

# FROM NORMS TO PRACTICE: THE IMPLEMENTATION OF UNITED NATIONS HUMAN RIGHTS STANDARDS IN SLOVENIA

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## ABSTRACT

*The United Nations (UN) plays a central role in promoting and protecting human rights worldwide through institutions, treaties, and monitoring mechanisms, thereby establishing a comprehensive framework for safeguarding rights and addressing violations. This article analyses the implementation of the universal human rights protection system in Slovenia. It begins by tracing the historical development of human rights in the country, situated within its broader Central European cultural and historical context. It then examines Slovenia's engagement with the UN, including its membership, succession to, and ratification of UN human rights instruments, and participation in related reporting processes. The article concludes with considering the perspectives of independent human rights institutions and academic scholars on the domestic application of universal human rights standards in Slovenia.*

## KEYWORDS

*United Nations  
universal system for protection of human rights  
UN treaty bodies  
constitutional human rights obligations  
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## 1. Introduction

The United Nations (UN) was founded in 1945 with the promotion and protection of human rights as its core objective. Since its creation, human rights have featured prominently in the UN's work. Over the decades, the organisation has developed a

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comprehensive system of legal frameworks, monitoring mechanisms, and diplomatic initiatives to safeguard these rights.<sup>2</sup>

Today, the UN system, often referred to as the universal international system for the protection of human rights, comprises a range of human rights bodies, including the Office of the High Commissioner for Human Rights (OHCHR),<sup>3</sup> the Human Rights Council (HRC),<sup>4</sup> and the International Court of Justice (ICJ).<sup>5</sup> It is underpinned by a set of foundational instruments, most notably the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Collectively, these are known as the International Bill of Rights.

In addition to these cornerstone instruments, the UN has adopted several specialised treaties addressing specific human rights concerns. These include the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); Convention on the Elimination of All Forms of Racial Discrimination (CERD); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); Convention on the Rights of the Child (CRC); Convention on the Rights of Persons with Disabilities (CRPD); Convention Relating to the Status of Refugees; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW); and International Convention for the Protection of All Persons from Enforced Disappearance (CPED). Together, these treaties address a wide spectrum of human rights issues

- 2 | Henkin, 1965, p. 504. See also Buergethal, 2006, pp. 785–786. Buergethal contends that modern international human rights law originates with the Charter of the United Nations. Article 1(3) of the Charter identifies among the UN’s purposes the promotion of ‘international co-operation in... promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.’
- 3 | The OHCHR, established in 1993, is the principal human rights entity within the UN system. It leads global efforts to promote and protect human rights by monitoring compliance with international standards, supporting the work of human rights bodies, and providing technical assistance to states. The OHCHR is paramount in investigating allegations of human rights violations and in coordinating international responses. See United Nations, 2025a. See also Gaer, 2015, p. 281. Gaer maintains that ‘the UN High Commissioner for Human Rights stands at the pinnacle of the United Nations human rights machinery.’
- 4 | The HRC was established in 2006, replacing the former Commission on Human Rights. As an intergovernmental body composed of 47 Member States, it is mandated to promote and protect human rights, address violations, and make recommendations to improve global human rights conditions. In addition to conducting the Universal Periodic Review (UPR), the HRC appoints Special Procedures – including Special Rapporteurs, independent experts, and working groups – tasked with addressing thematic and country-specific human rights issues. It also oversees the Advisory Committee, which functions as the Council’s ‘think tank,’ providing expertise and advice, as well as the Complaint Procedure, which enables individuals and organizations to bring alleged human rights violations to the Council’s attention. During its regular sessions, the HRC adopts resolutions and decisions that articulate the position of the international community on specific human rights situations and issues. See United Nations, 2025b. The UN HRC’s effectiveness is discussed by Lagon and Kaminski, 2017.
- 5 | Although not exclusively a human rights body, the International Court of Justice (ICJ) plays a significant role in upholding human rights principles, particularly through its adjudication of disputes involving international law. The Court hears cases related to alleged violations of international human rights law and may issue advisory opinions on legal questions referred by the General Assembly, the Security Council, or other UN organs and specialized agencies. See International Court of Justice, 2025.

and serve as legally binding instruments designed to promote and protect human rights worldwide.

Each of the core international human rights treaties is overseen by a dedicated treaty body (committee) that monitors its implementation. This is primarily done through a review of periodic reports submitted by state parties, in which they detail the measures taken to fulfil their treaty obligations. This reporting process is mandatory under each treaty, and every state party must submit such reports at regular intervals.

Simultaneously, non-governmental organisations (NGOs) and other civil society actors may submit counter-reports (often referred to as shadow reports) to provide alternative or supplementary information. The submitted materials are examined in a public dialogue between the State and the treaty body. Following this dialogue, the treaty body issues concluding observations – essentially a ‘report card’ – highlighting positive developments, identifying shortcomings, and making recommendations for improvement.<sup>6</sup>

In addition to treaty-specific monitoring, the Universal Periodic Review (UPR) conducted by the Human Rights Council (HRC) reviews the human rights records of all UN Member States on a regular cycle, currently every 4.5 years.

Under certain treaties, some treaty bodies, such as the Human Rights Committee, Committee on the Elimination of Discrimination against Women, and Committee against Torture, may also receive individual complaints (communications) regarding alleged human rights violations. These bodies can issue quasi-judicial decisions based on the merits of a complaint and recommend remedies to states. This procedure is optional, meaning that a state must formally recognise the committee’s competence to allow individuals under its jurisdiction to submit complaints.<sup>7</sup>

This article provides a comprehensive overview of the implementation of a universal international human rights protection system in the Republic of Slovenia. It begins by tracing the historical development of human rights in ‘the country on the sunny side of the Alps’, noting that, while rooted in a Central European historical and cultural context, human rights protection in Slovenia gained significant momentum following the country’s independence in 1991. This period saw the adoption of a new Constitution and the ratification, or accession, of key universal and regional human rights instruments. Exploring the relationship between Slovenia and the UN from a human rights perspective, Section 3 discusses Slovenia’s membership and participation in the United Nations, reviews Slovenia’s succession to and ratification of UN human rights instruments, and assesses the reporting processes under these instruments. Sections 4 and 5 address the perspective of independent human rights institutions and scholarly discussions on implementing the universal protection of human rights in Slovenia. The article concludes with summarising its main points and making final conclusions.

6 | See Gomez del Prado, 1999, pp. 45–48.

7 | *Ibid.*, pp. 49–52.

## 2. The Historical Context: An Outline of the Development of Human Rights in Slovenia

The development of human rights in Slovenia occurred within the Central European historical and cultural contexts. Until 1918, the modern territory of Slovenia was a part of the Austrian Empire, and after 1867, it became the Austrian portion of the dualist Austro-Hungarian Empire.<sup>8</sup> Legally influenced by Prussia, the Austrian part (known as Cisleithania) had a relatively modern constitutional order compared to other Great Powers in Europe at the time.<sup>9</sup>

The December Constitution, adopted on 21 December 1867, consisted of six fundamental laws. Among these was the Fundamental Law on the General Rights of Citizens, which codified many of the rights considered standard in Europe at the time.<sup>10</sup> However, during the last 50 years of the Habsburg monarchy, constitutional traditions and practices were weak. As a result, the Emperor's executive power (Franz Joseph I for nearly the entire period until 1916) often overrode the laws, enabling him to rule almost as an absolute monarch.<sup>11</sup>

Moreover, the Fundamental Law could be suspended under Article 20 in cases of war or internal unrest. These suspensions, which became particularly severe during the First World War, led to widespread dissatisfaction and a complete loss of legitimacy for the Habsburg rule, especially among the Slavic people of the Empire.<sup>12</sup> This discontent likely contributed to the eventual dissolution of Austria-Hungary, which occurred in 1918.

During the interwar period, the State of Slovenes, Croats, and Serbs, established in 1918 as a newly formed political entity for South Slavs, was renamed the Kingdom of Serbs, Croats, and Slovenes after only three months. In 1929, the Kingdom of Yugoslavia (commonly referred to as 'the First Yugoslavia') was proclaimed and lasted until the Second World War. The Kingdom's first Constitution, the St. Vitus Day Constitution (Serb. *Vidovdanski ustav*),<sup>13</sup> was adopted by the Constitutional Assembly on 28 June 1921. Chapter II of the Constitution, titled 'Fundamental Rights and Duties of Citizens', broadly

8 | The exception is the north-east region of Prekmurje which belonged to the Kingdom of Hungary and later to the Hungarian part of the Empire.

9 | More generally, see Cvirn, 2015.

10 | Vilfan, 1996, p. 436. In the original document (*Državna osnovna postava, 1867*), freedoms were stipulated such as freedom of religion (for officially permitted religions), worship, science and knowledge, profession and choice of work, and ethnic equality of 'tribes' which constitute the Empire (they are allowed to use their own language, culture and customs). See Žontar, 2009, p. 498. According to Vilfan, some other rights and freedoms were regulated by special laws: deprivation of liberty and inviolability of dwellings were already protected in 1862, protection of writings and privacy of correspondence much later, only in 1870 and 1879 respectively (Vilfan). See also legal source: Constitutional Law of 21 December 1867 on General Rights of Citizens of Kingdoms and Lands, Represented in the State Assembly - Translation of State Code of 1867 for the Duchy of Carniola [*Prevod iz Državnega zakonika leta 1867 za Vojvodino Kranjsko*], RGBI, 1867, pp. 217–219.

11 | See Vilfan, 1996.

12 | Žontar, 2009, p. 506.

13 | St. Vitus Day Constitution [*Ustav Kraljevine Srba, Hrvata i Slovenca – Vidovdanski ustav*], adopted on June 28, 1921.

recognised numerous human rights and freedoms. Significantly, these articles appeared at the very beginning of the Constitution (starting with Article 4), giving rights and freedoms highly symbolic prominence.

Influenced by the Weimar and Belgian Constitutions, the St. Vitus Day Constitution proclaimed both first- and second-generation human rights.<sup>14</sup> However, the Kingdom faced inherent contradictions and paradoxes since its inception. While it formally declared itself a parliamentary monarchy, the rule of the Karađorđević dynasty resembled the Habsburg and Ottoman absolutisms of the past far more than the parliamentary monarchies of its time. This authoritarian reality sharply contrasted with the Constitution's provisions on the fundamental rights of citizens.

Chapters II and III of the St. Vitus Day Constitution enumerated many human rights and freedoms recognisable in modern constitutions. However, critics have argued that most of these rights were merely 'empty words on paper,' rarely applied in practice.<sup>15</sup> These provisions served as a 'democratic façade for the outside world', as many subsequent laws effectively rendered constitutional guarantees of fundamental rights and freedoms meaningless.<sup>16</sup>

Moreover, extremely low educational levels hindered the development of legal awareness among the population. Most people were unaware of their rights under the Constitution. In addition, the Kingdom's police were notorious for their brutality, with many political dissidents – predominantly communists – being severely beaten and tortured in prison.

