The National Assembly and political parties

36. The legislative power belongs to the parliament (the National Assembly), which has 90 deputies who are elected by universal, equal, direct and secret ballot for a four-year term based on the principle of proportional representation, with a 4 per cent threshold required. In compliance with the Constitution, one representative of each of the autochthonous Italian and Hungarian national communities is directly represented in the National Assembly. The President of the National Assembly is elected by a majority vote of all deputies. According to the Constitution, deputies are representatives of all the people, and their parliamentary immunity means that no deputy of the National Assembly can be criminally liable for any opinion expressed or vote cast at the National Assembly sessions or in its working bodies. After the last parliamentary elections, held on 15 October 2000, the 90 seats in the National Assembly were divided as follows: Liberal Democracy of Slovenia (LDS) 34; Slovenian Democratic Party (SDS) 13; United List of Social Democrats of Slovenia (ZLSD) 11; Slovenian People's Party (SLS) 10; New Slovenia - Christian People's Party (NSi) 8; Democratic Party of Pensioners of Slovenia (DeSUS) 4; Slovenian National Party (SNS) 4; and Youth Party of Slovenia (SMS) 4. At its sessions, the National Assembly adopts laws and takes other decisions, including ratifying international agreements, with a majority of the declared votes of the deputies present, unless the Constitution or the law stipulates a different majority. Laws may be proposed by the Government or by any deputy as well as by at least 5,000 voters. The National Assembly may call a referendum on any issue, which is subject to regulations set by law. The National Assembly is bound by the result of such referendum. It also decides on declaring war or a state of emergency, as well as on the use of the defence forces.

3. The National Council

37. In addition to the National Assembly there is the National Council, which has 40 members: 4 representatives of employers, 4 representatives of employees, 4 representatives of crafts and trades and independent professions, 6 members representing non-commercial fields and 22 representatives of local interests. Members of the National Council are elected for five years by the elected representatives of special interest organizations and local communities.

4. The President of the Republic

38. According to the Constitution, the President of the Republic represents the Republic of Slovenia and is commander-in-chief of its defence forces. The President of the Republic is elected for a maximum of two consecutive five-year terms in direct general elections by secret

ballot. The President calls elections to the National Assembly, promulgates laws, proposes to the National Assembly a candidate for Prime Minister, issues instruments of ratification for international treaties and agreements, appoints and recalls ambassadors and envoys of the Republic, accepts the credentials of foreign diplomatic representatives, appoints State officials where provided by law, confers decorations and honorary titles, and performs other duties determined by the Constitution. Following a request from the National Assembly, the President has to give his opinion on any particular question. When the National Assembly is unable to convene due to a state of emergency or war, the President may, on the proposal of the Government, issue decrees with the force of law.

5. The Government

39. The Prime Minister is elected by the National Assembly by a majority vote of all deputies, following a proposal by the President of the Republic. Like the President of the Republic and all the ministers, after his/her appointment the Prime Minister has to swear an oath before the National Assembly that he will uphold the constitutional order, act according to his conscience and do everything in his power for the good of Slovenia. The Prime Minister is responsible for ensuring the unity of the political and administrative direction of the Government and coordinating the work of ministers. He/she also proposes ministers, who are appointed and relieved of their duties by the National Assembly. The coordinating and technical tasks of the Prime Minister are carried out by the Prime Minister's Office and the Secretary-General's Office. The Government can also set up other governmental offices, services, centres, etc. to carry out various technical tasks. The first democratically elected Prime Minister of the Republic of Slovenia was Lojze Peterle. During his period in office (1990-1992) Slovenia obtained independence and international recognition, introduced its own currency and started economic and social reforms. His successor, Dr. Janez Drnovšek, was Prime Minister from April 1992 to April 2000. On 3 May 2000, Dr. Andrej Bajuk became Prime Minister, but on 16 November 2000, Dr. Janez Drnovšek was renominated to that position. On 19 December 2002 Anton Rop was nominated Prime Minister.

40. The tasks of State administration are carried out directly by the ministries. By the law, local self-governing communities (municipalities), companies, organizations and even individuals may be authorized to fulfil certain functions of the State administration.

