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Committee on Economic, Social and Cultural Rights

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Item 6 (a) of the provisional agenda

**Consideration of reports: reports submitted by States parties
in accordance with articles 16 and 17 of the Covenant**

List of issues in relation to the second periodic report of Slovenia

Addendum

Replies of Slovenia to the list of issues*

[Date received: 17 October 2014]

I. General information

1. *In view of the fact that the provisions of the Covenant are directly applicable in the State party, please provide information on cases, if any, in which the Covenant has been invoked before, or applied by, courts.*
 1. The Constitutional Court of the Republic of Slovenia referred to the Covenant in its decision No. Up-749-11 of 21 February 2013 in the case of the right to wage compensation for absence from work due to illness.
2. *Please provide information as to whether steps have been taken for the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, pursuant to the State party's voluntary pledge at the Universal Periodic Review in 2010.*
 2. The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights is in the process of inter-ministerial coordination.

* The present document is being issued without formal editing.



3. *Please provide information on the measures taken to bring the status and the capacity of the Human Rights Ombudsman of the Republic of Slovenia into line with the Paris Principles.*

3. Slovenia is analysing what the possible modalities are for the Human Rights Ombudsman of the Republic of Slovenia to be ranked “A” as per the Paris Principles on National Human Rights Institutions

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Article 2, paragraph 1 – Maximum available resources

4. *Please provide information on steps taken to prevent and combat corruption at all levels of public administration and its negative effect on the enjoyment of economic, social and cultural rights, as well as on the number of prosecutions and the sentences passed, if any, against high-level officials found guilty of such conduct. Additionally, please provide information on protection afforded to those who report cases of corruption.*

Steps taken in the prevention of and fight against corruption at all levels of public administration

4. In 2002, the Republic of Slovenia established the Government Office for Prevention of Corruption, which, following GRECO recommendations in 2004, evolved into the Commission for the Prevention of Corruption (hereafter CPC), an independent authority for prevention of corruption with broad competences in the entire public sector, including State-owned companies.

5. The CPC has a wide mandate in the field of preventing and investigating corruption, breaches of ethics and integrity of public office. Its tasks include:

- Conducting administrative investigations into allegations of corruption, conflict of interest and illegal lobbying;
- Protecting whistle-blowers;
- Monitoring the financial status of high level public officials in the executive, legislature and judiciary through the assets declaration and monitoring system;
- Maintaining the central register of lobbyists;
- Adopting and coordinating the implementation of the National Anti-corruption Action Plan;
- Assisting public and private entities in developing integrity plans and monitoring their implementation;
- Designing and implementing various anti-corruption preventive measures.

6. CPC serves as a national focal point for international anti-corruption cooperation at the systemic level (GRECO, OECD, UN, EU, etc.). The CPC is also the misdemeanour authority in areas mentioned above.

Supervision of the assets of officials

7. In 2012 and 2013, an analysis was carried out and a final document was published on the supervision of assets of leaders of parliamentary parties. The Commission looked both into the procedure itself and also the content (whether the reported assets reflect the

actual situation). The findings were incriminating for the then Prime Minister and the leader of the largest opposition party. Due to allegations that they had failed to claim a significant portion of their assets, the then Prime Minister was discharged with a vote of no confidence, and the leader of the largest opposition party stepped down from said office. This analysis of assets was the first of its kind, showing that assets declarations, which had been neglected in the past, could be used as an important tool for investigating corruption.

Preventive actions

8. The Commission implements various preventive projects. In the past three years, it has put together a project for primary schools to teach children about corruption, integrity, honesty, transparency, etc. through art. The CPC independently, or in collaboration with other State authorities, especially with the Ministry of the Interior and the Ministry of Justice, conducts several forms of training and awareness-raising about the importance of integrity, the transparency of procedures and actions of public sector bodies, as well as on limiting the risk of corruption through preventive measures.

9. The Commission publishes a monthly e-newsletter, the *KCPK Vestnik*, which has around 750 subscribers, primarily from the public sector. The CPC is also involved in drafting legislation. It receives requests for reviewing and assessing draft acts, and comments on them from the perspective of corruption and integrity risk.

Integrity plans

10. According to the Integrity and Prevention of Corruption Act (hereinafter ZIntPK) government bodies, local authorities, public agencies, public institutes, public utility institutes and public funds are obliged to develop and adopt integrity plans. An integrity plan is a documented process for assessing an organization's degree of vulnerability and its exposure to unethical and corruptive practices.

SUPERVISOR – an online application for supervising the expenses of public institutions

11. SUPERVISOR is an online application that the CPC launched in 2011. It makes it easy to overview financial transactions within the public sector — direct and indirect budget users.

12. The application shows contracting parties, the largest beneficiaries of budgetary assets, affiliated legal entities, the date, the amount, and the purpose of the financial transaction. It also generates a presentation of data in graphs and printouts for specific time periods, and much more. This is an important step toward greater transparency in the state's operations, and it will be further improved and upgraded by the Commission in collaboration with other authorities. It gives the public, media, experts in the field, and other regulatory and supervisory bodies an insight into the cash flows of both the public and private sector, and realizes the Commission's fundamental mission of strengthening the rule of law, integrity and transparency and mitigating corruption risks and conflicts of interest.

Lobbying

13. The ZIntPK also regulates lobbying. Lobbyists have to register with the Commission, and registration is compulsory for professional lobbyists. Lobbyists need to report lobbying to the Commission. Omission to report is a misdemeanour for which the Commission can impose fines. Reports bolster the transparency of public administration and increase oversight of the drafting and amendment of legislation.

Investigating corruption cases

14. Statistics on the CPC's work in 2013:

<i>Number of new reports of suspicions of corrupt practices and other violations of the ZIntPK received</i>	<i>1931</i>
Number of requests by legal and natural persons for legal opinions or advice on the use of the ZIntPK in practice received	1,190
Number of new or supplemented integrity plans received for examination and evaluation	532
Number of lobbying reports received	830
Number of requests for access to public information received	84
Number of training and educational activities carried out	60
Number of new asset declarations received	6,538

15. The Commission does not have authority to prosecute corruption offences; that is the authority of the State Prosecutor's Office. The State Prosecutor's Office published the following statistics on corruption related cases:

<i>Year</i>	<i>Charges</i>	<i>Indictment acts</i>	<i>Judgements</i>	<i>Convictions</i>
2009	163	21	17	8
2010	186	39	22	3
2011	205	24	18	5
2012	192	84	33	24
2013	161	58	57	39

16. Some information on concrete cases:

- A municipal mayor was sentenced in 2012 to one year of imprisonment for abuse of office;
- In 2012, another municipal mayor was sentenced to 7 months of imprisonment for abuse of office, with a 1-year probationary period and a EUR 50,000 fine;
- The former prime minister was sentenced in 2014 to 2 years of imprisonment and a EUR 37,000 fine for corruption. He is currently serving his sentence.

Negative effects of corruption on the enjoyment of economic, social, and cultural rights

17. In investigating specific cases of corruption or in analysing systemic corruption risks, the Commission has identified several problems which illustrate the effects of corruption on human economic, social, and cultural rights. Cases of corruption are often connected with recruitment procedures in the public sector, or with public procurement. This has an effect on equal access to work or competition, which guarantees lower prices for goods and services, and thereby the economical consumption of public funds. In its last assessment of the current situation for the year 2013¹, the CPC listed cartel agreements concluded by bidders within public procurement procedures as one of major corruption problems in Slovenia, present mostly due to strong linkage between politics and the private sector.

