**Statement at the conclusion of country visit to Slovenia**

**David R. Boyd**

**United Nations Special Rapporteur on human rights and the environment**

**October 6, 2022**

**Introduction**

Today, I conclude my eight-day mission to Slovenia, which took place from 29 September to 6 October. Slovenia is a small but strikingly attractive country, and I was delighted by the friendliness and enthusiasm for human rights and environmental protection of the Slovenian people whom I encountered. I would like to express my sincere gratitude to the Government of Slovenia for the invitation and for excellent cooperation both before and during the visit.

Slovenia has played a leadership role in the recognition of the right to a healthy environment. While part of Yugoslavia, Slovenia was a pioneer, recognizing this right in its constitution back in 1974. Slovenia also played a central role in the recognition of the human right to a clean, healthy and sustainable environment at the international level, championing historic resolutions at the UN Human Rights Council in 2021 and the UN General Assembly in 2022.[[1]](#endnote-1) Credit is due to Slovenia for persuading the United Nations to declare May 20 as World Bee Day, as pollinators are essential for ensuring human rights and a healthy environment.[[2]](#endnote-2)

During my visit, I learned about inspiring examples of Slovenian leadership and good practices in the field of human rights and the environment, related to nature conservation, solid waste management, environmental taxation, and the sparkling green capital of Ljubljana. However, I also learned about challenging issues where the right to a healthy environment is not being respected, such as toxic pollution hotspots, inadequate air quality, communities without access to safe drinking water, and a lack of urgency in addressing the climate emergency.

Over the course of my visit, I met with the Minister of the Environment and Spatial Planning, Minister of Foreign Affairs, Minister of Justice, Minister of Health, Minister of Economic Development and Technology, State Secretary for Agriculture, Forestry and Food, State Secretary for Environment and Spatial Planning, State Secretary at the Ministry of Finance, State Secretary for International Affairs at the Office of the Prime Minister, a representative from the Ministry of Infrastructure, the Secretary General at the Slovenian National Commission for UNESCO, the Human Rights Ombudsman, the Mayor and Deputy Mayor of Ljubljana, representatives from civil society, representatives from Roma communities, academics, medical doctors, youth, environmental human rights defenders and the private sector.

In addition to spending several days in Ljubljana, I traveled to numerous places including Anhovo in the Kanal ob Soči municipality, the Dobruška vas settlement in the Škocjan municipality and the sites of existing and proposed hydroelectric dams on the Sava River near Brežice. As well, I visited several of Slovenia’s most beautiful places, including Triglav National Park, Lake Bled and Kostanjevica na Krki.

**International Legal Framework**

I would like to commend Slovenia for being a party to almost all major global human rights treaties, with the exception being the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Environmental protection is essential to fulfilling many of the rights recognized in these agreements, including the rights to life, health, food, water, sanitation and cultural rights. Of critical importance is protecting the rights of those who may be most vulnerable to environmental harms and climate change, including women, children, older persons, and persons with disabilities. I encourage Slovenia to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, so that Slovenians have access to justice in cases of potential violations of their economic, social and cultural rights.

Furthermore, Slovenia has joined all major global environmental treaties and is a party to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention). Fulfilling these procedural or participatory rights is often a prerequisite to environmental protection and sustainable development.

Slovenia is a party to many international investment and trade treaties that include Investor-State Dispute Settlement (ISDS) mechanisms. These mechanisms enable foreign businesses to bypass national court systems and make huge damages claims against States before international arbitration panels for allegedly enacting and implementing laws and policies that reduce profits.

In this context, I was concerned to learn that the British company Ascent Resources has submitted an arbitration case against Slovenia to the International Centre for Settlement of Investment Disputes seeking €500 million in damages.[[3]](#endnote-3) While this particular case is unlikely be concluded for several years, these types of cases are increasingly common and problematic because they discourage governments from taking strong action to address the global climate and environment crisis.[[4]](#endnote-4) Slovenia should consider renegotiating the ISDS provisions of the investment treaties to which it is a party.

**National Legal Context**

As noted earlier, in 1974 Slovenia took the pioneering step of recognizing the human right to a healthy environment in its Constitution (Art. 240).[[5]](#footnote-1) In 1991, this right was included in the post-independence Constitution (Art. 72). The 1991 Constitution also places a duty on the State to promote the right to a healthy environment, including through the regulation of economic activities, the creation of rules regarding compensation to be provided when a person damages the environment, and by regulating the prevention of cruelty against animals. In 2016, the right to water was added to the Constitution (Art. 70(a)), designating water as a public good that must be used sustainably and giving priority to drinking water and household use.

The right to a healthy living environment is also incorporated in Slovenia’s Environmental Protection Law, which gives individuals and civil society organizations the right to go to court to stop projects that are causing environmental damage or present an imminent threat to human life or health. An injunction can be sought before a project begins if it is highly likely to cause such impacts. The law also authorizes the Ombudsman to protect the right to a healthy environment.

