

Document #2028215

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Annual Report 2019 - Slovenia [EUR 01/2098/2020]

Slovenia failed to respect, protect and promote the rights of refugees and migrants. The legal definition of rape in the Criminal Code fell short of international human rights law and standards. The social care system for the elderly remained grossly inadequate. Roma continued to face widespread discrimination and social exclusion in all walks of life.

Refugees and asylum-seekers

Many potential asylum-seekers irregularly entering Slovenia were denied access to asylum, fined and forcibly returned – frequently in groups – to neighbouring Croatia. Such collective expulsions took place without appropriate procedural safeguards against *refoulement* (i.e. forced return to a country or territory where persecution is likely) and despite credible reports of widespread violence and abuse by the Croatian police and the risk of their likely further expulsion to Bosnia and Herzegovina.[i]

Human rights organizations documented numerous cases of the Slovenian authorities ignoring asylum-seekers' intention to apply for international protection and failing to provide information or adequate translation assistance to those arriving at the border. The authorities failed to properly and effectively investigate these allegations. The government also continued to deny public access to official information relating to police procedures and the general situation at the Slovenian-Croatian border, despite the Information Commissioner's instruction that these documents be made public. The government contested the request for disclosure in the courts and in December, after the first court ruling, the first batch of documents has been released.

Violence against women and girls

The definition of rape in the Criminal Code remained based on the use of force, threat of force or coercion, rather than lack of consent, contrary to international human rights law and standards. The Ministry of Justice committed to address this as part of wider changes to the Criminal Code and established a working group to propose reforms. There was no formal proposal by the end of the year.

Economic, social and cultural rights

In September, the Court of Audit issued a report on the social care system which criticized the government’s complacency over the past decade and concluded that the system was in a critical condition. According to the report, the authorities failed to provide adequate access to long-term affordable residential care for the majority of people who needed it. Elderly people from lower socio-economic backgrounds were disproportionately affected. Nursing home representatives reported that approximately 53,000 applications were filed for estimated 20,000 beds, reflecting growing concern about inadequate capacity for the aging population in publicly funded facilities.

In September, the Ministry of Health announced the preparation of long-delayed draft legislation on long-term care for the elderly, but no progress was made before the end of the year.

Discrimination – Roma

Roma continued to face widespread discrimination, high levels of unemployment and social exclusion. Many still lived in segregated settlements in inadequate housing, lacking security of tenure and access to water, electricity, sanitation and public transport.

The Ministry for the Environment prepared draft amendments to the Building Act, implementing an October 2017 Constitutional Court ruling that demolishing an illegally constructed building which was a person’s only home constituted a violation of the right to housing. The draft legislation, if adopted, would provide more substantial safeguards against forced evictions, in particular in unregulated Roma settlements.

Roma pupils’ educational achievement rates remained poor with unofficially collected data showing that over 60% failed to complete primary education. A more comprehensive assessment of Roma students’ performance and completion rates in primary schools was not available, however, as the government continued the practice of not systematically collecting data on Roma children. Roma children continued to be disproportionately represented in special needs schools.

[i]Pushed to the edge: violence and abuse against refugees and migrants along Balkan route (EUR 05/9964/2019)

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ecoi.net summary:

Report on the human rights situation covering 2019



Country:

Slovenia

Source:

AI – Amnesty International (</en/source/10960.html>)

Original link:

<https://www.amnesty.org/en/countries/europe-and-central-asia/slovenia/report-slovenia/>
(<https://www.amnesty.org/en/countries/europe-and-central-asia/slovenia/report-slovenia/>)

Document type:

Periodical Report

Language:

English

Published:

16 April 2020

Document ID:

2028215

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