¹ https://www.kpk-rs.si/upload/t_datoteke/Ocena_stanja_korupcije_v_RS.pdf.

18. The Commission conducted several systemic analyses of various sectors, including the banking, health, and economic sector, in order to assess the corruption risk and to propose preventive measures. Corruption in these sectors has an impact on the basic economic and social rights determined in the Covenant.

19. Administrative corruption in Slovenia is relatively low in comparison to other transition countries. With regard to the white-collar corruption, the situation is still better than in other transition countries. However, it is very much connected to corporate and public-financial crime, which Slovenia has been facing in recent years. The past and present economic and financial crisis shows the long-term development of systemic/institutional corruption.

Protection of whistle-blowers

20. From the ZIntPK: Any official who has good grounds for believing that an illegal or unethical conduct is required from him/her or any form of psychological or physical violence is exerted upon him/her with this purpose may report this to his/her superior or a duly appointed person.

21. The Commission protects whistle-blowers in the procedure of examination of the report, and their identity is not revealed without their consent. Only the Court may rule that such information be made public. If someone attempts to determine the identity of the whistle-blower, the CPC may prohibit such action and issue them a fine in the amount of EUR 400 to 1200. Whistle-blowers who were subjected to retaliatory measures are assisted in proving a causal relationship between their report and the damaging retaliatory measures, e.g., in a case of action for damages to a whistle-blower against an employer, or in a case of labour disputes due to unjustified termination of an employment contract. It demands from the employer to immediately cease such conduct. In a case where retaliatory measures continue, the whistle-blower may request to be transferred to a different, equivalent working position, and informs the CPC of such a request. If in a case where corruption was reported there are conditions for protecting a whistle-blower or their family, the CPC may call upon the State Prosecutor to implement emergence protective measures.

5. *Please indicate to what extent the State party's obligations under the Covenant have been taken into account in the implementation of austerity measures and in its bilateral discussions with International Monetary Fund.*

22. When adopting austerity measures, the Republic of Slovenia, which, according to its Constitution, is a social country, took into account the obligations arising from the International Covenant on Economic, Social and Cultural Rights. While the bilateral talks between Slovenia and the IMF about a set of austerity measures have been purely consultative (Slovenia has never requested monetary assistance), Slovenia does value the expertise and suggestions put forward by Fund experts. They related in the past most notably to the design of the fiscal framework and general advice under regular Article IV consultations.

Article 2, paragraph 2 – Non-discrimination

6. *Please indicate whether the State party's legislation prohibits discrimination on all grounds, including indirect discrimination. In view of the fact that very few cases of discrimination are reported and prosecuted, please inform the Committee on the measures taken to ensure that victims of discrimination have effective access to redress.*

23. The Constitution of the Republic of Slovenia prohibits discrimination on the basis of any personal circumstances (expressly defining certain such circumstances) and determines

that everyone is equal before the law. In addition it guarantees everyone the same protection of rights in any proceeding before a court and before other state authorities, local community authorities, and bearers of public authority that decide on their rights, duties or legal interests.

24. In the Republic of Slovenia, therefore, both direct and indirect discrimination on the basis of personal circumstances is forbidden. Article 2 of the Implementation of the Principle of Equal Treatment Act (hereinafter ZUNEO) determines that equal treatment shall be provided to everyone, regardless of their gender, nationality, race or ethnic origin, religion or conviction, disability, age, sexual orientation or other personal circumstance. ZUNEO defines equal treatment as the absence of direct or indirect discrimination on the grounds of any kind of personal circumstance. It also contains definitions of direct and indirect discrimination.

25. Both formal and informal measures are available for persons who feel that they have been discriminated against. The informal procedure is conducted before the Advocate of the Principle of Equality, to whom anyone who feels they have been discriminated against may turn. The procedure on alleged cases of discrimination is concluded with a written opinion, in which the Advocate enumerates their findings and evaluation of the facts of the case in terms of the existence of violations to the prohibition of discrimination, and informs both parties thereof. In their opinion, the Advocate of the Principle of Equality highlights the irregularities found and proposes how to resolve them, as well as calls upon the alleged violator to report upon the measures they implement within a given time period. A new Advocate of the Principle of Equality's website was launched in 2010 in order to ensure as much access and information on the prohibition of discrimination and protection of rights as possible. The website contains information, advice, and recommendations for cases of discriminatory conduct, as well as information on good practices on non-discrimination. It also serves as a place for exchanging opinions (online surveys) and for submitting petitions for handling cases of alleged discrimination before the Advocate of the Principle of Equality. The website of the Advocate of the Principle of Equality is available in several languages. The website has been supplemented by a leaflet (also available in several languages) and a fan, in Slovenian, which serves as an educational tool for training on anti-discriminatory awareness.

26. Anyone who feels discriminated against can also turn to the competent inspectorate. The Advocate can also refer cases examined to a relevant inspection. Those in the public sector who feel discriminated against can also turn to the Human Rights Ombudsman, who is competent for informally handling alleged cases of discrimination in the public sector. In cases of violation of the prohibition of discrimination, discriminated persons can request that the violation be handled in judicial and administrative procedures, as well as before other competent bodies under the conditions and in a way determined by law, and they have the right to damages according to the general rules of civil law.

27. A violation of equal rights can also be a misdemeanour offence (Penal Code), committed when someone, due to a difference in one of the personal circumstances, restricts someone from exercising one of their human rights or fundamental freedoms as recognized by the international community or as determined by the constitution or an act, or who restricts such right or freedom, or who, on the basis of such a difference, gives someone a special right or advantage, or who persecutes someone or an organization due to their commitment to people's equal rights. A violation of equal rights may also be indicative of some other criminal offence (e.g. murder).

28. Victims of criminal offences have the right to ex officio free legal aid or defence in the criminal procedure in accordance with the general rules. Moreover, in certain cases as determined by law (if the State Prosecutor does not initiate a prosecution or dismisses the case) victims have the right to assume prosecution themselves as "subsidiary prosecutors".

7. *Please provide information on the steps taken to eliminate discrimination on the ground of sexual orientation, including through the respect of decisions of the Constitutional Court regarding the unconstitutionality of the Registration of a Same-Sex Civil Partnership Act and the Inheritance Act, and amendment of discriminatory provisions contained in legislative and executive acts, such as the Health Care and Health Insurance Act, the Housing Act, the Code of Obligations, the Penal Code, the Enforcement of Criminal Sanctions Act, the Criminal Procedure Act, the General Administrative Procedure Act, the Civil Procedure Act and the Marriage and Family Relations Act.*

29. On 16 June 2011, the National Assembly adopted the Family Code, which expanded civil partnerships to have all the rights of heterosexual couples. The Code was rejected in a referendum on 25 March 2012. In a vote of 30% of registered voters, 45% voted for the Code and 55% against it. The competent ministry drafted legislation regulating the status of civil partnerships, which entered public debate in April 2014, but the process was interrupted due to the dissolution of the Government.

8. *Please indicate to what extent the measures taken by the State party have been effective at addressing the discriminatory situation experienced by the Roma in fields such as housing, employment and health.*

30. In 2012 and 2013, there was a noticeably positive effect for Roma communities of employment programs for vulnerable groups, including Roma. These programs are aimed especially at reducing unemployment among members of Roma communities and increasing their social inclusion and access to the labour market. In 2012 and 2013, European funding was earmarked first of all for creating equal opportunities and social inclusion on the labour market, as well as for the development of social entrepreneurship.

