



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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1 June 2012

Your Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the third periodic report of Slovenia (CAT/C/SVN/3) by this Committee, at its 46th session, held from 9 May to 3 June 2011. At the end of that session, the Committee's Concluding Observations (CAT/C/SVN/CO/3) were transmitted to your Permanent Mission. In paragraph 25 of those Concluding Observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year (by June 2012) further information regarding areas of particular concern identified by the Committee in paragraphs 9, 12, 17 and 21 (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's Concluding Observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Slovenia on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Your Excellency, the assurances of my highest consideration.

Felice D. Gaer

Rapporteur for Follow-up on Concluding Observations
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/SVN/CO/3)

SLOVENIA

(...)

C. Principal subjects of concern and recommendations

(...)

Fundamental legal safeguards

(...)

9. While noting that the State party introduced a computerized system for registration of all information related to detention by the police, the Committee is concerned that not all information is entered in the system, as certain information – such as the time of arrival at the police station and the time of placement in a cell – is missing¹ (art. 2).

The Committee recommends that the computerized system for registration of detainees be expanded in order to include all relevant information on the custody of the detained person in order to establish a precise monitoring system of the whole detention period.

(...)

Complaints, investigation and prosecution of the acts of torture

12. The Committee notes the data provided by the State party on cases of investigations of ill-treatment under various sections of the Penal Code, such as abuse of power, falsification of documents, threats, negligence and others, and is concerned by the lack of information on cases investigated or complaints submitted under article 265 of the Penal Code on torture (arts. 12 and 13).

The Committee urges the State party to ensure prompt, impartial and effective investigation into all allegations of torture and ill-treatment and to prosecute perpetrators of such acts. It requests the State party to provide the Committee with data disaggregated by sex, age, ethnicity or

¹ See CPT/Inf(2008) 7, paragraph 25.

origin of the victims, on the number of complaints, investigations, prosecutions, convictions and sentences imposed under article 265 of the Penal Code.

(...)

Asylum and non-refoulement

17. Notwithstanding article 51 of the Aliens Act on non-refoulement, the Committee remains concerned that the new Law on International Protection which regulates asylum and asylum-related matters, does not contain a clause on non-refoulement, where there are substantial grounds for believing that, if expelled, returned or extradited to another State, a person would be in danger of being subjected to torture. It is also concerned about the length and uncertainties related to the refugee status determination process (art. 3).

The State party should:

- (a) Ensure that the principle of non-refoulement is established in all legislative acts that regulate asylum or asylum-related matters, including the procedures for subsidiary protection concerning vulnerable groups, in particular victims of trafficking;
- (b) Ensure procedural safeguards against refoulement and effective remedies with respect to refoulement claims in removal proceedings, including review by an independent judicial body concerning rejections;
- (c) Ensure that persons whose applications for asylum have been rejected have the right to lodge an effective appeal with the effect of suspending the execution of the decision on the expulsion or deportation; and
- (d) Amend the Law on International Protection so that it reflects the principles and criteria established in international refugee law and human rights standards, especially the 1951 Convention relating to the Status of Refugees and its Protocol of 1967.

(...)

Roma minority

21. While noting the State party's explanation that collection of data on ethnicity contradicts the right to privacy, the Committee remains concerned that no other alternative modalities have been developed by the State party in order to study the extent of ethnically motivated crimes and to prevent and monitor occurrences of such acts, while ensuring protection of individual privacy. It is further concerned about discrimination against the non-national Roma minority (see concluding observations of the Committee on Economic, Social and Cultural Rights, E/C.12/SVN/CO/1) (arts. 2, 10 and 16).

In light of its general comment No. 2, the Committee recalls that the special protection of certain minorities or marginalized individuals or groups especially at risk is part of the State party's obligations under the Convention. The Committee notes that the purpose of gathering statistical data is to make possible for the State parties to identify and obtain a better understanding of the ethnic groups in its territory and the kind of discrimination they are or may be subject to, to find appropriate responses and solutions to the forms of discrimination identified, and to measure progress made. The Committee therefore recommends that the State party study and report the extent of crimes that are ethnically motivated, investigate root causes whilst ensuring the right to privacy and take all necessary measures to prevent such crimes in the future. In this respect, the State party should strengthen its efforts to combat any types of discrimination against Roma minorities.

(...)

25. The Committee requests the State party to provide, within one year, follow-up information in response to the Committee's recommendations contained in paragraphs 9, 12, 17 and 21 of the present document.

(...)
