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1999 Country Reports on Human Rights Practices
Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State, February 25, 2000

SLOVENIA

Slovenia is a parliamentary democracy and constitutional republic. Power is shared between a directly elected president, a prime minister, and a bicameral legislature. Since Slovenia's independence with the breakup of Yugoslavia in 1991, free, fair, and open elections have characterized the political system. In 1997 elections were held to elect both a president and representatives to Parliament's upper house. The Government respects constitutional provisions for an independent judiciary in practice.

The police are under the effective civilian control of the Ministry of the Interior. By law the armed forces do not exercise civil police functions.

The country has made steady progress toward developing a market economy. As of 1998, "social property"no longer exists, although sales of the remaining large state holdings have not occurred as rapidly as planned. Trade has been diversified toward the West and the growing markets of Central and Eastern Europe. Manufacturing accounts for most employment, with machinery and other manufactured products constituting the major exports. Labor force surveys put unemployment at 7.5 percent, but registration for unemployment assistance was 14.5 percent. Inflation was 7.9 percent in 1998, while real gross national product grew 3.9 percent. The currency is stable, fully convertible, and backed by substantial reserves. The economy provides citizens with a good standard of living.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. An ombudsman deals with human rights problems, including citizenship cases. Some 5,000 to 10,000 non-Slovene (former Yugoslav) residents had been without legal status since independence in 1991, some due to the Government's slow processing of their original applications, and others because they had never applied. However, in August the Government passed legislation that offered legal permanent resident status to such persons. These minorities reported some discrimination.

RESPECT FOR HUMAN RIGHTS

Section 1--Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and inhuman treatment as well as "humiliating punishment or treatment," and there were no reports of such treatment.

Prison conditions meet minimum international standards and were not the subject of complaint by any human rights organization.

The Government permits prison visits by human rights monitors and the media.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest or deprivation of liberty, and the Government respects these provisions in practice.

The authorities must advise detainees in writing within 24 hours, in their own language, of the reasons for the arrest. Until charges are brought, detention may last up to 6 months; once charges are brought, detention may be prolonged for a maximum of 2 years. Some 26 percent of the average prison population of 1,100 inmates are in pretrial detention at any given time. The law also provides safeguards against self-incrimination. These rights and limitations are respected in practice.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The judicial system comprises district courts, regional courts, a court of appeals, an administrative court, and the Supreme Court. A nine-member Constitutional Court rules on the constitutionality of legislation. Judges, elected by the State Assembly (Parliament) on the nomination of the Judicial Council, are constitutionally independent and serve indefinitely, subject to an age limit. The Judicial Council is composed of six sitting judges elected by their peers and five presidential nominees elected by the Parliament.

The Constitution provides in great detail for the right to a fair trial, including provisions

for: Equality before the law, presumption of innocence, due process, open court proceedings, the right of appeal, and a prohibition against double jeopardy. Defendants by law have the right to counsel, without cost if need be. These rights are respected in practice, although the judicial system is so burdened that justice is frequently protracted. In some instances, criminal cases have reportedly taken 2 to 5 years to come to trial. The problem is not widespread, and defendants are released on bail except in the most serious criminal cases.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the protection of privacy, &personal data rights," and the inviolability of the home, mail, and other means of communication. These rights and protections are respected in practice, and violations are subject to effective legal sanction.

Section 2--Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of thought, speech, public association, the press, and other forms of public communication and expression. Lingering self-censorship and some indirect political pressures continue to influence the media.

The press is now a vigorous institution emerging from its more restricted past. The major media do not represent a broad range of political or ethnic interests, although there is an Italian-language television channel as well as a newspaper available to the ethnic Italian minority who live on the Adriatic Coast. Hungarian radio programming is common in the northeast where there are approximately 8,500 ethnic Hungarians. Bosnian refugees and the Albanian community have newsletters in their own languages.

Four major daily and several weekly newspapers are published. The major print media are supported through private investment and advertising, although the national broadcaster, RTV Slovenia, enjoys government subsidies, as do cultural publications and book publishing. Seven local television channels are available, four of which are independent private stations. Numerous foreign broadcasts are available via satellite and cable. All major towns have radio stations and cable television. Numerous business and academic publications are available. Foreign newspapers, magazines, and journals are widely available.

In theory and practice, the media enjoy full journalistic freedom. However, for over 40 years the country was ruled by an authoritarian Communist political system, and reporting about domestic politics may be influenced to some degree by self-censorship and indirect political pressures.

The election law requires the media to offer free space and time to political parties at election time. Television networks routinely give public figures and opinion makers from across the political spectrum access via a broad range of public service programming.

