

PIC – Legal Center for the Protection of Human Rights and the Environment and the Peace Institute

Joint Submission to the Human Right Council at the 48th Session of the Universal Periodic Review

Slovenia

Introduction

1. The Peace Institute¹ – Institute for Contemporary Social and Political Studies – is a private, independent, non-profit research institution founded in 1991 by individuals who believed in peaceful conflict resolution, equality and respect for human rights standards. The Institute uses scientific research and advocacy activities aimed at creating and preserving an open society capable of critical thought and based on the principles of equality, responsibility, solidarity, human rights and the rule of law.
2. PIC – Legal Center for the Protection of Human Rights and the Environment² is a Slovenian non-profit NGO based in Ljubljana focusing on asylum and migration, environment, rule of law and the protection of vulnerable groups. The mission of PIC is to help individuals and vulnerable groups in the protection of their fundamental rights through legal assistance, advocacy and legal analysis. In the field of asylum and migration, PIC provides free legal aid and representation.
3. The joint submission is focused on the area of asylum and migration, including statelessness and the “Erased”.

Statelessness

4. While Slovenia is a party to the 1954 Convention Relating to the Status of Stateless Persons (1954 Convention), Slovenia did not accede to the 1961 Convention on the Reduction of Statelessness. Slovenia does not have a dedicated statelessness determination procedure (SDP). There are other administrative procedures through which statelessness can be identified (for example an application for residence, international protection or naturalization). However, there is no dedicated stateless protection status and no obligation in law to consider a claim of statelessness, nor clear instructions, guidance or training for officials conducting the assessment. Further, in these other procedures, the burden of proof is on the applicant, the standard of proof is very high and legal aid is only available for judicial review.
5. In practice, individuals in the asylum procedure are rarely registered as stateless. Often statelessness is not recognized and people are attributed a citizenship based on personal circumstances (place of birth, nationality.) Research also shows that, in other

¹ <https://www.mirovni-institut.si/en/>.

² <https://pic.si/>.

administrative procedures, people claiming to be stateless will face the presumption of having another citizenship or being able to apply for one in another country, rather than considering their statelessness as a relevant circumstance. Outside the asylum procedure, public officials will often refer foreigners to embassies of other countries.

6. Accurate statistical data regarding stateless persons in Slovenia is not gathered. The lack of a statelessness determination procedure, prevents stateless persons from being recognised as such in Slovenia, and from the protection and rights this entails, such as the right to a travel document and legal residence. Stateless persons therefore face a heightened risk of arbitrary detention particularly where procedural safeguards to identify and determine statelessness and related barriers to removal are lacking.³
7. **Slovenia should therefore accede to the 1961 Convention on the Reduction of Statelessness, establish a dedicated statelessness determination procedure and take concrete steps to improve the recording of statelessness.**

Erased people

8. Slovenia's Erased People are the 25,671 individuals who were on 26 February 1992 removed or erased from Slovenia's registry of permanent residents. This illegal measure was carried out due to the legal vacuum created by the legislation adopted after Slovenia declared independence from former SFRY in 1991. Citizens of the former Socialist Republic of Slovenia automatically became citizens of the new country, the Republic of Slovenia. According to the Citizenship of the Republic of Slovenia Act, all citizens of other republics of the former SFRY with permanent addresses in the Socialist Republic of Slovenia had the right to apply for Slovenian citizenship within six months of the date of independence. Those who failed to apply, whose application was refused, or where the procedure was terminated, lost their permanent residence status. This erasure of permanent residents did not have any basis in law. It was an arbitrary measure, carried out by local authorities in accordance with instructions from the Ministry of the Interior. With the loss of status, they also lost all economic and social rights tied to the permanent resident status, and their right to remain in Slovenia.
9. The Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia was amended in 2010 to implement the 2003 Constitutional Court decision and, among other, to restore the permanent resident status of the erased persons who were forced to leave the Republic of Slovenia.
10. However, there were several serious issues with the 2010 amendment, which prevented large numbers of the erased people who still do not have regulated legal status in Slovenia from obtaining a permanent residence permit. The main issue was that the 2010 amendment (as well as the Act as was first adopted in 1999) required that the erased who wished to obtain the permanent residence status continuously lived in Slovenia from the erasure onwards. This condition posed a significant barrier for all