Nevertheless, the St. Vitus Day Constitution at least initially prevented absolutism and dictatorship in the early Kingdom of Serbs, Croats, and Slovenes (Kingdom SHS). However, this situation did not prevail. Following a violent clash between Serbian and Croatian deputies in the National Assembly, King Alexander I dissolved the entire parliament and, on 6 January 1929, instituted the 6 January Dictatorship (Slov. *Šestojanuarska diktatura*), also known as the 6 January Regime.<sup>17</sup>

14 | Notable first-generation rights and freedoms included: equality before the law; abolition of noble privileges; prohibition of arbitrary deprivation of liberty and the guarantee of due process in cases of such deprivation; the right to a fair hearing; prohibition of retroactive punishment; prohibition of the death penalty for political crimes (except in cases of assassination); prohibition of exile and forced settlement; inviolability of the home; freedom of religion and conscience; freedom of the press and prohibition of censorship (except in times of war and mobilization); freedom of association and assembly; the right to petition; freedom of science, art, and universities; privacy of communications; the right to sue the state and its agencies; eligibility for civil service for all citizens, as well as for non-citizens residing in the Kingdom for at least ten years; and prohibition of extradition of citizens. Considered even more progressive for its time, Chapter III of the St. Vitus Day Constitution, titled Social and Economic Rules, contained 23 articles. These provisions established state protection of the labour force and special protection for women and children against work deemed harmful to health; the right to intellectual property protection; public health safeguards, especially for women and children; free healthcare for poor citizens; protection of marriage; state insurance for agriculture; workers' insurance in cases of accidents, illness, unemployment, disability, old age, and death; special protection for persons with disabilities, war widows, war orphans, and parents of children killed in war; the right of workers to unionize; and the prohibition of usury and economic exploitation. See St. Vitus Day Constitution, 1921.

15 | Strobl, Kristan and Ribičič, 1981, pp. 33–34. See also Ribičič, 1978, pp. 241–268.

16 | Vilfan, 1996, p. 466.

17 | *Ibid.*, p. 467.

In 1931, the King unilaterally imposed the September Constitution, which reintroduced monarchical absolutism. Although this Constitution retained the rights and freedoms of the St. Vitus Day Constitution, they were significantly weakened by provisions that allowed laws to limit them. Social and economic rights were particularly affected; the number of relevant articles was reduced from 23 to just four, likely reflecting the Kingdom's lack of financial resources to ensure such rights in practice.<sup>18</sup>

Even the remaining fundamental rights and freedoms were rendered nearly meaningless by the notorious Article 116. This article allowed the King to declare or prolong a state of emergency, effectively granting him absolute power. It authorised the King to adopt extraordinary measures across the entire territory of the Kingdom, paving the way for bureaucratic autocracy and unchecked arbitrariness.<sup>19</sup>

In the historical context of the First Yugoslavia, it is important to emphasise that, according to the Treaty of Rapallo signed on 12 November 1920, one-third of the Slovenian ethnic territory was ceded to the Kingdom of Italy. Beginning in 1923 and progressively worsening to intolerable levels, the Slovenians in Italy endured severe persecution and widespread human rights violations under Mussolini's fascist regime, which persisted until its collapse in 1943.

Additionally, a portion of the Slovenian ethnic territory in Carinthia (Slov. *Koroška*) became part of the newly formed Austria following a plebiscite in 1921. Shortly thereafter, the position of the Slovenians as a minority deteriorated significantly. Slovenians became victims of political terror, which the Austrian authorities not only failed to prevent but also often ignored, allowing such injustices to continue unchecked.<sup>20</sup>

In the postwar 'Second Yugoslavia', a socialist federal and multi-ethnic state, human rights were legally and formally guaranteed by its three consecutive constitutions at both the federal and republican levels. The Constitution of the Federal People's Republic of Yugoslavia of 1946<sup>21</sup> and the Constitution of the People's Republic of Slovenia of 1947<sup>22</sup> contained identical human rights provisions. In both documents, these rights were listed in Chapter V, the following section on General Provisions, State Power, and the Socio-economic Order. This structure effectively subordinated individual rights to the state's interests.

18 | Ibid.

19 | Ibid. For its broad authorization of emergency powers, Article 116 was nicknamed 'the Little Constitution', as it effectively replaced the constitution in its entirety. The king frequently used these powers, prompting criticism even from his most trusted advisors that the Kingdom had lost any semblance of the rule of law and had degenerated into a police state. See Krkljuš, 2009, p. 324.

20 | See Vilfan, 1996, pp. 477–478.

21 | Constitution of the Federal People's Republic of Yugoslavia [*Ustav Federativne Narodne Republike Jugoslavije*], adopted on 31 January 1946, Official Journal of the Federal people's Republic of Yugoslavia, year -{II}-, No.10, Beograd, Friday, 1 February 1946. [Online]. Available at: [https://bs.wikisource.org/wiki/Ustav\\_Federativne\\_Narodne\\_Republike\\_Jugoslavije\\_\(1946\)](https://bs.wikisource.org/wiki/Ustav_Federativne_Narodne_Republike_Jugoslavije_(1946)) (Accessed: 2 January 2026).

22 | Constitution of the People's Republic of Slovenia [*Ustava Ljudske Republike Slovenije*], adopted on 16 January 1947, Official Gazette of the People's Republic of Slovenia, year 4, No. 42, 11 October 1947. [Online]. Available at: [https://www.sistory.si/cdn/publikacije/38001-39000/38564/ustava\\_ljudske\\_republike\\_slovenije.pdf](https://www.sistory.si/cdn/publikacije/38001-39000/38564/ustava_ljudske_republike_slovenije.pdf) (Accessed: 2 January 2026). [Online]. Available at: [https://www.sistory.si/cdn/publikacije/38001-39000/38564/ustava\\_ljudske\\_republike\\_slovenije.pdf](https://www.sistory.si/cdn/publikacije/38001-39000/38564/ustava_ljudske_republike_slovenije.pdf) (Accessed: 2 January 2026).

Human rights provisions were further undermined by a notably authoritarian Article 42, which granted the state broad powers to protect the ‘freedoms and democratic order of the People’s Republic and the federation’. Until 1952, these vague and expensive powers facilitated routine violations of human rights. Political opponents, dissidents, and non-conformists were frequently subjected to imprisonment and forced labour, often for minor offences.<sup>23</sup>

Throughout its existence, the Second Yugoslavia retained the death penalty for the most severe crimes and used it extensively. However, in contrast to the federal judiciary and other federal units, the Slovenian judiciary was less inclined to apply the death penalty. By the 1960s, Slovenia had largely moved away from its use, with the final execution in the region taking place in 1959.<sup>24</sup>

Notably, Yugoslavia was one of the 48 founding members of the UN. However, on 10 December 1948, it abstained from voting on the adoption of the Universal Declaration of Human Rights. Nonetheless, both the federal and Slovenian constitutions included progressive provisions, particularly regarding gender equality. They established universal suffrage, granting both active and passive voting rights to all citizens aged 18 years and older, and granted women full equality with men in all spheres of life, including the right to equal pay and special workplace protections. This was the first time Slovenian women were granted the right to vote. However, elections were largely a formality, offering little genuine choice, as only state-approved candidates were permitted to run.<sup>25</sup>

Human rights gained greater constitutional prominence in the 1963 Constitution of the Socialist Federal Republic of Yugoslavia<sup>26</sup> and the Constitution of the Socialist Republic of Slovenia.<sup>27</sup> They were enumerated in Chapter III, following the Introductory Provisions and Social-Economic Order, but preceding the Social-Political System. The chapter’s title, Freedoms, Rights, and Duties of Man and Citizen, reflected a shift towards a more liberal tone, aligning more closely with Western constitutional traditions.

The Constitution expanded the catalogue of rights and introduced several significant innovations. For instance, it guaranteed that constitutional freedoms and rights could not be taken away or restricted. These rights were to be exercised directly on the basis of the Constitution, or their exercise could be regulated by law, but only when necessary.

23 | A special penal colony, similar to Soviet gulag, opened on Goli otok, a remote desolate island by the Croatian Coast. In entire Yugoslavia, around 55.000 people were persecuted in relation to *Informbiro Resolution* and 16.288 were punished. Only 3,4 % of them were Slovenian, more than 65% were Serbian or Montenegrin. See Režek, 2002, p. 83.

24 | In Slovenia, the death penalty was formally abolished in 1989, representing a symbolic milestone that came three decades after its last application in practice.

25 | See Bardutzky, 2022, p. 190.

26 | Constitution of the Socialist Federal Republic of Yugoslavia [*Ustav Socialističke federativne republike Jugoslavije*], adopted on April 7, 1963, Official Gazette of the Socialist Federal Republic of Yugoslavia, No. 14, year XIX, April 10, 1963. [Online]. Available at: <https://www.pfsa.unsa.ba/pf/wp-content/uploads/2019/05/Ustav-SFRJ-iz-1963.pdf> (Accessed: 2 January 2026).

27 | Constitution of the Socialist Republic of Slovenia [*Ustava Socialistične republike Slovenije*], adopted on 9 April 1963, Official Gazette of the Socialist Republic of Slovenia, No. 10/1963. [Online]. Available at: <https://www.iusinfo.si/zakonodajna-knjiznica/zakon/86305AAC/clen/1> (Accessed: 2 January 2026).

In keeping with the norms of a socialist state, the catalogue of rights began with labour and social rights.<sup>28</sup> Some rights were ideologically driven, such as the right to social self-governance, solidarity, and the right to elect representatives within labour organisations. However, many other rights were genuinely universal and would not have been incongruous in Western democracies.

Notably, the Constitution introduced rights such as the freedom of thought and opinion, which were absent in the 1947 Constitution. However, these freedoms were not absolute – they were restricted to prevent any ‘abuse’ that could undermine the socialist constitutional order.

Freedoms and rights were protected by the judiciary, including constitutional courts established at both the federal and republican levels.

Unlike the 1947 Constitution, the freedoms and rights enshrined in the 1963 Constitution were not merely declaratory. They were implemented in practice, most notably in criminal law. The new Criminal Code of 1959 retained the death penalty for only a few severe offences, prohibited execution by hanging, abolished life imprisonment, and replaced it with a maximum sentence of 20 years. These changes immediately made Yugoslavia one of the most progressive countries worldwide in terms of criminal justice policy. The Code also significantly reduced the number of criminal offences.

