

SLOVENIA REVIEW

I. Justice System

B. Quality of justice

Accessibility of courts (e.g. court/legal fees, legal aid, language)

In its 2023 concluding observations, the UN Committee against Torture noted with concern of reports that access to free legal aid, which should be provided from the very outset of deprivation of liberty, is in practice provided in Slovenia only prior to the court hearing and after police questioning. The Committee recommended that Slovenia should ensure unimpeded access to an independent lawyer of their choice or, if necessary, to free legal aid, including during the initial interrogation and inquiry, in line with the Basic Principles on the Role of Lawyers and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems. The Committee was also concerned that the amendments to the Aliens Act introduced in 2021, namely articles 10 (a) and 10 (b), which curtail normal access to asylum proceedings under the exceptional procedures that could be activated in the context of the declaration of a “complex crisis”, would not include a right to appeal with automatic suspensive effect against decisions made under the above-mentioned procedures ([CAT/C/SVN/CO/4](#), paras. 10, 11 (b), 26 (b) and (c)).

The UN Committee on the Elimination of Discrimination against Women took note of the availability of free legal aid for women without sufficient means and of the possibility for victims of gender-based discrimination to lodge a complaint either with the Advocate of the Principle of Equality or in court proceedings. However, the Committee noted with concern that sentences for perpetrators of gender-based violence are often lenient and not commensurate with the gravity of the crimes. The Committee recommended that Slovenia ensure that the justice system provides women with effective protection and meaningful redress for any harm that they may suffer, in particular: ensure that sentences in cases of gender-based violence against women are commensurate with the gravity of the harm suffered. Redress for victims should include, as appropriate, restitution (reinstatement), compensation (whether provided in the form of money, goods or services) and rehabilitation (medical treatment, psychosocial counselling and social services), and conduct and facilitate qualitative studies and critical gender analyses of the justice system, in collaboration with civil society organizations and academic institutions, in order to highlight practices, procedures and jurisprudence that promote or limit women’s full access to justice ([CEDAW/C/SVN/CO/7](#), paras. 15, 16).

Training of justice professionals (including judges, prosecutors, lawyers, court staff)

In its 2023 concluding observations, the UN Committee against Torture Strengthen recommended training programmes of all relevant staff, including medical and psychological personnel, prosecutors and judges, on the identification, documentation and investigation of cases of torture and ill-treatment, in accordance with the revised version of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading

Treatment or Punishment (Istanbul Protocol). The Committee also recommended to strengthen the training provided to law enforcement officials, judges, medical professionals and other relevant professionals, particularly on the forms and consequences of domestic violence and on gender-responsive techniques to interview and accompany the victims of gender-based violence ([CAT/C/SVN/CO/4](#), paras. 21 (c)), 37(b)).

Other

Trafficking and exploitation of prostitution

The UN Committee on the Elimination of Discrimination against Women in its 2023 concluding observations noted with concern the low number of investigations, prosecutions and convictions in cases of trafficking and the fact that courts resort to physical violence, restrict freedom of movement, confiscate personal documents, limit the use of electronic communications for findings on trafficking and impose lenient sentences such as fines. The Committee recommended that Slovenia strengthen the criminal justice response to human trafficking and ensure that all cases of trafficking are prosecuted and traffickers adequately punished and address legislative gaps to strengthen support services for victims of trafficking, including free legal assistance and medical treatment ([CEDAW/C/SVN/CO/7](#), paras. 27 (b) (c) and 28 (b) (c)).

IV. Other institutional issues related to checks and balances

D. The enabling framework for civil society

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

The UN Committee on the Elimination of Discrimination against Women in its 2023 concluding observations welcomed the commitment of Slovenia to cooperating with women human rights defenders. However, it noted with concern that no civil society organization has engaged with the Committee in preparation of the consideration of the seventh periodic report. The Committee recommended that Slovenia ensure an enabling environment for women's organizations and women human rights defenders to advocate for women's human rights, including through cooperation in the implementation of the present recommendations, and their consultation in the preparation of the next periodic report, preparation of a national action plan on women rights, prevention of domestic violence and prevention of trafficking activities ([CEDAW/C/SVN/CO/7](#), paras. 33, 34).