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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Thirty-fifth session
Geneva, 7-25 November 2005

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT**

SLOVENIA

**Concluding observations of the Committee on Economic,
Social and Cultural Rights**

1. The Committee on Economic, Social and Cultural Rights considered the initial report of Slovenia on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.62) at its 30th to 32nd meetings, held on 7 and 8 November 2005 (E/C.12/2005/SR.30-32), and adopted, at its 58th meeting held on 25 November 2005, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission by the State party of its initial report, which was prepared in accordance with the Committee's guidelines. It notes with satisfaction the thoroughness of the written replies to the list of issues.

3. The Committee welcomes the constructive dialogue with the high-level delegation from the State party, which included experts in the various fields covered by the Covenant.

B. Positive aspects

4. The Committee notes with satisfaction the State party's efforts to fulfil its obligations under the Covenant and the protection generally afforded to economic, social and cultural rights in Slovenia.
5. The Committee notes with satisfaction that the Covenant has been incorporated into domestic law and can be invoked in the country's courts.
6. The Committee is pleased that the institution of the Ombudsman is functioning well and that the Ombudsman is competent to submit complaints concerning human rights to the Constitutional Court.
7. The Committee welcomes the amendment to article 14 of the Constitution banning discrimination between men and women, the entry into force in 2002 of the Equal Opportunities for Women and Men Act and the establishment of the Equal Opportunities Office.
8. The Committee observes with satisfaction that there are few restrictions on the right to join a trade union and the right to strike in either the private or the public sector in Slovenia, and that members of the armed forces and the police also enjoy these rights.
9. The Committee welcomes the State party's ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

C. Factors and difficulties impeding the implementation of the Covenant

10. The Committee has found no significant factors or difficulties likely to prevent the State party from effectively implementing the Covenant.

D. Principal subjects of concern

11. The Committee is concerned about discrimination against the Roma, as well as about the distinction made in practice between indigenous and non-indigenous Roma. The Committee is also concerned that the latter do not enjoy protection of their cultural rights, such as the right to education in their mother tongue, unlike members of other minorities who enjoy this right under bilateral international agreements.
12. The Committee is concerned that, despite the various measures taken to improve the status of women, the latter continue to be at a disadvantage in society, particularly with regard to access to employment, equal pay for equal work, the size of their retirement pension and their involvement in decision-making, and the limited number of women in high-level public positions.
13. The Committee remains concerned about the large number of unemployed young persons, members of minorities and persons with disabilities.
14. The Committee is concerned that sexual harassment in the workplace is not classified as a specific offence and for this reason victims may not be adequately protected.

15. The Committee notes with concern the employment insecurity facing individuals hired on short-term employment contracts, a phenomenon that is becoming increasingly widespread.

16. The Committee is concerned that nationals of the former Yugoslavia have been “erased” as their names were removed from the population registers in 1992. As a result of this, they have lost their Slovene nationality and their right to reside in the State party. The Committee observes that this situation entails violations of these persons’ economic and social rights, including the rights to work, social security, health care and education. Moreover, the Committee regrets the lack of information on the actual situation with regard to the enjoyment by those individuals of the rights set out in the Covenant.

17. The Committee notes with concern that trafficking in women and children is a serious problem in the State party, which is a country of origin, transit and destination for the trafficking of women and children. The Committee regrets the lack of specific legislation to combat this phenomenon, as well as the low number of enforcement measures.

18. The Committee is concerned that the State party provides no specific legal mechanisms to deal with domestic violence, particularly violence against women, and consequently victims of such violence may not be adequately protected by current legislation.

19. The Committee is concerned about the persistence of significant regional disparities in the State party that affect the equal enjoyment by all of economic, social and cultural rights such as employment, welfare benefits and social services.

20. The Committee notes that the State party has not ratified a number of conventions of the International Labour Organization (ILO), bearing on rights enshrined in the Covenant, including the Equality of Treatment (Social Security) Convention, 1962 (No. 118) and the Prevention of Major Industrial Accidents Convention, 1993 (No. 174).

E. Suggestions and recommendations

21. The Committee would like to see in the next report of the State party reference to some of the cases referred to the Constitutional Court by the Ombudsman.