Despite serious crime issues and rising crime rates, the state’s extensive powers enabled the implementation of these progressive reforms. The new Criminal Procedure Code of 1953 further advanced the legal system by granting defendants certain rights, introducing investigative judges to limit the power of prosecutors, and enhancing the role of defence attorneys, who had previously played a largely symbolic role.

The 1974 constitutions of the Socialist Federal Republic of Yugoslavia<sup>29</sup> and the Socialist Republic of Slovenia<sup>30</sup> dedicated 56 articles to human rights and freedoms, accounting for 12% of all articles, slightly less than nearly 15% in the 1963 Constitution. Despite the longer constitutional texts devoted to human rights, there were relatively few innovations compared to the 1963 Constitution.

The most ground-breaking addition was Article 233, which established the right to free choice regarding childbirth, effectively enshrining the constitutional right to abortion. Another significant novelty was the right to a healthy environment, introduced in Article 240. Together with Article 241, these provisions marked the first ecological protections in Slovenian constitutional history. Article 241 further stipulated the obligation to use land, water, and natural resources in a manner that ensured conditions for

28 | Article 37 limited working time to maximum 42 hours per week. Exceptions could only be temporary in some professions if this was absolutely necessary. Rights to daily and weekly rest were constitutional rights. Also was the right to yearly vacation which could not be shorter than 14 working days. There was also the right to minimal salary. Article 38 guaranteed extensive social security for not only workers, but also for their family members.

29 | Constitution of the Socialist Federal Republic of Yugoslavia [*Ustav Socialističke federativne republike Jugoslavije*], adopted on 21 February 1974, Official Gazette of the Socialist Federal Republic of Yugoslavia, No. 9/74 [Online]. Available at: [https://www.yuhistorija.com/serbian/doc/Ustav\\_SFRJ\\_iz\\_1974.pdf](https://www.yuhistorija.com/serbian/doc/Ustav_SFRJ_iz_1974.pdf) (Accessed: 2 January 2026).

30 | Constitution of the Socialist Republic of Slovenia [*Ustava Socialistične republike Slovenije*], adopted on 20 February 1974, Official Gazette of the Socialist Republic of Slovenia, No. 6-44/74. [Online]. Available at: [http://stres.a.gape.org/VTA/ustavna\\_pobuda\\_23\\_1\\_15/gradivo/18\\_1\\_ustava\\_SRS\\_1974.pdf](http://stres.a.gape.org/VTA/ustavna_pobuda_23_1_15/gradivo/18_1_ustava_SRS_1974.pdf) (Accessed: 2 January 2026).

individuals to work and live in a healthy environment. It also imposed a duty on everyone to protect nature, natural resources, natural landmarks, rare natural phenomena, and cultural monuments.<sup>31</sup>

While the 1947 Constitution primarily provided a façade of formal rights that the state neither prioritised nor had the resources to protect amidst widespread postwar devastation and tense geopolitical threats, the 1963 Constitution marked a shift toward a more liberal and Western approach. It transformed human rights into tangible benefits, reflecting the period's rapid economic and legal development. In contrast, the 1974 Constitution sought to establish human rights as a cornerstone of the new 'self-governing socialist order'. However, in practice and within the structure of the 1974 Constitution, human rights were relegated to a secondary position, taking a 'back seat' to the newly emphasised ideology of self-governance.

In the 1980s, during the independence movements in Slovenia, human rights were considered paramount to realising the inalienable right to self-determination and achieving independence from the Federation. In the Preamble to the Basic Constitutional Charter on the Independence and Sovereignty of the Republic of Slovenia (Slov. *Temeljna ustavna listina o samostojnosti in neodvisnosti Republike Slovenije*), adopted on 25 June 1991 (the day of the declaration of Slovenian independence), the Assembly declared that 'in the Socialist Federal Republic of Yugoslavia, human rights, national rights, and the rights of republics and autonomous regions are seriously violated, and it does not function as a legally regulated state.'

Paragraph III of the Charter's main text expressly stated that the Republic of Slovenia guarantees the protection of human rights and fundamental freedoms to all individuals within its territory, regardless of their ethnic affiliation, and without any form of discrimination.

Human rights regained their prominent and foundational position in the new Constitution of the Republic of Slovenia (Slov. *Ustava Republike Slovenije*), adopted on 26 December 1991, six months after Slovenia declared independence. Human rights and

31 | Among other new rights included were: the right to file applications and give recommendations to state agencies, to receive replies to such recommendations and to launch initiatives (Article 199); the right to basic material guarantees (a sort of basic income) during temporary unemployment (Article 201 par. 4); right to decent working conditions which guarantee bodily and moral integrity and safety (Article 203); expanded right to yearly vacation, now 18 working days (Article 204, par. 4); right to live in a community apartment for every worker (Article 206); expanded freedom of thought to also include freedom of belief, not only opinion (Article 208); right to be informed about local and world events, important for life and work for citizens, and about all issues of importance to the community (Article 209, par. 4); inviolability of personal integrity, of personal and family life and of other rights of personality, combined with any extortion of confessions or statements being prohibited and illegal (Article 216), mandatory respect for human dignity in all phases of criminal procedure, including the duration of imprisonment (Article 219); right to creation of culture and to enjoy cultural achievements (Article 230); right to maternity social security, i.e., a sort of basic income for pregnant women and young mothers (Article 235); rights of disabled persons (Article 236), war veterans (Article 237) and special social protection of persons, disabled by war or work, disabled children, soldiers of national liberation, victims of fascist violence, civilian victims of war, volunteers of Spanish Civil War and pre-war revolutionaries, fighters for Slovenian northern border and other Slovenian war volunteers (Article 238).

fundamental freedoms are outlined in Part II, beginning with Article 14 and ending with Article 65, encompassing 32 articles (Article 62a added later).

Despite the complete transformation of the political and economic system – from socialism and self-governance to capitalism and parliamentary democracy – many of the human rights stipulated in the new Constitution were already present in previous constitutions, with some tracing their origins back to the Austro-Hungarian Empire.

In this context, the development of human rights and fundamental freedoms in Slovenia should be viewed as a process of progressive legal evolution and continuity, rather than a revolutionary break from an ‘unfree dark past’.

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### 3. Slovenia and the United Nations’ Human Rights Mechanisms

#### | 3.1. *Slovenia’s Membership of and Participation in the United Nations*

Slovenia became a Member State of the United Nations (UN) on 22 May 1992 following its admission to the General Assembly. This milestone marked the culmination of the country’s path to independence, formally establishing it as a sovereign, internationally recognised state. Almost concurrently with its UN admission, Slovenia joined the United Nations Educational, Scientific and Cultural Organisation (UNESCO). Even before its official entry into the UN, Slovenia had become a member of the World Health Organisation (WHO), a specialised agency within the UN system. On 1 January 2024, Slovenia commenced its second term as a non-permanent member of the United Nations Security Council.

Slovenia engages with the UN through its permanent missions at the organisation’s headquarters in New York, Geneva, and Vienna. Membership entails significant responsibilities but also offers valuable opportunities for Slovenia to strengthen its presence in international affairs. Through the UN framework, Slovenia contributes to global efforts to maintain international peace and security, uphold international law, address climate change, promote sustainable development, and promote human rights.

Representatives of the Republic of Slovenia participate in the work of the Third Committee of the United Nations General Assembly (Committee on Social, Humanitarian and Cultural Issues), which deals primarily with human rights matters. The Committee’s human rights work includes reviewing reports from the special procedures of the Human Rights Council (HRC) and engaging in dialogue with special rapporteurs, independent experts, and chairs of treaty bodies and working groups mandated by the HRC and General Assembly.

Slovenia served as a member of the HRC from 19 June 2007 to 19 June 2010 and again from 1 January 2016 to 31 December 2018, chairing the Council in 2018. The country is currently a candidate for reelection in the 2026–2028 term. It remains committed to ensuring that the HRC operates effectively, addresses the full spectrum of human rights issues, and implements decisions.

Like other Member States, Slovenia participates in the Universal Periodic Review (UPR) process, under which its human rights record is periodically examined by other

states, and likewise participates in reviewing the human rights performance of other Member States.

Finally, Slovenia is a party to the UN human rights instruments listed below, and participates in the reporting procedures established under these treaties. It submits periodic reports to the relevant committees detailing the implementation of its treaty obligations, engages in public dialogues with these bodies, and participates in the examination and discussion of reports submitted by other state parties. Slovenia has also opted for several UN instruments that provide for an individual complaint mechanism, thereby allowing individuals to file complaints regarding alleged violations of their rights under the respective treaties.

### **| 3.2. Overview of Slovenia's Succession to and Ratification of UN Human Rights Instruments**

Six of the nine core UN human rights instruments – namely, the Convention Relating to the Status of Refugees; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social, and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; and the Convention on the Rights of the Child – were signed and ratified by Slovenia's predecessor state, the Socialist Federal Republic of Yugoslavia. (The Convention Relating to the Status of Refugees was adopted when Yugoslavia became officially known as the Federal People's Republic of Yugoslavia.) Slovenia succeeded to these six treaties on 1 July 1992 through the Act of Succession.<sup>32</sup>

Slovenia's independence on 25 June 1991 occurred after Yugoslavia had signed, but before it had ratified, the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. As succession to an unratified treaty was not possible, Slovenia proceeded to ratify the Convention independently on 14 April 1993.

A more recent instrument, the Convention on the Rights of Persons with Disabilities (2006), was ratified by Slovenia before it entered into force. In contrast, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) remains neither signed nor ratified.

The following subsections examine Slovenia's processes of accession to or ratification of major UN human rights conventions and covenants in detail.

