



U.S. DEPARTMENT of STATE

Slovenia

Country Reports on Human Rights Practices - 2002

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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. In December Janez Drnovsek was elected President in a runoff election. The judiciary is independent.

The police were under the effective civilian control of the Ministry of the Interior, which was responsible for internal security. By law the armed forces did not exercise civil police functions. Members of the security forces occasionally committed human rights abuses.

The country has made steady progress toward developing a market economy. The population was approximately 2 million. The Government continued to own approximately 50 percent of the economy, particularly in the financial sector, utilities, and the port of Koper. Manufacturing accounted for most employment, with machinery and other manufactured products constituting the major exports. Unemployment was 6 percent according to International Labor Organization (ILO) standards, but registration for unemployment assistance was 11.7 percent. Inflation was 7.5 percent during the year, while real Gross Domestic Product grew at an estimated 3.2 percent rate.

The Government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. Police in several cases allegedly used excessive force against detainees. An ombudsman dealt with human rights problems, including citizenship cases. Credible sources alleged that media self-censorship existed as a result of indirect political and economic pressures. Violence against women was a problem. National 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. Reform of the country's political and economic structure led to an invitation in December to join the European Union in May 2004. Slovenia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

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 such practices; however, human rights observers alleged that police in several cases used excessive force against detainees. The Criminal Code does not separate out torture as a criminal act, but such crimes are prosecuted based on the nature of each incident (i.e., severe physical injury, extreme injury, or extortion of a statement).

There were no reported incidents of police abuse against Roma.

The claims of police beatings of Danko Brajdic, a Rom, all were dismissed as groundless, and the case was closed in 2001.

Prison conditions generally met international standards; however, jails were overcrowded. During the year, there were 1,710 individuals housed in prisons, of which 65 were adult females and 13 were juveniles. Male and female prisoners were held separately, juvenile offenders were held separately from adults, and convicted criminals were held separately from pretrial detainees.

The Government permitted prison visits by independent human rights observers and the media, and such visits took place during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed 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.). During the year, 1,221 persons were in pretrial detention. The problem of lengthy pretrial detention was not widespread and defendants generally were released on bail, except in the most serious criminal cases. The law also provides safeguards against self-incrimination.

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

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The judiciary generally provided 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 National 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 enforced 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 were generally respected in practice, although the judicial system was overburdened and as a result, the judicial process frequently was protracted. In some instances, criminal cases reportedly have taken from 2 to 5 years to conclude the trial (see Section 1.d.). For example, a

nongovernmental organization (NGO) criticized the Government for prosecuting two police officers 6 years after their alleged mistreatment of a German citizen.

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 were subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were reports that indirect political and economic pressures continued to influence the media, resulting in occasional self-censorship. There were credible reports that advertisers pressured media outlets to present various issues in certain ways, which resulted in little separation of marketing and editorial decision-making.

The press was active and independent; however, major media did not represent a broad range of political or ethnic interests. Four major independent daily and several weekly newspapers were published. The major print media were supported through private investment and advertising, although cultural publications and book publishing received government subsidies. Numerous foreign broadcasts were available via satellite and cable. All major towns had radio stations and cable television. Numerous business and academic publications were available. A newspaper was published for the ethnic Italian minority who lived on the Adriatic Coast. Bosnian refugees and the Albanian community had newsletters in their own languages. Foreign newspapers, magazines, and journals were widely available.

Six national television channels were available. Three were part of the government-subsidized RTV Slovenia network, and three were independent, private stations. There were approximately 35 small, local television stations, and the RTV Maribor studio began regional programming in September, which included new programming in Hungarian. There was also an Italian-language television channel. Radio programming was available in Slovene, Italian, Hungarian, English, and German.

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

In August the ongoing investigation into the February 2001 beating of investigative journalist Miro Petek was transferred from jurisdiction in the town of Slovenj Gradec, where the attack took place, to Maribor. The State Prosecutor indicated that the Slovenj Gradec prosecution office had worked in a "fair and competent" manner but chose to withdraw from the case due to pressure from "the public, media, and personal contacts." While some hoped the case could be handed over to a team of prosecutors for special cases, due to the publicity surrounding it, the required legal basis for doing so--proof that the attack was masterminded and committed by an organized criminal cartel--could not be established. The attack also was under separate investigation by a special Parliamentary commission.

Access to the Internet was unrestricted.

The Constitution provides for autonomy and freedom for universities and other institutions of higher education, and the Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected 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 respected this right in practice.

There were 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 reported equal access to registration and tax rebate status.

After World War II, much church property owned by the Roman Catholic Church—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 enacted a law calling for denationalization (restitution or compensation) within a fixed period. By September 79 percent of the 37,988 denationalization claims had been resolved completely. During the year, the Government reallocated existing resources, including judges, to reduce the backlog.

The appropriate role for religious instruction in schools continued to be an issue of debate. The Constitution states that parents were entitled to give their children "a moral and religious upbringing." Only those schools supported by religious bodies teach religion.