The right to a clean, healthy and sustainable environment has both procedural and substantive elements.[[6]](#endnote-5) The procedural elements include the rights of access to environmental information, public participation in environmental assessments and decision-making, and access to justice and adequate remedies in cases where the right to a clean and healthy environment is being threatened or violated. The substantive elements include a safe climate, clean air, safe drinking water and adequate sanitation, healthy and sustainably produced food, non-toxic environments in which to live, work, study and play, and healthy biodiversity and ecosystems.[[7]](#endnote-6) My visit focused on the steps Slovenia has taken to respect, protect and fulfil this right, and the challenges it faces.

Overall, Slovenia has a relatively strong set of environmental laws and policies, in part reflecting its accession to the European Union in 2004. It is encouraging that the development of a framework law on climate change is underway. This law should confirm that a safe, liveable climate is a human right, require the government to take a human rights-based approach to climate action, establish ambitious targets and timelines, and include strong accountability measures. A useful report was recently published, offering recommendations for strong framework climate legislation drawn from good practices from across the world.[[8]](#endnote-7)

Other important initiatives at the European level that merit Slovenia’s support include directives about human rights and environmental due diligence for businesses, limiting strategic lawsuits against public participation, revisions to the air quality directive, updating directives related to climate action and agriculture and creating a new additional protocol to the European Convention on Human Rights that protects the right to a clean, healthy and sustainable environment.

I was surprised to learn that in recent years, previous governments made several efforts to weaken important environmental laws in Slovenia, as well as efforts to reduce opportunities for public participation in environmental decision-making. The principle of non-retrogression means that laws and regulations protecting human rights and/or the environment can only be weakened in extraordinary circumstances where there are no other viable options.[[9]](#endnote-8)

Many persons with whom I met expressed concerns about their inability to gain easy, timely and affordable access to important information, to participate meaningfully in environmental decision-making and to have their concerns addressed. According to the Human Rights Ombudsman, public participation in environmental matters has been undermined by short deadlines, substantial amendments to laws post-consultation that are not discussed with the public, and chronic failures to provide a comprehensive rationale for proposed legislative changes.[[10]](#endnote-9)

To its credit, the new government has reached out to civil society to form a new advisory body to the Minister of Environment and Spatial Planning. I encourage the Government to further fulfill the rights of all individuals by increasing access to information, creating open consultative processes, and ensuring that the government responds to people’s concerns and contributions.

I was further surprised to hear from civil society organizations, activists, doctors and youth that they had been threatened, harassed, and subjected to lawsuits because of their work to protect human rights and the environment. These intimidation tactics are reprehensible and have no place in a free and democratic society like Slovenia. The State should vigorously investigate and prosecute any individuals or businesses that engage in unlawful intimidation activities. I encourage the government to enact proposed whistleblower legislation.

It is concerning that the European Commission has repeatedly criticized Slovenia for failing to transpose European Union environmental directives into national law. Recent examples include directives related to single use plastics, waste management, the energy performance of buildings, renewable energy, energy efficiency, and industrial emissions.[[11]](#endnote-10)

Implementation of laws and policies is an area where Slovenia faces major challenges. Perhaps the most compelling evidence of this problem is the fact that because of Slovenia’s failure to comply with EU directives related to air quality, wastewater treatment, the protection of endangered birds, the prevention of major accidents involving dangerous substances, waste management and others, the European Commission has commenced many infringement proceedings against Slovenia.[[12]](#endnote-11)

For example, in 2021, the European Commission referred **Slovenia** to the European Court of Justice for failure to comply with the requirements of the Urban Waste Water Treatment Directive.[[13]](#endnote-12) The Directive requires Member States to ensure that urban agglomerations (towns, cities, settlements) properly collect and treat their waste waters, thus eliminating or reducing risks to human health and the environment. Slovenia should have been fully compliant with the Urban Waste Water Treatment Directive requirements since 2016, according to its agreements under the Accession Treaty. However, four communities with a population of over 10,000 (Ljubljana, Trbovlje, Kočevje, and Loka) do not comply with EU requirements because urban waste water is not subject to the appropriate level of treatment before being discharged.

As a second example, the European Commission decided in 2017 that it would take Slovenia to European Court of Justice for its failure to close and rehabilitate 28 illegal landfills that pose a serious risk to human health and the environment. Despite warnings from the Commission, Slovenia failed to take timely actions to resolve issues at these 28 noncompliant landfills, as required by EU rules.[[14]](#endnote-13)

One of the impediments to adequate implementation is an inadequate level of government investment in environmental protection. For example, I was informed that there are long delays in acquiring the needed permits to install solar photovoltaic panels and connect them to the electricity grid. I was also informed that the Slovenian Environment Agency lacks adequate human and financial resources to carry out effective monitoring of industrial pollution that may be affecting air, water and soil quality. The Ombudsman recommended in 2016 “that the Ministry of the Environment and Spatial Planning prepare a systemic solution to acquire authorisations for measuring emissions into the air and ensure the independent supervision and financing of measurements.”[[15]](#endnote-14)

According to the European Commission’s latest report on the implementation of environmental laws and policies in Slovenia, the lack of adequate financial resources is “delaying the correct implementation of EU environmental law and policies. Therefore, ensuring financial resources to reduce the implementation gap should be considered as a priority for the country.”[[16]](#endnote-15) According to Eurostat, average government environmental protection spending (2019) was 0.5% of GDP in the EU but only 0.3% in Slovenia.[[17]](#endnote-16)

On the other hand, Slovenia has the most ambitious environmental tax programs in the European Union, with taxes on energy, transport and pollution generating the highest proportion of total tax revenue in the EU.[[18]](#endnote-17) More than €1.45 billion in environmental taxes were paid in Slovenia in 2021.[[19]](#endnote-18)

I recommend that Slovenia increase spending on environmental protection in order to improve the implementation and enforcement of environmental laws and policies, thus ensuring that all persons enjoy their right to a healthy environment. Environmental tax revenues in 2021 were approximately ten times government spending on environmental protection, thus offering an obvious source of revenue to be dedicated to environmental programs.

