



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**Concluding observations on the third periodic  
report of Slovenia**

Addendum

**Information received from Slovenia on follow-up  
to the concluding observations\***

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\* The present document is being issued without formal editing.

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## **The observations of the Government of Slovenia on Paragraph 15 of the concluding observations and recommendations of the Human Rights Committee**

1. The Government of the Republic of Slovenia appreciates the opportunity to continue the dialogue with the Human Rights Committee with the following observations and clarifications in respect of the concluding observations and recommendations adopted by the Committee at its 116th session.
2. The Government also appreciates the Committee's interest in Slovenia's efforts related to implementing civil and political rights. It is furthermore pleased that a number of Committee members participated in the interactive dialogue and that the exchange with the delegation of the Republic of Slovenia presenting the Third periodic report was open and dynamic.
3. However, the Government notes that certain segments of the concluding observations fail to take into account the information provided by the delegation. Namely, the delegation presented in detail certain measures adopted with regard to mass migration in which Committee members expressed interest.

### **Erection of temporary technical barriers**

4. The delegation explained that, on the basis of an assessment of needs, the Government decided to erect temporary technical barriers to ensure effective state border control and prevent uncontrolled crossing of the state border. Curbing uncontrolled crossing of the state border was necessary in order to protect the local population and their property, as well as to ensure migrants' safety. If migrants crossed the state border illegally and unsupervised at any point (including barely traversable areas), they could not be afforded proper treatment or provided with the necessary care and assistance. The main objective of the temporary technical barriers was to prevent dispersed illegal border crossing and to direct migrants to entry points. Temporary technical barriers do not restrict the right of persons to international protection, and do not prevent entry to the territory of the Republic of Slovenia for humanitarian reasons. It needs to be stressed that temporary technical barriers were erected only on those parts of the state border which pose the highest risk of illegal migration.

### **Joint statement of the heads of police services and the non-refoulement principle**

5. The joint statement of the heads of police services of 18 February 2016 did not limit the entry of migrants solely on the basis of nationality. With the joint statement, Slovenia did not violate the principle of non-refoulement. The joint statement lists certain nationalities only as examples of those in need of international protection. Any foreigner wishing to enter the Republic of Slovenia is assessed individually by the Slovenian police, and this assessment serves as a basis for deciding whether he or she should be allowed entry for humanitarian reasons, even if he or she fails to meet one or more conditions for entry and does not seek international protection. If a person states that he or she wishes to apply for international protection, they are, without exception, treated in accordance with the International Protection Act.

### **Extraordinary powers for the Slovenian Armed Forces**

6. During the interactive dialogue, the delegation also presented the amendments to the Defence Act. Additional powers for the Armed Forces can be granted only by the National Assembly of the Republic of Slovenia, which may decide to grant these powers if the Government so proposes by a two-thirds majority vote of deputies present. The National Assembly may determine a period within which members of the Slovenian Armed Forces are allowed to exercise extraordinary powers; this period covers the time necessary for implementation, and may not exceed three months. The three-month period may be extended under the same conditions.

7. The amendment to the Defence Act did not grant the Slovenian Armed Forces any powers with regard to crowd control. The provision gives members of the Slovenian Armed Forces the right to directly assist the police in exercising tasks and powers with regard to crowd control, such as erecting fences or other physical barriers to separate particular groups, but under no circumstances are they authorised to apply the means of restraint referred to in Articles 90 through 95 of the Police Tasks and Powers Act. The use of means of restraint is possible only as a last resort, in self-defence or in a case of so-called citizen's arrest as defined in Article 160 of the Criminal Procedure Act.

8. The manner of exercising extraordinary powers is defined in more detail in the joint plan of action (Operational tactical plan of cooperation between the Police and the Slovenian Armed Forces) foreseen by Article 37.a, paragraph 1, of the Defence Act, jointly drafted by the Police and the Slovenian Armed Forces. Further operationalisation of executing the above-mentioned powers by members of the Slovenian Armed Forces is specified in the Order on the implementation of this plan and in the orders of competent commanders regarding the deployment of the Slovenian Armed Forces members and their cooperation with the Police in the broad protection of the border, and in the Rules of engagement of the Slovenian Armed Forces in supporting the Police in the broad protection of the state border and in protecting particular facilities or areas. The Rules of engagement adopted by the Government at its 108th correspondence session on 24 February 2016 specify in more detail the manner of exercising extraordinary powers, and furthermore define the legal framework of engagement, use of force, use of weapons and other means of the Slovenian Armed Forces, and regulate other areas for the lawful and effective implementation of the relevant tasks or exercise of the relevant powers by members of the Slovenian Armed Forces. The relevant powers are thus defined clearly and specifically enough as well as in sufficient detail. It needs to be stressed here that none of the extraordinary powers have been exercised to date, and that a strict reporting procedure is in place should they be exercised.

9. The Government of the Republic of Slovenia looks forward to continuing the dialogue with the Human Rights Committee.

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