On October 14, two plain clothes police officers arrested Amela Djogic, the wife of Mufti Osman Djogic, for failing to produce proper identification documents when requested to do so. She was released with a fine and an official warning once her husband brought her passport to the police station. The Djogics accused authorities of having singled her out for such treatment because she was wearing a headscarf. After investigating the issue, a special police commission concluded on November 5 that the officers acted improperly. New guidelines for police identification procedures were implemented and all officers immediately were informed of new conduct regulations.

The unresolved issue of a site for construction of a Ljubljana mosque and cultural complex gained increased media attention at the end of the year, with both supportive editorials and negative stereotyping appearing in the national media.

For a more detailed discussion see the 2002 International Religious Freedom Report.

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

The Constitution provides for these rights, and the Government generally respected them 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 asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) 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

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The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution provides for elections at least every 4 years. 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.

In the November elections, none of the nine presidential candidates won a simple majority. In the December runoff election, Janez Drnovsek was elected.

There were no restrictions on the participation of women or minorities in politics. There were 12 women in the 90-seat Parliament and 3 women in the 40-seat National Council. A total of 3 of 16 cabinet ministers were female. Barbara Brezigar, the primary challenger among the presidential candidates, was well supported throughout the country, and received 44 percent of the popular vote.

The Constitution provides autochthonous minorities some special rights and protections. Only the Italian and Hungarian minorities are considered to be autochthonous, a legal term that applies to populations that historically have occupied a defined territory and is similar in concept to the term indigenous. These minorities were entitled to have at least one representative in the Parliament, regardless of their population; other minority groups not defined as autochthonous, such as Roma, did not enjoy this provision. However, in May Parliament enacted amendments to the Law on Local Elections that provide Romani communities located in 14 municipalities a directly elected representative on their respective local councils.

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

A number of domestic and international independent human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were 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, Disability, Language, or Social Status

The Constitution provides for equality before the law regardless of race, sex, disability, language, or social status. The Constitution provides special rights for the autochthonous Italian and Hungarian ethnic communities, and for the small Roma community; these provisions were respected in practice.

Women

Violence against women occurred and was underreported; however, awareness of spousal abuse and violence against women increased. SOS Phone, an NGO that provided anonymous emergency counseling and services to domestic violence victims, received thousands of calls throughout the year. The State partially funded three shelters for battered women. The shelters operated at capacity (approximately 40 beds combined) and turned away numerous women. In cases of reported spousal abuse or violence, the police actively intervened and prosecuted offenders. Although the law allows police to fine or arrest either male or female aggressors in cases of domestic violence, reports indicated that in practice only men were fined and arrested.

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. Sexual harassment and violence remained serious problems.

State policy provides for equal rights for women and there was no official discrimination against women or minorities in housing, jobs, or education. 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, bore a disproportionate share of household work and family care, because of a generally conservative social tradition. However, women frequently were active in business and in government executive departments. Although both sexes had the same average period of unemployment, women frequently held lower paying jobs. On average women's earnings were 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-aged 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 mistreatment is provided by statute. Social workers visited schools regularly to monitor any incidents of mistreatment or abuse of children.

There was no societal pattern of abuse of children; however, in 2001 187 cases of child abuse were reported, 80 were prosecuted, and 55 cases resulted in convictions. There were 239 acts of sexual attack on a minor committed during the year.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, and in practice the Government generally did not discriminate against disabled persons in employment, education, or the provision of other state services.

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

National/Racial/Ethnic Minorities

According to the 1991 census, the population was 1.9 million: 88 percent were ethnic Slovenes, and minorities made up approximately 12 percent of the population. Most minorities were nationals of the former Yugoslavia. There were approximately 50,000 Croats, 48,000 Serbs, 27,000 Muslims, 8,500 Hungarians, and 3,000 Italians. The Constitution provides special rights and protections to Italians and Hungarians, including the right to use their own national symbols, enjoy bilingual education, and benefit from other privileges (see Section 3). Ethnic Serbs, Croats, Bosnians, Kosovar Albanians, and Roma from Kosovo and Albania were considered new minorities, were not protected by special provisions of the Constitution, and faced some governmental and societal discrimination.

The Ministry of Interior (MOI) approved 2,808 applications for citizenship, refused 573, and left 4,670 (58 percent) outstanding at year's end.

For many years, approximately 2,300 persons granted "temporary refugee" status after fleeing the 1992-95 conflict in Bosnia were unable to normalize their status under existing legal requirements

but were entitled only to limited educational, medical, employment, and social welfare benefits. In July Parliament resolved this problem by amending the Law on Temporary Refuge, creating a 6-month window in which these persons may apply for permanent residency using an abbreviated procedure and providing integration assistance over a defined transition period.

The Roma were best characterized as a set of groups rather than as one community. Some families have lived in the country for hundreds of years, while others were recent migrants. Roma reported discrimination in employment, which in turn complicated their housing situation. The Government continued to work with the Roma community on implementation of the special legislation on Romani status called for in Article 65 of the Constitution (see Section 3). The Government has attempted to involve more Roma children in formal education at the earliest stages, both through enrichment programs and through inclusion in public kindergartens. Roma suffered 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. All workers, except police and military personnel, were eligible to form and join labor organizations.