**The Climate Crisis**

The world is embroiled in a climate emergency, which is already violating human rights across the planet and threatening to do so on an almost unimaginably vast scale in coming years. The need for rapid decarbonization is clear—we must eliminate our dependence on fossil fuels as quickly as possible, while safeguarding the human rights of all persons affected. In the words of UN Secretary-General Antonio Guterres, “We have a choice. Collective action or collective suicide. It is in our hands.”

Like all nations, Slovenia is experiencing increasingly severe adverse impacts of climate change, including devastating wildfires, heat waves, worsening droughts and the increasing intensity of extreme weather events.[[20]](#endnote-19) Slovenia is warming at twice the average global rate. In Europe, 2022 saw the worst drought in 500 years.[[21]](#endnote-20) Slovenia endured the largest forest fire since independence, and the latest in a series of damaging floods.[[22]](#endnote-21) Droughts in 2017 and 2022 affected agricultural productivity, reducing yields in corn, grass, potatoes, pumpkins, fruits and hops and jeopardizing the right to food.[[23]](#endnote-22) This past summer (July-August 2022) it became necessary to transport drinking water to the Slovenian coast, where restrictions introduced due to water shortages were not sufficient.[[24]](#endnote-23)

Despite these major impacts, Slovenia has not taken a leadership role in terms of climate action. Slovenia ranks a disappointing 18th in the EU in terms of percentage of electricity generated from renewable sources (40%), 20th in the EU in terms of installed solar photovoltaic capacity, and 26th in terms of installed wind power capacity (ahead of only Malta).[[25]](#endnote-24) New cars sold in Slovenia in 2021 still produced more carbon dioxide pollution than the EU average.[[26]](#endnote-25) In 2020, only 3.1% of newly registered vehicles were zero emission vehicles.[[27]](#endnote-26)

Greenhouse gas emissions in Slovenia declined 8% between 1990 and 2019 (compared to 24% for the EU as a whole).[[28]](#endnote-27) Slovenian per capita emissions, at 8.2 tonnes of carbon dioxide equivalent (CO2e) in 2019, were slightly below the EU average, although the gap is narrowing in recent years. The largest sectors in terms of emissions are transport (32%), energy production (27%), industry (18%), and agriculture (10%).[[29]](#endnote-28)

Future targets for climate action in Slovenia lack ambition.[[30]](#endnote-29) The 2030 target for total energy from renewable sources is only 27%. The coal-fired power plant that provides approximately one-third of the country’s electricity is not scheduled to be closed until 2033. The unambitious goal for the agriculture sector is to reduce GHG emissions 1% by 2030 from 2005 levels.

Priority climate actions include investments in energy efficiency (e.g. heat pumps for heating and cooling, better insulation and windows for buildings); increased investment in public transport, rail and active transport (walking and cycling) instead of roads; rapid scaling up of solar, wind, and geothermal energy; and increasing support for climate-smart, precision, regenerative, local and organic agriculture along with promotion of predominantly plant-based diets. It is encouraging that there are plans for some large solar power plants and in 2021 the government announced a €10 million allocation for small scale photovoltaic facilities. A rights-based approach to climate action will ensure that policies and programs focus on those who are most vulnerable or marginalized, such as people facing poverty who live in buildings that are not energy efficient.

**Safe Drinking Water**

Slovenia is blessed by large volumes of clean water, and the people of Slovenia clearly treasure this rich natural heritage. In 2016, Slovenia amended its Constitution to clarify that:

70A. Everyone has the right to drinking water.

Water resources shall be a public good managed by the state.

As a priority and in a sustainable manner, water resources shall be used to supply the population with drinking water and water for household use and in this respect shall not be a market commodity.

The supply of the population with drinking water and water for household use shall be ensured by the state directly through self-governing local communities and on a not-for-profit basis.

Thanks to major investments in recent decades, more than 99% of the population in Slovenia has access to safe drinking water and more than 90% of the population is connected to the public water supply system. In a referendum held in 2021, an overwhelming majority of Slovenians (almost 87%) rejected changes to the national water legislation that posed a threat to the health of the nation’s drinking water and aquatic ecosystems.[[31]](#endnote-30)

In the context of this strong national commitment to clean water, I was shocked by conditions that I witnessed on a visit to a Roma settlement (Dobruška vas) in in the south-east region of Dolenjska. Numerous families lack access to safe drinking water and adequate sanitation facilities (as well as lacking connections to the electricity grid). This situation has persisted for decades. The living conditions violate the human rights to housing, water, sanitation and an adequate living standard, the rights of the child, and the fundamental right to live in dignity. The unacceptable conditions reflect ongoing discrimination against Roma, contrary to basic human rights principles. This is particularly damaging to Roma children, as it interferes with their right to education.