³ ENS (2017) Protecting Stateless Persons from Arbitrary Detention: An Agenda for Change, https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS_LockeInLimbo_Detention_Agenda_online.pdf

those erased who have been deported or left Slovenia but could not return. Although the 2010 amendment prescribed a list of exceptions to the requirement of continuous actual life in Slovenia, it also required that in the case of such justified absence from the country, an erased person has to prove that he or she tried to return to Slovenia if the absence lasted more than five years. However, such proof of attempts to return only justified additional five years of absence (ten years of absence altogether). At the time of the adoption of the 2010 amendment, almost 20 years had passed since the erasure and the majority of the beneficiaries were forced to leave Slovenia in the first years after the erasure, therefore for them, the 2010 amendment was ineffective. Furthermore, in practice it was impossible to prove that a person tried to return. Oftentimes, the erased inquired about their options to return at the Slovenian consulates abroad but had no proof of doing so which would serve them as evidence later on. Additional issue was the deadline for the submission of the applications for permanent residence: applications could be submitted within three years from the enactment of the 2010 amendment of the Act, or until a child reached the age of 21, whichever period was longer. The three-year deadline expired on July 24, 2013. As almost 20 years have passed since the erasure, the three-year period was too short for the beneficiaries to get acquainted with the option and submit their papers. They mostly resided abroad and the state did not make a sufficient effort to inform them.

11. At the time of the adoption of the 2010 amendment, more than half of the 25,671 erased individuals remained in Slovenia without a regulated status. Due to the described barriers, only 1,770 erased persons applied for status within the legal deadline. Out of those, only 241 erased individuals received the permanent residence permits.
12. Since 24 July 2013, the erased persons have had no legal remedy for regulating their status. Since then, the CSOs, including the co-submitting organizations, have identified several erased persons who have lived in Slovenia without any legal status since the erasure. They were marginalized, cut off from information, fearful and distrustful of official authorities. Because the deadline had expired, there was no effective legal channel to regulate their permanent residence. Many of them are elderly and in desperate need of care. Some of them passed away in terrible conditions while waiting to get their status back, as they had no access to social assistance without it.
13. In 2014, Act Regulating the Compensation for Damage Sustained as a Result of Erasure from the Register of Permanent Residents was adopted to implement the ECtHR judgment in the case of *Kurić and Others v. Slovenia*. The law excluded from its beneficiaries all the erased persons who have not had their status regulated. As explained above, this means that more than half of the 25,671 erased persons were not entitled to compensations or any other measure of redress. Furthermore, under this law, children and other heirs of the erased who had passed away were not entitled to compensation, despite the obvious and detrimental effects that the erasure had on their families.
14. According to the Act, erased individuals were entitled to receive a low lump-sum amount of 50 euros in monetary compensation for each completed month of erasure from the register of permanent residents. This compensation was granted through an

administrative procedure. It is unclear how the criteria for such a low compensation was determined. The compensation set did not even reach the value of social welfare benefits, which could be considered as minimum income the erased would be entitled to as permanent residents if Slovenia had not erased them. Only 5,777 erased persons received the lump-sum compensation, which is about half of the beneficiaries.

