

**Comments of the Republic of Slovenia on the Report by Nils Muižnieks, the
Commissioner for Human Rights of the Council of Europe, following his visit to
Slovenia from 20 to 23 March**

The Government of the Republic of Slovenia would like to thank the Commissioner for Human Rights of the Council of Europe, Mr Nils Muižnieks, and his delegation for their visit to Slovenia as well as for the constructive dialogue on the occasion of the visit. The Government will give the Commissioner's report careful consideration.

The Government of the Republic of Slovenia welcomes the opportunity to pursue its dialogue with the Commissioner for Human Rights of the Council of Europe by submitting the following comments, which are intended as clarification of individual paragraphs, and are organised by sections of the report.

Introduction

No. 5

The draft law amending the Human Rights Ombudsman Act, which is currently in the legislative procedure in the National Assembly (Parliament), provides for sufficient funding and enables additional employment to supplement any additional functions of the Ombudsman Office, in order to preserve the independence and effectiveness of the institution. According to the draft law, the funding is to be guaranteed by Parliament, on the proposal of the Government, while recruitment will be done independently by Human Rights Ombudspersons.

Regarding the systematic implementation of the Ombudsman's recommendations Slovenia would like to emphasise that the recommendations have already been implemented systemically in 2016 and 2017, which was also recognised by the Human Rights Ombudsperson in her Annual Report for 2016.

No. 9

The Ministry of Justice is newly empowered to carry out enhanced coordination of ministries and other government organs to ensure proper government action, aiming to provide and promote high-level human rights protection, but it is not, however, responsible for monitoring the human rights situation inside Slovenia, which is the responsibility of the courts and other institutions, including the Ombudspersons office. Nonetheless, the Ministry of Justice has enhanced supervision and may provide further studies and plans to enforce human rights standards within the Government.

Section 1 (nos. 11 – 52) of the report: The human rights of migrants, asylum seekers and refugees

No. 22

According to the data provided by the Office of the Republic of Slovenia for the Support and Integration of Migrants, 39 unaccompanied minors were staying in the Republic of Slovenia

at the end of March 2017, of them 12 unaccompanied minors had already been granted status and 27 unaccompanied minors were at the time applicants for international protection.

No. 34

Applicants for international protection have certain rights and also obligations as per the International Protection Act and applicable EU directives. In addition to the right to reside in the Republic of Slovenia, follow the procedure in a language they understand and obtain information, the applicant has regarding their reception also the right to receive basic (material) care in the case of accommodation in the Asylum Centre or its branch unit; receive financial assistance in the case of private accommodation; health care; schooling and education; access to the labour market, humanitarian assistance and allowance. Applicants accommodated in the Asylum Centre with no means of subsistence have also the right to an allowance in the amount of EUR 18 paid after a one-month stay in the Asylum Centre, i.e. once a month for the previous month. Due to the increased number of applicants, the Ministry of the Interior also organised branch units of the Asylum Centre, i.e. in Kotnikova Street in Ljubljana and in Logatec, in addition to the existing Asylum Centre in Vič, in order to provide comprehensive and suitable care.

Applicants for international protection can enter the labour market nine months after the filing of the application for international protection, if they are not served a decision from the competent authority in the meantime and this delay cannot be attributed to the applicant. Whereby, it must be highlighted that access to the labour market or limiting the right to work of applicants for international protection is to be understood as one of the mechanisms for preventing abuse of the international protection system.

Applicants for international protection have access to Slovenian language courses, which take place on a daily bases. This year 293 applicants for international protection have attended the course. The Ministry covers the costs of public transport to educational institutions (Urbana card) for applicants included in the regular educational system and who regularly attend education. In accordance with the Slovenian legislation, the Urbana card is provided for accessing institutions and humanitarian organisations.

