

**Presentation of the
Combined Eighth to Eleventh Periodic Report to the 88th session of the Committee
on the Elimination of Racial Discrimination (CERD)**

**Opening statement by H.E. Mr Vojislav Šuc
Permanent Representative of the Republic of Slovenia to the United Nations Office
in Geneva**

Geneva, 1 December 2015

Mr Chairman,
Distinguished Members of the Committee,
Ladies and Gentlemen,

I am honoured to be here today as the Head of the Delegation of the Republic of Slovenia presenting the Combined Eighth to Eleventh Periodic Report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

We are only days away from the 50th anniversary of the adoption of this landmark instrument, and it is indeed a privilege to join in the celebrations honouring the progress achieved. In addition to promoting the Convention with biennial resolutions in the 3rd Committee, Slovenia, together with Belgium, honoured the Convention by holding a special high-level event on the margins of the 28th Session of the Human Rights Council in March this year. It was confirmed that the Convention is a living instrument, which is also able to address, through the work of the Committee on the Elimination of Racial Discrimination, situations that could not have been anticipated at the time of its adoption. Embracing diversity, ensuring equality and promoting and safeguarding human rights of each individual are particularly important in countering threats posed by violent extremism, as evidenced by the recent terrorist attacks in Europe, Africa and the Middle East.

Mr Chairman,

Allow me to introduce the members of my delegation:

- Dr Vera Klopčič, Expert Head of Delegation;
- Dr Sašo Gazdić, Ministry of Culture;
- Ms Danica Ošljaj, Ministry of Labour, Family, Social Affairs and Equal Opportunities;
- Mr Peter Skerbiš, Police;
- Ms Alenka Snoj,
- Ms Nataša Tomc and
- Ms Tjaša Škrebliin, all from the Ministry of the Interior;
- Ms Nadja Čobal, Ministry of Health;
- Ms Dragica Iskrenovič, Ministry of the Environment and Spatial Planning;

- Ms Tjaša Herman, Office for National Minorities;
- Ms Tanja Trtnik, Ministry of Justice;
- Ms Mija Javornik, Ministry of Education, Science and Sport;
- Ms Alenka Markov, Ministry of Foreign Affairs.

The composition of our delegation is a reflection of Slovenia's efforts to address racial discrimination across the board. These efforts were also reflected in the drafting of our report. I would like to stress that civil society organisations in Slovenia were fully engaged in the drafting process, as they were given the opportunity to submit opinions, remarks or proposals. They were also informed about the date of the consideration of the report by the Committee back in September.

Mr Chairman,

Slovenia's national legislation, programmes and policies in the field of human rights are aimed at promoting social integration, providing equal opportunities, and respecting cultural diversity, without discrimination. Our report is structured to address the concerns voiced by the Committee in its Concluding Observations, adopted at the 77th session on 24 August 2010. In 2014, in addition to our report under the Convention, Slovenia submitted the new Common Core Document, presenting general information, general legal framework for the protection of human rights and information on non-discrimination and effective legal remedies.

Mr Chairman,

We are fully aware of the importance of mutual understanding. Several programmes concerning intercultural dialogue focused on raising the awareness of the importance of accepting migrants in society, social integration and the elimination of stereotypes.

In the field of education, Slovenia continues to provide equal access to free education to all children, regardless of their mother tongue, citizenship or legal status. To ensure comprehensive integration of migrant children throughout the Slovenian education system, special guidelines have been put place. Schools and kindergartens are constantly

developing, monitoring and complementing the programme of integration of migrant children, ensuring appropriate further training for teachers and other education staff. Plurilingualism and interculturalism remain the foundation of the Slovenian education system.

