



## SLOVENIA

*Check against delivery!*

Statement by Ms. Petra Langerholc  
Representative of the Republic of Slovenia  
at the 71<sup>st</sup> UNGA Sixth Committee on  
The rule of law at the national and international levels [item 84]

Slovenia welcomes the Secretary-General's report on *strengthening and coordinating United Nations rule of law activities*, which affirms the instrumental contribution to the rule of law by the United Nations on both international and national levels.

The rule of law being one of the foreign policy priorities of Slovenia, we welcome today's opportunity to exchange views on national implementation of multilateral treaties and access to justice for all. International order based on the rule of law is essential to peaceful coexistence and cooperation of nations. Peace and security, development, human rights and the rule of law are interlinked, which only reaffirms the critical role and importance of strengthening of the rule of law.

Multilateral treaties play an important part in this respect. They are an indispensable tool for building consensus among states, providing legal certainty and framework for peaceful settlement of disputes. While multilateral treaties contribute to strengthening of the rule of law at national levels, states' adherence to multilateral treaties equally strengthens the rule of law at the international level. Building capacities and sharing of best practices in the field of treaty implementation is therefore most welcome and contribution by the United Nations indispensable.

With a view to contribute to the exchange of national practices, allow me to briefly introduce Slovenia's approach to treaty implementation.

The rules relevant for the conclusion and implementation of treaties are, apart from those found in the Vienna Convention on the Law of Treaties which the Republic of Slovenia succeeded, generally stipulated in our Constitution and the Foreign Affairs Act.

According to the international law principle of *pacta sunt servanda*, commitments assumed must be respected. At the same time internal law cannot serve as justification of the non-fulfilment of an agreement.

Article 8 of Slovenia's Constitution stipulates that ratified and published treaties are applied directly. Treaty provisions are integrated in the domestic legal system of Slovenia with its entry into force on condition that it has been ratified in accordance with the domestic law and that its provisions are directly applicable (self-executing treaties).

In addition, the same article of the Constitution stipulates that laws and other regulations must comply with generally accepted principles of international law and with treaties that are binding on Slovenia. Thus, in the hierarchy of legal acts in Slovenia, international agreements rank above statutory provisions, however, our legal system does not recognize the primacy of international law over constitutional provisions.

Adaptation of domestic law depends on the direct applicability of a treaty and the self-executing character of its provisions. If a treaty has become part of domestic law as described and its provisions are self-executing, no specific adaptation of internal law is required for the purpose of treaty application. However, in certain areas of law, such as criminal law, treaties specifically require prior transposition into domestic legal order, specifically the Criminal Code.

The Constitutional Court is empowered to decide upon the conformity of statutes with treaties already adapted into internal law. At the same time, the Constitution provides for the institute of prior review of constitutionality of treaties in order to prevent the adoption of unconstitutional treaty provisions. National Assembly is bound by the opinion of the Constitutional Court (Article 160 of the Constitution).

Importantly, the manner in which Slovenia becomes bound by and implements treaties is influenced by the law of the European Union. Thus, according to Article 216 of the Treaty on the Functioning of the European Union, agreements concluded by the Union are binding on Slovenia as well.

Considering the important consequences of concluding and implementing treaties, it is essential that knowledge and experience on internal and international law of treaties is widely appreciated and readily available. As an example of a good practice in this respect, I would like to mention the publishing of the book entitled "The Law of Treaties: Handbook, Articles and Documents", prepared by international lawyers at our foreign ministry and published in the International Law Series (established by the MFA in cooperation with the Faculty of Social Sciences. The book is available electronically free of charge and is intended to serve as a manual for the law of treaties in Slovenia.

Turning to the important issue of access to justice for all, we need to recognize that instability and conflicts, poverty, social exclusion and discrimination still pose serious challenges in this regard. Promoting and improving access to justice for all, including for the poorest and most vulnerable, should be among our priorities. Slovenia therefore commends the important efforts by the United Nations, including UNDP, UNODC, DPO, DPA, UNCHR and UNDEF in improving access to justice and legal aid to many victims of serious crimes and human rights violations.

Access to justice is a prerequisite for ensuring accountability for gross human rights violations and atrocity crimes. In this respect, my delegation highlights the significant contribution by international criminal courts that offer the last resort to victims that would otherwise be left unheard. We call on all States to join the ICC and ratify the Kampala amendments.

However, ensuring access to justice for all is a notion that surpasses post conflict situations and is a goal towards which all governments should aspire to. Drawing on our national practice and turning back to our own Constitution, in Slovenia everyone has the right to judicial protection. Slovenia's Constitution, the Civil Procedure Act and the Free Legal Aid Act provide significant services for individuals in need of legal aid. It is a constitutional guarantee that individuals in Slovenia have access to counsel in criminal cases. Beyond criminal cases, the Civil Procedure Act and the Free Legal Aid Act contain provisions assuring access to justice for the poor in civil cases. Moreover, *pro bono* is an increasingly important part of the practice of law in Slovenia. Once a year on December 19, the Slovenian Bar Association holds a *pro bono* day when many attorneys provide *pro bono* legal services to anyone in need of legal advice. It is important to also recognize the contribution of civil society that can assist individuals with information and legal advice. For example, in Slovenia lawyers and law students developed a website "Lawforall" where advice on legal matters is offered free of charge. The initiative now grew into a Legal Clinic aimed at socially disadvantaged.

In the light of the access to justice for all, Slovenia calls upon all states to commit again to the multilateral treaties and to withdraw reservations, in particular the Convention on the Rights of the Child and its optional protocols and the Convention on the Elimination of All Forms of Discrimination against Women.

We would like to commend the Rule of Law Coordination and Resource Group and Rule of law Unit for their work and contribution in different areas of United Nations engagement.

We remain committed to engaging on the Rule of Law topic.

Thank you.