15. The law directed the individuals who believe that this compensation is insufficient to file a lawsuit, where the rules of contract law apply. In practice, this has proven to be a challenge since in most cases it is impossible to prove damage that occurred 20 to 30 years ago. Although the majority of the erased individuals suffered much greater losses than what the lump sum compensation covered, most of them did not dare to pursue lawsuits because they lacked the means for legal representation, and the necessary evidence. Many of those who did file lawsuits not only lost but ended up in debt due to legal costs. The deadline for submitting the compensation claims was three years from the enactment of the Act, which expired on 18 June 2017.
16. Other forms of just satisfaction prescribed by the Act, such as payment of contributions for compulsory health insurance and inclusion in social assistance programmes, were not properly integrated in the existing frameworks in relevant areas of social life and were as a result often ineffective. For example, while the erased were afforded equal treatment compared to Slovenian citizens in resolving housing problems, they were not entitled to priority treatment. Which means that in practice, when they applied for social housing, they were not successful as the social apartments were afforded to the priority groups.
17. In autumn 2023, the Civil Initiative of Erased Activists, Amnesty International Slovenia and the Peace Institute – with the support of the President of the Republic of Slovenia – demanded from the Prime Minister that the Government immediately adopts legislation that will allow non-discriminatory access to a permanent residence permit to those erased and their children who live in Slovenia or who could still return back. To this end, NGOs sent the Prime Minister a proposal of an amendment to the 2010 Act regulating the legal status of the erased. The proposal was not accepted by the Government.
18. **Slovenia should enact a law that allows all those who were erased to regularize their status. Such a law should not impose any restrictive conditions and must have an open deadline. The country should also adopt additional measures of fair redress, such as healthcare measures, social welfare measures, and pension measures.**

Access to territory

19. In early 2017, Slovenia adopted Art. 10a and 10b of the Foreigners Act which allowed the National Assembly to vote on suspending the right to asylum in case migration posed “a threat to public order and internal safety of the Republic of Slovenia”. If the articles would be activated, the Police could reject all intentions to apply for international protection as inadmissible as long as the persons, wishing to apply, entered Slovenia from a neighbouring Member State in which there were no systemic

deficiencies regarding the asylum procedure or reception conditions which could lead to torture, inhuman or degrading treatment. The Police could then deport the person back to this neighbouring country. An appeal against the police order would not have a suspensive effect. The adopted amendments were reviewed by the Constitutional Court⁴ which ruled that Art. 10b was in violation of the prohibition of torture enshrined in Art. 18. of the Constitution of the Republic of Slovenia.

20. Nonetheless, similar provisions were adopted in 2019 allowing the National Assembly to close the border for 6 months in case of a ‘complex migration crisis’.⁵ In line with the new provisions, the Ministry of the Interior regularly monitors the situation in the field of migration in Slovenia. If it detects that the situation regarding migration in Slovenia has changed, creating a “complex crisis”, the Ministry can propose that the government activates the articles of the Foreigners Act that allow the National Assembly to close the border for 6 months and restrict access to the asylum procedure. The proposal to activate the articles must involve an assessment of the situation and the effects of the “complex crisis” on the security threat level for the protection of fundamental constitutional social values, especially regarding the effective functioning of the legal and welfare state, the protection of public order and peace, the efficient functioning of the economy, the protection of health and the life of the population, and the level of security.⁶ Upon activation of the articles the police would have the authority to determine whether a person can apply for international protection after they express the intention to do so. If the police determine that an individual can be returned to another country, they can return the individual regardless of the provisions of the International Protection Act. Exceptions would apply to unaccompanied minors and individuals whose health conditions prevent a return. The assessment of whether someone is an unaccompanied minor would be made by the police based on the person’s appearance, behaviour and other circumstances. An appeal against the police order would not have a suspensive effect.⁷
21. In February 2022, opposition parliamentarians again submitted the provisions to the Constitutional Court for constitutional review. In July 2023, the new Government approved the opinion of the Ministry of the Interior regarding the legality of the amendments and lodged the opinion before the Constitutional Court.⁸ In the opinion, the Ministry argued that the amendments of the Foreigners Act are in line with the Constitution. The decision on constitutional review was not taken in 2023.
22. In its fourth periodic review, the U.N. Committee against Torture also recommended that the authorities consider amending or repealing the provisions. The Committee also noted that Slovenia should ensure that effective and appropriate measures based on individualized consideration and vulnerability screening are in place for properly

⁴ Constitutional Court decision, U - I 59/17 from 18. 9. 2019, available at: <https://www.us-rs.si/odlocba-ustavnega-sodisca-st-u-i-59-17-z-dne-18-9-2019/>.