The Constitution provides for autonomy and freedom for universities and other

institutions of higher education. There are two universities; each has numerous affiliated research and study institutions. Academic freedom is respected, and centers of higher education are lively and intellectually stimulating.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the rights of peaceful assembly, association, and participation in public meetings, and the Government respects these rights in practice. These rights can be restricted only by an act of Parliament in circumstances involving national security, public safety, or protection against infectious diseases.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. No person can be compelled to admit his religious or other beliefs. There are few formal requirements for recognition as a religion by the Government. Religious groups, including foreign missionaries, must register with the Ministry of the Interior. Registration entitles such groups to value added tax rebates on a quarterly basis. All groups in the country report equal access to registration and tax rebate status. Foreign missionaries (including a Mormon mission) and religious groups (including Hare Krishna, Scientology, and Unification organizations) operate without hindrance.

The appropriate role for religious instruction in the schools continues to be an issue of debate. The Constitution states that parents are entitled "to give their children a moral and religious upbringing." Before 1945 religion was much more prominent in the schools, but now only those schools supported by religious bodies teach religion.

The Roman Catholic Church was a major property holder in the Kingdom of Yugoslavia before World War II. After the war, much church property--church buildings and support buildings, residences, businesses, and forests--was confiscated and nationalized by the Socialist Federal Republic of Yugoslavia. After Slovenian independence in 1991, Parliament passed legislation calling for denationalization (restitution or compensation) within a fixed period. However, a subsequent change of government in 1992 led to a virtual standstill in denationalization proceedings for several years. As of June, only one-third of all cases had been adjudicated at the initial administrative level, although these represent about half of all nationalized and confiscated property.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides that each person has the right to freedom of movement, to choice of place of residence, to leave the country freely, and to return. Limitations on these rights may be made only by statute and only where necessary in criminal cases, to control infectious disease, or in wartime. In practice citizens travel widely and often.

The Constitution provides for a right of political asylum for foreigners and stateless persons "who are persecuted for their stand on human rights and fundamental freedoms." The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organization in assisting refugees. The Government provides first asylum (or "temporary protection") to refugees but on a very limited basis in recent years.

There were no reports that the Government forcibly returned any refugees against their will to a country where they feared persecution.

Section 3--Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides that elections should be held at least every 4 years. Citizens have the right to change their government, voting by secret ballot on the basis of universal suffrage. Slovenia has a mixed parliamentary and presidential system. The President proposes a candidate to the legislature for confirmation as Prime Minister, after consultations with the leaders of the political parties in the Parliament.

No restrictions hinder the participation of women or minorities in politics. However, women are underrepresented in politics. Of the 90 Members of Parliament, 8 are women, while 1 of 19 cabinet ministers is a woman. The Prime Minister's Office has an active agency for monitoring and promoting the participation by women in public life.

The Constitution stipulates that the Italian and Hungarian ethnic communities each are entitled to at least one representative in the Parliament, regardless of their population.

Section 4--Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Independent human rights monitoring groups promote respect for human rights and freedoms and freely investigate complaints about violations. The Government places no obstacles in the way of investigations by international or local human rights groups.

An independent ombudsman appointed by Parliament deals with human rights problems, including so-called "economic rights." The incumbent is regarded as fair, but he lacks the power to enforce his opinions. In addition Parliament has been criticized as a major factor in the slow progress of property restitution ("denationalization"), casting doubt on the ombudsman's ability to alter the pace of the process. The ombudsman criticized the Government for the slow pace of legal and administrative proceedings, in criminal and civil, as well as in denationalization cases.

Section 5--Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equality before the law, and the Government observed this provision in practice. According to the 1991 census, the population is approximately 2 million, of whom 1.7 million are ethnic Slovenes and the remainder are persons of 23 other nationalities. There were some 50,000 Croats, 48,000 Serbs, 27,000 Muslims, 8,500 Hungarians, and 3,000 Italians.

The Constitution provides special rights for the "autochthonous Italian and Hungarian ethnic communities," including the right to use their own national symbols, enjoy bilingual education, and benefit from other privileges. It also provides for special status and rights for the small Romani community, which are observed in practice.

Women

The awareness of spousal abuse and violence against women is on the rise. In 1998 83 men were charged with rape. Although 1,559 persons were charged with inflicting some degree of bodily harm in 1998, no breakdown of victims by sex is available. In 1998 10,021 misdemeanor charges of "endangering safety in a private place& were filed. Although no breakdown of victims is available by sex for 1998, records from previous years indicate that at least 40 percent, or approximately 4,000 cases, involved domestic disputes where women were threatened. Three shelters are available for battered women, which are partially funded by the State. The shelters operate at capacity (about 40 beds combined) and turn away numerous women every year. In cases of reported spousal abuse or violence, the police actively intervene, and criminal charges are filed.

Equal rights for women are a matter of state policy. There is no official discrimination against women or minorities in housing, jobs, education, or other walks of life. Under the Constitution, marriage is based on the equality of both spouses. The Constitution stipulates that the state shall protect the family, motherhood, and fatherhood.

In rural areas, women, even those employed outside the home, bear a disproportionate share of household work and family care because of a generally conservative social tradition. However, women frequently are encountered in business and in government executive departments.