31. More significant changes in the employment market will be evident in the long-term, as the most important qualitative changes in the position of Roma on the labour market positively correspond with increasing their educational structure and vocational skills, as well as their readiness to work.

32. The general state of employment in the country is a significant problem, as unemployment in general is on the rise, a fact felt more acutely by vulnerable populations, among which a long-term unemployed group include also the Roma population.

Housing

33. In March 2010, the Government of the Republic of Slovenia adopted the National Programme of Measures for Roma for the period 2010-2015 (hereinafter NPMR), whose priority is “to improve the living conditions of the Roma community and arrange Roma settlements in an orderly manner”. Within this goal there are defined measures which refer to the preparation of a comprehensive strategic framework and legal bases, as well as for implementing the requisite financial measures. Taking into account the specific features of Roma settlements, the objective is the comprehensive integration of Roma into Slovenian society, i.e. gradual formal, infrastructural, and social inclusion of Roma settlements into the Slovenian settlement system with the concurrent rehabilitation of these areas.

34. In view of the current legislative regulations and applicable legislation in Slovenia, spatial planning lies within the executive competence of municipalities. As a pre-condition for legalizing Roma settlement, municipalities must include these settlements in their municipal spatial plans- some of which are still in preparation. In the preparation of municipal spatial plans, all municipalities, where Roma live, acceded to the arrangement of settlements where Roma live, while the competent ministry is monitoring and offering expert assistance. As part of the work of the Expert Group for Resolving the Spatial Issues of Roma Settlements, whose members included representatives of municipalities, where

Roma live, as well as Roma, analyses were conducted from 2006 to 2011 on the state of the settlements where Roma communities live, and on their bases further measures were proposed for improving the situation. The detailed report Spatial problems of Roma settlements in Slovenia was conducted, and its update was prepared, as well as the Concept of modernisation of Roma settlements and principles of good practice in resolving spatial issues of Roma settlements.

35. As part of public tenders, line ministries provide for the regulation of the basic infrastructure in Roma settlements with financial incentives, including the construction, reconstruction, or modernisation of water supply systems and sewage systems, electrification, new construction or reconstruction of local roads, as well as the purchase of land for arranging or consolidating Roma settlements. From 2008 to 2013, around EUR 8,891,000.00 of grants from tenders were allocated to municipalities where Roma live.

36. Progress in improving the living conditions of Roma in Slovenia is slow, as it is dependent upon various factors, among others on the preparedness of municipalities and Roma population, as well as the reaction of the majority population in the local community. Nevertheless, measures for achieving objectives in accordance with the Roma Community Act and NPMR for the period of 2010 to 2015 have been set systematically and for the long term, and are being consistently implemented.

Health

37. In cooperation with the relevant institutions and services operating as part of the health care system and representatives of the Roma community, the Ministry of Health is continuing its activities for improving the health and health care of the Roma. In 2011, it went from organizing thematic national conferences on Roma health from 2008 to 2011 to organizing on-site thematic workshops in one Roma settlement, as according to its assessment, conferences do not have a sufficient effect on site. In 2011, there was a series of workshops conducted for various target groups (females above 12 years of age, men and pre-schoolers, and children under 12 years of age) in the Roma settlement of Dobruška vas in the Škocjan municipality, where the problems Roma are facing are among the most urgent. This type of approach was well-received, but for a variety of reasons the workshops were not continued. In September 2014, the 4th national conference on the health of the Roma was held, under the topic of a healthy lifestyle.

38. The Roma have the same right to health care as other citizens, but they often fail to exercise such rights. A condition for the right to health care is having arranged health insurance, and a significant proportion of the Roma, which is unemployed, is included in said insurance as persons without remuneration, which means that their contributions for compulsory health insurance are paid through State funds, which is allowed according to the relevant law.

9. *Please provide information on steps taken to remove continuing obstacles to the regularization of the situation of persons deprived of a domestic legal status in the State party, the so-called 'erased' persons, a large number of whom are still denied their economic and social rights in spite of the 1999 and 2003 constitutional court decisions on the illegality of erasure.*

39. In 2010, the National Assembly passed the Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia, which entered into force on 24 July 2010 to implement the decision of the Constitutional Court of the Republic of Slovenia No. U-I-246/02-28 of 3 April 2003. The National Assembly passed the Act with a view to finally regulating the legal status of persons erased from the Register of Permanent Population. In addition to the implementation of the Constitutional Court Decision No. U-I-246/02-28 and the remedying of the non-compliance established

therein (including the regulation of the status with retroactive effect, i.e. since the erasure), the Act also regulates certain other, related, issues (regulating the status of children of persons erased from the Register and regulating the status with retroactive effect for those citizens of the Republic of Slovenia who were citizens of other republics of the former Socialist Federal Republic of Yugoslavia (SFRY) when Slovenia gained independence, and who were erased from the Register of Permanent Population, and subsequently admitted to Slovenian citizenship without having received a permanent residence permit). The Constitutional Court reviewed the contents of the Act. In its Decision No. U-II-1/10-19 of 10 June 2010, the Constitutional Court ruled on the unlawfulness of the referendum demanded, and also ruled that the amending Act remedies, in a constitutionally adequate manner, the non-compliance established in Constitutional Court Decision No. U-I-246/02-28, and that it legitimately regulates other issues (the status of children of persons erased from the Register and the status with retroactive effect for citizens of the Republic of Slovenia), as they are closely connected with the remedying of the non-compliances. The Court also assessed that the new Act could provide the basis for finally regulating the legal status of citizens of other successor states of the former SFRY erased from the Register of Permanent Population, unless their status has already been regulated.

40. The new Act also sets out the requirements to be met by a person who was a citizen of another republic of the former SFRY on 25 June 1991, and who has not yet obtained a permanent residence permit in the Republic of Slovenia, to obtain the permanent residence permit. It lists cases in which it is deemed that citizens of other republics of the former SFRY who had been erased from the Register of Permanent Population had permanent residence permits and registered permanent residence also with retroactive effect, i.e. from the cessation of registration of permanent residence onwards. Permanent residence permits may be obtained by persons who were erased from the Register of Permanent Population and who do not live in Slovenia due to justified absence.

41. The Ministry of the Interior presented the Act to interested parties before its entry into force and issued a special brochure in the Slovenian language, which is available at all, Administrative Units in Slovenia, as well as the diplomatic and consular posts of the Republic of Slovenia in the successor states of the former SFRY. The brochure was also distributed to NGOs. In January 2012, the Ministry of the Interior published the brochure in four additional languages of the successor states. The brochures and all relevant information are also available at the Ministry's website.

42. In addition to the Act regulating the status of persons erased from the Register of Permanent Population in Slovenia and guaranteeing persons who left Slovenia the possibility of obtaining permanent residence permits, also with retroactive effect, Slovenia adopted a special compensation scheme in 2013, and an act providing for the redress of damages suffered by these persons. The Act on Restitution of Damage for Persons who were Erased from the Register of Permanent Population entered into force in December 2013 and applies since June 2014. The Act rectifies violations of human rights and fundamental freedoms and executes the judgement of the Grand Chamber of the European Court for Human Rights delivered on 26 June 2012 in the case *Kurić and others v. Slovenia*. The Slovenian legal order systemically provides for just satisfaction, i.e. the compensation for damages suffered by persons erased from the Register of Permanent Population. The Act determines that beneficiaries can claim pecuniary compensation. For every full month of erasure the beneficiary is entitled to 50 EUR of compensation. In addition to exercising the right to pecuniary compensation in an administrative procedure, eligible persons may claim compensation in a judicial procedure in accordance with the general provisions of the Civil Code, with an additional three-year period for filing actions. According to the Act, eligible persons will be entitled to the payment of contributions for compulsory health insurance, to the inclusion and priority consideration in social assistance programmes, to facilitation in exercising rights to public funds, to state scholarships, to

equal treatment as Slovenian citizens in resolving housing problems, to access the education system, and to participation and priority treatment in integration programmes.