Back in 2011, the UN Special Rapporteur on the right to water and sanitation visited Slovenia and recommended that Slovenia regularize all Roma settlements in order to provide security of tenure, ensure that all communities have access to safe drinking water and sanitation regardless of the legal status of the land on which they live, and pay special attention to ensuring that the most disadvantaged groups, such as women, people with disabilities, and children, have access to safe water and sanitation.[[32]](#endnote-31) Similar recommendations have been made repeatedly by the Human Rights Ombudsperson.[[33]](#endnote-32)

The Council of Europe’s Commissioner for Human Rights visited the Dobruška vas settlement in 2017, and said “Now is the time to go the extra mile and to ensure once and for all that no Roma in Slovenia experience severe deprivation.”[[34]](#endnote-33) The Commissioner recommended that “the Ministry of Environment and Spatial Planning urgently determine which of the settlements continue to pose problems and work with local authorities to find solutions, either in the form of regularisation of the settlements or relocation after consultation with the concerned communities” and in the meantime, “ensure that all Roma families enjoy access to water, electricity and sanitation on the land where they live.”[[35]](#endnote-34)

The lack of access to water, sanitation and electricity has been resolved in many Roma settlements. However, a recent government report indicated that 32% of Roma still lack access to adequate sanitation and eight settlements still lack a connection to the electricity grid.[[36]](#endnote-35) It is important to note that there are some excellent examples of flourishing Roma communities, such as Pušča, a settlement in the municipality of Murska Sobota in northeastern Slovenia.

However, it is disheartening that so many years have passed and the situations in Dobruška vas and other Roma settlements have not been resolved. I urge the government of Slovenia to take immediate action to provide connections to public water systems and the electrical grid, while ensuring access to adequate sanitation for all remaining households in Dobruška vas and any other Roma settlements where people lack these essential services. In situations where municipal governments failed to find solutions for such an extended period of time, the national government must step in to solve the problem, pursuant to their obligations under international human rights law, Article 70a of the Constitution and the Roma Community Act.

Another community facing serious, chronic problems with their drinking water is in Anhovo, where more than 1,000 people receive their drinking water from the Močila water treatment facility. Residents often have to boil the water to make it safe for human consumption. An industrial accident in 2020 led to the contamination of the local drinking water from the Močila water treatment facility with high concentrations of toxic substances including chromium, aluminum and lead.[[37]](#endnote-36) Other challenges facing this water supply include oil spills from industrial facilities, contamination with polycyclic aromatic hydrocarbons, and high turbidity. I urge the Government of Slovenia to work closely with the local community to ensure a safer water supply that fully addresses their concerns.

**Air Pollution**

Clean air is one of the basic elements of the right to live in a clean, healthy and sustainable environment.[[38]](#endnote-37) For example, fine particulate matter or PM2.5 causes respiratory illness, cardiovascular disease, stroke, and lung cancer, as well as other adverse health effects.[[39]](#endnote-38) In recent decades, overall air quality in Slovenia has improved. For example, average annual concentrations of PM2.5 have declined from 25.8 micrograms per cubic meter in 1990 to 17.1 micrograms per cubic meter in 2019.[[40]](#endnote-39) Emissions of ammonia, sulphur oxides and nitrogen oxides have all declined substantially since 2005.[[41]](#endnote-40)

However, air quality remains unsatisfactory, as there are pollution hotspots with significantly higher PM2.5 concentrations. As well, it is important to note that the World Health Organization recently reduced its annual guideline for PM2.5 from 10 micrograms per cubic meter to 5 micrograms per cubic meter.[[42]](#endnote-41) This was in response to new scientific information about the adverse health effects of air pollution, even at lower concentrations.

According to the State of Global Air Quality, there were 940 premature deaths in Slovenia caused by air pollution (including fine particulate matter and ozone) in 2020.[[43]](#endnote-42) The European Environmental Agency provides a higher estimate, 1,530 premature deaths, partially because this figure includes nitrogen dioxide.[[44]](#endnote-43) Slovenia’s National Institute of Public Health identified Celje, Zagorje, Murska Sobota, Maribor, Hrastnik and Trbovlje as communities with the worst air pollution in Slovenia.[[45]](#endnote-44)

The European Environment Agency (EEA) compares air quality in 344 European cities, ranking cities from the cleanest to the most polluted on the basis of average levels of fine particulate matter, or PM2.5.[[46]](#endnote-45) Ljubljana placed 279th among 344 European cities, with its air quality categorised as poor.[[47]](#endnote-46) Slovenia’s second largest city, Maribor ranks 207th, having moderately clean air.