22. The Committee recommends that the State party should consider adopting a national action plan in the field of human rights, in accordance with paragraph 71 of the 1993 Vienna Declaration and Programme of Action. It requests the State party to report to it, in its next periodic report, on the status of initiatives relating to the protection of economic, social and cultural rights and to provide information with data to enable it to assess the progress made by the State party in this regard. Furthermore, the Committee strongly recommends that the State party should provide more support and resources to the Ombudsman’s office responsible for the implementation of human rights.

23. The Committee recommends that in its next report the State party should provide some of the case law of the Courts relating to the implementation of the Covenant.

24. The Committee urges the State party to take measures to combat discrimination between indigenous and non-indigenous Roma and to guarantee access without distinction to Roma children in school. The State party is called upon to take measures to guarantee that education is provided also in the mother tongue of minorities.

25. The Committee invites the State party to step up its measures to promote equality between men and women, as required by article 2, paragraph 2, and article 3 of the Covenant, including by application of the principle of equal pay for equal work and by ensuring that women are involved in decision-making. The Committee requests the State party to provide, in its next periodic report, detailed information on progress in the area of gender equality.

26. The Committee urges the State party to adopt effective measures aimed at overcoming regional disparities in its programmes for the labour market development and employment as well as promoting equal access to welfare benefits and social services in different regions. It invites the State party to provide in its second periodic report detailed data on the effect of the measures taken.

27. The Committee recommends that the State party should ratify the ILO Conventions bearing on rights enshrined in the Covenant, as the Equality of Treatment (Social Security) Convention, 1962 (No. 118) and the Prevention of Major Industrial Accidents Convention, 1993 (No. 174) 21.

28. The Committee recommends that the State party should continue to consolidate programmes to reduce unemployment among the most disadvantaged and marginalized groups, particularly young people, members of minorities and persons with disabilities.

29. The Committee urges the State party to undertake measures to combat sexual harassment in the workplace including by adopting specific legislation rendering it a criminal offence in order to combat this practice and better protect victims.

30. The Committee encourages the State party to strengthen the measures designed to reduce the percentage of workers hired on short-term contracts and to encourage employers to offer their employees permanent contracts.

31. The State party is requested to include in its second periodic report information and data on occupational accidents, particularly in hazardous sectors such as the mining and nuclear sectors.

32. The Committee urges the State party to take the necessary legislative and other measures to remedy the situation of nationals of the States of former Yugoslavia who have been “erased” as their names were removed from the population registers in 1992. While noting that bilateral agreements were concluded in this regard, the Committee strongly recommends that the State party should restore the status of permanent resident to all the individuals concerned, in accordance with the relevant decisions of the Constitutional Court. These measures should allow these individuals to reclaim their rights and regain access to health services, social security, education and employment. The Committee requests the State party to report to it, in its next periodic report, on progress in this regard.

33. The Committee calls on the State party to take effective measures to combat trafficking in persons, particularly trafficking in women and children, including by ensuring that those responsible for such trafficking are prosecuted. The Committee recommends that the State party should set up services to help the victims of trafficking and take steps to make law-enforcers and the general public more aware of the seriousness of the problem and to sensitize them of the needs of the victims. The Committee also recommends that the State party facilitate the participation of non-governmental organizations in the working group dealing with this issue. In addition, the Committee recommends that the State party should ratify the Council of Europe Convention on Action against Trafficking in Human Beings (No. 197). It also requests the State party to report to it, in its next periodic report, on progress in this regard.

34. The Committee encourages the State party to consider adopting specific legislation rendering domestic violence a criminal offence, and also offering to judges training, as presently provided for police officers, to raise awareness of the criminal nature of domestic violence.

35. The Committee recommends that the State party extend the network of integrated health and social care services, including home help, for older persons with physical and mental disabilities. The Committee requests the State party to provide in its next periodic report, detailed information on the implementation of the overall strategy for older persons which is presently under consideration.

36. The Committee requests the State party to ensure that these concluding observations are widely disseminated throughout society, particularly among government officials and the judicial authorities, and to report to it, in its next periodic report, on all measures taken to implement the recommendations contained in these concluding observations. It also encourages the State party to involve non-governmental organizations and other members of civil society in the discussions at the national level before submitting its next periodic report.

37. The Committee requests the State party to submit its second periodic report by 30 June 2010.