43. The judgement of the Grand Chamber of the European Court of Human Rights passed, on 12 March 2014 in *Kurić and others v. Slovenia* shows that the costs of compensation are subject to the discretion of the respondent state, and that, due to the exceptional circumstances of the case, the solution of awarding compensation on the basis of a lump sum appeared to be appropriate and that the state is free to select the method of implementing the judgement.

10. *Please indicate whether steps have been taken to strengthen the State party's legislation with regard to the obligation of provision of reasonable accommodation for persons with disabilities. Please also indicate whether measures taken by the State party are aimed at de-institutionalization and have improved the enjoyment of the right to education, the right to work, the right to health and the right to social security for persons with disabilities.*

Appropriate housing for disabled persons

44. The National Housing Programme lists accessibility as one of the objectives of housing policy, which can be gradually achieved, taking into account constitutional, legislative, and international principles, with coordinated measures from the state, local communities, and other factors. One of the Programme's objectives is "with appropriate measures related to housing to contribute to the security of families, the elderly, disabled persons, and other vulnerable groups in the population."

45. The Construction Act assures equal access to all works in public use and assures access for functionally impaired persons. It determines that, in addition to fulfilling the essential requirements, all works in public use that are newly constructed pursuant to the provisions of this Act and works in public use that are reconstructed pursuant to the provisions of this Act must ensure that functionally impaired persons are able to access, enter and use such works without physical obstructions or communicational hindrances. Every newly constructed or reconstructed works in public use whose construction is carried out pursuant to the provisions of this Act and which does not have all its premises on the ground floor must be equipped with at least one lift or other appropriate device for such purposes. With regard to apartment buildings with more than ten apartments constructed pursuant to the provisions of this Act, the requirement for ensuring unhindered access, entry and use must be fulfilled by at least one-tenth of all the apartments, and all joint premises intended for such apartments. Access, entry and use without physical obstructions or communicational hindrances shall be ensured through project design and construction.

46. Also, the Rules on Renting Non-profit Apartments explicitly give priority to people with disabilities and their families.

47. The Equalisation of Opportunities for Persons with Disabilities Act determines that municipalities must provide adapted non-profit rental housing to persons with disabilities who applied for a public tender for allocation of non-profit housing and who were placed on a priority list of beneficiaries who are to be allocated housing.

48. The Spatial Management Act determines that space must be arranged such that functionally impaired persons are assured access to works and their use without hindrances.

Right of disabled persons to education

49. The educational system in the Republic of Slovenia is founded on providing children with special needs the most appropriate educational programs for them, with an emphasis on their inclusion in regular forms of education. The Placement of Children with Special Needs Act regulates on a systemic level the education of children with special needs in pre-

school, primary, secondary, and vocational schools. The Elementary School Act regulates the educational opportunities of people with pronounced mental disabilities up to 26 years of age. The educational programme facilitates the inclusion of optional content which can aid the development of knowledge, skills, and competencies for performing rudimentary practical tasks.

Right of disabled persons to work

50. The Vocational Rehabilitation and Employment of Disabled Persons Act provides for job retention and accessibility to employment and includes anti-discrimination, lifelong learning, the introduction of new technologies and adapting existing premises, which makes employment possible.

51. The choice of family assistant is the right of the person eligible for institutional assistance to, in the cases and under the conditions determined in the Social Security Act, choose instead of all-day institutional assistance, a family assistant to provide care in the home environment.

Right of disabled persons to health care

52. The Health Care and Health Insurance Act assures equal health care and health protection to everyone, including to persons with disabilities.

Right of disabled persons to social security

Resolution on the national social assistance programme 2013-2020

53. The purpose of the Social Security System in Slovenia is to facilitate the social security and social inclusion of citizens and other residents of the Republic of Slovenia. The State and local communities are obliged within the scope of social security policy to provide the conditions in which individuals, in connection with other persons in the family, work, and living environment, can creatively collaborate and realize their developmental potential, and, with their actions, achieve a level of quality of life comparable to the level of quality of life of other citizens, thus meeting the criteria of human dignity. When individuals and families cannot provide social security themselves, they are entitled to aid, which is assured as part of active social policy by the state and local community.

54. Since 2002, the Act on the Use of Slovene Sign Language has guaranteed deaf and hearing impaired persons the right to use Slovene Sign Language, letting them realize their right to information, including access to information using techniques adapted to them.

55. Reports on the implementation of the Action Programme for Persons with Disabilities 2007-2013 show that ministries are consistently respecting legislation and regulations on construction, access to information and communication technology, culture and cultural works, the educational system, health care, employment, and other regulations which would influence the assurance of access and other needs of disabled persons. In 2014, a new Action Plan for Disabled Persons 2014-2021 was adopted.

Article 3 – Equal rights of men and women

11. *Please provide information on courts cases of discrimination on the ground of sex, brought under the Principle of Equal Treatment Act, relating to violations of economic, social and cultural rights.*

56. After examining the judgements of courts of second instance, it is established that there were no such cases of discrimination on the grounds of sex.

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Article 6 – Right to work

12. *Please inform the Committee of adjustments made to the labour market regulations since the beginning of the current economic crisis and to what extent they have affected workers' rights. Please also provide information on the concept of "flexicurity" introduced under the 2010 Labour Market Regulation Act and explain to what extent it provides effective protection against unfair dismissal.*

Workers' rights

57. In 2013, a comprehensive labour market reform was introduced in Slovenia with the purpose of establishing an appropriate ratio between workers' safety and the possibility of a more effective adjustment to the labour market situation. The Employment Relationship Act (ZDR-1), which entered into force on 12 April 2013, is part of the reform.

58. By reducing costs of permanent employment contracts and financially de-stimulating the use of fixed-term employment contracts, the new legislation pursues one of the essential objectives of the reform, namely, reduction of labour market segmentation. Procedures for conclusion and termination of employment contracts are being simplified and administrative obstacles are being reduced. Transition between workplaces or jobs with one employer or between employers (internal flexibility and labour market flexibility) is facilitated. Measures for increased legal certainty of employees are envisaged to prevent abuse.

59. To facilitate permanent employment by reducing costs and simplifying redundancy procedures, the following measures are adopted:

- Shortening of notice periods;
- Reduction of severance pays;
- Introduction of the institution of temporary lay-off with 80% wage compensation;
- Simplification or suspension of procedural obligations at stages of the employment contract termination procedure or disciplinary procedures.

60. The Act enables labour market flexibility by preserving all legitimate reasons for conclusion of fixed-term employment contracts. It stipulates severance pays for fixed-term employment contracts, which were only linked to permanent employment contracts prior to the entry into force of ZDR-1. To prevent the use of successive fixed-term employment contracts with the same worker for the same job the Act provides the definition of "same job".

61. The Act brings stricter obligations regarding employment through agencies or employment-providing employers. It also determines a quota of posted employees, which may not exceed 25% of the user's employees, and secondary liability of the user to provide payments for the employees.