#### *3.2.1. The 1951 Convention Relating to the Status of Refugees*

The Convention Relating to the Status of Refugees was adopted at the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons held in Geneva from 2 July to 25, 1951. The Socialist Federal Republic of Yugoslavia signed the Convention on 28 July 1951 and ratified it on 15 December 1959, declaring itself bound by

32 | Act on Notification of Succession to the Conventions of the United Nations and Conventions Adopted by the International Atomic Energy Agency [Akt o notifikaciji nasledstva glede konvencij Organizacije združenih narodov in konvencij, sprejetih v Mednarodni agenciji za atomsko energijo], Official Gazette of the Republic of Slovenia – International Treaties, Nos. 35/92, 28/93, 20/99, 35/08, 87/11, 42/13, 28/17. [Online]. Available at: [https://pisrs.si/pregledPredpisa?id=AKT\\_53](https://pisrs.si/pregledPredpisa?id=AKT_53) (Accessed: 2 January 2026). The Act was adopted by the National Assembly on 1 July 1992 and entered into force on 17 July 1992.

alternative (b) of Section B(1). Following Slovenia's independence, the Convention entered into force on 17 July 1992 under the Act of Succession.<sup>33</sup>

The Protocol Relating to the Status of Refugees, adopted by General Assembly Resolution 2198 (XXI) on 16 December 1966 and enacted on 4 October 1967, was acceded to by the former Yugoslavia on 15 January 1968. For Slovenia, the Protocol was enacted on 17 July 1992 under the Act of Succession.<sup>34</sup>

### 3.2.2. *The 1966 International Covenant on Civil and Political Rights*

The International Covenant on Civil and Political Rights (ICCPR) was adopted by the United Nations General Assembly on 16 December 1966 and entered into force on 23 March 1976. Yugoslavia signed the Covenant on 8 August 1967 and ratified it on 2 June 1971, with the Covenant entering into force for Yugoslavia on 23 March 1976. In Slovenia, the ICCPR has been in force since 17 July 1992 under the Act of Succession.<sup>35</sup>

The Optional Protocol to the International Covenant on Civil and Political Rights, adopted by General Assembly Resolution 2200A (XXI) on 16 December 1966 and entering into force on 23 March 1976, empowers the UN Human Rights Committee to receive and consider communications from individuals alleging violations of rights set forth in the Covenant, provided that all available domestic remedies have been exhausted. Slovenia ratified the Optional Protocol on 19 June 1993,<sup>36</sup> following the adoption of the ratifying Act by the National Assembly on the proposal of the Ministry of Foreign Affairs on 18 May 1993.

The Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty, was adopted by General Assembly Resolution 44/128 on 15 December 1989 and entered into force on 11 July 1991. By ratifying this instrument, state parties undertake a binding commitment to abolish the death penalty within their jurisdiction. Slovenia ratified the Second Optional Protocol on 15 January 1994<sup>37</sup> after the National Assembly adopted the ratifying Act on the joint proposal of the Ministry of Justice and the Ministry of Foreign Affairs, dated 17 December 1993.

### 3.2.3. *The 1966 International Covenant on Economic, Social and Cultural Rights*

The International Covenant on Economic, Social and Cultural Rights (ICESCR) was adopted by the United Nations General Assembly resolution 2200A (XXI) on 16 December 1966 and entered into force on 3 January 1976. Yugoslavia signed the Covenant on 8

33 | Ibid.

34 | Ibid.

35 | Ibid.

36 | Act on the Ratification of the Optional Protocol to the International Covenant on Civil and Political Rights (MMPDPPFP) [*Zakon o ratifikaciji Fakultativnega protokola k Mednarodnemu paktu o državljanskih in političnih pravicah* (MMPDPPFP)], Official Gazette of the Republic of Slovenia – International Treaties, No. 28/93. [Online]. Available at: <https://pisrs.si/pregledPredpisa?id=ZAKO646> (Accessed: 2 January 2026).

37 | Act on the Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (MPDPPDFP) [*Zakon o ratifikaciji drugega fakultativnega protokola k Mednarodnem paktu o državljanskih in političnih pravicah, katerega cilj je odprava smrtnne kazni* (MPDPPDFP)], Official Gazette of the Republic of Slovenia – International Treaties, No. 2/94. [Online]. Available at: <https://pisrs.si/pregledPredpisa?id=ZAKO716> (Accessed: 2 January 2026).

August 1967 and ratified it on 2 June 1971. Following its independence, Slovenia succeeded to the ICESCR on 17 July 1992 under the Act on Succession.<sup>38</sup>

The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, adopted by General Assembly Resolution A/RES/63/117 on 10 December 2008 (International Human Rights Day), entered into force on 5 May 2013. The Protocol establishes a communication procedure that enables individuals or groups to bring complaints before the UN Committee on Economic, Social, and Cultural Rights once domestic remedies are exhausted. Slovenia was among the first UN Member States to sign the Protocol on 24 September 2009; however, it has not yet proceeded to ratification.

### 3.2.4. *The 1965 International Convention on the Elimination of All Forms of Racial Discrimination*

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) was adopted by the UN General Assembly Resolution 2106 (XX) on 7 March 1966 and entered into force on 4 January 1969. Yugoslavia signed the Convention on 15 April 1966 and ratified it on 2 October 1967. Slovenia succeeded in the Convention on 17 July 1992 under the Act on Succession.<sup>39</sup>

In 2001, Slovenia submitted a declaration under Article 14 of the Convention, recognising the competence of the UN Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups under its jurisdiction, alleging violations of rights enshrined in the Convention.<sup>40</sup> The Committee may consider such communications only if the matter is not being examined under another international procedure. Adopted on 21 August 2001 by the National Assembly, the declaration came into force on 1 September 2001.

### 3.2.5. *The 1979 Convention on the Elimination of All Forms of Discrimination Against Women*

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the UN General Assembly on 18 December 1979 and entered into force on 3 September 1981. Yugoslavia signed the Convention on 17 July 1980 and ratified it on 26 February 1982. Slovenia succeeded to the Convention on 17 July 1992 under the Act on Succession.

The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the UN General Assembly Resolution A/RES/54/4 on 6 October 1999 and entered into force on 22 December 2000. Slovenia signed the Optional Protocol<sup>41</sup> on 10 December 1999. It ratified it on 15 May 2004, following the

38 | See supra, footnote 31.

39 | Ibid.

40 | The declaration under Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination [Izjava po 14. členu Mednarodne konvencije o odpravi vseh oblik rasne diskriminacije], Official Gazette of the Republic of Slovenia, No. 70/01. [Online]. Available at: <https://pisrs.si/pregledPredpisa?id=NEZN191> (Accessed: 2 January 2026).

41 | Act on the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (MOPDŽ) [Zakon o ratifikaciji Opcijskega protokola h Konvenciji o odpravi vseh oblik diskriminacije žensk (MOPDŽ)], Official Gazette of the Republic of Slovenia – International Treaties, No. 48/04. [Online]. Available at: <https://pisrs.si/pregledPredpisa?id=ZAKO4047> (Accessed: 2 January 2026).

National Assembly's adoption of the Ratification Act on 21 April 2004 based on a joint proposal by the Ministry of Justice and the Ministry of Foreign Affairs.

### 3.2.6. *The 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) was adopted by the UN General Assembly Resolution 39/46 on 10 December 1984 and entered into force on 26 June 1987. Yugoslavia signed the Convention on 18 April 1989 and ratified it on 10 September 1991. Following independence, Slovenia ratified the Convention on 15 January 1994<sup>42</sup> after the National Assembly adopted the Ratification Act on 17 December 1993, based on a joint proposal from the Ministry of Justice and the Ministry of Foreign Affairs.

In 1995, Slovenia made a declaration under Articles 21 and 22 of the Convention, recognising the competence of the UN Committee against Torture to (1) receive and consider inter-state communications regarding non-compliance with the Convention and (2) receive and consider individual complaints alleging violations of its provisions.

The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) was adopted by the UN General Assembly Resolution A/RES/57/199 on 18 December 2002 and entered into force on 22 June 2006. Slovenia ratified the Optional Protocol on 23 January 2007, designating the Human Rights Ombudsman as the national preventive mechanism (NPM) under Article 17. In agreement with the Ombudsman, the NPM mandate may also be implemented by registered non-governmental organisations and recognised humanitarian organisations in Slovenia.

### 3.2.7. *The 1989 Convention on the Rights of the Child*

The Convention on the Rights of the Child (CRC) was adopted by the UN General Assembly Resolution 44/25 on 20 November 1989 and entered into force on 2 September 1990. This was one of the most widely ratified human-rights treaties. Yugoslavia signed the Convention on 26 January 1990 and ratified it on 3 January 1991 with a reservation.<sup>43</sup> Slovenia succeeded to the Convention on 17 July 1992 under the Act on Succession.<sup>44</sup>

The Optional Protocol to the CRC on the Involvement of Children in Armed Conflict was adopted by General Assembly Resolution A/RES/54/263 on 25 May 2000 and entered into force on 12 February 2002. Slovenia signed it on 8 September 2000 and ratified it on

42 | Act on the ratification of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (MEKPM) [*Zakon o ratifikaciji Evropske konvencije o preprečevanju mučenja in nečloveškega ali ponižujočega ravnanja ali kaznovanja* (MEKPM)], Official Gazette of the Republic of Slovenia – International Treaties, No. 2/94. [Online]. Available at: <https://pisrs.si/pregledPredpisa?id=ZAKO733> (Accessed: 2 January 2026).

43 | Reservation is the following: The competent authorities (ward authorities) of the Socialist Federal Republic of Yugoslavia may, under Article 9, paragraph 1 of the Convention, make decisions to deprive parents of their right to raise their children and give them an upbringing without prior judicial determination in accordance with the internal legislation of the SFR of Yugoslavia.

44 | Supra, footnote 31.

17 August 2004, following National Assembly approval on 15 July 2004<sup>45</sup> based on a joint proposal from the Ministry of Defence, Ministry of Labour, Family and Social Affairs, Ministry of Justice, and Ministry of Foreign Affairs.

The Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography was also adopted on 25 May 2000 and entered into force on 18 January 2002. Slovenia signed it on 8 September 2000 and ratified it on 17 August 2004, following the same legislative process and institutional proposals as the armed conflict protocol.<sup>46</sup>

The Optional Protocol to the CRC on a communications procedure was adopted on 28 February 2012 and entered into force on 14 April 2014. The national implementation process involved the following steps: Slovenia ratified it on 18 April 2018 after the National Assembly's approval on 20 March 2018,<sup>47</sup> based on a proposal by the Ministry of Justice and the Ministry of Foreign Affairs.

### 3.2.8. *The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*

Slovenia has neither signed nor ratified the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. This stance is consistent with that of other European Union member states and most countries in the wider European region, where, as of 2024, only Albania, Bosnia, and Herzegovina are parties to the Convention.

### 3.2.9. *The 2006 Convention on the Rights of Persons With Disabilities*

The Convention on the Rights of Persons with Disabilities (CRPD) was adopted by the United Nations General Assembly Resolution A/RES/61/106 on 13 December 2006 and entered into force on 3 May 2008. Slovenia signed the Convention on 30 March 2007 and ratified it on 16 April 2008. The Act of Ratification entered into force following its adoption

45 | Act on the ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (MIPKOPO) [*Zakon o ratifikaciji Izbirnega protokola h Konvenciji o otrokovih pravicah glede udeležbe otrok v oboroženih spopadih* (MIPKOPO)], Official Gazette of the Republic of Slovenia – International Treaties, No. 85/04. [Online]. Available at: <https://pisrs.si/pregledPredpisa?id=ZAKO4041> (Accessed: 2 January 2026).