In 2020, the European Commission initiated an infringement proceeding against **Slovenia** for failing to comply with the requirements of the European Air Quality Directive.[[48]](#endnote-47) Slovenia is required to reliably measure air quality, inform the public about pollution levels and take action to reduce air pollution.[[49]](#endnote-48) According to the EC, Slovenia failed to comply with the limit values for particulate matter (PM10) and has not taken appropriate measures to keep exceedance periods as short as possible. In the past, the Commission has successfully taken Slovenia to the European Court of Justice for failing to ensure good air quality for its people.[[50]](#endnote-49)

Air pollution has especially adverse effects on specific vulnerable populations, including children, older persons, and those who suffer from existing respiratory or cardiovascular illnesses. An example involves the population living in proximity to the Salonit Anhovo cement plant in the Soča River valley. For decades, many residents were exposed to asbestos fibers, both in the workplace and in the environment, resulting in elevated levels of deaths and illnesses from asbestosis, mesothelioma and lung cancer. Many of the people living in this area have lost family members and friends to these diseases and themselves are afflicted by asbestos-related diseases. They are now acutely vulnerable to air pollution, putting their health and their right to live in a healthy environment in jeopardy. Slovenia should ensure that the volume and toxicity of emissions from cement plants and all industrial emitters decline over time, prioritizing known pollution hotspots like Anhovo. Co-incineration at cement plants should be subject to the same emission standards as waste incinerators, even if this is not mandatory under EU law.

The European Environment Agency reports that additional actions are needed for Slovenia to fulfill its obligation under the EU National Emissions Ceiling Directive to reduce PM2.5, nitrogen oxides and sulphur dioxides at least 50% by 2030.[[51]](#endnote-50) Meeting the current, more stringent WHO guideline for PM2.5 would produce extensive health and environmental benefits, including extending the life expectancy of the average person in Slovenia by almost one year.[[52]](#endnote-51)

Reducing emissions from road traffic in Slovenia would have major health benefits, and would also make a significant contribution to reducing greenhouse gas emissions. Ljubljana created a large car-free zone in the center of the city, where there are some electric vehicles offering public transport. This is a wonderful initiative, and worthy of replication in other cities around the world. Both national and municipal governments need to place greater emphasis on active transport (walking and cycling) and public transit. In particular, the rail network in Slovenia needs extensive investment to become an attractive alternative to private cars. More effective economic instruments should be used to discourage the purchase of diesel passenger vehicles and encourage the purchase of electric vehicles, including electric bicycles.

Another major source of air pollution in Slovenia is home heating using wood-burning stoves. Policies to address this challenge include incentives to switch to electric heat pumps and low-carbon district heating systems.

Proposals to establish new waste incineration facilities, even if intended to produce heat and electricity, must be closely scrutinized to ensure that they do not exacerbate poor air quality that already threatens human health and human rights. Some areas, such as Ljubljana, appear to be geographically ill-suited due to vulnerability to existing air quality problems and temperature inversions during the winter, which trap air pollution in place instead of allowing it to disperse.

**Children**

No group is more vulnerable to the planetary environmental crisis than children, who comprise more than 15% of the Slovenia’s population. Children are more susceptible to air pollution and toxic substances than adults for physiological, behavioural, and environmental reasons, including that their immune systems are still developing, and that they breathe more quickly and take in more air per unit of body weight.[[53]](#endnote-52) Their developing brains and bodies are exquisitely sensitive to toxic substances such as lead, and they can suffer lifelong health consequences.[[54]](#endnote-53)

A recent UNICEF study found that:

2% of children in Slovenia have elevated levels of lead in their blood;

19.3% of children live in homes with damp or mould;

8.7% of children live in overcrowded conditions;

7% of poor families with children have difficulty keeping their homes warm; and

13% of families with children are affected by noise and noise pollution.[[55]](#endnote-54)

A study examined the burden of respiratory diseases among children in the Zasavje region of Slovenia that can be attributed to outdoor air pollution. Researchers concluded that the prevalence of chronic respiratory diseases (e.g. asthma) and frequent acute respiratory symptoms (e.g. cough, shortness of breath) was directly related to the level of outdoor air pollution in the local environment. The percentage of children suffering from chronic respiratory diseases was 3.0% in low pollution areas, 7.5% in moderate pollution areas, and 9.7% in high pollution areas.[[56]](#endnote-55) In other words, children living in areas with worse air quality are three times as likely to experience respiratory illnesses.

**Solid Waste**

Inadequate solid waste management can have negative effects on human and ecosystem health, jeopardizing the right to a clean, healthy and sustainable environment. The EU Waste Framework Directive (2008) clarified the waste management hierarchy:

* reduce the amount of waste generated;
* maximize recycling and re-use;
* limit incineration to non-recyclable materials;
* phase out landfilling except for non-recyclable and non-recoverable waste.[[57]](#endnote-56)

A resident of Slovenia generated on average 489 kilograms of municipal waste in 2020, which was 21 kilograms less than in 2019.[[58]](#endnote-57) Given that the first priority of waste management is to reduce, the decreasing volume of per capita municipal waste in Slovenia is a good sign.

Even more impressively, Slovenia has gone from being a laggard in waste management fifteen years ago to a European leader today. Slovenia ranks 3rd in the EU (slightly behind Germany and Austria) in the proportion of municipal waste being recycled in 2020 at 59.3%.[[59]](#endnote-58) As recently as 2010, this figure was only 22%.[[60]](#endnote-59) The amount of municipal waste sent to landfill in Slovenia is now 5%, compared to 25% in 2010.[[61]](#endnote-60) This means that Slovenia is already close to meeting the more ambitious EU recycling targets of the future (60% by 2030, and 65% by 2035).