62. The Act introduces measures for increased protection of employees in areas where insufficient protection led to abuse or was manifested otherwise in the past:

- More effective protection of rights in case of transfers of undertakings or parts of undertakings to the transferee (joint and several liability or secondary liability of the transferor for the worker's claims);

- Legal basis for extraordinary termination of the employment contract by the worker if the employer fails to pay social security contributions for three successive months;
- Written wage slip as an enforceable instrument for the payment of wages;
- The employer is obliged to ensure the posted worker's return to Slovenia;
- Reimbursement of transport and food costs during voluntary traineeships;
- Special protection of economically dependent persons, higher sanctions for violations and clearer definition of the Labour Inspectorate of the Republic of Slovenia's competence.

The “Flexicurity” concept

63. The Labour Market Regulation Act (hereinafter: ZUTD) regulates government measures for the provision of public services in the field of employment and active employment policy as well as the functioning of the unemployment insurance system. It determines the providers of measures, the conditions and procedures for exercising rights and services under this Act, the financing method and follow-up of measures, assessment and supervision of their implementation, and also the referral of workers to users.

64. ZUTD has been changed or amended three times since its entry into force on 1 January 2011.

65. The primary objective of the new ZUTD is to increase the security of job seekers, which is part of the “Flexicurity” concept on the labour market in the Republic of Slovenia. For this purpose, a network of measure providers (Employment Service of Slovenia, Ministry of Labour, Human Resources Development and Scholarship Fund, concessionaires) was established to enable government's quicker response to dynamic changes on the labour market. The role of lifelong career orientation provided by concessionaires and the Employment Service of Slovenia has been enhanced. This Act enables faster treatment of unemployed persons who need it. An initial shortened employment plan is drawn up upon the person's entry in the register of unemployed persons. An assessment is then made whether an in-depth employment plan should be drawn up immediately or later, but not later than four months of the registration.

66. Subsequent changes and amendments of the above-mentioned Act were introduced with the Act Amending the Labour Market Regulation Act — ZUTD-A which regulates:

- The cessation of compulsory registration of vacant job position at the employment service and the introduction of obligatory public notice at the Employment Service of Slovenia (hereinafter ESS) for employers in the public sector and the majority State-owned companies;
- The possibility of temporary and occasional work for pensioners under civil law contract without prejudice to acquired pension right;
- Minor changes in public work;
- The possibility of entering an employee whose employment contract was terminated due to business reasons or incompetence in the register of job seekers during the period of notice;
- The unemployment benefit for persons under the age of 30 who have reached an insurance period of at least 6 months in the last 24 months;
- Stricter conditions for the exception to the insurance period utilisation principle (rise from 55 years of age and 30 years of insurance period to 57 years of age or, alternatively, an insurance period of at least 35 years);

- The change of the right to the remaining part of the unexploited right (the new right and the remaining part cannot be exercised simultaneously, only one of the alternatives is possible);
- The extension of the right to the payment of contributions for pension and disability insurance for older insured persons until retirement for a maximum of two years (until the new ZUTD, a maximum of one year, but for all insured persons, which is still applicable).

67. The Act Amending the Labour Market Regulation Act — ZUTD-B was subsequently adopted, which introduced an amendment regarding the execution of public work (limitation of the unemployed persons target group to include only long-term unemployed persons, i.e. persons entered in the register of unemployed persons continuously for more than one year, in public work).

68. The last amendment in 2013 was adopted with the Act Amending the Labour Market Regulation Act — ZUTD-C relating to the amendment in the field of providing workers to users.

13. *Please inform the Committee of the impact of the 2007-2013 active employment policy programme, referred to in paragraph 56 of the State report, and other measures to address unemployment among the youth and first-time jobseekers.*

69. The Active Employment Policy Programme 2007-2013 (hereinafter AEP) was implemented by the end of 2011. The Government of the Republic of Slovenia then adopted the Guidelines for the Implementation of Active Employment Policy Measures, which has been in force since 1 January 2012. The ZUTD introduced these guidelines which represent a new basis for implementing AEP measures and serving as a new strategy paper (in place of the AEP Programme for a 7-year period). The activities of individual AEP measures (2007-2013) were intended for everyone entered in the register of unemployed persons at ESS and other active and inactive individuals on the labour market. Young persons are reasonably included in all AEP programmes for acquiring new or additional skills and in employment incentives. In the past, inclusions of youth in education and training programmes were the most numerous. Two special programmes, which were exclusively implemented for the youth target group, were launched to tackle the youth unemployment problem, namely, “Training of Graduates in the Workplace and Subsidy for Graduate Employment/Graduate, Be Active and Find Employment!” Pilot Scheme and “First Challenge” Programme. The first scheme was intended for gaining first professional experience during studies (graduates) and ensuring a direct transition from education to employment, as at the time of the programme preparation at the end of June 2010, there were already 3,611 graduates under 30 years old entered in the register of unemployed persons, of which 49.8% were first-time job seekers. The “First Challenge” Programme was proposed for encouraging youth employment when 42.3% of unemployed youth were first-time job seekers. By the end of March 2013, 3,029 young persons were included in both programmes (of which 149 in “Graduate, be Active and Find Employment!”).

70. Between 2007 and 2011 (as regards the AEP Programme 2007-2013 which was implemented by the end of 2011), 243,847 persons, of which 90,753 were young persons aged up to 30, were included in different AEP measures.

14. *Please provide information on the impact of measures to facilitate employment of workers who have been made redundant as a result of privatization of public enterprises.*

71. Upon privatisation of public undertakings, redundant workers, regardless of the privatisation, have all unemployment rights, are included in active employment policy programmes and are given all the same rights as other workers. If the public undertaking

declares bankruptcy upon privatisation, the employees are entitled to the rights from the Guarantee Fund, as provided for in the Public Guarantee, Maintenance and Disability Fund of the Republic of Slovenia Act (hereinafter ZJSRS). They benefit from the same rights as the employees of other undertakings.

Article 7 – The right to just and favorable conditions of work

15. *Please provide information on the regulations in place, as well as their application, to protect workers against the accumulation of unpaid wages owed by companies in situations of financial difficulty. Please also provide information on the impact of measures taken to protect employees against employers' abusive practices which violate the right to just and favorable conditions of work of migrant workers.*

72. ZJSRS guarantees protection of workers whose employment relationship has terminated due to employer's insolvency. If the employer's headquarters are based in another EU or EEA Member State, the employee benefits from the rights under this Act if he carried out or usually carries out work in the Republic of Slovenia pursuant to the employment contract. The employer is insolvent if bankruptcy proceedings are initiated against him, if a resolution on the confirmation of compulsory settlement with a financial reorganisation plan became final or if insolvency proceedings are initiated in another EU or EEA Member State where the employer's headquarters are located. The Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act stipulates that the rights of employees whose employment relationships terminate due to deletion of a legal entity from the register of companies are equal to those of employees whose employment relationships terminate as a result of the initiation of bankruptcy proceedings, including the rights under ZJSRS.

73. Under ZJSRS, the workers are entitled to the following:

- The payment of outstanding salaries for the last three months prior to the termination of employment;
- The payment of outstanding wage compensations for paid absence from work for three months prior to the termination of employment, amounting to not more than three minimum wages, provided for by the law at the date of the decision issued and decreased by taxes and contributions;
- The wage compensation for the unused annual leave for the current year, amounting to not more than half of the minimum wage, provided for by the law at the date of the decision issued and decreased by taxes and contributions; and
- The severance pay in the amount and under conditions laid down in the employment relationship regulations for redundant workers, amounting to not more than one minimum wage, provided for by the law at the date of the decision issued and decreased by taxes and contributions.

