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Slovenia

Country Reports on Human Rights Practices - 2001
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Slovenia is a parliamentary democracy and constitutional republic. Power is shared between a directly elected president, a prime minister, and a bicameral legislature. Free, fair, and open elections characterize the political system. The Government respects constitutional provisions for an independent judiciary in practice.

The police are under the effective civilian control of the Ministry of the Interior, which is responsible for internal security. By law the armed forces do not exercise civil police functions. Security forces occasionally committed human rights abuses.

The country has made steady progress toward developing a market economy. The Government continued to own approximately 50 percent of the economy, particularly in the financial sector, utilities, and the port of Koper. Trade has been diversified, and Central and Eastern Europe are growing markets. Manufacturing accounts for most employment, with machinery and other manufactured products constituting the major exports. The population is approximately 2 million; a December labor force survey put unemployment at 6.3 percent, but registration for unemployment assistance was 11.5 percent. Inflation was 8.9 percent during the year, while real gross national product grew 3.7 percent. The currency is stable, fully convertible, and backed by substantial reserves. The economy provides citizens with a good standard of living; per capita income was \$9,461 (2,351,650 tolar), or \$16,900 at purchasing price parity.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Police in several cases allegedly used excessive force against detainees. An ombudsman deals with human rights problems, including citizenship cases. Lingering self-censorship and some indirect political pressure continued to influence the media. Violence against women was a problem. Minorities (including former Yugoslav residents without legal status) reported some governmental and societal discrimination. Trafficking in women through and to the country for sexual exploitation was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and inhuman treatment as well as "humiliating punishment or treatment;" however, police in several cases allegedly used excessive force against detainees. Roma NGO's reported instances when police failed to intervene in cases of violence against Roma; unlike the previous year, there were no reported incidents of police abuse against Roma.

In 2000 police allegedly beat Danko Brajdic, a Rom, who was admitted to a hospital with severe injuries; the police investigated his case and found no evidence to support his claims. Brajdic filed for damages in civil court, where his case remained pending at year's end. In 2000 Sadik Kemal, a Rom and former citizen of Slovenia who allegedly left the country without a passport, alleged that in 1994 the police beat him when he attempted to return with a Macedonian passport. Due to the time that had passed since the incident, the Ombudsman was unable to investigate the case; the police investigated his case and found no evidence to support his claim.

Prison conditions generally meet international standards; however, jails were increasingly overcrowded. Information from 2000 shows that on average the number of inmates in jails exceeds capacity by 7.1 percent. Male and female prisoners are housed separately, juveniles are held separately from adults, and convicted criminals are held separately from pretrial detainees. The Government permits prison visits by independent human rights monitors and the media, and such visits took place during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest or deprivation of liberty, and the Government generally observes these prohibitions.

The authorities must advise detainees in writing within 24 hours, in their own language, of the reasons for the arrest. Until charges are brought, detention may last up to 6 months; once charges are brought, detention may be prolonged for a maximum of 2 years. Persons detained in excess of 2 years while awaiting trial or while their trial is ongoing must be released pending conclusion of their trial (see Section 1.e.). Some 27 percent of the average prison population of 1,200 inmates are in pretrial detention at any given time; however, the problem of lengthy pretrial detention is not widespread and defendants generally are released on bail except in the most serious criminal cases. The law also provides safeguards against self-incrimination. The authorities generally respect these rights and limitations in practice.

The Constitution prohibits forced exile and the Government does not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice. The judiciary generally provides citizens with a fair and efficient judicial process.