⁵ Article 10a and 10b of the Foreigners Act.

⁶ Article 10a of the Foreigners Act.

⁷ Article 10a and 10b of the Foreigners Act.

⁸ Opinion available at: <https://www.gov.si/novice/2023-07-28-mnenje-o-zahtevi-za-oceno-ustavnosti-nekaterih-clenov-zakonov-o-tujcih-in-o-mednarodni-zasciti/>.

trained immigration officials to identify, as early as possible, all victims of torture, ill-treatment, gender-based violence and trafficking among asylum-seekers and other persons in need of international protection during border procedures, and provide such persons with access to treatment for urgent conditions and with appropriate support.⁹

23. By activating the articles of the Foreigners act foreigners would no longer have effective access to the asylum procedure in Slovenia.

24. Slovenia should therefore repeal the provisions of the Foreigners Act and ensure that individuals have effective access to the asylum procedure.

Foreigners in prison (sentencing, conditions)

25. In 2020, Article 308 of the Criminal Code titled Illegal crossing of the border or state territory that also regulates smuggling of undocumented migrants was amended. With the amendments, the prescribed penalty for smuggling foreigners was increased from “up to 5 years” to “3 to 10 years” of imprisonment. In the Slovenian criminal justice system, such a penalty is grossly disproportionate compared to the penalties otherwise imposed. In addition to smuggling, the 10 year imprisonment sentence is only prescribed for a handful of the most serious crimes: financing terrorism, recruitment and training for terrorism, enslavement, human trafficking, murder, kidnapping and forced disappearance of a minor, qualified forms of rape, abuse of prostitution of a minor person. The disproportionate sentence was criticized by some MPs during the legislative procedure. It was also criticized by the constitutional judge Neža Kogovšek Šalamon.¹⁰

26. In addition, Article 308(3) is worded in a way that monetary gain is not necessary to fulfil the elements for the criminal act of smuggling, meaning that providing help or support to people irregularly crossing the border or territory can already be considered as smuggling.

27. Since the amendment, the number of foreigners in Slovenian prisons has been drastically rising. Foreigners represent 37 % of the imprisoned population. 90 % of individuals in pretrial detention are foreigners. Out of all foreigners imprisoned or in custody more than 90 % ended up imprisoned or detained for crimes falling under Article 308 of the Criminal Code.¹¹ As the minimum prescribed sentence is 3 years of imprisonment, the suspended sentence can only be imposed if the person admits to the crime during the pre-trial hearing or while making a deal with the state prosecution. The Ministry of Justice noted that this amendment resulted in the prolongation of criminal proceedings due to the unwillingness of suspects to negotiate or accept plea agreements, increasing the number of prison sentences imposed.¹² The Institute for

⁹ U.N. Committee against Torture: Concluding observations on the fourth periodic report of Slovenia; 7 December 2023.

¹⁰ U I 475/22, separate opinion of Neža Kogovšek, available at: <https://www.us-rs.si/documents/48/e1/u-i-475-22-up-1729-22-delno-odklonilno-lm-dr-kogovsek-salamon4.pdf>.

¹¹ <https://www.gov.si/drzavni-organi/organi-v-sestavi/uprava-za-izvrsevanje-kazenskih-sankcij/o-upravi/#e55480>.

¹² <https://www.24ur.com/novice/dejstva/tretjina-tujcev-v-slovenskih-zaporih-vecina-zaradi-tihotapljenja-ljudi.html>.