74. The beneficiary lodges an application on a special form within 90 days of the termination of employment at the Employment Service of Slovenia, accompanied by a proof of termination of the employment contract. Upon termination of employment due to bankruptcy proceedings, a proof must be attached that the rights have been declared within the deadlines and in a manner provided for by the law. If the bankruptcy proceedings were terminated without executing distribution to creditors because the assets included in the bankruptcy estate were insufficient to cover even the costs of bankruptcy proceedings or were insignificant, a proof of claims lodged in the bankruptcy proceedings is not a prerequisite for the acquisition of rights under ZJSRS. Upon compulsory settlement, the beneficiary provides proof that the protection of rights was claimed within the deadlines

and in a manner laid down in the employment relationship regulations if the rights were not recognised in accordance with these regulations. Upon employer's insolvency abroad, proof must be provided that the claim was lodged in compliance with the provisions of the insolvency proceedings initiated in another EU or EEA Member State.

16. *Please provide information on the capacity of the labour inspectorate to implement its mandate, in particular to systematically monitor workplaces.*

75. Within the Labour Inspectorate of the Republic of Slovenia, the following departments operate: Inspection for Labour Relation, Inspection for Safety and Health at Work, and Inspection for Social Affairs. On 31 December 2013, 46 inspectors were employed within the Inspection for Labour Relations and 30 within the Inspection for Safety and Health at Work. The Inspectorate performs regular inspections, re-inspections and extraordinary inspections. The inspection for safety and health at work is also carried out on a representative sample of legal entities. In 2013 it was carried out for the 10th consecutive time. In 2013, 7,364 employees were inspected within the framework of the labour relation inspection and 6,158 within the framework of the inspection for safety and health at work. Altogether, 10,958 labour relation inspections and 7,596 safety and health at work inspections were carried out. In 2013, a total of 9,762 violations were detected in the area of labour relations and 18,005 in the area of safety and health at work.

Article 8 – Trade union rights

17. *Please provide information on steps taken for the adoption of legislation guaranteeing the right to strike as well as to strengthen legislative sanctions against anti-union activities.*

76. Since the last report of the Member State, there were no changes regarding the right to strike.

77. As regards the penalties for anti-union acts, in accordance with the Employment Relationship Act (ZDR-1), a fine of 3,000 to 20,000 EUR shall be imposed on the employer if:

- He puts the job seeker or the worker in an unequal position (inter alia because of his trade union membership);
- He fails to inform the trade union on the intended ordinary or extraordinary termination of the employment contract;
- He carries out the procedure of giving notice to a large number of workers for business reasons without informing the trade union or without prior consultation with the trade unions;
- He does not take into account a special protection of the trade union representative against the termination of employment contract;
- Workers' representative who was prohibited to perform work is not given wage compensation during the suspension of the effect of the employment contract termination due to dismissal.

78. In accordance with the Employment Relationship Act, a fine of 1,500 to 4,000 EUR shall be imposed on the employer if:

- He does not submit the proposals of general acts to the trade unions for the opinion prior to the adoption or he does not deal with the opinion of the trade unions and does not express his standpoint regarding the opinion;

- He fails to previously inform or consult trade unions about the transfer of workers in the event of a change of employer;
- He does not consult the trade union prior to the introduction of night work; and
- He fails to meet his obligations towards the union with regard to the provision of conditions for the performance of trade union activities and the provision of data access.

Article 9 – Right to social security

18. *Please explain how the implementation of stricter legal provisions regulating eligibility for social security transfers has improved the social status of the most vulnerable groups, such as the unemployed, persons with disabilities and older persons. Please also provide information on the strategies adopted to ensure a fair balance between austerity measures and maintaining an adequate social security level.*

79. The risk for poverty increased in Slovenia during the crisis period, but Slovenia remains among the EU Member States with a relatively low level of poverty. In 2012, approximately 271,000 inhabitants (13.5%) lived below the risk-of-poverty threshold.

80. On 1 January 2012, following the adoption of the Exercise of Rights to Public Funds Act and the Financial Social Assistance Act, the implementation of the social reform commenced. The two Acts intervened in the legislation governing social and family benefits, and certain subsidies (kindergartens, school meals, scholarships, etc.). The reform aims to establish a more transparent and efficient system of social benefits taking into account all beneficiaries' incomes, including their assets.

81. Because of the crisis, the Fiscal Balance Act was adopted in 2012 which intervened in certain social benefits excluding the benefits for the most vulnerable groups of the population.

82. After a year of implementation of the reform, an assessment was carried out serving as the basis for amendments aimed at ensuring additional social security to the most vulnerable groups. On 1 January 2014 the amendments entered into force increasing the weights for the calculation of social assistance benefit in cash for the most vulnerable groups, such as single-parent and large families as well as elderly recipients of social transfers. As regards the elderly, the census for exercising the right to social security benefits was increased in order to be provided to a larger number of the population.

Article 10 - Protection of the family, mothers and children

19. *Please provide information on changes introduced in the new Family Code as they pertain to the protection of the rights under article 10 of the Covenant.*

83. On 16 June 2011, the National Assembly adopted the Family Code (hereinafter Dzak) containing amended provisions enabling the State to provide greater protection and assistance to families as well as amendments to ensure more effective protection of children (including a ban on physical punishment of children). Dzak was rejected at the referendum held on 25 March 2012 with 45.45% of votes in favour and 54.55% against. The referendum participation rate was 30% of the population.

84. The rights to parental protection and family benefits are laid down in the Parental Protection and Family Benefit Act (hereinafter ZSDP).

85. The rights under ZSDP are part of the measures of a unified family policy which is implemented through a number of policy measures in different areas. The act connects individual parts of the family policy and is based on the concept of the state's social role and on the fact that the state must not ignore the fundamental cell of society — the family.

86. The rights under the insurance for parental protection are based on the principle of paying contributions. The range of rights is mainly dependent on the amount of contributions paid, unless stipulated otherwise taking into account the principle of solidarity. The parental protection insurance system is based on the principle of unified insurance, meaning that it includes all individuals for whom the legislator has provided parental protection insurance. Due to the absence of separate insurance schemes for certain categories of persons insured, it is necessary to consider the differences among various categories of persons insured which results in different amounts of compensation paid. The principle of solidarity, as one of the fundamental insurance principles, in certain cases provides persons insured with greater rights in comparison to the fulfilled obligations. This is evident from the determination of the lower limit of the compensation payment. The state is obliged to ensure that there are no cases in the social insurance system which could be perceived as unfair by insured persons. The principle of unified insurance also brings certain undesirable consequences impossible to avoid.

87. Insured persons covered for the full range of rights are guaranteed the rights under the same conditions regardless of their insurance basis. The amount of contributions must be calculated according to the number of persons liable for payment on the one hand and the number of beneficiaries on the other. The Social Security Contributions Act stipulates that parental protection contribution is paid by insured persons at a rate of 0.10% and by an employer at an equal rate of 0.10%. Funds collected from the contributions paid do not suffice to cover expenditure incurred in relation to the rights under the parental protection insurance. Financial consequences of the Act result in a significant gap between funds provided and funds required for the compensation for child care and protection. In accordance with ZSDP, the funds for implementing the Act are provided from the budget of the Republic of Slovenia which means that funds for paying the contribution for parental protection are also provided from this budget.