6. Municipalities

41. In line with the Constitution, local self-government is carried out in municipalities and other local communities. The municipality, as the basic unit of local self-government, comprises a settlement or several settlements bound together by the common needs and interests of the residents. Within municipalities, smaller units may be set up in towns, parts of towns, or villages. Municipalities are founded on the basis of a referendum among the inhabitants of a particular locality, and they can decide independently to unite into wider local government units or even regions. A town can obtain the status of an urban municipality, which can carry out certain government responsibilities relating to urban development. Following the last local elections in October 2002, there are 193 municipalities in Slovenia, 11 of which have the status of urban municipalities. Within the jurisdiction of the municipality are local matters, which can be managed independently, and the carrying out of certain central government responsibilities, which can be transferred to municipalities. Municipalities have to finance themselves from their

own sources, but those that are unable to obtain sufficient finance for local affairs of public importance receive additional State funding. The highest decision-making body in a municipality is the Municipal Council, the members of which are directly elected. A mayor, also directly elected, represents the municipality, oversees the implementation of the decisions taken by the Municipal Council and municipal committees, and acts as head of the municipal administration.

7. The judiciary

42. The third branch of power is represented by the judiciary. Judicial power is wielded by judges. In the fulfilment of their judicial functions, judges are independent and are bound only by the Constitution and the law. The office of a judge is permanent. Judges are elected by the National Assembly on the proposal of the Judicial Council. The majority of members of the Judicial Council are elected by the judges from their own ranks, and the remaining members by the National Assembly on the proposal of the President of the Republic from among the university professors of law, lawyers and other distinguished legal personalities. The arrangement and jurisdiction of the courts are determined by law. In the Republic of Slovenia it is not permitted to set up extraordinary courts, nor, in times of peace, military courts. Regular courts are courts of general jurisdiction. There are also specialized courts (e.g. courts for labour disputes and courts for disputes over pensions and insurance for the disabled).

8. The Constitutional Court

43. Within the framework of the authority of the judicial branch there is also the Constitutional Court - the highest body of judicial power for the protection of constitutionality, legality and human rights.

44. According to the Constitution, the Constitutional Court decides as follows:

- On the conformity of statutes and other regulations with the Constitution, ratified treaties and general principles of international law;
- On the conformity of executive regulations and local community regulations with statutes;
- On constitutional complaints stemming from the violation of human rights and fundamental freedoms by individual acts;
- On jurisdictional disputes between the State and local communities and between the local communities themselves, between courts and other State authorities and between the National Assembly, the President of the Republic and the Government;
- On the unconstitutionality of the acts and activities of political parties;

- On appeals against National Assembly decisions on the confirmation of the mandates of National Assembly deputies;
- On impeachment of the President of the Republic, the Prime Minister and ministers.

The Constitutional Court also issues opinions on the conformity of treaties with the Constitution in the process of ratifying such treaties.

45. The Statute of the Court also determines its jurisdiction to decide on appeals against decisions of the National Council on the confirmation of its members' mandates, and to review the constitutionality of a referendum question and the decision of the National Assembly not to call a referendum.

46. The Constitutional Court entirely or partially annuls unconstitutional statutes and annuls or annuls *ab initio*, with *ex tunc* effects, unconstitutional or unlawful executive regulations and local community regulations. Prior to its final decision, the Court may stay the implementation of the regulations.

47. The Constitutional Court decides on constitutional complaints after all legal remedies are exhausted. Provided it discovers human rights violation, it may annul *ab initio* or annul the individual act and remand the case to a court with jurisdiction or another body for new adjudication. If all the conditions determined by the Statute are fulfilled, it may decide on the disputed right or freedom itself.

C. Membership of the European Union

48. The Republic of Slovenia has been a member of the European Union since 1 May 2004. The European Community, as one of the three pillars of the EU, has established its own organs (the European Parliament, the Council, and the Commission) with far-reaching legislative powers. The regulations and directives passed by EC institutions in many areas are directly applicable in Slovenia as a member State or have to be transformed into Slovenian law. The national courts have to apply the direct applicable Community law in their decisions, and have to interpret national law in conformity with the Community law. The Court of Justice of the European Communities settles disputes over how the EU treaties and legislation are interpreted. If national courts are in doubt about how to apply EU rules they must ask the Court of Justice. Individual persons can also bring proceedings against EU institutions before the Court.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE IMPLEMENTED AND PROTECTED

A. Bodies with jurisdiction in the field of human rights

49. The following bodies have jurisdiction in areas that influence human rights in the Republic of Slovenia:

- (a) All judicial bodies, i.e. all courts of general jurisdiction as well as specialized courts that make decisions on the rights and duties of an individual or charges against an individual;

(b) Other bodies of the judiciary, such as State prosecutors, who decide on the penal prosecution of individuals, as well as bodies for the punishment of offences;

(c) All bodies of the State administration when they decide on the rights, obligations and legal benefits of individuals in administrative affairs;

(d) Other bodies carrying out public authority which may, on the basis of legal empowerment, decide on the rights, duties or legal interests of individuals (such as State institutes for pensions and insurance for the disabled, institutes for health insurance, institutes for employment and other institutes).