46 | Act on the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (MIPKOP) [*Zakon o ratifikaciji Izbirnega protokola h Konvenciji o otrokovih pravicah glede prodaje otrok, otroške prostitucije in otroške pornografije* (MIPKOP)], Official Gazette of the Republic of Slovenia – International Treaties, No. 85/04. [Online]. Available at: <https://pisrs.si/pregledPredpisa?id=ZAKO4048> (Accessed: 2 January 2026).

47 | Act on the Ratification of the Optional Protocol to the Convention on the Rights of the Child on a Reporting Procedure (MIPKOPSK) [*Zakon o ratifikaciji Izbirnega protokola h Konvenciji o otrokovih pravicah glede postopka sporočanja kršitev* (MIPKOPSK)], Official Gazette of the Republic of Slovenia – International Treaties. [Online]. Available at: No. 24/18, <https://pisrs.si/pregledPredpisa?id=ZAKO7241> (Accessed: 2 January 2026).

by the National Assembly on 2 April 2008,<sup>48</sup> based on a proposal by the Ministry of Labour, Family, and Social Affairs and the Ministry of Foreign Affairs.

The Optional Protocol to the Convention on the Rights of Persons with Disabilities was adopted by General Assembly Resolution A/RES/61/106 on 13 December 2006 and entered into force on 3 May 2008. The Optional Protocol establishes an individual complaints mechanism for citizens of states parties who allege that their rights under the Convention have been violated. The national implementation process involved the following steps: Slovenia signed the Optional Protocol on 30 March 2007 and ratified it on 16 April 2008. The Act ratifying the Optional Protocol<sup>49</sup> entered into force following its adoption by the National Assembly on 2 April 2008, based on a proposal by the Ministry of Labour, Family, and Social Affairs and the Ministry of Foreign Affairs.

### | 3.3. Overview and Assessment of Reporting Processes Under UN Human Rights Instruments

The Republic of Slovenia has prepared the Presentation Document of Slovenia for the UN Human Rights Council Reports,<sup>50</sup> which serves as an overarching reference and an integral component of all periodic reports submitted by the country. This document provides general information on Slovenia, including an overview of its constitutional, political, and legal systems. It also sets out the general legal framework for implementing and protecting human rights at the national level and under international treaties, and includes details of the corresponding reporting processes.

The central body responsible for coordinating Slovenia's reporting of human rights monitoring mechanisms is the Inter-Ministerial Commission for Human Rights (Slov. *Medresorska komisija za človekove pravice*). Established in April 2013 by the Government of the Republic of Slovenia, it succeeded the Inter-Ministerial Working Commission for Human Rights, which functioned from 1993 to 2012. The Commission's core mandate is to coordinate reporting to United Nations treaty bodies, the UN Human Rights Council (UNHRC), and relevant regional organisations, and to monitor the implementation of recommendations issued by these bodies.<sup>51</sup>

The Inter-Ministerial Commission works in cooperation with representatives from other institutions and civil society. Its membership includes representatives from the Prime Minister's Office, all ministries, the Office of the Government of the Republic of Slovenia for Nationalities, and the Statistical Office of the Republic of Slovenia. In April 2014, the Government expanded the Commission to include two additional members,

48 | Act on the ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of Persons with Disabilities (MKPI) [*Zakon o ratifikaciji Konvencije o pravicah invalidov in Izbirnega protokola h Konvenciji o pravicah invalidov* (MKPI)], Official Gazette of the Republic of Slovenia – International Treaties, No. 37/08. [Online]. Available at: <https://pisrs.si/pregledPredpisa?id=ZAKO5314> (Accessed: 2 January 2026).

49 | Ibid.

50 | Government of the Republic of Slovenia, 2025. The Presentation Document (Slov. *Predstavitveni dokument*), in Word format and in the Slovene language, is available via a link on the official website of the Government of the Republic of Slovenia. [Online]. Available at: <https://www.gov.si teme/mednarodnopravni-dokumenti-s-podrocja-clovekovih-pravic-in-porocanja-slovenije/> (Accessed: 2 January 2026).

51 | Ibid.

representing academia and civil society organisations. The academic representative was appointed by the Rectors' Conference of the Republic of Slovenia, while the civil society representative was appointed by the Slovenian Non-Governmental Organisations Centre (CNVOS). The Human Rights Ombudsman and the Advocate of the Principle of Equality hold standing invitations to participate in the Commission's sessions.<sup>52</sup>

To prepare reports under specific international legal instruments, a designated body of appointed members of the Inter-Ministerial Commission assumes the lead role. This body oversees the entire drafting process in cooperation with competent bodies within the state administration, ensuring public participation and the dissemination of information. Before a report is submitted to the Government of the Republic of Slovenia for final approval, the designated body (acting as a coordinator) must present it to the Inter-Ministerial Commission for Human Rights for review and endorsement.<sup>53</sup>

Given the breadth of the available material and the limited scope of this article, the outline and assessment of reporting processes focus on the third and fourth cycles of the Universal Periodic Review (UPR), omitting a detailed examination of reporting under individual conventions.

### 3.3.1. *The Universal Periodic Review (UPR) – Third Cycle*

Slovenia submitted four universal periodic reports in 2009, 2014, 2019, and 2024.<sup>54</sup> It has also submitted interim reports on implementing recommendations from the first three UPR cycles. For the second and third cycles, it provided formal responses to the recommendations received, voluntary interim reports on their implementation, and several addenda. In the third cycle, a report by the UN Human Rights Council Working Group on UPR concerning Slovenia was released in December 2019. In the fourth cycle, the report of the UN Human Rights Council Working Group on the UPR concerning Slovenia was released in March 2025. Slovenia has not yet submitted either a formal response to the recommendations received or a voluntary interim report on its implementation.

The third national report for the UPR<sup>55</sup> noted that Slovenia received 162 recommendations during its second review cycle. In June 2017, the country submitted a voluntary interim report to the Office of the UN High Commissioner for Human Rights regarding the implementation of its accepted recommendations. In preparing the third national report, the Inter-Ministerial Commission for Human Rights engaged in consultations with non-governmental organisations, the Human Rights Ombudsman and the Advocate of the Principle of Equality as part of Slovenia's preparations for national review.

Driven by recommendations received during the second UPR cycle, Slovenia undertook several significant measures. These included the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence on 19 December 2014 and the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure on 20 March 2018. Slovenia also established

52 | Ibid.

53 | Ibid.

54 | See United Nations, 2025c. [Online]. Available at: <https://www.ohchr.org/en/hr-bodies/upr/si-index> (Accessed: 2 January 2026).

55 | National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 – Slovenia, Human Rights Council Working Group on the Universal Periodic Review, Thirty-fourth session, 4–15 November 2019. [Online]. Available at: <https://docs.un.org/en/A/HRC/WG.6/34/SVN/1> (Accessed: 2 January 2026).

a national human rights institution with 'A' status under the Paris Principles, created the Office of the Advocate of the Principle of Equality, and strengthened policies aimed at combating discrimination and promoting public awareness.<sup>56</sup>

In 2016, the country adopted the Civil Partnership Act, granting same-sex couples in civil partnerships the same rights as heterosexual married couples in all areas except for in vitro fertilisation and the joint adoption of children. In its report, the Government reaffirmed its commitment to a policy of zero tolerance for hate speech, emphasising raising societal awareness and addressing all forms of intolerance.<sup>57</sup>

With respect to recommendations for safeguarding political and civil rights, the government noted in its report that these rights are guaranteed by the Constitution, further regulated through relevant legislation, and supported by various measures to ensure their effective implementation. The establishment and functioning of trade unions are governed by the Trade Union Representation Act, which provides protection against interference in their formation, operation, or management.<sup>58</sup>

Freedom of religion is guaranteed in Slovenia under international agreements, its Constitution, and the Freedom of Religion Act. Since 2015, the Government Council for Religious Freedom has operated within the Office for Religious Communities under the Ministry of Culture, providing a specialised and institutionalised platform for open and transparent dialogue between the state and religious communities.<sup>59</sup>

In its report, the Government highlighted that the judicial resolution of cases within a reasonable timeframe is ensured in most instances and is no longer considered a systemic issue. In 2015, the Judicial Council and State Prosecutorial Council adopted codes of ethics and established ethics and integrity commissions.<sup>60</sup>

To strengthen the implementation of economic, social, and cultural rights, Slovenia adopted a range of measures between its second and third periodic reviews, aimed at enhancing the social inclusion of the most vulnerable groups. The at-risk-of-poverty and social exclusion rates declined annually during this period, reaching 13.3% in 2017. Particular attention was paid to improving the situation of the elderly, especially single-person households, which face a disproportionately high risk of poverty.<sup>61</sup>

To protect the rights of national and minority communities, Slovenia has implemented a range of measures aimed at preventing discrimination against the Roma, improving their living conditions, and promoting social inclusion. In May 2017, the government adopted the National Programme of Government Measures for Roma for the period 2017 to 2021. In March 2018, it approved a draft Act on the Roma Community and submitted it to the National Assembly for consideration. However, the draft was not addressed before the end of the 2014–2018 mandate. The current government has resumed a revised amendment to the Act, which remains under consideration and has not yet been adopted.<sup>62</sup>

With respect to the Italian and Hungarian national communities, the government adopted three annual reports covering 2015, 2016, and 2017 on the implementation of the

56 | Ibid.

57 | Ibid.

58 | Ibid.

59 | Ibid.

60 | Ibid.

61 | Ibid. See also Statistical Office of the Republic of Slovenia, 2025.

62 | Ibid.