Slovenia is proposing to add three new waste incinerators, which will be used to produce heat and electricity. I note that incineration may be an interim solution but is not consistent with the long-term goal of a circular economy. Incineration can produce not only heat, electricity and valuable metals but also air pollution and greenhouse gas emissions, thus potentially jeopardizing the right to a clean, healthy and sustainable environment.[[62]](#endnote-61)

I encourage Slovenia to consider developing a comprehensive system of extended producer responsibility that shifts the burden of operating and paying for recycling systems from governments to the industries that produce or import recyclable products and packaging, as employed successfully in the Canadian province of British Columbia.[[63]](#endnote-62)

**Biodiversity**

Slovenia is a biodiversity hotspot with tremendous diversity of ecosystems, animals, plants and fungi.[[64]](#endnote-63) To protect this impressive natural legacy, Slovenia has designated 355 Natura 2000 sites. They include 324 sites of community importance under the EU Habitats Directive and 31 special protection areas under the EU Birds Directive. Together, these sites cover 38% of Slovenia’s land area, the largest proportion of land protected by Natura 2000 sites in the EU (the EU average is 18.1%). In terms of total protected areas, Slovenia (41%) is second only to Luxembourg in the EU and is well above the European average (26%).[[65]](#endnote-64) Similarly, in the proportion of land covered by forests, Slovenia (63%) is 3rd behind only Finland and Sweden and is well above the EU average (42%).[[66]](#endnote-65) Work is needed to establish additional marine protected areas, so that ocean ecosystems receive a comparable level of protection to terrestrial ecosystems.

The European Commission and the Slovenian Court of Auditors have both reported concerns about the management of Slovenia’s extensive Natura 2000 system. The EC warned that “there are shortcomings in managing Natura 2000 sites and ensuring compliance with the nature directives.”[[67]](#endnote-66) In 2017, the Slovenian Court of Auditors published an audit report on the management of Natura 2000 sites, and concluded that the monitoring of the implementation and adaptation of conservation measures was ineffective.[[68]](#endnote-67)

A major concern that was raised during my visit involved a proposal for a hydroelectric dam at Mokrice on the Sava River downstream from Brežice, the fifth in a series of such projects on the lower Sava. I was informed that the proposed dam would be in a Natura 2000 site, which would seemingly be unlawful. In addition, it would generate less than 1% of Slovenia’s electricity needs, but would cause extensive damage to biodiversity.[[69]](#endnote-68) A preferable option would be to protect the health of the aquatic ecosystem in the lower Sava River through an extensive ecological restoration process, as recommended by ecological experts.[[70]](#endnote-69) This could protect biodiversity and moderate floods.

**Conclusion**

Slovenia deserves credit for leading the world in recognizing the right to a healthy environment. However, it is essential that all States breathe life into these inspiring words by enacting and implementing strong, rights-based environmental laws, policies and programs. As emphasized by the UN 2030 Agenda and the Sustainable Development Goals, a top priority is to leave no one behind. For Slovenia, this means continuing to showcase good practices, but also tackling some of the urgent challenges identified here related to safe drinking water, clean air and ensuring a safe climate.

I will provide additional details and recommendations on these issues, as well as Slovenia’s progress and challenges related to human rights in the contexts of food and agriculture, toxic substances, environmental impact assessments, and the role of businesses, in my full report to the UN Human Rights Council, which I will present in March 2023. In the meantime, I urge the government of Slovenia to use a rights-based approach to all climate and environmental action, ensuring the protection of vulnerable and marginalized individuals and communities.

I would like to conclude by reiterating my gratitude to the many people who took the time to share their views with me during my visit. It has been a privilege to learn about Slovenia, many innovative good practices, the environmental challenges this beautiful nation faces, and peoples’ determination to overcome these challenges. I hope to continue working with the Government and people of Slovenia to fulfill every person’s right to live in a clean, healthy and sustainable environment.

**Endnotes**

1. A/HRC/RES/48/13 and A/RES/76/300. [↑](#endnote-ref-1)
2. See https://www.un.org/en/observances/bee-day [↑](#endnote-ref-2)
3. See <https://www.total-slovenia-news.com/business/10424-ascent-resources-file-claim-against-slovenia-over-fracking-ban-demands-500m> [↑](#endnote-ref-3)
4. Kyla Tienhaara, Rachel Thrasher, B. Alexander Simmons, Kevin P. Gallagher, 2022, “Investor-State disputes threaten the global green energy transition,” *Science* 376:6594, 701-703. [↑](#endnote-ref-4)
5. Article 240. Man shall have the right to a healthy environment. [↑](#footnote-ref-1)
6. See https://www.ohchr.org/en/special-procedures/sr-environment [↑](#endnote-ref-5)
7. See https://www.ohchr.org/en/special-procedures/sr-environment/annual-thematic-reports [↑](#endnote-ref-6)
8. Grantham Research Institute on Climate Change and the Environment, 2021, "Accountability Mechanisms in Climate Change Framework Laws"