Article 11 – Right to an adequate standard of living

20. *Please indicate as to whether steps have been taken by the State party to bring its legislation and practice of forced evictions into conformity with international human rights standards. Please also provide statistical data on evictions conducted during the last five years.*

88. Judicial proceedings for the enforcement of monetary and non-monetary claims are regulated in the Enforcement and Securing of Civil Claims Act (hereinafter ZIZ). In monetary claims, immovable property owned by a debtor is sold and a creditor is repaid from the proceeds. In the decision on the surrender of immovable property to a purchaser, which is an enforceable title, the court sets the date when the debtor is obliged to move out of a family house or apartment. In non-monetary claims, ZIZ regulates the vacancy and surrender of immovable property. Compulsory enforcement of a final decision is regulated in an enforcement procedure in which the creditor may apply for an enforcement of the judgement if the debtor fails to fulfil his obligations.²

² Decision of the Constitutional Court No. Up-181/99 of 17.1.2000.

89. ZIZ enables the debtor to prevent the enforcement against immovable property under certain conditions. When the creditor applies for enforcement by sale of immovable property as means to repay monetary claims, the debtor may apply to the court for an alternative enforcement measure, instead of enforcement against the immovable property, or to carry out enforcement against immovable property other than that applied for by the creditor. The court grants the request if the debtor proves presumptively that the claim will be repaid by other enforcement measure or by selling another immovable property. If the creditor applies for enforcement by attachment of earnings, pension, disability benefits or other fixed cash benefits as the alternative enforcement measure, the court grants the request if the debtor proves presumptively that the claim will be repaid by the alternative enforcement measure within one year from the issue of the decision on the debtor's application. The debtor is informed of the commencement of the planned public auction in the enforcement proceeding. By amending ZIZ, the right of the debtor to be informed of the enforcement against immovable property was improved with additional notification about his legal options to prevent the enforcement against immovable property. Under certain conditions, the arrangement permits the debtor living as a proprietor in a family house or apartment which is sold in the enforcement procedure in order to repay his debts, to live in this house or apartment as a tenant for another three years from the date of the sale provided that he pays the rent for non-subsidized housing. We believe that the applicable arrangement of ZIZ is in accordance with international human rights standards.

Number of vacant and surrendered real estates in the past five years

2013	330
2012	827
2011	769
2010	703
2009	643

Article 12 – Right to physical and mental health

21. *Please provide information on the impact of the implementation of the National Programme of Mental Health 2011-2016 on the accessibility of quality mental health care, including of community-based care.*

90. Slovenia has been drafting its first national program of mental health since 2009 and to date; three public debates have been carried out. Although the National Programme of Mental Health has not yet been formally adopted, it contributes to a higher quality planning of mental health protection and development of community care. Slovenia is aware that mental health care is one of the priorities as mental disorders represent a great loss and burden for the economic, social, educational, as well as penal and judicial systems. Special attention is given to programmes for reducing or preventing stigmatization and discrimination which frustrate the maintenance and recovery of mental health, with marginalized groups being the most vulnerable. The care is intended for all populations, i.e. children, adults and elderly, and especially for the latter, as the number of elderly is increasing and they are among the most vulnerable groups due to age-related problems. Continuous and targeted promotional and anti-discrimination activities are planned at several levels, including at the cross-sector level (housing provision, access to work, fight against poverty, representatives of patients' rights, representatives of persons' rights in the field of mental health care and advocacy). They will contribute to positive changes in beliefs and behaviour. Special programs will be aimed at educating and raising awareness of professional and lay public.

Articles 13 and 14 – Right to education

22. *Please inform the Committee on the steps taken to improve schooling results of the Roma children and to reduce their dropout rates. What measures has the State undertaken to eliminate discrimination against and segregation of Roma children in the education system?*

91. In Slovenian educational and schooling institutions, the principle of inclusion is applied. There is no segregation of Roma and non-Roma children; there are, however, statutorily prescribed forms of individualisation and differentiation. In the Republic of Slovenia, collecting data on the basis of ethnic origin is not permitted; no official data is, therefore, available on the number of Roma children in education.³

92. The Strategy of Education of Roma in the Republic of Slovenia (adopted in 2004 and amended in 2011) provides for several measures to improve learning outcomes of Roma children as well as measures to decrease their early school leaving. In addition, these measures are part of the National Programme of Measures for the Roma 2010-2015:

- Early inclusion of children in the educational process is emphasized because integration is essential; however, in the initial step it is more important that various forms of pre-school education evolve in the settlements, too, because this raises the social and cultural capital of the entire settlement, which is of extreme importance to the success in school. Inclusion implementation is supposed to last for at least two years prior to the beginning of elementary education, or it should not begin later than at the age of 4. The payment of kindergarten in Slovenia depends on the material conditions of the family: most Roma families are exempt from payment in enrolling their children in kindergarten. In the last period, more efforts are directed towards increasing trust of Roma parents into kindergartens so that they enrol their children in pre-school institutions as soon as possible.
- The inclusion of Roma assistants in the educational process — they work in schools and in Roma settlements, contribute to rising awareness and to fighting against intolerance in their representing a bridge between Roma parents, school, teachers and other parents. In addition, they offer additional learning assistance to Roma children and help them overcome the emotional and language barriers. In this manner, most children can be present in school without intermissions.
- Creating conditions for building trust in schools, learning about Roma culture and eliminating prejudice — the most successful is the instance of social incubators which can be defined as a comprehensive programme consisting of various forms of working with Roma children, the youth and their parents in Roma settlements.

³ Based on unofficial data, the current inclusion of Roma children (compared to previous years) in elementary schools is as follows:

<i>Roma</i>	<i>Schools</i>	<i>Class units with regular curriculum</i>	<i>% of Roma</i>
2013/14	1,965	39,753	4,94
2012/13	1,930	39,083	4,94
2011/12	1,880	42,601	4,41
2010/11	1,827	38,443	4,75
2009/10	1,813	38,099	4,76

Activities for children, pupils and secondary-school students are organised there, for example, learning assistance, reading in the Romani language, and cultural events. The bridge to overcome prejudice and to bring different cultures closer is represented by the optional subject for all students, entitled “Roma culture”, where students gain knowledge about Roma history, culture, way of living and creativity in culture in the past as well as today. Students develop the ability to appreciate lifestyles of various ethnic groups that co-exist in the same territory. The educational process is set out so as to increase the development of personal characteristics that enable students to assert fundamental human values and active citizenship. This requires teacher training which is carried out by teachers’ networks at the National Education Institute of the Republic of Slovenia, as well as by projects financed from the European Social Fund.

- The development of language skills (the Romani and Slovenian languages) and socialisation within educational institutions. Materials and manuals in Romani as well as materials for learning Romani are being developed. Education of adult Roma is also funded. Second-language learning is being promoted together with creating a bilingual environment that promotes language development of children and affects pre-reading and pre-literacy skills in children whose native language is not Slovenian. For example, 12 picture books in three languages were published under “The Increase in Social and Cultural Capital in Areas with a Roma Population” Project. They were written in Slovenian, in Romani of the Prekmurje Region and in Romani of the Dolenjska Region. Three manuals were also published. These materials are particular as they enable memorising a text in a dialect closest to children, considering the diversity of Romani in Slovenia. The purpose of picture books is to enable children to read and tell stories in their native language. Children whose native language is no longer Romani are encouraged to learn and use Romani. Picture books are accompanied by manuals for individual age groups and contain examples of activities that can be carried out after reading picture books.
- Increased quality of education for Roma children. The Ministry allocates additional funds and has set favourable norms for classes with Roma. Moreover, it has financed development and research studies related to the issue of successful integration of Roma pupils and to the standardisation of the Romani language as a basis for teaching Romani.
- Planning of aid for educational networks, especially for secondary-school students.