Plan of Measures for the Implementation of Regulations on Bilingualism. The National Assembly Commission for National Communities reviewed all three reports. In September 2018, the amended Act on the Special Rights of the Italian and Hungarian National Communities in the Field of Education entered into force. Both national communities have acknowledged the progress achieved through these measures.<sup>63</sup>

Slovenia received recommendations concerning the situation of foreigners and residents who were unjustly removed from the register of permanent residents in 1991 (the so-called 'erased residents'), as well as in the areas of promoting gender equality, protecting and realising children's rights, and preventing and prosecuting trafficking in human beings. In response, measures were implemented across these areas and, in some cases, corresponding legislative amendments were also adopted.<sup>64</sup>

Since the last UPR, the Government has identified controlling irregular migration and preventing and prosecuting hate speech as key challenges to ensuring human rights and fundamental freedoms. It also highlights several notable achievements, including the social integration of individuals granted refugee status, improvements in the situation and rights of the elderly, and the adoption of a National Action Plan for Respecting Human Rights in the Economy.<sup>65</sup>

During the interactive dialogue in the third cycle of the UPR on 12 November 2019, Slovenia received 157 recommendations from other countries. Some recommendations urged Slovenia to ratify or accede to certain international instruments that it had not yet adopted. Among other suggestions, countries recommended that Slovenia: (a) complete the ratification process of the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights; (b) ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; (c) consider ratifying the 1961 Convention on the Reduction of Statelessness; (d) recognise the competence of the Committee on Enforced Disappearances to receive and consider applications from individuals or other States Parties; (e) introduce an open, merit-based selection process for national candidates for elections to UN treaty bodies; (f) provide the Advocate of the Principle of Equality with additional resources to enable comprehensive and effective operations; and so on. Additionally, countries have recommended that Slovenia adopt measures to combat all forms of human rights violations against the elderly and young people. It also urged Slovenia to implement the Constitutional Court's decisions that remain outstanding, including those related to the adoption of mental health measures.<sup>66</sup>

Immediately following the dialogue on 13 November 2019, Slovenia adopted 58 measures for which activities had already been underway or planned, noting that several recommendations had already been fulfilled. For example, in response to Denmark's recommendation to ensure the full autonomy of the Human Rights Ombudsman and independence from the government by amending public finance legislation, Slovenia indicated that this had already been implemented. Pursuant to Article 55 of the Ombudsman Act, funds for the Ombudsman's operations are allocated from the national budget, with the amount determined by the National Assembly, based on the Ombudsman's

63 | *Ibid.*

64 | *Ibid.*

65 | *Ibid.*

66 | *Ibid.*

proposal. The Human Rights Ombudsman is a direct budget user within the state sector and is subject to all public finance regulations, including independent oversight by the Court of Audits. Two other recommendations that have already been implemented include the establishment of a national human rights institution and a dedicated national institution to protect children's rights.<sup>67</sup>

### 3.3.2. *The Universal Periodic Review (UPR) – Fourth Cycle*

Following the submission of a voluntary midterm report on the implementation of the UPR 3rd cycle recommendations in March 2022, the Slovenian Government adopted the report in the fourth cycle of the UPR<sup>68</sup> in July 2024.

In the report, the Slovenian Government stated that it had fully or partially implemented 180 of the 182 recommendations from the third cycle. According to the Government, Slovenia's human rights framework remains strong, anchored by independent institutions such as the Human Rights Ombudsman, accredited with A-status under the Paris Principles since 2021, and the Advocate of the Principle of Equality. Efforts to combat hate speech have intensified, including the establishment of the Strategic Council for the Prevention of Hate Speech (2023), amendments to the Criminal Code that introduce hate crime provisions, public awareness campaigns, and planned Media Act reforms.

Social policies have advanced through the Long-Term Care Act (2023), housing reforms to expand affordable rentals, and a homelessness prevention strategy set for 2025. Gender equality measures have increased women's representation in parliament by nearly 40 percent, strengthened protections under the National Programme for Equal Opportunities for Women and Men and the National Programme for the Prevention of Domestic Violence and Violence against Women, and amended the Criminal Code (2021) to adopt an affirmative consent definition of rape.

Disability inclusion has progressed with constitutional recognition of Slovenian Sign Language and tactile sign language (2021) and the abolition of voting restrictions for persons under guardianship (2023). Child protection was reinforced by the opening of the first Barnahus (2022). Support for the Italian and Hungarian national communities and Roma continues through targeted education, social inclusion, and improved living conditions.

Migration policy reforms include the Integration Strategy (2023), Immigration Strategy (2024), expanded asylum-seeker accommodation, and new permanent centres for

67 | For example, in response to Denmark's recommendation to guarantee the Ombudsman's full autonomy and independence from the government by amending public finance legislation, Slovenia explained that this safeguard was already in place. Under Article 55 of the Ombudsman Act, funding for the Ombudsman's work is secured through the state budget, with the amount determined by the National Assembly upon the Ombudsman's proposal. As a direct budget user within the state sector, the Ombudsman is subject to all public finance regulations, including independent oversight by the Court of Audit. Furthermore, recommendations to establish a national human rights institution and a specialized national body for children's rights have likewise been implemented.

68 | National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21 – Slovenia, Human Rights Council Working Group on the Universal Periodic Review, Forty-eighth session, Geneva, 20–31 January 2025. [Online]. Available at: <https://docs.un.org/en/A/HRC/WG.6/48/SVN/1> (Accessed: 2 January 2026).

unaccompanied minors (2024). In 2024, the Constitutional Court upheld compensation legislation for ‘erased persons,’ with pending cases continuing to be resolved.

The Government also highlighted that Slovenia maintains one of the lowest rates of unimplemented ECtHR judgments and has strengthened international engagement, ratifying the Convention on Enforced Disappearance (2021) and adopting an anti-Semitism strategy (2023). It is currently in the process of ratifying the ILO Violence and Harassment Convention (No. 190), reviewing the Optional Protocol for the ICESCR, and has submitted draft legislation to ratify the Convention on the Reduction of Statelessness (2024).

In its fourth-cycle report on the UPR for Slovenia,<sup>69</sup> released in March 2025, the Human Rights Council Working Group on the UPR summarised the statements of 94 Member State delegations made during the interactive dialogue and issued 254 recommendations, including *inter alia*:

1. Ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights and aligning national legislation with their provisions.
2. Acceding to the 1961 Convention on the Reduction of Statelessness, in line with the pledge announced in 2023.
3. Taking measures aimed at strengthening the capacity of national human rights mechanisms, especially in protecting victims of gender-based violence.
4. Strengthening cooperation with civil society organisations to raise awareness of human rights at the local level through awareness campaigns and educational programmes.
5. Adopting and implementing a comprehensive anti-discrimination strategy that considers all grounds of discrimination, including hate speech (in the online domain) against migrants, Muslims, Jews, and other minority groups.
6. Adopting temporary special measures to accelerate women’s equal participation in all areas covered by the Convention on the Elimination of All Forms of Discrimination against Women, and at all levels where women are underrepresented or disadvantaged, including politics.
7. Adopting targeted measures for the economic empowerment of women and mainstream gender into social inclusion strategies and enforcing the principle of equal pay for work of equal value to reduce and ultimately close the gender pay gap.
8. Adopt a comprehensive strategy to combat all forms of gender-based violence against women, including domestic violence.
9. Strengthening measures to address violence and discrimination against LGBTIQ+ people, encouraged by the decision to develop a national strategy for the equality of lesbian, gay, bisexual, transgender, and intersex persons.
10. Continuing efforts to combat discrimination on the grounds of disability.
11. Continuing efforts to enhance the scope of long-term care and custom-designed services for the elderly to improve their daily lives and promote their inclusion.
12. Lifting restrictions on dual nationality for naturalised Slovene citizens.

69 | Report of the Working Group on the Universal Periodic Review – Slovenia, Human Rights Council Working Group on the Universal Periodic Review, Fifty-ninth session, 16 June–11 July 2025, [Online]. Available at: <https://docs.un.org/en/A/HRC/59/15> (Accessed: 2 January 2026).

13. Continuing efforts to reduce overcrowding and improve unsatisfactory conditions in prisons and detention centres.
14. Continuing efforts to uphold its responsibilities as a third State Party in preventing genocide, demonstrated by joining South Africa's case at the International Court of Justice.
15. Continuing to consolidate the principles of integrity in the public sector to further promote transparency in public administration.
16. Increasing the resources allocated to the commission in charge of corruption prevention for administrative investigation missions.
17. Adopting the juvenile justice act, as foreseen in the 2008 Criminal Code.
18. Strengthening legal and institutional protections for journalists.
19. Continually fostering the political independence of public media in its various forms and promoting a safe and independent media environment, including ensuring accountability for harassment and abuse against female journalists.
20. Decriminalisation of defamation and placing it within a Civil Code in accordance with international human rights standards.
21. Adopting new measures to facilitate the restoration of legal status and constitutional rights of the remaining 'erased' persons.
22. Removing all exceptions to the legal minimum age of marriage of 18 years for both women and men.
23. Strengthening efforts to prevent and combat trafficking in persons, in particular, by strengthening the procedure for early detection of victims among people in vulnerable circumstances, such as asylum seekers and migrants, including unaccompanied minors.
24. Improving the social security system to protect the rights of vulnerable groups, such as women, children, and persons with disabilities; continuing to take concrete and targeted actions to reduce poverty and inequalities within society; and continuing to cater to the housing needs of vulnerable groups.
25. Providing adequate and timely access to primary healthcare for all (including disadvantaged groups and people with disabilities), and taking necessary measures to address the shortage of health professionals.
26. Increasing efforts to promote an environmental culture, encourage sustainable policies that contribute to environmental protection, and mitigate the effects of climate change.
27. Increasing efforts to establish a dedicated office of a child rights ombudsman.
28. Ensuring the application of the principle of non-refoulement; continuing to strengthen support for refugees and migrants; and ensuring that they are provided with adequate protection, social integration programmes, and access to essential services such as healthcare, education, and employment.
29. Establishing a specific procedure for determining stateless status and adopting concrete measures to improve the registration of stateless individuals.

Taken together, these recommendations reflect a broad agenda for strengthening Slovenia's compliance with international human rights obligations and addressing the identified gaps in protection. They cover both legislative and policy reforms, with a notable focus on institutional strengthening, equality and non-discrimination, the protection of vulnerable populations, and compliance with international norms.

### 3.3.3. Conclusions

Considering Slovenia's reports in the third and fourth UPR cycles, the UN Human Rights Council Working Group's reports on and recommendations for Slovenia, the country's responses to recommendations, and the measures undertaken following the interactive dialogue with other states, it can be concluded that Slovenia remains firmly committed to the UPR process. On several occasions, recommendations, such as ensuring the independence and financial autonomy of the Human Rights Ombudsman; establishing a national mechanism for implementation, reporting, and follow-up of human rights recommendations; and guaranteeing that all minors facing criminal charges were represented by legal counsel, had already been fulfilled at the time they were issued.

Slovenia continues to constructively engage with the UN mechanism, both in its own reviews and those of other states, with the aim of introducing all international standards and strengthening human rights. Nonetheless, the UPR process has underscored that the country still faces significant challenges, particularly in fully harmonising its legislative framework with the requirements of ratified UN human rights conventions and ensuring consistent implementation of recommendations from UN monitoring bodies.