   <https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2021/11/Accountability-mechanisms-in-climate-change-framework-laws.pdf> [↑](#endnote-ref-7)
9. Committee on Economic, Social and Cultural Rights, General Comment No. 3, para. 9. [↑](#endnote-ref-8)
10. Human Rights Ombudsman, 2022, Summary of the Work of the Human Rights Ombudsman of the Republic of Slovenia for 2021. [↑](#endnote-ref-9)
11. https://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement\_decisions/index.cfm?lang\_code=EN&typeOfSearch=false&active\_only=1&noncom=0&r\_dossier=&decision\_date\_from=&decision\_date\_to=&EM=SI&DG=CLIMA&DG=ENER&DG=TREN&DG=ENV&title=&submit=Search [↑](#endnote-ref-10)
12. https://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement\_decisions/index.cfm?lang\_code=EN&typeOfSearch=false&active\_only=1&noncom=0&r\_dossier=&decision\_date\_from=&decision\_date\_to=&EM=SI&DG=CLIMA&DG=ENER&DG=TREN&DG=ENV&title=&submit=Search [↑](#endnote-ref-11)
13. Urban Waste Water Treatment Directive, Directive 91/271/EEC. [↑](#endnote-ref-12)
14. Landfill Directive, [Council Directive 1999/31/EC](http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A31999L0031) [↑](#endnote-ref-13)
15. Human Rights Ombudsman, 2016, Annual Report of the Human Rights Ombudsman for the Republic of Slovenia for 2015. [↑](#endnote-ref-14)
16. European Commission, 2019, The EU Environmental Implementation Review, 2019. Country Report—Slovenia. [↑](#endnote-ref-15)
17. https://ec.europa.eu/eurostat/cache/egd-statistics/ [↑](#endnote-ref-16)
18. https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Environmental\_tax\_statistics [↑](#endnote-ref-17)
19. Statistical Office, Republic of Slovenia, https://www.stat.si/statweb/en/News/Index/10595 [↑](#endnote-ref-18)
20. https://podcrto.si/heatwaves-global-warming-threatens-more-than-100000-slovenes/ [↑](#endnote-ref-19)
21. https://www.swissinfo.ch/eng/europe-facing-its-worst-drought-in-500-years---study/47847566 [↑](#endnote-ref-20)
22. <https://newseu.cgtn.com/news/2022-08-07/Clearing-up-and-replanting-after-Slovenia-s-largest-ever-forest-fire-1chLOOu14LS/index.html> See also https://podcrto.si/floods-in-slovenia-millions-of-euros-worth-of-damage-for-which-we-are-mostly-guilty/ [↑](#endnote-ref-21)
23. https://www.total-slovenia-news.com/business/10372-first-estimates-suggest-significant-drought-damage-to-crops [↑](#endnote-ref-22)
24. https://www.total-slovenia-news.com/lifestyle/10350-trucks-taking-drinking-water-to-the-coast-to-combat-shortages [↑](#endnote-ref-23)
25. International Renewable Energy Agency, 2022, Renewable Capacity Statistics 2022, https://www.irena.org/publications/2022/Apr/Renewable-Capacity-Statistics-2022 [↑](#endnote-ref-24)
26. https://ec.europa.eu/eurostat/databrowser/view/SDG\_12\_30/default/table?lang=en&category=sdg.sdg\_12 [↑](#endnote-ref-25)
27. https://ec.europa.eu/eurostat/cache/egd-statistics/ [↑](#endnote-ref-26)
28. https://ec.europa.eu/eurostat/cache/digpub/keyfigures/ [↑](#endnote-ref-27)
29. European Union, 2021, Climate Action in Slovenia. [↑](#endnote-ref-28)
30. European Commission, 2020. Assessment of the Final National Energy and Climate Plan of Slovenia. [↑](#endnote-ref-29)
31. <https://balkangreenenergynews.com/slovenians-win-battle-for-drinking-water-in-referendum/> [↑](#endnote-ref-30)
32. UN Special Rapporteur on the human right to safe drinking water and sanitation, “Mission to Slovenia”, 4 July 2011, A/HRC/18/33/Add.2. [↑](#endnote-ref-31)
33. See, for example, Human Rights Ombudsman, 2016, Annual Report of the Human Rights Ombudsman for the Republic of Slovenia for 2015. [↑](#endnote-ref-32)
34. Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, 2017, Report following his visit to Slovenia 20 to 23 March 2017. [↑](#endnote-ref-33)
35. Ibid. [↑](#endnote-ref-34)
36. Inter-Ministerial Working Group on the Spatial Issues Facing the Roma, 2020, Final Report. [↑](#endnote-ref-35)
37. National Institute of Public Health, 2020. Assessment of the Situation after Drinking Water Contamination in Anhovo, 17 September 2020. [↑](#endnote-ref-36)
38. Special Rapporteur on human rights and the environment. 2019. Clean Air. Report to the Human Rights Council A/HRC/40/55. [↑](#endnote-ref-37)
39. https://www.who.int/news-room/fact-sheets/detail/ambient-(outdoor)-air-quality-and-health [↑](#endnote-ref-38)
40. <https://stats.oecd.org/viewhtml.aspx?datasetcode=EXP_PM2_5&lang=en> [↑](#endnote-ref-39)
41. https://www.eea.europa.eu/ims/emissions-of-the-main-air [↑](#endnote-ref-40)
42. World Health Organization. (‎2021)‎. WHO global air quality guidelines: particulate matter (‎PM2.5 and PM10)‎, ozone, nitrogen dioxide, sulfur dioxide and carbon monoxide. [↑](#endnote-ref-41)
43. https://www.stateofglobalair.org/data/#/health/plot [↑](#endnote-ref-42)
44. https://www.eea.europa.eu/themes/air/country-fact-sheets/2021-country-fact-sheets/slovenia-1 [↑](#endnote-ref-43)
45. <https://www.total-slovenia-news.com/lifestyle/5510-slovenia-s-worst-air-pollution-in-celje-zagorje-murska-sobota> [↑](#endnote-ref-44)
46. https://www.eea.europa.eu/themes/air/urban-air-quality/european-city-air-quality-viewer [↑](#endnote-ref-45)
47. [https://www.total-slovenia-news.com/lifestyle/10272-ljubljana-ranked-279-of-344-european-cities-on-air-quality-maribor-207 12 July 2022](https://www.total-slovenia-news.com/lifestyle/10272-ljubljana-ranked-279-of-344-european-cities-on-air-quality-maribor-207%2012%20July%202022) [↑](#endnote-ref-46)
48. <https://ec.europa.eu/commission/presscorner/detail/EN/INF_20_859> [↑](#endnote-ref-47)
49. Directive 2008/50/EC on ambient air quality and cleaner air for Europe. [↑](#endnote-ref-48)
50. Judgment of the Court (Third Chamber) of 24 March 2011 – Commission v Slovenia (Case C-365/10). [↑](#endnote-ref-49)
51. EU Directive 2016/2284 on the reduction of national emissions of certain atmospheric pollutants. See also