Equal pay for equal work for men and women is the norm. Although both sexes have the same average period of unemployment, women still are found more often in lower paying jobs. On average women's earnings are 85 percent of those of men.

Children

The Government demonstrates its commitment to children's welfare through its system of public education and health care. Free public education is provided through age 15.

The Constitution stipulates that children "enjoy human rights and fundamental freedoms consistent with their age and level of maturity." Moreover, special protection from exploitation and maltreatment is provided by statute. Social workers visit schools regularly to monitor for any incidents of mistreatment or abuse of children.

There is no societal pattern of abuse of children.

People with Disabilities

The disabled are not discriminated against, and the Government has taken steps to facilitate access to social and economic opportunities. In practice modifications of public and private structures to ease access by the handicapped continue slowly but steadily.

National/Racial/Ethnic Minorities Minorities make up about 12 percent of the population; most are nationals of the former Yugoslavia. Ethnic minorities face a complex reality. "Autochthonous" groups in general are provided special rights and protection by the Constitution. Three of these groups--Italians, Hungarians, and Roma--are singled out in the Constitution for special treatment, and the first two are assigned representation in Parliament. Other "autochthonous" groups include some 500 ethnic Germans and under 100 Jews.

However, "new minorities"--ethnic Serbs, Croats, Kosovar Albanians, and non-autochthonous Roma from Kosovo and Albania--are unprotected by special provisions of the Constitution and face some societal and governmental discrimination. Many of these 5,000 to 10,000 non-Slovene citizens of the former Yugoslavia migrated internally to Slovenia during the decades leading up to independence because of the economic opportunities. Most opted not to take up Slovene citizenship during a 6-month window in 1991-92 and have been living in the country as essentially stateless persons since then, while others were without residence status because of slow processing of their applications by the Government. In August Parliament passed legislation that addressed the problem of these persons by offering them permanent resident status; a 6-week window for applications closed at year's end.

The Roma are best characterized as a set of groups rather than as one community. Some have lived in the country for hundreds of years, while others are very recent migrants. A lack of cohesion prevented the Romani communities from taking advantage of their special constitutional status, although the Government also failed to fully implement the special legislation on Romani status called for in Article 65 of the Constitution.

Section 6--Worker Rights

a. The Right of Association

The Constitution stipulates that trade unions, their operation, and their membership shall be free and provides for the right to strike. Virtually all workers, except police and military personnel, are eligible to form and join labor organizations. In 1993 the Parliament for the first time passed legislation restricting strikes by some public sector employees. However, after government budget-cutting, some public sector professionals (judges, doctors, and educators) became increasingly active on the labor front.

Labor has two main groupings, with constituent branches throughout the country. A third, much smaller, regional labor union operates on the Adriatic coast. Unions are formally and actually independent of the Government and political parties, but individual union members hold positions in the legislature. The Constitution provides that the state shall be responsible for "the creation of opportunities for employment and for work."

There are no restrictions on unions joining or forming federations and affiliating with like-minded international union organizations.

b. The Right to Organize and Bargain Collectively

The economy is in transition from the former Communist system, which included some private ownership of enterprises along with state-controlled and "socially owned" enterprises. In the transition to a fully market-based economy, the collective bargaining process is undergoing change. Formerly, the old Yugoslav Government had a dominant role in setting the minimum wage and conditions of work. The Government still exercises this role to an extent, although in the private sector wages and working conditions are agreed annually in a general collective agreement between the "social partners:" The labor unions and the Chamber of Economy. There were no reports of antiunion discrimination.

Export processing zones exist in Koper, Maribor, and Nova Gorica. Worker rights in these

zones are the same as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced and bonded labor, including that performed by children, and there were no reports of forced labor by adults or children.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years. Children must remain in school until through the age of 15. During the harvest or for other farm chores, younger children do work. In general, urban employers respect the age limits. The law prohibits forced and bonded labor by children, and there were no reports of its use (see Section 6.c.).

e. Acceptable Conditions of Work

The minimum wage is $325 (59,150 tolars) per month, which provides a decent standard of living for the average worker and family. The workweek is 40 hours. In general businesses provide acceptable conditions of work for their employees. Occupational health and safety standards are set and enforced by special commissions controlled by the Ministries of Health and Labor. Workers have the right to remove themselves from unsafe conditions without jeopardizing their continued employment.

f. Trafficking in persons

The law on "enslavement" prescribes criminal prosecution for a person who "brings another person into slavery or a similar condition, or keeps another person in such a condition, or buys, sells or delivers another person to a third party" or brokers such a deal. Sentences for enslavement convictions range from 1 to 10 years' imprisonment. Persons also can be prosecuted for pimping or pandering "by force, threat or deception," the penalty for which ranges from 3 months' to 5 years' imprisonment or, in cases involving minors or forced prostitution, 1 to 10 years' imprisonment.

There were no prosecutions for trafficking in persons in 1998; in 1997, three persons were successfully prosecuted.

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