50. Any person maintaining that any of his or her rights have been violated may obtain due recognition of such violation through the prescribed procedure in court. Where the rights of an individual have been violated in a proceeding in court, or at some other State body or a body with public authority, the individual is guaranteed the right to appeal as well as the right to extraordinary legal means, which vary depending on whether it relates to a criminal, civil, administrative or other proceeding. An individual who claims that a right has been violated may request, against final acts by the bodies of State administration, judicial protection (administrative dispute) under conditions and in a manner determined by the Law on Administrative Disputes. If through an individual act a human right or basic freedom of an individual is violated, an individual who has exhausted all regular means before the competent court may lodge a constitutional complaint on which the Constitutional Court decides.

51. The Constitution guarantees to anyone who has been wrongly sentenced, or from whom freedom has been taken away without grounds, the right to rehabilitation and the right to compensation - both for property and non-property losses. The Law on Criminal Procedure determines the conditions and procedure for compensation and rehabilitation of such persons. The State is bound to compensate such persons. Victims of criminal acts may obtain damages from the perpetrator of the criminal act in criminal proceedings or in a private suit. If damage has been caused by an official person of a State body in connection with the performance of his or her duties, the injured party may demand compensation directly from the State.

52. The Constitution of the Republic of Slovenia does not determine only individual human rights and freedoms, but also the instruments that are available to individuals for the protection of their rights. These instruments are primarily the following:

(a) The right to judicial protection - each person has the right to have a legally constituted court decide on his or her rights without unnecessary delays, independently and without bias (art. 23 of the Constitution);

(b) The right to legal means - each person is guaranteed the right to appeal (article 25 of the Constitution);

(c) The right to the payment of damages - each person has the right to the payment of damages for injury or loss caused through the performance of duties or other activity in a manner contrary to the law by a person of a State body, local government body, statutory authority or body which performs such work or activities (article 26 of the Constitution);

(d) The right to a constitutional complaint with the Constitutional Court.

53. Human rights instruments as determined in the Constitution of the Republic of Slovenia are elaborated in greater detail in a number of laws. In the first instance, these are procedural laws, such as the Law on Criminal Procedure, the Law on Lawsuits, the Law on Administrative Procedure, the Law on Executive Procedure and similar, which determine in which cases, in what manner and under what conditions, as well as by which procedure an individual may use individual human rights instruments where any of his or her rights have been violated. Apart from these procedural laws there are numerous other laws that order individual human rights, in particular rights in the social and economic domains, and the specific manner of realizing the laws and the legal instruments that the legal system provides for individuals for the affirmation of their rights.

54. The Constitution of the Republic of Slovenia determines that human rights are realized directly on the basis of the Constitution and that through a law it is possible only to prescribe the manner in which human rights are realized when the Constitution thus determines or if it is necessary due to the very nature of the individual right (items 1 and 2 of article 15). This means that the human rights instruments that are provided in the Constitution may also be used directly on the basis of the Constitution itself.

B. Bodies for the protection of human rights in addition to the courts

1. The Human Rights Ombudsman

55. The basis for the foundation of the institution of Human Rights Ombudsman in the Republic of Slovenia is to be found in the Constitution, article 159 of which stipulates that the institution of ombudsman for human rights and basic freedoms should be established in relation to various State bodies, local self-government bodies and bodies in which public authority is vested. The second paragraph allows establishing separate ombudsmen for individual fields, although to date the prevailing solution has been the establishing of only one ombudsman with a broad spectrum of competencies.