    https://www.eea.europa.eu/publications/measures-to-reduce-emissions-of/national-emission-reduction-commitments-directive [↑](#endnote-ref-50)
52. <https://aqli.epic.uchicago.edu/wp-content/uploads/2022/06/AQLI_2022_Report-Global.pdf> at p. 26. [↑](#endnote-ref-51)
53. UNICEF, *Clear the air for children*, pp. 8 and 40. [↑](#endnote-ref-52)
54. World Health Organization (2017) *Don’t pollute my future! The impact of the environment on children’s health.* [↑](#endnote-ref-53)
55. UNICEF Office of Research (2022). Places and Spaces: Environments and children’s well-being, Innocenti Report Card. [↑](#endnote-ref-54)
56. Kukec A, Farkas J, Erzen I, Zaletel-Kragelj L. A prevalence study on outdoor air pollution and respiratory diseases in children in Zasavje, Slovenia, as a lever to trigger evidence-based environmental health activities. Arh Hig Rada Toksikol. 2013;64(1):9-22. doi: 10.2478/10004-1254-64-2013-2165. PMID: 23585197. [↑](#endnote-ref-55)
57. Directive 2008/98/EC. [↑](#endnote-ref-56)
58. Republic of Slovenia, Statistical Office. <https://www.stat.si/StatWeb/en/News/Index/9851> [↑](#endnote-ref-57)
59. Eurostat, https://ec.europa.eu/eurostat/databrowser/view/cei\_wm011/default/table?lang=en [↑](#endnote-ref-58)
60. Republic of Slovenia, Statistical Office. https://www.stat.si/StatWeb/en/News/Index/9957 [↑](#endnote-ref-59)
61. Ibid. [↑](#endnote-ref-60)
62. # Y. Fernandez-Nava et al., 2014. “Life cycle assessment of different municipal solid waste management options: a case study of Asturias (Spain)”, *Journal of Cleaner Production* 81, 115: 178-189. A. Ramos and A. Rouboa, 2020. “Renewable energy from solid waste: life cycle analysis and social welfare.” *Environmental Impact Assessment Review*, 85:106469. doi: 10.1016/j.eiar.2020.106469.

    [↑](#endnote-ref-61)
63. See Extended Producer Responsibility Action Plan 2021-2026, https://www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/recycle/extended\_producer\_five\_year\_action\_plan.pdf and BC Recycling Regulation, https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/449\_2004 [↑](#endnote-ref-62)
64. U. Šilc et al. 2019, “Biodiversity of Slovenia” in *The Geography of Slovenia,* pp. 109-124. [↑](#endnote-ref-63)
65. <https://ec.europa.eu/eurostat/cache/egd-statistics/> [↑](#endnote-ref-64)
66. <https://ec.europa.eu/eurostat/cache/egd-statistics/> [↑](#endnote-ref-65)
67. European Commission, 2019, The EU Environmental Implementation Review, 2019. Country Report—Slovenia. [↑](#endnote-ref-66)
68. Slovenian Court of Auditors, 2017, Audit report on the management of Natura 2000 sites in the period 2015-2016. [↑](#endnote-ref-67)
69. https://www.total-slovenia-news.com/business/10363-court-stops-mokrice-hydropower-plant-project [↑](#endnote-ref-68)
70. EuroNatur, 2021, Sava River Restoration from Brežice to Rugvica. https://savaparks.eu/Files/Dynamic/Dokumenti/sava-river-study-web-34e4a2e147354502b5d71f4005dbb721.pdf [↑](#endnote-ref-69)