In compliance with the Committee's general recommendation No. 34 of October 2011 concerning racial discrimination against people of African descent, Slovenia would like to highlight its long-lasting support for the activities of the Ljubljana-based Institute of African Studies, which has become a research and educational centre dedicated to African history and culture. In partnership with other non-governmental organisations, the Institute carries out projects aimed at promoting African culture, cultural diversity and the elimination of racial discrimination, and providing assistance to migrants of African descent seeking asylum in Slovenia. Their projects are co-financed by the Ministry of Education, Science and Sport, the Ministry of Culture and the Ministry of the Interior.

As explained in the report, in February 2011, the Slovenian National Assembly passed, by a two-thirds majority, the Declaration of the Republic of Slovenia on the Status of National Communities of Members of Nations of Former SFRY in the Republic of Slovenia, which refers to the implementation of the rights of these communities in the areas of education and cultural and political participation.

On 27 November 2013, the National Assembly passed a Resolution on the 2014–2017 National Programme for Culture, which stresses that cultural diversity is a human right and a true asset to our society.

Slovenia has adopted guidelines on a concerted approach to the prosecution of, and punishment for, criminal offences involving incitement to racial intolerance. This was done in accordance with the Committee's general recommendation No. 35 of September 2013 on combating racially-motivated hate speech, and with other international instruments. In addition, Slovenia has adopted measures and developed mechanisms to promote the development of the intercultural competences of relevant civil servants.

In January 2013, the Slovenian Government prepared a reply to the Committee's request to report on the implementation of its recommendations concerning discrimination against the Roma community in the field of housing and the status of persons deleted from the register of permanent residents.

Mr Chairman,

I would like to continue by presenting some general developments since the submission of our report in June 2014.

In July 2014, we held parliamentary elections. The coalition agreement of the current Government put forward several proposals aimed at increasing the respect for human rights, including by strengthening the role of the Advocate for Equal Opportunities and enhancing dialogue with civil society, including in the preparation of legislative proposals. The elections brought significant progress in the political representation of women. In the current National Assembly, 35.6% of elected members are women. Parity has also been achieved in the current Government, with half of the ministerial positions held by women.

As many other countries, Slovenia too suffered a severe financial and economic crisis. We are very pleased that economic recovery started in 2014 with a 3% GDP growth and continued in 2015. However, GDP has remained below the pre-crisis levels, as Slovenia suffered one of the sharpest drops in GDP in the European Union. I would like to stress that we have tried to alleviate the effects of austerity measures on the most vulnerable groups. Thus, social exclusion levels have remained below the EU average; income inequality has remained relatively low as well. There has been no deterioration as regards the access to health care or education, and Slovenia has not decreased the level of, or limited access to, financial social assistance. As far as the unemployment rate among the Roma population is concerned, I can confirm that it has remained within the remits of the pre-crisis rate, when compared to the general unemployment rate.

Finally, I must point to the ongoing migrant crisis. Since 16 October, 281 682 refugees and migrants have entered Slovenia. Comparatively speaking, this is more than 14% of

Slovenia's entire population. Slovenia has done everything in its power to provide these masses of people with shelter, food, clothing and medical assistance. Special attention has been given to the most vulnerable groups of migrants. The Slovenian Government has mobilised the Police, civil protection services, humanitarian and non-governmental organisations as well as the logistical support of the Slovenian Armed Forces. The scale of humanitarian challenges, however, exceeds Slovenia's capacities, and we have made an appeal for international assistance. We are very grateful for all the assistance received by the UNHCR and other partners.

Mr Chairman,

Taking into consideration the need to safeguard the welfare of all persons under our jurisdiction, the Slovenian Government recently decided to take certain urgent preventive measures aimed at controlling the migration flow. I would like to end here by emphasising that we are doing our utmost to treat everyone in this plight humanely and that we will continue to do so.

Mr Chairman,

I would now like to give the floor to my fellow delegates, who will address some of the topics selected in advance by the Country Rapporteur Madame Dah, with the understanding that all questions of interest will be subject of an in-depth discussion as part of the interactive dialogue.

Firstly, I invite Ms Tjaša Herman from the Government Office for National Minorities to present measures aimed at improving the situation of the Roma population.