There were three main labor federations, the Association of Free Slovene Trade Unions (AFSTU), Pergram, and the Union of Slovene Rail Workers, with constituent branches throughout the country. A fourth, much smaller, regional labor union operated on the Adriatic coast. Unions formally and in practice were independent of the Government and political parties, although individual union members held positions in the legislature. There were more than 100 active trade unions in the country. The largest union, AFSTU, had approximately 370,000 members, nearly 38 percent of the total workforce of 979,000. Pergram had roughly 25,000 members and the Rail Workers Union had approximately 8,000 members.

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

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

b. The Right to Organize and Bargain Collectively

The Government exercised a dominant role in setting the minimum wage and conditions of work; however, in the private sector, wages and working conditions were agreed upon in an annual general collective agreement between the labor unions and the Chamber of Economy. Collective bargaining remained limited.

The Economic and Social Council, comprised of government officials, managers, and union representatives, negotiated public sector wages, collective bargaining rules, and major regulatory changes. Of the 40 members of the upper chamber of Parliament—the National Council—four represented employers, four represented employees, and four represented farmers, small business persons, and independent professional persons. If a labor dispute remains unresolved, 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 Constitution provides for the right to strike. The law restricts strikes by some public sector employees, primarily the police and members of the military services. Other public sector professionals, such as judges, doctors, and educators, continued to be active in labor issues. Both physicians and air traffic controllers, who were public employees, conducted strikes during the year.

Export processing zones (EPZs) existed in Koper, Maribor, and Nova Gorica. Worker rights in the EPZs were the same as in the rest of the country.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including 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 was 16, although during the harvest season or for other farm chores, younger children did engage in labor. In general urban employers generally respected the age limits.

In May the ILO Convention 182 on the Worst Forms of Child Labor entered into force. The Government had ratified it in March 2001.

e. Acceptable Conditions of Work

The gross monthly minimum wage was approximately \$437 (101,611 tolar), which provides a decent standard of living for a worker and family. Parliament adopted a new Labor Law on April 25, to reduce the work week from 42 to 40 hours and increase the minimum annual leave from 18 to 20 days. It also requires all job vacancies to be announced publicly for at least 8 days, and provides guidelines to ensure fair hiring processes, among other procedural developments. The law is scheduled to take effect in January 2003.

Special commissions controlled by the Ministries of Health and Labor set and enforced standards for occupational health and safety. Workers had the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

f. Trafficking in Persons

The law does not prohibit trafficking in persons; however, trafficking of women through and to the country was a problem. 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.

Government officials generally were not involved in trafficking, although there was anecdotal evidence that some government officials tolerated trafficking at the local level.

In 2000 the Government apprehended a suspected organized-crime boss whose alleged crimes included trafficking in persons; his trial was ongoing at year's end. Victims were not encouraged to file complaints, and very few cases were reported to the police. The Government did not provide protection for victims and witnesses. In 2001 the Government established a National Coordinator for Trafficking in Persons and an interagency working group that based its activities on the National Strategy to combat trafficking.

The country was primarily a transit point for trafficking in persons, although it was also a destination country. Most victims were women trafficked into sexual exploitation from Ukraine, the Czech Republic, Slovakia, Moldova, Russia, Romania, and Bulgaria. They were trafficked into the country and also onward to Italy, Belgium, and the Netherlands. Slovenia was also a country of origin, but the number of women trafficked out of the country was not known and was believed to be very low.

Many women trafficked into the country were promised work as waitresses or artists in nightclubs. It was 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 did not provide enough money, so the women were encouraged to turn to prostitution. Women who were victims of trafficking reportedly were subjected to violence. Organized crime was responsible for some of the trafficking. In general victims trafficked into the country were not treated as criminals; however, they usually were deported either immediately upon apprehension or following their testimony in court.

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Sentences for enslavement convictions range from 1 to 10 years' imprisonment. Persons also can be prosecuted for rape, pimping, procurement of sexual acts, inducement into prostitution, sexual assault, and other related offenses. 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 had departments that investigated trafficking and organized crime.

Although the Government did not provide protection services, NGOs operated safe houses and counseling services for female victims of violence. These generally were full, and NGOs reported that a trafficking victim would not be given shelter unless she was in immediate danger. Victims of trafficking who did not have proper identity documents were given shelter at a refugee center until they could be returned to their native country. The domestic NGO Kljuc continued to work to increase public awareness of the trafficking problem, to draft a specific law against trafficking, to assist trafficked women returning home, and to improve networking among other NGOs in the region.

In an effort to prevent trafficking, the Ministry of Interior produced pamphlets and other informational materials for awareness-raising programs to sensitize potential target populations to the dangers of and approaches used by traffickers. The Ministry also worked with NGOs to assist the small number of Slovene victims with reintegration.