## 4. Independent Human Rights Institutions' Perspective on Implementing the Universal Protection of Human Rights in Slovenia

An illustrative case of how the implementation of the universal protection of human rights is perceived and evaluated by Slovenia's independent national human rights institution can be found in the Human Rights Ombudsman's submission to the fourth cycle of the Universal Periodic Review (UPR), issued in July 2024. This submission presents a structured overview of current human rights concerns in Slovenia, encompassing both long-standing issues previously addressed through UPR recommendations and new challenges that have emerged since the last review cycle:

### a) Implementation gaps regarding UPR recommendations

In assessing the follow-up to the third cycle of UPR recommendations, the Ombudsman noted that Slovenia had yet to establish an independent mechanism to promote, protect, and monitor the implementation of the Convention on the Rights of Persons with Disabilities (CRPD), as required by Article 33(2) of the Convention. Slovenia lacks a designated national rapporteur for human trafficking. The Ombudsman proposes that such a role be created within the Office of the Human Rights Ombudsman, with dedicated human and financial resources. The absence of these mechanisms is viewed as a persistent shortcoming in Slovenia's compliance with UN Treaty Body obligations.<sup>70</sup>

70 | Report of the Working Group on the Universal Periodic Review – Slovenia, Human Rights Council Working Group on the Universal Periodic Review, Fifty-ninth session, 16 June – 11 July 2025, [Online]. Available at: <https://docs.un.org/en/A/HRC/59/15> (Accessed: 2 January 2026), p. 2.

- b) Anti-discrimination and hate speech  
The Ombudsman observes that Slovenia has not adopted a comprehensive anti-discrimination strategy. It recommends that authorities establish an appropriate legal framework for the effective prevention of hate speech, particularly in online and social media contexts. This reflects a continuing gap in implementing recommendations from both the UPR and UN treaty bodies that address equality and non-discrimination.<sup>71</sup>
- c) Environmental governance and administrative procedures  
For several years, the Ombudsman has highlighted the excessive length of inspections and administrative procedures in the fields of environment and spatial planning, noting negative implications for rights protections and public trust.<sup>72</sup>
- d) Penal system and alternatives to detention  
Prison overcrowding remains a pressing issue for penal enforcement. The Ombudsman described the situation as alarming, pointing to insufficient measures to expand or strengthen the use of alternatives to detention, despite repeated recommendations from UN human rights mechanisms.<sup>73</sup>
- e) Care for older persons and healthcare system challenges  
Ombudsmen reported a marked increase in complaints regarding violence against care home residents, calling for targeted investments in safety measures, staff training, and professional education. It also identified the absence of systemic provision for persons under 65 years of age who require institutional care after hospital treatment. Long-standing deficiencies in the healthcare sector persist, including excessive waiting times in various medical and dental services and inadequate systemic responses to the needs of children with severe mental health disorders.<sup>74</sup>
- f) Rights of persons with disabilities  
Barriers to the accessibility of public facilities remain widespread. The Ombudsman has repeatedly drawn attention to the inaccessibility of schools, municipal buildings, courts, and administrative offices to persons with disabilities, which is inconsistent with Slovenia's obligations under the CRPD.<sup>75</sup>
- g) Legal recognition of gender  
Current procedures require individuals seeking to change the gender marker on their identity documents to obtain a medical certificate, effectively necessitating the diagnosis of a mental disorder. The Ombudsman has recommended the adoption of legislation on legal gender recognition, which is in line with international human rights standards.<sup>76</sup>
- h) Situation of the Roma community  
Social exclusion among the Roma, particularly in southeastern Slovenia, remains severe. Many Roma live in segregated settlements without secure tenure, and

71 | Ibid.

72 | Ibid., p. 3.

73 | Ibid.

74 | Ibid., p. 4.

75 | Ibid., p. 5.

76 | Ibid., p. 6.

some lack basic services, such as safe drinking water, sanitation, and electricity. The Ombudsman has consistently called for measures to ensure adequate housing and essential infrastructure.<sup>77</sup>

- i) Violence against women  
 The Ombudsman notes that women experience repeated violence more frequently than men, and often suffer more severe consequences. Three-quarters of victims of intimate partner violence are women. The absence of a specialised crisis referral centre for victims of rape or sexual violence is highlighted as a serious gap in compliance with Article 25 of the Istanbul Convention.<sup>78</sup>
- j) Migration, asylum, and treatment of third-country nationals  
 The Ombudsman reports that persistent delays in processing residence permit applications for third-country nationals negatively affect both existing residents and prospective migrants, including those seeking work or family reunification. Overcrowding at the Ljubljana asylum-seeker reception centre has led to violations of personal dignity, privacy, and security. Furthermore, migrants apprehended at the border are returned to neighbouring countries without written decisions, depriving them of access to legal remedies. The recommendation to provide suitable alternative accommodations for families with children and use the detention of minors only as a last resort remains unimplemented.<sup>79</sup>

Overall, the Ombudsman's submission to the fourth cycle of the UPR (as well as its annual and thematic reports) offers a nuanced mirror to Slovenia's implementation of UN human rights recommendations. While it acknowledges progress in certain areas, it underscores persistent gaps, particularly in establishing key institutional mechanisms, protecting vulnerable groups, and providing adequate resources for effective rights protection. These findings suggest that Slovenia's engagement with the UN human rights mechanisms is substantive but uneven, with systemic reforms and stronger implementation measures required to meet its international obligations.

## 5. The Scholarly Discussion on Implementing the Universal Protection of Human Rights in Slovenia

Slovenian scholars have made important contributions to the study and discussion of the UN human rights protection instruments. Their research addresses a wide spectrum of issues, including the universal system of human rights protection, the role of UN institutions, and the domestic implementation of international human rights instruments and standards. A search of the National Library Information System (Cobiss) yielded several hundred publications. These include books and scientific monographs, peer-reviewed

77 | Report of the Working Group on the Universal Periodic Review – Slovenia, Human Rights Council Working Group on the Universal Periodic Review, Fifty-ninth session, 16 June–11 July 2025, [Online]. Available at: <https://docs.un.org/en/A/HRC/59/15> (Accessed: 2 January 2026).

78 | Ibid.

79 | Ibid., p. 7.

and professional journal articles, diplomas and master's theses, doctoral dissertations, and other academic works. In addition, various practical publications, such as manuals, brochures, reports, and commentaries, are dedicated to specific UN covenants, conventions, and other human rights instruments, to the functioning of UN institutions and monitoring bodies, and to the implementation of particular rights or groups of rights in Slovenia. These include the prohibition of genocide, the elimination of discrimination against women, or the universal protection of children's rights. Given the large volume of scientific and scholarly work, we did not aim to provide a comprehensive systematic review. Instead, this section briefly refers to the selected publications which were considered by the author of this article to be the most relevant.

Among various books and monographs, one particularly noteworthy publication is Human Rights Documents with Introductory Explanations [Slov. *Dokumenti o človekovih pravicah z uvodnimi pojasnili*], edited by Professor Miro Cerar and colleagues.<sup>80</sup> This book was published in 2002 by Amnesty International Slovenia and the Peace Institute.

The chapter on the universal protection of human rights explores the origins and historical evolution of human rights protection within the framework of the United Nations (UN) and its principal legal instruments. It also examines the inherent challenges in implementing universal international legal norms related to human rights. The authors underscore widespread pessimism among both the general public and experts regarding the effectiveness of international organisations in safeguarding global peace and enforcing human rights. They draw attention to persistent problems such as institutional overlap within the UN's human rights framework and the limited or absent enforcement of human rights in many member states. According to these authors, these issues demand far greater global recognition and urgency from policymakers.<sup>81</sup>

One of the authors' most critical observations is the United States' refusal to sign the Rome Statute, which they regarded as a major setback for the international community. Simultaneously, they argued that the fundamental value of human rights was becoming increasingly uncontested. Although the belief that power remains a decisive factor in international relations is still deeply rooted, they note that the global order is evolving. To illustrate, they point to historical examples: in the eighteenth century, slavery was widely accepted, yet today it is universally condemned as a crime. Similarly, only a few decades ago, it was almost unthinkable that a head of state could be prosecuted for serious human rights violations in another country or before an international court – yet today, such prosecutions are possible. The authors contend that the UN has played a central role in advancing human rights globally and has made vital contributions to its primary mission: the maintenance of international peace and security.<sup>82</sup>

The foreword for this publication was written by Professor Danilo Türk, former President of the Republic of Slovenia and former UN Deputy Secretary-General.

Danilo Türk is also the author of the monograph *Fundamentals of International Law*,<sup>83</sup> in which he explores the development of the fundamental principles of international law. He examined key topics such as states as subjects of international law, international legal transactions, state responsibility under international law, the peaceful settlement of

80 | Cerar et al., 2002.

81 | Šabič and Roter, 2002, pp. 47–48.

82 | Ibid.

83 | Türk, 2007.

disputes, collective security, the law of armed conflict, and the international protection of human rights. In addition, the author delves into the universal protection of human rights in international law and the concept of individual criminal responsibility. This work has been reprinted multiple times and serves as a primary study resource for the law and other faculties in Slovenia.

In 2003, Slovenian human rights law expert Jasna Murgel published an article examining UN mechanisms for the protection of human rights.<sup>84</sup> Her article focuses on proceedings before so-called treaty bodies, which, under some of the most important international human rights treaties adopted within the UN framework, allow individuals or groups of individuals to initiate cases if they believe their rights under these treaties have been violated. The author's analysis includes the following monitoring bodies: the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee for the Prevention of Torture, the Committee on the Elimination of Discrimination against Women, and the Committee on the Rights of All Migrant Workers.

The author notes that the treaty bodies have not dealt with as many cases as international judicial bodies, particularly the European Court of Human Rights. This may be due to the general belief that their work was ineffective. In the author's opinion, the most important reason for this is the non-binding nature of the recommendations adopted by treaty bodies.<sup>85</sup>

The author further points out that only the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women obliges the parties to send a written notification of the measures taken in relation to the opinion of the Committee on the Elimination of Discrimination against Women if the committee requests it. Due to the non-binding nature of the recommendations of treaty bodies, political pressure is the only means they can use to achieve their implementation. They can accomplish this by publishing annual reports that they send to the UN General Assembly.<sup>86</sup>

According to the author, Slovenia is a party to most UN instruments for the protection of human rights, which it inherited from former Yugoslavia. By ratifying the protocols, Slovenia also recognised the competence of most committees to consider communication from individuals. Murgel concluded by highlighting that although, in principle, anyone, not only a Slovenian citizen, could address communication against Slovenia to the committees, no communication had been filed against Slovenia with the UN treaty bodies by June 2003.<sup>87</sup>

In an article published in the January 2001 issue of *Journal of Legal Practice (Slov. Pravna praksa)*, Murgel examined the implications of implementing the Optional Protocol for the Convention on the Elimination of All Forms of Discrimination against Women. The author emphasised that this Optional Protocol represents a significant advancement in the development of procedures for monitoring the implementation of the convention. Additionally, it expands the range of international treaties whose enforcement can be subject to international oversight, even at the initiative of an individual. Previously, this

84 | Murgel, 2003, pp. I-III.