/Ms Tjaša Herman/

Mr Chairman, Distinguished members of the Committee,

With the aim of closely monitoring the progress made in implementing the measures listed in the National Programme of Measures for Roma for the period 2010–2015 and in other documents, the Government regularly reports to the National Assembly about the situation

of the Roma community. In August 2015, the Government endorsed the Fourth Report on the Situation of the Roma Community in Slovenia, which presents the activities of national and local authorities and the Roma Community Council in 2014. All four reports have recorded certain progress and slow, but steady advances in all aspects of the National Programme for the period 2010–2015.

However, the Government is aware of the need to improve social inclusion of certain members of the Roma community, and has made it a priority to draft a new comprehensive National Programme for the next five-year period. While considering the Fourth Report, the Government instructed the relevant ministries and government offices to include the findings and proposals from the Report in the new programme of measures, which is currently being drafted. The new National Programme will place additional focus on intolerance towards Roma and hate speech, the elimination of prejudices and stereotypes, which are all areas of concern raised by the Committee, and enhanced dialogue and cooperation between relevant national and local authorities, the Roma community and civil society organisations. Representatives of the Roma community, local communities and interested public are included in the drafting of the new document.

The top priority of this new Programme will remain the improvement of living conditions of Roma, an area also highlighted by the Committee. The Government will further seek to modernise Roma settlements in accordance with the concept prepared by an expert group, and provide for the regulation of the basic infrastructure in Roma settlements with financial incentives, including for the construction, reconstruction and modernisation of water supply and sewage systems, electrification, construction or reconstruction of local roads, as well as the purchase of land for arranging or consolidating Roma settlements.

Education – another very important pillar of the social inclusion of Roma – will also remain a priority in the new National Programme. Measures will build on the experiences and knowledge gained through the Romani educational incubators, created as places for inclusion of Roma children and their parents in activities, with a special focus on developing family literacy, offering various forms of learning assistance to Roma children, including Roma children in preschool education system and promoting outdoor and leisure activities.

In 2016, we will launch a new project which will link education, employment, health and other areas that are important for improving the living conditions of the Roma population by setting up eight Roma centres in eight Roma settlements with operational educational incubators. The aim of these centres will be to bring together various stakeholders and offer support to Roma regarding the organisation of everyday life.

Finally, the new National Programme will make the fight against discrimination a cross-cutting issue, with several measures tailored specifically for this purpose, such as educating civil servants, Roma and the general public about Roma-related prejudices and stereotypes. A great example of good practice in this area is the project SKUPA-J (TOGETHER), carried out by the Ministry of the Interior and the Police.

I now pass the floor to Ms Alenka Snoj from the Ministry of the Interior, who will give an update on the legal measures introduced to restore retroactively the status of persons who were deleted from the registry of permanent residents in 1992 and to grant them reparation.

/Ms Alenka Snoj/

Mr Chairman, distinguished members of the Committee,

In order to regulate the status of persons deleted from the register of permanent residents, in 2010, Slovenia introduced amendments to the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia, which took effect on 24 July 2010. The National Assembly passed these amendments with a view to finally regulating their legal status. According to the Act, persons deleted from the register of permanent residents who do not reside in Slovenia due to justified reasons are also entitled to a permanent residence permit. The Act also set a deadline for permanent residence permit applications: these could be submitted within three years following the entry into force of the Act, specifically by 24 July 2013. The legislator assessed that this was long enough to allow all potential applicants to acquaint themselves with the Act and file their applications. The Ministry of the Interior published a special brochure in Slovenian and four other official languages of the successor states to the SFRY containing information about the Act. All five

versions of the brochure were made available online, at the administrative units across Slovenia and at Slovenia's diplomatic missions and consular posts in the successor states to the SFRY. They were also made available to civil society organisations. Those who failed to apply for a permanent residence permit under this Act or whose applications were not granted may apply for a residence permit in Slovenia under the conditions set in the Aliens Act.