Criminology noted that since the amendment the average prison sentence imposed has increased from 9 to 22 months.¹³ The Institute conducted an analysis regarding sexual crimes and crimes where the minimum prescribed sentence is 3 years imprisonment. They found that in cases of sexual assault against minors the courts imposed suspended sentences when a confession was made. In the case of foreigners, more than 100 judgments made before and after the amendment were analysed. Differently, the suspended sentence was not granted in any of the analysed cases – although in the Slovenian criminal justice system, the highest proportion of guilty pleas are entered by suspects of offences under Article 308.¹⁴ Statistical data thus shows that higher sentences are imposed on foreigners by the courts.

28. On top, due to the high number of imprisoned people or people in custody, the prison conditions worsened significantly in 2023 in practice. The average occupancy of the Slovenian prisons reached 130 %. The occupancy in the prison in Ljubljana is 204 %, in Maribor 165 %, in Celje 163 % and in Dob pri Mirni 125 %.¹⁵
29. In addition, due to administrative and practical barriers, foreigners do not receive the same standard of care when serving their sentence as nationals do. For example, due to the language barriers certain rehabilitation programs are hard to conduct.¹⁶ Additionally, being from abroad, foreigners have most of their visits conducted via internet calls but their access to the internet is limited. In the Dob pri Mirni prison, for example, prisoners and those in custody can have in person visitations at least twice a week for more than an hour per visit.¹⁷ However, prisoners are only allowed to take two calls per month for a maximum of 10 minutes via Skype,¹⁸ which means that in practice their visitation time is limited.
- 30. Slovenia should amend the provisions in the Criminal Code to ensure that help and support provided to migrants irregularly crossing the border is not criminalized. Slovenia should ensure equal treatment of foreigners in criminal procedures. Slovenia should ensure prison conditions in line with international human rights standards. Slovenia should ensure that foreigners have the same standard of care while serving their prison sentences as nationals.**

Family members of foreigners

31. In line with the amendments to Article 47 of the Foreigners Act, family members of foreigners will have to submit a proof of knowledge of the Slovenian language at a

¹³ Ibid.

¹⁴ <https://www.delo.si/novice/slovenija/za-posilstva-otrok-tudi-zgolj-pogojne-kazni/>.

¹⁵ <https://www.rtvsllo.si/slovenija/slovenski-zapori-so-iz-dneva-v-dan-bolj-prezasedeni-najbolj-jih-polnijo-tihotapci-ljudi/696267>.

¹⁶ <https://www.24ur.com/novice/dejstva/tretjina-tujcev-v-slovenskih-zaporih-vecina-zaradi-tihotapljenja-ljudi.html>.

¹⁷ <https://www.gov.si/drzavni-organi/organi-v-sestavi/uprava-za-izvrsevanje-kazenskih-sankcij/o-upravi/zavod-za-prestajanje-kazni-zapora-ljubljana/oddelek-novo-mesto/>.

¹⁸ Ombudsperson, National Preventive Mechanism reports available at: <https://www.varuh-rs.si/o-varuhu/organizacijske-enote-in-svet-varuha/drzavni-preventivni-mehanizem/levi-meni/priporocila-iz-obiskov-preglednice/?categories=>.

“subsistence level” (*preživetvena raven*) when applying to prolong their residence permits. The provision that will come into force in November 2024 was heavily criticized by the local NGOs in the field. The standard of knowledge at a “subsistence level” is not clearly defined. In practice, due to the lack of Slovenian language classes, exams, lack of staff and individual circumstances of foreigners (e.g. class-times during work hours, lack of childcare) most individuals will most likely not be able to fulfil this requirement. The requirement can be seen as an administrative obstacle preventing family members of foreigners to prolong their residence permits. When assessing similar provisions of the Labour Market Regulation Act the Advocate for the Principle of Equality found that the requirement is discriminatory to family members of third country nationals.¹⁹ The Advocate noted that the same request does not apply to family members of EU citizens, Swiss citizens or citizens of the EEA area. In addition, the requirement is discriminatory to women. Namely, the statistical data shows that the majority of persons coming to Slovenia based on family reunification are women with children. For example, in 2016, out of 9,743 applications for family reunification 9,111 were lodged by men reuniting with their female spouse. This is extremely problematic due to child care, as well as different cultural and educational backgrounds women have limited access to language courses and other services in practice. Furthermore, it jeopardizes their status in Slovenia if they will not meet the requirement when prolonging the residence permit. As described above, Slovenia currently does not have the system for status regularization, meaning that individuals unable to prolong their residence permits on the basis of family reunification will be irregularly staying in Slovenia without any rights or access to services. As the Foreigners Act allows exemptions from the requirement for children it can happen that in practice children will be able to prolong their residence permits based on family reunification while the spouse reuniting together with their children will not. Although Article 55(5) of the Foreigners Act states that before refusing the request to prolong the residence permit of a family member the Administrative unit has to consider the nature and strength of the family ties, the length of stay in Slovenia and the existence of family, cultural and social ties with the country of origin, this provision is not used in practice to prolong the residence permits.