The judicial system consists of district courts, regional courts, courts of appeals, an administrative court, and the Supreme Court. A nine-member Constitutional Court rules on the constitutionality of legislation, treaties, and international agreements and is the highest level of appeal for administrative procedures. Judges, elected by the State Assembly (Parliament) upon the nomination of the Judicial Council, are constitutionally independent and serve indefinitely, subject to an age limit. The Judicial Council is composed of six sitting judges elected by their peers and five presidential nominees elected by the Parliament.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right. Constitutional provisions include equality before the law, presumption of innocence, due process, open court proceedings, the right of appeal, and a prohibition against double jeopardy. Defendants by law have the right to counsel, and the State provides counsel for the indigent. These rights are respected in practice, although the judicial system is overburdened, and as a result, the judicial process frequently is protracted. In some instances, criminal cases reportedly have taken 2 to 5 years to conclude the trial (see Section 1.d.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the protection of privacy, "personal data rights," and the inviolability of the home, mail, and other means of communication, and the Government generally respected these rights and protections in practice. Violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of thought, speech, public association, the press, and other forms of public communication and expression, and the Government generally respects these rights in practice; however, some lingering self-censorship and occasional indirect political pressures continued to occasionally influence the media. The press is a vigorous institution although major media do not represent a broad range of political or ethnic interests.

Four major independent daily and several weekly newspapers are published. The major print media are supported through private investment and advertising, although cultural publications and book publishing receive government subsidies. Numerous foreign broadcasts are available via satellite and cable. All major towns have radio stations and cable television. Numerous business and academic publications are available. A newspaper is published for the ethnic Italian minority who live on the Adriatic Coast. Bosnian refugees and the Albanian community have newsletters in their own languages. Foreign newspapers, magazines, and journals are widely available.

Six national television channels are available. Three of them are part of the government-subsidized RTV Slovenia network and three are independent private stations. There are approximately 35 small, local television stations. There is an Italian-language television channel and Hungarian radio programming is common in the northeast where there are approximately 8,500 ethnic Hungarians.

The election law requires the media to offer free space and broadcasting time to political parties at election time. Television networks routinely give public figures and opinion makers from across the political spectrum access via a broad range of public service programming.

In theory and practice, the media enjoyed full journalistic freedom; however, for over 40 years the country was ruled by an authoritarian Communist political system, and reporting about domestic politics may be influenced to some degree by self-censorship and occasional indirect political pressures.

In February unknown assailants severely beat Miro Petek, an investigative journalist. Petek had been investigating the business of millionaire Janko Zakersnik. A police investigation was ongoing at year's end.

The Constitution provides for autonomy and freedom for universities and other institutions of higher education, and academic freedom is respected. There are two universities; each has numerous affiliated research and study institutions.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the rights of peaceful assembly, association, and participation in public meetings, and the Government generally respects these rights in practice. These rights can be restricted only by an act of Parliament in circumstances involving national security, public safety, or protection against infectious diseases.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

There are no formal requirements for recognition as a religion by the Government. Religious communities must register with the Government's Office for Religious Communities if they wish to be registered as legal entities, and registration entitles such groups to value added tax rebates on a quarterly basis. All groups in the country report equal access to registration and tax rebate status.

The Roman Catholic Church was a major property holder in the Kingdom of Yugoslavia before World War II. After the war, much church property—church buildings and support buildings, residences, businesses, and forests—was confiscated and nationalized by the Socialist Federal Republic of Yugoslavia. After Slovenian independence in 1991, Parliament passed legislation calling for denationalization (restitution or compensation) within a fixed period. At year's end, 60 percent of all cases had been adjudicated at the initial administrative level; however, an increase in administrative processing in turn has led to a judicial backlog. During the year, the Government committed more resources, including judges, to reduce the backlog.

The Muslim community registered a complaint with the Ombudsman during the year because RTV Slovenia refused to allow them free airtime to address their community during Ramadan—a privilege granted to the Catholic, Serb Orthodox, and Protestant communities during their respective religious holidays. The Ombudsman pursued the complaint with TV Slovenia, which agreed to grant airtime to the Muslim community for this purpose in 2002.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides that each person has the right to freedom of movement, to choice of place of residence, to leave and to return to the country freely, and the Government generally respects these rights in practice. Limitations on these rights may be made only by statute and only where necessary in criminal cases, to control infectious disease, or in wartime.

The Constitution provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government has provided asylum (or "temporary protection") to refugees on a very limited basis; the country had granted refugee status to only 8 persons since 1990. The issue of the provision of first asylum did not arise during the year.