93. Financial resources have been increased for the education of Roma and there have been important shifts. On the basis of the evaluation of individual projects, the responsible ministry released relevant calls for tenders concerning the education of Roma. The following ESF projects from 2008 onwards should be mentioned: “Successful Inclusion of Roma into Education I”, “Successful Inclusion of Roma into Education II” and “The Increase in Social and Cultural Capital in Areas with a Roma Population” as well as the current project (April 2014–August 2015): “Acquiring Knowledge Together — Achieving the Objectives of the Strategy of Education of Roma in the Republic of Slovenia”.

23. *Please provide information on the measures adopted and steps taken to ensure equal access to quality education across regions. Please also indicate whether accompanying measures are in place to ensure that higher education remains equally accessible to all, on the basis of capacity, following the adoption of the Higher Education Act.*

94. The Organization and Financing of Education Act stipulates that the network of public schools is determined which shall provide elementary education for all pupils aged from 6 to 14. The network of elementary schools is determined by the Government with a specific regulation from 1998, whereas the establishment of public elementary schools is

regulated by the Order on Requirements for the Establishment of Public Elementary Schools, Public Elementary Schools and Educational Institutions for Children and Youth with Special Needs, and Public Music Schools. These legal bases provide for inclusion of all children into the nine-year elementary education.

95. With its development strategy, Slovenia commits to the preservation of dispersed settlements. For this purpose, it preserves, wherever possible, dislocated kindergarten units and branch schools. Where this is not possible, school transport is organised and its users are exempt from payment.

96. In secondary education, equal access to education is ensured by regional school centres that offer (in collaboration with the local economy) a wide range of vocational programmes; in addition, at least one general secondary education programme is offered. In order to ensure easy access to education, secondary students receive subsidies on public transport; in addition, sufficient places for housing in boarding schools are also provided for students.

97. Higher Education Act regulates fundamental rights in higher education and determines that all Slovenian citizens have the possibility of education under the same conditions. Enrolment in state-approved study programmes is carried out on the basis of a call for entry. Prior to its notice release, higher education institutions are obliged to seek agreement on their contents with the Government of the Republic of Slovenia.

98. The analysis of the first enrolment deadline for students in year one in 2014 shows that there is an 11% surplus of the number of applications compared to vacancies. 76% of students were enrolled in the first programme of their choice.

99. In Slovenia, there is adequate regional access to higher education because of a wide network of public higher-education institutions and those with concession (3 public and 1 private university as well as 1 public and 42 private higher education institutions).

100. Students are eligible for health insurance and other social services, for example subsidies for expenses associated with housing in residence halls for students, transport and meals. Scholarships are available for financially disadvantaged and gifted students; they are also awarded by employers for certain professions; moreover, scholarships are available for students living abroad and for foreign students from countries which have accepted an agreement with Slovenia. Students achieving exceptional learning outcomes are rewarded with prizes.

101. The State finances the major part of higher education through public funds. The National Higher Education Programme 2011-2020 determines that first-, second- and partially third-level study programmes are free of charge. Higher education is accessible to everyone, including students with special needs and vulnerable groups.

24. *Please inform the Committee about the steps taken to include human rights as an integral part of the school syllabus.*

102. Human rights education (hereafter referred to as HRE) has already been integrated into the Slovenian school system and in training programmes for professionals.

103. In the last 15 years, important changes have been introduced into the national school programme:

- Various parts of educational programmes (courses — renewed course syllabuses, out-of-school activities, teacher trainings, etc.) are more focused on the human rights education;
- Students' participation and their active role in the school community are increasing;

- Students are developing critical and independent thinking, necessary to cooperate with the local community and with the entire society.

104. These changes have become the core topic for a debate in theory, research, politics and in practice.

105. Changes in elementary school were made in 2008 and further modifications were introduced in 2011. The first school year with the new course syllabus began in 2011/12. The development of social and civic competences, peace and human rights education are one of the general objectives in obligatory courses, history, civic and national education and ethics, geography, etc. HRE is also incorporated in numerous optional courses. In course syllabuses for all courses, an emphasis is put not only on HRE-oriented objectives, but also on cross-curricular approaches, school atmosphere and different didactic approaches. Furthermore, significance is attached to various school activities: more flexible syllabuses, theme days, weeks or events focused on one of the cross-cultural activity dimensions (e.g., human rights):

- There are more projects with partner schools in Slovenia and abroad on the topic of HRE;
- Schools are organised into networks (e.g., ASPNet, cooperation with the European Wergeland Centre, the Council of Europe, etc.);
- There is an emphasis on cooperation with parents and on out-of-school activities;
- The entire development plan of a school, school atmosphere, etc. include different dimensions of HRE, etc.

106. Slovenia continues its efforts, including at international level, by supporting the United Nations Declaration on Human Rights Education and Training (2011) and by promoting and further implementing the World Programme for Human Rights Education.

Article 15 – Right to enjoy the benefit of scientific progress

25. *Please indicate to what extent research projects impacting the realization of economic, social and cultural rights are prioritized in the State party's National Research and Development Programme.*

107. As the Research and Innovation Strategy of Slovenia 2011-2020 (RISS) is oriented towards raising effectiveness and excellence of the research and innovation system, individual research fields are not preferential. Despite this, the mutual common goal of the Strategy is to establish a modern research and innovation system that will enable higher quality of living for everybody, critical thinking in the society, effectiveness in solving social challenges, a higher added value per employee and that will provide an increased number of and more quality workplaces. The process of prioritisation is defined in a special chapter on specialisation; however, RISS does not determine any specific priority area.

26. *Please indicate the measures taken by the State party to ensure affordable access to the Internet by disadvantaged and marginalized individuals and groups as well as in rural areas.*

108. The Republic of Slovenia stands for affordable access to the Internet for all individuals (including its end users — the disabled, users with special social needs and inhabitants of rural areas) through provisions of the Electronic Communications Act.

109. In accordance with the provision of ZEKom-1, a universal service is the smallest set of services of a certain quality, accessible to all end users at an affordable price, regardless of their geographical position, and must contain provisions for the disabled end users,

enabling them equal use and access to certain services, accessible to other end users. On this basis, a Decree on measures for Disabled End-users has also been adopted and which additionally improves the position of the disabled, including by improving certain price preferences or discounts for the disabled without funds provided to guarantee minimum livelihood. The disabled in the Republic of Slovenia have, free access to Internet services through the ARNES Public Institute; in addition, they are able to benefit from cheaper services with some other providers. Cheaper or more affordable service packages (TV, mobile telephone, fixed telephone and the Internet) are also available for them with the SIOL company provider.

110. In order to achieve the objective of the information society development, the prices of services carried out as a universal service are subject to more stringent inspection by the Agency for Communication Networks and Services of the Republic of Slovenia, in conformity with ZEKom-1. The Agency can, by considering certain criteria, demand from the universal service provider to offer price options or packages for consumers with low incomes or with special needs that differ from those otherwise provided under normal commercial terms. On this basis, the Rules on the Categories of Consumers Entitled to Special Price Options or Packages have been adopted.

111. Regarding provision of broadband access for the population in rural areas with insufficient broadband network coverage or where such network is not available to everyone under equal terms, and regarding prices and speed of broadband access in comparison with the rest of the population and where there is no commercial interest, the resources for the construction of broadband network, based on ZEKom-1 and under certain terms, can also be allocated from public funds in accordance with regulations governing state aid monitoring.