No. 36

The proposal of the Act amending the Act on Foreigners amends the conditions for the exercise of the right to family reunification by foreigners who have been granted subsidiary protection under the International Protection Act to the effect that the conditions for family reunification of persons who have been granted subsidiary protection are the same as the conditions for family reunification of foreigners who have been issued a temporary residence permit in the Republic of Slovenia. Compared to the legislation currently in force, the conditions for family reunification of persons who have been granted subsidiary protection are becoming stricter, as under the current legislation a foreigner who has been granted subsidiary protection in the Republic of Slovenia pursuant to the act governing international protection can reunite their family members immediately, provided they have been granted subsidiary protection for more than a year and under the condition that the family existed before the person who has been granted subsidiary protection entered the Republic of Slovenia (immediate family reunification is also granted to foreigners who

have been granted refugee status in the Republic of Slovenia under the act governing international protection).

Under the new proposal, a foreigner who has been granted subsidiary protection in the Republic of Slovenia pursuant to the act governing international protection has to reside in the Republic of Slovenia first for at least one year and have subsidiary protection status with a validity of at least one year at the time when their family member's application for temporary residence permit is being decided on. The new proposal also abolishes the 90-day deadline for lodging an application for a temporary residence permit for a family member of a person with granted subsidiary protection. However, the family member will have to demonstrate that they meet all the requirements for the issue of a temporary residence permit (including means of subsistence, adequate health insurance and absence of grounds for refusal), which are only required if the application for a temporary residence permit for a family member of a person with granted subsidiary protection is lodged later than 90 days from the granting of subsidiary protection.

No. 41

According to the Elementary School Act, children in Slovenia with foreign citizenship or children without citizenship living in the Republic of Slovenia have the right to enrol in elementary (and secondary school) under the same conditions as the children of Slovenian citizens.

Citizens of other EU member states, Slovenes without Slovenian citizenship and refugees can obtain education under the same conditions as Slovenian citizens, and other foreign nationals can do so under the principle of reciprocity (secondary schools). The Pre-School Institutions Act does not specifically mention foreign nationals, but does stipulate that preschool education is conducted according to the principles of equal opportunity for children and parents, taking account of differences among children and the right to choose and the right to be different.

No. 43

The Republic of Slovenia prepared for the increased number of international protection seekers by drawing up a "Contingency plan of the Republic of Slovenia to ensure the accommodation and supply in case of increased number of applicants for international protection", which was adopted by the Government on 16 July 2015.

The Ministry of the Interior as the competent authority considers every international protection application lodged in the Republic in Slovenia in accordance with the International Protection Act and in accordance with the European Union directives and international conventions in force.

A procedure for international protection is an administrative procedure which is demanding by definition. Each application is decided on individually taking into consideration subjective and objective elements. As per the International Protection Act, the requirements for granting international protection are decided on in a single procedure, whereby the competent authority first examines the requirements for granting refugee status and only then, if these are not met, the requirements for granting subsidiary protection.

In accordance with the International Protection Act each applicant for international protection enjoys the fundamental procedural guarantees. Prior to commencing a procedure, a person seeking international protection is informed of international protection procedures and of their rights and obligations and of the consequences of not cooperating with the authority. Every applicant also receives the information on refugee counsellors and NGOs assisting with asylum matters. One of the fundamental procedural guarantees is the right to follow the procedure in the language the applicant understands. The services of an interpreter are provided upon receiving one's application and during personal interviews. International protection seekers also receive the translation of all documents and of the crucial grounds underlying the decision relevant to their.

The Ministry of the Interior engages all professional staff available to resolve the cases in the shortest time possible, i.e. within the deadlines as specified the International Protection Act. The Act sets forth that a decision in the regular procedure is to be taken within six months of the filing of the application. Where the competent authority is unable to decide on the application within six months, it will notify the applicant in writing of the delay and the reasons for it and state a time limit within which the applicant may expect a decision. In cases when an applicant fails to fulfil his or her obligations related to the international protection procedure, in cases of complex legal and actual issues, or in a case of large influx of international protection applicants, the time limit for taking a decision in the regular procedure may be extended, however, the application must be decided on within nine months at the latest. In well-founded circumstances and in order to provide an adequate and comprehensive examination of an application, the deadline may be extended further, yet not for more than three months.