56. The Human Rights Ombudsman Law was adopted in December 1993. The duties and competencies of the ombudsman are based on the classical Scandinavian model. The organization and working methods of the Human Rights Ombudsman and the areas of work, procedures and roles are determined in the rules of procedure of the Human Rights Ombudsman. By law, the Human Rights Ombudsman has above all the authority to obtain, from the State and other bodies that he/she can monitor, any data, without regard to the degree of confidentiality, to perform investigations and in that capacity to call witnesses for questioning. At any time he/she may perform an inspection of any State body or institution that restricts personal freedom, e.g. psychiatric institutions. He/she does not have the authority to monitor the work of judges and courts except in cases of improper delay of procedures or clear abuse of power. One important competency of the ombudsman is bringing to the Constitutional Court, together with the

plaintiffs, constitutional complaints of violation of human rights. He/she can also address to the Constitutional Court proposals for determining the constitutionality of regulations without prior establishment of his legal interest by the Court, as is required for others bringing such proposals (articles 23, 50 and 52 of the Law on the Constitutional Court).

57. The competencies of the Human Rights Ombudsman are also stated in various other laws. Article 65 of the Law on Consumer Protection speaks of the competencies of the ombudsman in the field of consumer protection. The ombudsman is also legally competent to ensure the right to a healthy living environment as a special area of competence, which is prescribed by article 15 of the Law on Environmental Protection. Proposals for the initiation of procedures with the Human Rights Ombudsman can, in accordance with article 52 of the Law on Defence, be made by military personnel if they believe that their rights or basic freedoms have been restricted or violated during their military service.

58. The Human Rights Ombudsman has four deputies responsible for various human rights areas: (i) complaints in the field of limitations of personal freedom, social security, and court and police procedures; (ii) complaints in the field of labour relations and administrative matters; (iii) complaints in the field of constitutional rights, housing, public services, the environment and planning; and (iv) complaints in the field of social security and children's rights.

2. Office for Equal Opportunities

59. In 1992, the Women's Policy Office was founded as a self-standing expert service of the Government of the Republic of Slovenia. The basic principle in the work of the Office is the realization of the equality of men and women in all spheres of life. In 2001, the Office was renamed Office for Equal Opportunities. It continued working on the basis of a decision of the Government and the Act on Equal Opportunities for Men and Women. It also carries out activities for integrating a gender perspective in government policies and for the elimination of gender-based inequality in all spheres of life. The activities of the Office for Equal Opportunities, which are defined in a decree passed by the Government, include the following activities: (i) supervision of women's position and implementation of their rights guaranteed by the Constitution, laws and international conventions; (ii) discussion of regulations, acts and measures adopted by the Government and ministries, participation in the preparation of such documents, and submission of proposals for measures concerning the Office's area of work; (iii) preparation of analyses, reports and other material; (iv) discussion of initiatives from women's organizations, groups and movements. The Office performs tasks in cooperation with ministries and other public services, with international, national and foreign governmental and non-governmental organizations and other institutions as well as foreign and domestic experts.

3. Advocate for Equal Opportunities for Women and Men

60. An Advocate for Equal Opportunities for Women and Men was established within the Office for Equal Opportunities in 2003. Her main task is to deal with cases of presumed sex discrimination in all areas, e.g. in the fields of employment and labour relations, education, politics, the economy, social issues and so on.

4. Coordinator for Equal Opportunities for Women and Men

61. The Act on Equal Opportunities for Women and Men introduced a new mechanism for the integration of a gender perspective in government policies and its implementation and monitoring. Each ministry appointed a coordinator for equal opportunities for women and men, who collaborates closely with the Office for Equal Opportunities.

5. Office for Religious Communities

62. The Office looks after the position of religious communities; it maintains the register of the religious communities active in Slovenia and issues certificates upon the establishment and cessation of their activities. It also provides professional aid to religious communities: it informs them about relevant legislation and other acts and measures concerning their activities and organizes working sessions and consultations, as well as receptions for their representatives. In addition, the Office also prepares materials and proposals for the measures to be determined by the Government concerning matters related to the activities of religious communities. In settling questions concerning religious communities, the Office cooperates with the ministries, and with other State and local bodies and organizations. The Office also provides professional and administrative support to the Government Commission for Solving Open Issues Relating to Religious Communities.

6. Office for Nationalities

63. The Office for Nationalities is an independent government office. The basic provisions on the protection of national communities are set out in the Constitution, whilst more detailed provisions are included in the legislation in various areas, that in any way relate to the position of the Italian and Hungarian national communities and the Romany ethnic community. The relevant ministries are responsible for carrying out the provisions. With such a division of responsibilities, the main duty of the Office for Nationalities is global supervision of the realization of the provisions of the law on the protection of nationalities, monitoring the practical effects, drawing attention to problem areas, preparing suggestions and initiatives for the Government and other State bodies, and preparing analyses and reports on the wider issues of the protection of nationalities, together with the relevant ministries.