There were no reports of the forced return of persons to a country where they feared prosecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution provides that elections should be held at least every 4 years. The country has a mixed parliamentary and presidential system. The President proposes a candidate to the legislature for confirmation as Prime Minister, after consultations with the leaders of the political parties in the Parliament.

The percentage of women in government or politics does not correspond to their percentage of the population,

although no restrictions hinder the participation of women or minorities in politics. Of the 90 Members of Parliament, 13 are female, while 3 of 18 cabinet ministers are female. During the October 15, 2000 Parliamentary elections, an increased number of women were nominated to run by political parties; however, the majority of these female candidates were assigned to run in districts in which their parties had little chance of winning (based on 1996 election results). The Prime Minister's Office has an active agency for monitoring and promoting the participation by women in public life.

The Constitution provides "autochthonous" minorities some special rights and protections. Only the Italian and Hungarian minorities are considered to be "autochthonous," a legal term which applies to populations that historically have occupied a defined territory and is similar in concept to the term "indigenous." These minorities are entitled to have at least one representative in the Parliament, regardless of their population; other minority groups not defined as autochthonous, such as Roma, do not enjoy this provision. In some local jurisdictions where there is a large Roma population, such as Murska Sobota, Roma are guaranteed a seat in local governing institutions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international independent human rights monitoring groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views.

An independent ombudsman elected by a two-thirds Parliamentary majority to a 6-year term deals with human rights problems, including economic rights and property restitution. The incumbent is regarded as fair, but lacks the power to enforce his findings. The Ombudsman criticized the Government for the slow pace of legal and administrative proceedings in criminal and civil cases, as well as in denationalization proceedings.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equality before the law regardless of race, sex, religion, disability, language, or social status, and the Government generally observed this provision in practice. The Constitution provides special rights for the "autochthonous Italian and Hungarian ethnic communities," and the small Romani community, which are observed in practice.

Women

Violence against women occurred and is underreported; however, awareness of spousal abuse and violence against women increased. During 1999 and 2000, 224 persons were charged with offenses including domestic violence (82), "brutality" (25), "threat to safety" (27), and other unspecified offenses that resulted in injuries (51). SOS Phone, an NGO that provides anonymous emergency counseling and services to domestic violence victims, received approximately 6,300 calls during the year. The State partially funds three shelters for battered women. The shelters operate at capacity (approximately 40 beds combined) and turn away numerous women. In cases of reported spousal abuse or violence, the police actively intervene, and criminal charges are filed; however, statistics on convictions were unavailable at year's end. Although the law allows police to fine both parties in cases of domestic violence, in practice reportedly only men are subject to fines and arrests.

Trafficking in women for the purpose of sexual exploitation was a problem (see Section 6.f.).

Sexual harassment is not explicitly prohibited by law; however, it can be prosecuted under sections of the Criminal Code that prohibit sexual abuse.

State policy provides for equal rights for women and there is no official discrimination against women or minorities in housing, jobs, or education, although the law does not specifically prohibit such discrimination. Under the Constitution, marriage is based on the equality of both spouses, and the Constitution stipulates that the State shall protect the family, motherhood, and fatherhood.

In rural areas, women, even those employed outside the home, bear a disproportionate share of household work and family care, because of a generally conservative social tradition. However, women frequently are active in business and in government executive departments. Although both sexes have the same average period of unemployment, women are found more often in lower paying jobs. On average women's earnings are 85 percent of those of men.

Children

The Government provided compulsory, free, and universal primary school education for children through grade 9 (ages 14 and 15). Ministry of Education statistics showed an attendance rate of nearly 100 percent of school age children. The Government provided universal health care for all citizens, including children. The Constitution stipulates that children "enjoy human rights and fundamental freedoms consistent with their age and level of maturity." Special protection for children from exploitation and maltreatment is provided by statute. Social workers visited schools regularly to monitor any incidents of mistreatment or abuse of children.