32. Slovenia should ensure that the provisions of the national legislation relating to family reunification of foreigners fully protect the right to family and private life.

Hate speech and hate crime

33. Article 297 of the Criminal Code (KZ-1) stipulates that anyone who publicly encourages or incites ethnic, racial, religious or other hatred or intolerance, or incites another type of intolerance, due to physical or intellectual disabilities or sexual orientation, shall be sanctioned with imprisonment of up to 2 years.

¹⁹ Advocate for the Principle of Equality, the assessment available at: <https://zagovornik.si/wp-content/uploads/2022/08/OCENA-DISKRIMINATORNOSTI-8.a-IN-11.-CLENA-ZAKONA-OUREJANJU-TRGA-DELA.pdf>

34. Until 2020, due to the interpretation by the Office of the Prosecutor General²⁰ that an act of incitement to hatred can be prosecuted as a crime only in case of concrete danger to public order, the prosecution and conviction of incitement to hate had almost completely ceased. In most cases, prison sentences of between 1 and 6 months were handed down, but they were suspended in the sense that they would not be executed if the perpetrator did not commit another crime within a certain period (usually 1 or 2 years) set by the court. The first Supreme Court case on hate speech was decided in 2019. The case concerned an individual who used online hate speech to incite violence against Roma. The prosecution, contrary to its previous interpretation, argued that there is no need to demonstrate a concrete disruption of public order when hate speech is threatening, abusive or insulting. For such hate speech to be punishable, the abstract possibility of disruption of public order is already sufficient. The Supreme Court agreed with the prosecution and clarified that concrete disruption of public order is not required in such cases; for a conviction, it is sufficient to prove that such hate speech had the ability and the potential to cause a disruption to public order, taking into account the content, nature, place and other circumstances of the use of hate speech. The statistics for 2020 indicated that this Supreme Court judgment had already had an impact on case law of prosecution and lower courts, as the number of indictments and final judgments rose gradually, with some fluctuations, since 2013. However, the data regarding the prosecution of hate speech under Article 297 of the Criminal Code for the years 2021–2023 did not confirm this trend, as the number of prosecuted cases and convictions remains extremely low:²¹

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Crimes reported	13	20	37	13	32	26	38	73	37	33
Rejected reports	13	30	19	19	15	24	32	68	41	24
Indictments	1	2	1	2	6	2	7	3	3	2
Convictions	4	2		1			3	0	4	0

²⁰ Legal opinion prepared on 27 February 2013 and available at: www.spletno-oko.si/sites/default/files/sovrazni_govor_pravno_stalisce_-_vrhovno_tozilstvo_0.doc.

²¹ Advocate of the Principle of Equality (2024), Annual Report for 2023 (Redno letno poročilo za leto 2023), p. 101, available at: <http://www.zagovornik.si/porocila/>.

35. The Prime Minister established the Strategic Council for the Prevention of Hate Speech in March 2023.²² The council consists of representatives of relevant government departments, independent state bodies, and members of civil society aiming at coordination and evaluation of the measures against hate speech.²³ In July 2023, the Council issued 57 recommendations to the Government, which cover areas of education, prevention, online environment, media and criminal justice response. However, since then, no further activities of the Strategic Council could be observed.
36. It should also be mentioned that there are no specific measures available to provide support to victims of hate speech in Slovenia other than those provided with the transposition of the Victims' Rights Directive.