C. International agreements

64. According to article 8 of the Constitution of the Republic of Slovenia, laws and regulations must comply with generally accepted principles of international law and with treaties that are binding on Slovenia. Ratified and published treaties are applied directly.

65. Slovenia has ratified the following human rights conventions:

- International Covenant on Civil and Political Rights (1 July 1992) and two optional protocols: the Optional Protocol to the International Covenant on Civil and Political Rights (18 May 1993) and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (17 December 1993);

- International Covenant on Economic, Social and Cultural Rights (1 July 1992);
- International Convention on the Elimination of All Forms of Racial Discrimination (1 July 1992); Slovenia also made the declaration under article 14 of the Convention that allows individual complaints to the Committee on the Elimination of Racial Discrimination (21 August 2001);
- Convention on the Elimination of All Forms of Discrimination against Women (1 July 1992) and the Optional Protocol (21 April 2004);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (15 April 1993);
- Convention on the Rights of the Child (1 July 1992) and both optional protocols: Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (15 July 2004) and Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (15 July 2004).

66. In addition, Slovenia has ratified the Rome Statute of the International Criminal Court (22 November 2001) and numerous treaties within the Council of Europe - including the European Convention on the Protection of Human Rights and Fundamental Freedoms and its Protocols that enable Slovenian citizens to make complaints to the European Court of Human Rights.

67. Slovenia ratified the United Nations Convention against Transnational Organized Crime (2 April 2004) and its protocols: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (15 April 2004).

IV. INFORMATION AND PUBLIC AWARENESS

68. Towards the end of the 1980s the Republic of Slovenia, which was then still part of Yugoslavia, witnessed concerted efforts by individuals as well as various non-governmental organizations to awaken an awareness of the significance of human rights among people and relevant State bodies. With the transition from a one-party State to a parliamentary democracy and a State of political pluralism after 1990, those efforts became even more extensive and even institutionalized. Apart from various non-governmental organizations such as the Helsinki Federation for Human Rights and Amnesty International, the Council of Human Rights and Fundamental Freedoms was most active in these movements and contributed much to the promotion of human rights in Slovenia in the past.

69. At present there are more NGOs active in various areas in Slovenia: *Ključ* (in the area of human trafficking and protection of victims); *Mirovni inštitut* - Peace Institute (in the areas of human rights education and anti-discrimination); *Skupaj* - Together (in the area of psychosocial

rehabilitation of children affected by war in South-Eastern Europe); SEECRAN (in the area of children's rights); United Nations Association; Information and Documentation of the Council of Europe (IDCCE) and many others.

70. The Ombudsman has a key role in informing the public about violations of human rights and fundamental freedoms in Slovenia. The Ombudsman takes part in public debate, responds to urgent questions and draws attention to violations - through articles in the media, annual reports, special reports, the newsletter, press conferences, the web site, promotional material, and so on. In past years the Ombudsman's Office conducted several campaigns of promotion of human rights, especially in the field of children's rights. In addition, a new publication has been designed: a free newsletter entitled "The Ombudsman - How to Protect Your Rights". The main aim of the newsletter is to educate people about their rights, show them ways to seek help and redress wrongs and in this way contribute to reducing violations. The first issue appeared on 10 December 2003, on Human Rights Day. The newsletter is published three or four times a year and is available at administrative units, hospitals, clinics, libraries, employment offices, pupils' boarding houses and university halls of residence, old people's homes, non-governmental organizations, social services centres, prisons, police stations, etc.

71. There are weekly and monthly publications in Slovenia covering the legal profession and practice, including *Pravnik* (Lawyer), *Pravna praksa* (Legal Practice), *Revija za kriminalistiko in kriminologijo* (Criminal Investigation and Criminology Magazine), *Penološki bilten* (Penal Bulletin), *Teorija in praksa* (Theory and Practice) and *Zbornik znanstvenih razprav* (Collection of Scientific Discussions), in which articles on the protection of human rights appear regularly.

Notes

¹ Gross national income (GNI) is made up of GDP plus the net income earned from investments abroad (minus similar payments made to non-residents who contribute to the domestic economy).

² Since 1998 the basis for calculating the inflation rate has been the consumer price index. Before that the retail price index was used.