There is no societal pattern of abuse of children.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities and in practice the Government does not discriminate against disabled persons in employment, education, or in the provision of other state services. There is some societal discrimination.

The law mandates access to buildings for the disabled, and the Government generally enforces these provisions in practice. Modifications of public and private structures to ease access by the disabled continued, although at a slow pace.

National/Racial/Ethnic Minorities

According to the 1991 census, the population includes 1.7 million ethnic Slovenes; and the remainder are persons of 23 other nationalities. Minorities make up about 12 percent of the population; most are nationals of the former Yugoslavia. There were some 50,000 Croats, 48,000 Serbs, 27,000 Muslims, 8,500 Hungarians, and 3,000 Italians. The Constitution provides special rights and protections—including the right to use their own national symbols, enjoy bilingual education, and benefit from other privileges—to the two "autochthonous" groups (Italians and Hungarians) (see Section 3).

"New minorities"—ethnic Serbs, Croats, Kosovar Albanians, and Roma from Kosovo and Albania—are not protected by special provisions of the Constitution and face some governmental and societal discrimination. Many of these 5,000 to 10,000 non-Slovene citizens of the former Yugoslavia (mainly Bosnia, Serbia, and Kosovo) migrated internally to Slovenia during the decades leading to independence because of economic opportunities; many of them are Roma. Most opted not to take Slovene citizenship during a 6-month window in 1991-92 and have been living in the country as essentially stateless persons since then, while others were without residence status because of the slow processing of their applications by the Government. In 1999 Parliament offered these approximately 13,000 non-Slovene (former Yugoslav) residents permanent resident status; a 3-month window for applications closed at the end of 1999. During that period, a total of 12,863 persons applied for legal residence: 7,912 applications were accepted; 123 were rejected; 518 were cancelled because the claimants had received Slovenian citizenship; 20 were refused because additional information was required, and 4,320 remained unresolved at year's end. Those who have not successfully obtained citizenship face possible deportation and are unable to exit and reenter the country; however, in practice deportation is rare.

The Roma are best characterized as a set of groups rather than as one community. Some have lived in the country for hundreds of years, while others are very recent migrants. The Government continued to work with the Romani community on implementation of the special legislation on Romani status called for in Article 65 of the Constitution. Roma reported discrimination in employment, which in turn complicated their housing situation. The Government has attempted to involve more Romani children in formal education at the earliest stages, both through enrichment programs and through inclusion in public kindergartens. Roma suffer disproportionately from poverty and unemployment.

Section 6 Worker Rights

a. The Right of Association

The Constitution stipulates that trade unions, their operation, and their membership shall be free, and the Government respects this right in practice. All workers, except police and military personnel, are eligible to form and join labor organizations.

There are two main labor federations, the Association of Free Slovene Trade Unions, and the Union of Slovene Rail Workers, with constituent branches throughout the country. A third, much smaller, regional labor union operates on the Adriatic coast. Unions formally and in practice are independent of the Government and political parties, although individual union members hold positions in the legislature. There are over 100 active trade unions in the country. The largest union has a membership of approximately 400,000, out of a total workforce of approximately 1,002,200. The Constitution provides that the State shall be responsible for "the creation of opportunities for employment and for work."

The Constitution provides for the right to strike. The law restricts strikes by some public sector employees. However, after government budget-cutting, some public sector professionals (judges, doctors, and educators) became increasingly active on the labor front, conducting strikes and writing letters to the Ministers of Labor and Interior on the draft labor law.

There are no restrictions on unions joining or forming federations and affiliating with international union organizations.

b. The Right to Organize and Bargain Collectively

The economy is in transition from the former Communist system, which included some private ownership of enterprises along with state-controlled and "socially owned" enterprises to a fully market-based economy, and the collective bargaining process continued to develop. The Government still exercised a dominant role in setting the minimum wage and conditions of work; however, in the private sector, wages and working

conditions are agreed to annually in a general collective agreement between the labor unions and the Chamber of Economy. The Economic and Social Council, comprised of government officials, managers, and union representatives, negotiates public sector wages, collective bargaining rules, and major regulatory changes. Of the 40 members of the upper chamber of Parliament—the National Council—4 represent employers, 4 represent employees, and 4 represent farmers, small business persons, and independent professional persons. Should a labor dispute prove unresolvable in these fora, it initially is heard by district-level administrative courts and may be appealed to the Supreme or Constitutional Court, depending on the nature of the complaint.