In 2013, Slovenia adopted another piece of legislation concerning the erased, namely the Act Regulating the Compensation for Damage Sustained as a Result of Erasure from the Register of Permanent Residents, which entered into force on 18 December 2013 and took effect on 18 June 2014. As specified in the introductory provisions, the purpose of this Act is to remedy the violations of human rights and fundamental freedoms for persons who were deleted from the register. The Act also executes the judgement of the Grand Chamber of the European Court of Human Rights of 26 June 2012 in the case of Kurić and others v. Slovenia. It regulates the right to financial compensation and entitlement to other forms of just satisfaction as redress for damage sustained as a result of erasure.

An important element of strengthening the efforts in the fight against racial and other forms of discrimination is countering incitement to hatred. So, now I would like to invite Ms Tanja Trtnik to present the measures of the Ministry of Justice and other ministries as well as the judiciary in this regard.

/Ms Tanja Trtnik/

Mr Chairman, distinguished members of the Committee,

The amended Criminal Code was adopted in 2011 and took effect in 2012. The new Code amended the criminal offence of Public Incitement to Hatred, Violence or Intolerance, and also further extended the scope of personal circumstances providing the basis for "hatred, violence or intolerance", explicitly referring to ethnic affiliation. The wording "any other personal circumstance" has also been added. The manner of the commission of a criminal offence is now more clearly defined ("and commits the offence in a manner that can jeopardise or disturb public law and order, or uses force or threat, verbal abuse or insult"). The amended act envisages the punishment for executive editors of websites or persons

acting as editors if the offence has been committed by publication on the websites; before, the punishment was only envisaged for editors-in-chief of mass media.

According to the opinion of the Office of the State Prosecutor General of the Republic of Slovenia, in this case, elements of a criminal offence are present if hate content has been distributed to a large group of persons, and also if it has been addressed to a closed group; however, circumstances must indicate that the purpose of the author of such a content was to reach the (general) public. In this regard, it should be noted that there is no criminal offence if the actions of the perpetrator do not threaten or disturb public law and order. This requires a certain level of concretisation of hatred, intolerance or violence, which may lead to concrete risk to public law and order. Therefore, an objective possibility and likelihood of a violation need to be present.

The Prosecution Policy, empowering the State Prosecutor General to specify, at the national level, the priorities of prosecution and set up the general scope of punitive policy to be implemented by prosecutors in the judicial system, envisages that criminal offences committed by holders of public office are addressed as a priority.

Slovenia has developed positive cooperation between NGOs and the public sector to respond to hate speech and to report it: The WebEye is the main platform for detecting hate speech on the Internet. It enables Slovenian Internet users to anonymously report hate speech and sexual abuse of children on the Internet. The Office of the State Prosecutor General and the Police, representatives of the media and other organisations striving to prevent such occurrences all take part in this project.

As regards the media, hate speech is prohibited under the Media Act and the Audiovisual Media Services Act. Hate speech is also prohibited by the journalists' code of conduct and by independent legal resources. At the normative level, hate speech is adequately regulated. In addition, a number of relevant mechanisms of self-regulation have been in place for several years; these should be fostered and further developed. As regards hate speech by politicians, it should be underlined that the prohibition also applies to them. The only exceptions are cases falling under the scope of immunity of National Assembly deputies.

Mr Chairman,

I hope this introduction outlines the approach taken by the Government to demarginalising ethnic groups and promoting wider social integration, so as to enrich and improve the quality of the cultural life of all people living in Slovenia. Let me conclude by quoting from my Government's press release of 16 November, the International Day for Tolerance: "Tolerance is closely linked with the principle of equality, which is mirrored in the prohibition of discrimination /.../ We would like for tolerance /.../ to be derived from compassion for fellow human beings and the respect for their human rights, not just from the respect for the legal norm." Our delegation looks forward to an open and fruitful exchange with the Members of the Committee.

Thank you.