85 | *Ibid.*

86 | *Ibid.*

87 | *Ibid.*

possibility had only been provided by three universal international treaties and a few regional agreements.<sup>88</sup>

The author is critical of the fact that State Parties to the Protocol are only required to report to the Committee on the measures they have taken to address violations of the Convention. The Protocol does not obligate them to implement the Committee's recommendations, nor does it impose sanctions for non-compliance. Consequently, states cannot be compelled to rectify established violations.<sup>89</sup>

Murgel explained that the Committee is not an international judicial body, such as the European Court of Human Rights, whose decisions are legally binding to the parties to the Convention and Protocol. Instead, it serves as a political oversight body that can only highlight instances in which a State violates the treaty's provisions. Nonetheless, the author argues that the recommendations of treaty bodies, and even more so those of UN bodies, carry significant political weight despite not being legally binding.<sup>90</sup>

In today's international community, governments are increasingly influenced by public opinion, which is shaped in part by the activities of international bodies and institutions that advocate for stronger human rights protection. The author concludes that such recommendations serve as powerful tools in the political fight against human rights violations, including discrimination against women.<sup>91</sup>

In his article entitled *Challenge for Universal Protection of Human Rights* (published in 2003), Dean Zagorac maintains that today, global and local challenges for universal human rights protection appear to be 'how to close a gap between normative guarantees and human rights protection in practice' and 'how to counterbalance well developed normative framework in the field of civil and political rights with the framework of economic, social, and cultural rights which lags behind'. The author observes that thematic mechanisms are of particular interest in the development of international human rights norms because of their relative effectiveness in promoting and protecting human rights. In 2003, 24 such mechanisms were in operation. Their experts conducted country visits and fieldwork, but only at the express invitation of the concerned state. A state may also issue a standing invitation applicable to all current and future mechanisms, a step taken by 40 countries, including Slovenia.<sup>92</sup>

The scientific article by Bajt and Kogovšek Šalamon examines statelessness in Slovenia and constitutes one of the first in-depth empirical studies on this subject. It highlights significant data gaps and identifies groups at particular risk – most notably the Roma and the so-called erased residents – linking these vulnerabilities to shortcomings in Slovenia's compliance with international obligations, especially those under UN human rights mechanisms. The authors argue that these groups are disproportionately affected by gaps in nationality policy, illustrating Slovenia's lag in meeting the UN human rights standards on citizenship and non-discrimination.<sup>93</sup>

A more specific aspect of the problem of statelessness is explored by Vučko and Kogovšek Šalamon in their working paper, *Ending Childhood Statelessness: A Study*

88 | Murgel, 2001, pp. 31–32.

89 | *Ibid.*

90 | *Ibid.*

91 | *Ibid.*

92 | Zagorac, 2003, pp. 77–85.

93 | Bajt and Šalamon, 2014.

on Slovenia. The survey maps Slovenia's implementation of UN obligations relevant to children's nationality according to the 1954 Convention on the Rights of the Child, identifies legal and administrative gaps (e.g. lack of a dedicated statelessness determination procedure), and offers practice-oriented recommendations for aligning national law with UN standards. According to these authors, Slovenia lacks a dedicated statelessness-determination process. Cases of childhood statelessness are rarely identified because of the reliance on ad hoc administrative processes. Despite the ratification of the 1954 UN Convention relating to the Status of Stateless Persons, implementation on the ground has been insufficient, leaving many vulnerable individuals without proper rights or protection.<sup>94</sup>

In her book *Migration Law in Slovenia*, Neža Kogovšek Šalamon synthesises Slovenia's migration regime and its reception of the European Union and international (Council of Europe and UN) human-rights commitments in domestic law and practice, with attention to anti-discrimination and status-rights implementation. The author observed numerous shortcomings in the Slovenian legal regulations and practices, especially in relation to legal status and ensuring the right to asylum. According to Kogovšek Šalamon, many recent amendments to domestic legislation reflect a drive for maximum effectiveness across all sectors, including law enforcement, often at the expense of constitutional, procedural, and fundamental rights. This emphasis on efficiency has led to expedited Refugee Status Determination Procedures (RSDPs); the introduction of extensive lists of grounds for detaining asylum seekers; the conditional protection of trafficking victims, who may obtain a residence permit only if they cooperate in criminal proceedings and if their testimony is deemed sufficiently important; and the establishment of broad grounds for refusing entry at the external border, in some cases relying on data drawn from modern 'interoperable' information systems.<sup>95</sup>

In a monograph chapter entitled *Erased: Citizenship, Residence Rights and the Constitution in Slovenia*,<sup>96</sup> the same author analyses the case of 'erased residents' through constitutional and international-law lenses (including UN standards), tracking how international obligations informed domestic redress and policymaking. This case illustrates how the UN human rights principles can serve as catalysts for domestic legal change when implementation gaps are addressed.

The United Nations Guiding Principles (UNGPs) on Business and Human Rights are explored by Til Rozman in *Business and Human Rights – Implementing the UNGPs in Slovenia*. The author claims that Slovenia is among the few countries with a National Action Plan (NAP) on Business and Human Rights (adopted in 2018) and emphasises the role of state-owned enterprises in human rights due diligence. While having a NAP in place suggests policy alignment with the UNGPs, implementation in practice, especially within commercial and state-linked sectors, remains an ongoing challenge.<sup>97</sup>

The UNGPs on Business and Human Rights are also addressed by Jernej Letnar Čeranič, a Slovenian expert in human rights law, in his non-peer-reviewed blog on *Business and Human Rights in Slovenia*. Letnar Čeranič situates Slovenia's NAP on Business and Human Rights within the UNGPs framework and assesses progress/challenges in putting UN

94 | Vučko and Šalamon, 2015, p. 20.

95 | Šalamon, 2018, p. 16.

96 | Šalamon, 2016.

97 | Rozman, 2020, pp. 51–74.

standards into practice. Letnar Černič asserts that, divided into seven chapters and two annexes, the NAP partially follows the structure of the UNGPs on Business and Human Rights, particularly as concerns state obligations to protect human rights against the adverse corporate conduct. However, according to the author, like many national action plans, the NAP of Slovenia does not include any commitment to the second pillar of the UNGPs on corporate responsibility to respect human rights.<sup>98</sup>

In her article, UN Security Council Membership as a Litmus Test for Slovenia's Responsibility to Protect, Vasilka Sancin, a renowned expert in international law and newly elected Slovenian judge at the European Court of Human Rights, discusses Slovenia's relationship with UN norms, particularly the Responsibility to Protect (R2P), during its non-permanent UN Security Council (UNSC) tenure. Contextualising Slovenia's human-rights diplomacy within international commitments, the author argues that political engagement with UN human rights mechanisms can influence domestic awareness and alignment, though concrete implementation outcomes vary. According to her, Slovenia's strongest potential, generally, particularly during its UNSC membership, lies not in its monolithic contributions towards operationalising R2P, but rather in its role as a global R2P convener.<sup>99</sup>

Dane Katalinič contributed an article to the Journal of Family and Social Education on the implementation of the Convention on the Rights of the Child, titled The Rights of the Child in Kindergartens.<sup>100</sup>

The role and significance of United Nations treaty bodies in the implementation of international human rights law are examined in the doctoral dissertation of Urša Pavčič.<sup>101</sup>

Overall, these and many other publications demonstrate the active involvement of Slovenian scholars in analysing and contributing to the discourse on universal human rights protection mechanisms. However, as is evident, scholarly studies on the implementation of the universal protection of human rights in Slovenia do not examine it in its entirety but instead focus on specific aspects. Consequently, most academic contributions offer only partial insights, addressing areas such as statelessness, migration, and business, rather than providing a comprehensive assessment of Slovenia's overall success and effectiveness in implementing international (UN) human rights standards.

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## 6. Conclusions

This article has examined the implementation of the United Nations' universal human rights protection system in Slovenia through a combined historical, institutional, and practical lens. The analysis demonstrates that Slovenia has developed a relatively robust framework for the protection of human rights, grounded in both its constitutional order and its extensive engagement with international legal instruments.

98 | Letnar Černič, 2019.

99 | Sancin, 2024, pp. 546–562.

100 | Katalinič, 1991, p. 18.

101 | Pavčič, 2019.

From a historical perspective, the development of human rights in Slovenia reflects a process of gradual evolution rather than abrupt transformation. While the country's modern constitutional framework emerged following independence in 1991, many of its core human rights principles have deeper roots in earlier legal traditions and constitutional arrangements. This continuity has contributed to a relatively stable and receptive environment for the incorporation of international human rights standards into domestic law.

At the institutional level, Slovenia demonstrates a strong formal commitment to the United Nations human rights system. It is a party to most core UN human rights treaties, participates actively in reporting procedures, and engages constructively with monitoring mechanisms such as treaty bodies and the Universal Periodic Review. The establishment of coordinating structures, such as the Inter-Ministerial Commission for Human Rights, further illustrates a systematic approach to fulfilling international obligations.

However, the analysis also reveals that the effectiveness of this framework is uneven. While Slovenia has made notable progress in aligning its legislation with international standards and has implemented a significant number of recommendations issued by UN bodies, persistent challenges remain. These include gaps in the practical implementation of rights, delays in administrative and judicial procedures, insufficient institutional capacities in certain areas, and ongoing difficulties in protecting vulnerable groups. Reports by independent institutions, particularly the Human Rights Ombudsman, highlight recurring issues such as discrimination, prison overcrowding, barriers faced by persons with disabilities, and shortcomings in migration and asylum procedures.

The Universal Periodic Review cycles further confirm this mixed picture. On the one hand, Slovenia is recognised as a state that engages seriously with international monitoring processes and has achieved measurable progress in several areas. On the other hand, the growing number and breadth of recommendations indicate that full compliance with international human rights obligations has not yet been achieved. The gap between normative commitments and their effective realisation in practice remains a central challenge.

Scholarly discussions largely support this assessment, emphasising that Slovenia's approach to implementing universal human rights standards is fragmented and often sector-specific. While certain areas – such as gender equality or child protection – have seen significant advancements, others, including statelessness, migration, and business and human rights, continue to reveal structural deficiencies. This confirms that, despite a comprehensive legal and institutional framework, implementation is neither uniform nor complete.

In conclusion, Slovenia can be characterised as a state with a high level of formal commitment to the universal human rights system and a generally positive record of engagement with United Nations mechanisms. Nevertheless, the effectiveness of this commitment ultimately depends on the consistent and coherent implementation of international standards at the domestic level. Addressing the identified gaps will require not only legislative adjustments but also strengthened institutional capacities, improved coordination among stakeholders, and sustained political will. Only through such measures can Slovenia fully realise the potential of the universal human rights protection system and ensure that internationally guaranteed rights are effectively enjoyed in practice.

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