The law prohibits antiunion discrimination and there were no reports that it occurred.

Export processing zones (EPZ's) exist in Koper, Maribor, and Nova Gorica. Worker rights in the EPZ's are the same as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, trafficking in women for the purpose of sexual exploitation was a problem (see Section 6.f.).

The law prohibits forced or bonded labor by children and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16, although during the harvest season or for other farm chores, younger children do engage in labor. In general urban employers respect the age limits.

In March the Government ratified ILO Convention 182 on the Worst Forms of Child Labor, and it is scheduled to enter into force in May 2002.

The law prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work

The gross monthly minimum wage is approximately \$373 (92,186 tolar) per month, which provides a decent standard of living for a worker and family. The workweek is 42 hours with one paid 30-minute break per day. Employees are entitled to a minimum of 18 days annual leave per year. In general businesses provide acceptable conditions of work for their employees.

Occupational health and safety standards are set and enforced by special commissions controlled by the Ministries of Health and Labor. Workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

f. Trafficking in Persons

The law does not prohibit specifically trafficking in persons; although the law on "enslavement" prescribes criminal prosecution for a person who "brings another person into slavery or a similar condition, or keeps another person in such a condition, or buys, sells or delivers another person to a third party" or brokers such a deal; trafficking of women through and to the country is a problem.

The country was primarily a transit point for trafficking in persons, although it was also a destination country. Most victims are women trafficked into sexual exploitation from Ukraine, the Czech Republic, Slovakia, Moldova, Russia, Romania, and Bulgaria. They are trafficked into the country and also onward to Italy, Belgium, and the Netherlands. Police estimate that approximately 1,000 women are trafficked through the country every year, and approximately 400 women per year are trafficked into the country. Slovenia is also a country of origin, but the number of women trafficked out of the country is not known and is believed to be very low.

Many women trafficked into the country are promised work as waitresses or artists in nightclubs. It is quite common for nightclub owners to import illegally foreign nationals into the country and arrange work permits for them as auxiliary workers and dancers. Often the promised work does not provide enough money, so the women are encouraged to turn to prostitution. The Government believes these women to be victims of trafficking because agents were paid between \$500 and \$2,500 for each woman. The women reportedly are subject to violence. Organized crime is responsible for some of the trafficking. Government officials are generally not involved in trafficking, although there is anecdotal evidence that some government officials tolerate trafficking at the local level.

Sentences for enslavement convictions range from 1 to 10 years' imprisonment. Persons also can be prosecuted for pimping or pandering "by force, threat or deception." The penalty ranges from 3 months' to 5 years' imprisonment or, in cases involving minors or forced prostitution, 1 to 10 years' imprisonment. Regional police directorates have organized crime departments that investigate trafficking. In 1999 there were 46 criminal indictments for trafficking. A total of 16 cases went to trial; the courts sentenced one person to 6

months in prison and another to 1 year in prison. In 2000 the Government apprehended a suspected organized-crime boss whose alleged crimes included trafficking in persons; his trial was still ongoing at year's end. However, police interest in trafficking was limited; victims were not encouraged to file complaints and very few cases were reported to the police. The Government does not provide protection for victims and witnesses.

The Government has no programs to prevent trafficking or to assist victims, although victims generally are not treated as criminals. Victims usually are deported either immediately upon apprehension or following their testimony in court. Although the Government does not provide protection services, NGO's have safe houses and counseling services for female victims of violence; however, these are generally full and NGO's report that a trafficking victim would not be given shelter unless she was in immediate danger. Victims of trafficking who do not have proper identity documents are given shelter at a refugee center until they can be returned to their native country. There are no NGO's that assist women trafficked to Slovenia.

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