In making decisions in procedures for international protection, the Ministry of the Interior observes time limits determined by the law.

Section 2 (nos. 53 - 96) of the report: The human rights of Roma

No. 62

Slovenia would like to emphasise that, in accordance with the legislation, all Slovenian citizens have equal rights regarding buying or renting accommodation.

Nos. 80 and 84

The education system and policies in Slovenia are based on the principle of equal opportunities for all, aiming at - as stated in the Organisation and Financing of Education Act - providing for the optimal development of the individual, regardless of gender, social background or cultural identity, religion, racial, ethnic or national origin, and regardless of their physical and mental constitution or invalidity. Based on this, education policies in Slovenia are intended to pursue "an inclusive paradigm" by integrating all vulnerable groups into mainstream education as much as possible, offering them a wide range of system-level support and measures.

Activities explained by the Ministry of Education, Science and Sport during the Commissioner's visit are a part of the system, and are not merely implemented merely as projects. To support this argument: members of the Roma community are

defined as a special group whose rights are regulated by legal provisions of the Constitution of the Republic of Slovenia. The exercise of special rights is regulated by the Roma Community Act and, in the field of education, by the Organisation and Financing of Education Act, the Kindergarten Act and the Elementary School Act.

To mention only a few measures, policies, activities implemented through the system:

- The child-adult ratio in groups including Roma children is more favourable (1st age period - 4 children per 1 adult, 2nd age period - 7 children per 1 adult).
- 'Roma culture' is an elective subject in primary school.
- The maximum number of pupils in class in primary schools is lowered if at least three Roma pupils are in the class (maximum 21 pupils - compared to 28 in regular classes).
- In the 1st grade of primary school, two teachers are present in the class for longer periods than in regular class groups.
- Primary schools are entitled to additional teacher or counselling specialist support in order to offer Roma children learning and other assistance they need. The share or number of additional professional staff allocated to schools is increasing, depending on the number of Roma children enrolled in a school.
- Roma assistants who are employed in nurseries and schools are typically members of the Roma community and can better help children to overcome emotional and linguistic barriers, bridge the gap between pre-school and school, and liaise with parents and the Roma Community.
- Schools with Roma students receive additional funds to cover certain material costs for these students, such as learning aids, extra-curricular activities, etc.

The procedures for placing children with special needs in appropriate educational programmes are defined in the Placement of Children with Special Needs Act. Depending on the children's psychological and physical status (and not on any other basis), the Act enables their inclusion in education at all levels, from pre-school to secondary education, based on the assumption that additional help from experts and adaptation of the implementation of programmes will help children to achieve a comparable standard of knowledge. Children with severe disorders still have the opportunity to attend special forms of education in schools for children with special needs and institutions for the education and training of children with severe developmental difficulties. If possible, children with special needs should be educated in the mainstream school system.

Section 4 (nos. 107 - 151) of the report: Poverty and its impact on the enjoyment of human rights

No. 125

Regarding poverty among children and youth, Slovenia would like to convey latest data on poverty among children for the year 2016. In 2016 the poverty rate among children and youth has fallen to 11.9%, or 46,000 children under 18.

No. 127

The amount of child benefits in the 5th and 6th income class was raised to the previous level (before the passage of the Fiscal Balance Act) on 1st January 2016. Child benefits in the 7th and 8th income class will be raised to the previous level

(before the passage of the Fiscal Balance Act) in the year following the year in which economic growth exceeds 2.5% of GDP and the growth in employment in the age group from 20 to 64 years old exceeds 1.3%.

No. 135

The Republic of Slovenia is aware of the importance of the situation and the role of older men and women in our society. We are particularly sensitive to issues of older persons' human rights. The Strategy for a Long-Lived Society, which is in preparation, will therefore specifically highlight the issue of human rights for older persons.