



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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COMMITTEE AGAINST TORTURE
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Conclusions and recommendations of the Committee against Torture

SLOVENIA

1. The Committee considered the second periodic report of Slovenia (CAT/C/43/Add.4) at its 356th and 359th meetings (CAT/C/SR.356 and 359), held on 5 and 6 May 2003, and adopted the following conclusions and recommendations.

A. Introduction

2. The Committee welcomes the timely submission of the second periodic report of Slovenia in accordance with the Committee's request, and the opportunity to continue its dialogue with the State party.

3. While noting that the report covers the period from May 2000 to March 2001, the Committee appreciates the update provided by the delegation of Slovenia during the consideration of the report and the detailed answers to the questions raised by the Committee.

B. Positive Aspects

4. The Committee welcomes the ongoing efforts by the State party to reform its legal system and revise its legislation so as to strengthen human rights in Slovenia. In particular, the Committee welcomes:

(a) The inclusion in the State party's report of findings of the Human Rights Ombudsman of Slovenia, which were often critical of the Government, and notes the important role of this institution in the promotion and protection of human rights in the State party;

(b) The decision of the Supreme Court adopted in December 2000, which limits the duration of remand in custody to two years;

(c) The Rules on Police Powers introduced in June 2000 which provide detailed regulations governing the limits of police powers in official contacts with individuals;

(d) The amendments to the Aliens Act and the Asylum Act, thereby bringing domestic legislation into line with article 3 of the Convention, as recommended by the Committee during the consideration of the initial report;

(e) The decision of the Government adopted in 2003, according to which all government ministries should cooperate closely with NGOs in the preparation of legislation and by-laws that touch upon human rights and freedoms in any way;

(f) The "Hercules" special programme conducted by the Supreme Court of Slovenia and introduced in 2001, aimed at reducing and eliminating court backlogs;

(g) Efforts undertaken by the State party in the sphere of educational and training activities in order to familiarize policemen and recruits participating in in-service training with international human rights standards, including the prevention of torture.

C. Subjects of Concern

5. The Committee expresses concern about the following:

(a) Substantive criminal law does not contain a specific crime of torture, which, although referred to in the Criminal Code, remains undefined;

(b) Torture is subject to a statute of limitation; the period of limitation pertaining to acts of ill-treatment other than torture is too short;

(c) Reports concerning the lack of an independent system to investigate complaints and allegations of ill-treatment promptly and impartially;

(d) Allegations of excessive use of force by the police, especially against members of ethnic minorities, continue. The Committee regrets the fact that disaggregated statistical data in this respect are not available from the State party;

(e) There is no adequate legal guarantee of the right of persons deprived of liberty to have access to a doctor of their choice from the outset of their custody. The Committee notes article 74 of the Rules on Police Powers making provision for medical assistance, but considers that this is not sufficient as a safeguard against ill-treatment and torture;

(f) There is no code of conduct for police interrogations to supplement the provisions of the Code of Criminal Procedure and the Police Act, with a view to preventing cases of torture and ill-treatment, as required by article 11 of the Convention;

(g) Overcrowding in prisons and other places of detention continues, despite the slight decrease noted in 2002.

D. Recommendations

6. The Committee recommends that the State party:

(a) **Proceed promptly with plans to adopt a definition of torture which covers all the elements of that contained in article 1 of the Convention and amend its domestic penal law accordingly;**

(b) **Repeal the statute of limitation for torture and increase the limitation period for other types of ill-treatment;**

(c) **Take measures to establish an effective, reliable and independent complaints mechanism to undertake prompt and impartial investigations into allegations of ill-treatment or torture by police and other public officials and to punish the offenders;**

(d) **Strengthen existing efforts to reduce occurrences of ill-treatment by police and other public officials, in particular that which is ethnically motivated, and, while ensuring protection of individual privacy, devise modalities for collecting data and monitoring the occurrence of such acts in order to address the issue more effectively. The State party is encouraged to include such information in its third periodic report;**

(e) **Strengthen the safeguards provided in the Code of Criminal Procedure against ill-treatment and torture and ensure that, in law as well as in practice, all persons deprived of their liberty are guaranteed the right to have access to an independent doctor. Privacy of medical examinations should be ensured;**

(f) **Continue efforts to address overcrowding in prisons and other places of detention in accordance with, inter alia, the recommendation in this respect made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in its report on Slovenia (CPT/Inf(2002)36);**

(g) **Widely disseminate the reports submitted by Slovenia to the Committee and the conclusions and recommendations, in appropriate languages, through official web sites, the media and non-governmental organizations.**