Hate-motivated violence

37. Data on bias-motivated crimes are relatively limited, with no mechanism in place for monitoring hate crimes specifically. The Police is the only institution able to produce some data on offences involving ethnically, racially or religiously motivated intolerance, but not other biased motives. The available data is also not disaggregated by antisemitic, Islamophobic or anti-Roma motivations behind the incidents.²⁴ The Supreme State Prosecutor's Office of the Republic of Slovenia keeps a register only of the offence committed, and does not record the motive, except where the motive is a qualifying circumstance and is a statutory element of the offence. The Slovenian judiciary does not collect data on the motives of criminal offences.
38. There are significant gaps when it comes to the prosecution of hate crimes and the support to victims. Existing research shows that the authorities often do not recognise that a crime was hate or bias-motivated and subsequently do not prosecute it accordingly.²⁵
39. Victims of hate crime are in a particularly vulnerable position. In existing research, they reported of stereotype-fuelled secondary victimization during the proceedings.²⁶ There are no specific measures to provide support to victims of hate crimes, outside the generic support established with the transposition of the Victims' Directive.
40. There is a lack of training for all professionals (those working in public institutions as well as those working in CSOs) encountering victims of hate crime within the scope of their work. There is also a lack of focus on the intersectional approach, as it has multiplicative negative effects on victims of hate crime or bias-motivated

²² The act on establishing the council: <https://www.gov.si/assets/vladne-sluzbe/KPV/Dokumenti/Delovna-telesa/2023-Strateski-svet-za-preprecevanje-sovraznega-govora/Akt-o-ustanovitvi-in-imenovanju-clanov-Strateskega-sveta-za-preprecevanje-sovraznega-govora-z-dne-17.3.2023.pdf>

²³ <https://www.gov.si/zbirke/delovna-telesa/strateski-svet-za-preprecevanje-sovraznega-govora/>

²⁴ Vučko, K., Šori, I. (2022) Franet National contribution to the Fundamental Rights Report 2022, Slovenia. Ljubljana: Peace Institute, pp. 14-15. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fundamental_rights_report_2022-_slovenia_.pdf

²⁵ Ibid., p.34.

²⁶ Ibid.

discrimination, however, the institutions very often completely overlook this dimension.²⁷

- 41. Slovenia should increase its efforts to combat hate speech and hate crime, including in raising awareness and ensuring effective investigation, prosecution and appropriate punishment of the perpetrators and adequate support to victims.**

Recommendations

- 42. Slovenia should enact a law that allows all those who were erased to regularize their status. Such a law should not impose any restrictive conditions and must have an open deadline. The country should also adopt additional measures of fair redress, such as healthcare measures, social welfare measures, and pension measures.**
- 43. Slovenia should therefore accede to the 1961 Convention on the Reduction of Statelessness, establish a dedicated statelessness determination procedure and take concrete steps to improve the recording of statelessness.**
- 44. Slovenia should repeal the provisions of the Foreigners act and ensure that individuals have effective access to the asylum procedure.**
- 45. Slovenia should amend the provisions in the Criminal Code to ensure that help and support, provided to migrants irregularly crossing the border, is not criminalized. Slovenia should ensure equal treatment of foreigners in criminal procedures. Slovenia should ensure prison conditions in line with international human rights standards. Slovenia should ensure that foreigners have the same standard of care while serving their prison sentences as nationals.**
- 46. Slovenia should ensure that the provisions of the national legislation relating to family reunification of foreigners fully protect the right to family and private life.**
- 47. Slovenia should increase its efforts to combat hate speech and hate crime, including in raising awareness and ensuring effective investigation, prosecution and appropriate punishment of the perpetrators as well as adequate support to victims.**

²⁷ Ibid., 54.