

Reply of the Republic of Slovenia to the questionnaire of the UN Office of the High Commissioner for Human Rights on the use of legislation, including criminal legislation, to regulate the activities and work of human rights defenders

With regard to your questionnaire on the use of legislation, including criminal legislation, to regulate the activities and work of human rights defenders, please find enclosed the answers to some of the questions included in the questionnaire:

The Republic of Slovenia does not have special legislative or constitutional measures (with the exception of Article 131, paragraph 2, of the Criminal Code – explicitly addressing human rights defenders. However, human rights and liberties, including the freedom of expression, the protection of personal liberty, the right to personal dignity and security, laid down in the Constitution, apply equally to them.

In the Republic of Slovenia, there has been no need to elaborate a special strategy aimed exclusively at securing the safety of human rights defenders. Witness Protection Act applies in such cases (Official Gazette of the Republic of Slovenia nos. 113/05, 61/06, 81/06, 110/07), which regulates the conditions and procedures for the protection of witnesses and other persons who are at risk due to cooperation in criminal procedures. Furthermore, the legislation defines a separate criminal offence (Article 131 of the Criminal Code, Official Gazette nos. 55/08, 39/09) concerning the violation of the right to equality. Article 131, paragraph 2, criminalises, to a certain extent, the prosecution of human right defenders advocating the equality of people.

"Violation of Right to Equality"
Article 131

(1) Whoever due to differences in respect of nationality, race, skin color, religion, ethnic roots, gender, language, political or other beliefs, sexual orientation, financial situation, birth, genetic heritage, education, social position or any other circumstance deprives or restrains another person of any human right or liberty recognized by the international community or laid down by the Constitution or the statute, or grants another person a special privilege or advantage on the basis of such discrimination shall be punished by a fine or sentenced to imprisonment for not more than one year.

(2) Whoever prosecutes an individual or an organization due to his or its advocacy of the equality of people shall be punished under the provision of the preceding paragraph.

(3) In the event of the offence under paragraphs 1 or 2 of this Article being committed by an official through the abuse of office or official authority, such an official shall be sentenced to imprisonment for not more than three years."

Answers to questions from section 7:

In its Article 8, the Media Act prohibits hate speech; however, without prescribed sanctions, this provision is only declaratory in its nature. Other limitations to the freedom of expression, such as censorship, do not exist in the legislation.

The Republic of Slovenia is a member of the Council of Europe and a signatory of the European Convention for the Protection of Human Rights and Fundamental Freedoms and harmonises its legislation relating to media with the EU *acquis*.