



Human Rights Ombudsman
Dunajska cesta 56
1000 Ljubljana

**Input by the Human Rights Ombudsman of the Republic of Slovenia
to the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of
non-recurrence**

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The Human Rights Ombudsman of the Republic of Slovenia (the Ombudsman) welcomes the opportunity to contribute to the forthcoming thematic report of the Special Rapporteur on the challenges of denial, negationism and revisionism of serious violations of human rights and international humanitarian law.

The Ombudsman is a constitutional and independent institution mandated to protect and promote human rights in the Republic of Slovenia. It holds A-status accreditation in accordance with the Paris Principles. Its mandate includes monitoring the human rights situation, conducting research, issuing opinions and recommendations to public authorities, raising awareness, promoting human rights education, and examining individual complaints concerning alleged violations of human rights or fundamental freedoms by State or local authorities or public institutions.

This submission provides general information, observations and insights derived from the Ombudsman's monitoring, research and casework, insofar as issues of denial, negationism and revisionism may affect the enjoyment of human rights and fundamental freedoms, including the protection of human dignity, equality and non-discrimination, and the prevention of hatred and intolerance.

- 1. Please provide examples of instances of denial, disinformation, negationism, and revisionism of gross violations of human rights and serious violations of international humanitarian law, as well as instances where such denial also becomes advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence in transitional justice contexts. Which actors, means, technologies, laws, tools and practical measures were involved? What was being denied or negated (e.g. facts and scope of atrocities, evidence or existence of archives, perpetrators' intents, status of victims)? In what ways were such denials a response to previous or current findings by transitional justice and/or human rights bodies, courts, truth commissions or previous acknowledgements of wrong-doing? What was the impact of such practices on the human rights of individuals and communities, including victims and marginalized groups, and on the memorialization and acknowledgement of those violations?**

The Ombudsman has not identified instances of formal or official State denial of gross violations of human rights or serious violations of international humanitarian law.

Relevant challenges arise primarily within societal, political and digitally mediated discourse, particularly in relation to contested historical violations connected with the Second World War,

post-war violence and systemic abuses under the former one-party political system. Such discourse may involve denial or minimisation of the scale and gravity of violations, selective recognition of victims, contestation of victims' status, and revisionist narratives based on selective use of sources or attempts to discredit archival material and established historical research. These narratives increasingly circulate through social media and other online platforms.

In some instances, denial or relativisation appears to arise as a reaction to established historical research, judicial findings or prior public acknowledgements of past violations, and may seek to undermine previously recognised facts or victims' status. From a human rights perspective, such dynamics may adversely affect the rights of victims and their relatives to truth, dignity and recognition, and weaken public trust in evidence-based processes of historical clarification.

In certain contexts, these narratives become intertwined with stigmatising discourse, including on grounds of religion or ethnicity, and may, depending on the circumstances, amount to advocacy of national, racial or religious hatred constituting incitement to discrimination, hostility or violence. Disputes concerning public remembrance and symbolic acts may likewise be framed as denial of victims' suffering.

In such situations, the Ombudsman emphasises respect for the dignity of all victims, reliance on established historical evidence and the avoidance of politicisation of remembrance. Dissemination typically involves political actors, media outlets and individuals or informal groups, primarily through digital communication tools, and may contribute to social polarisation and undermine inclusive processes of remembrance and acknowledgement of past violations.

2. Please indicate any relevant laws, norms, state practice and/or jurisprudence or civil society efforts at the national and regional level to address and/or combat instances of negationism and revisionism of gross violations of human rights or the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence in transitional justice contexts, in compliance with the aforementioned rights and freedoms. Please inform if and how those measures comply with international standards on the rights to truth, memory, non-discrimination, life and personal integrity, and the freedoms of opinion and expression and opinion, as well as with the guidance of the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.¹ Which good practices, obstacles, challenges and gaps are found in this regard.

Slovenia addresses advocacy of national, racial or religious hatred, including conduct that may involve denial, negationism or revisionism of gross violations of human rights, through constitutional guarantees, criminal and misdemeanour law, and relevant State practice.

The Constitution of the Republic of Slovenia guarantees freedom of expression (Article 39) while prohibiting incitement to discrimination, hatred and intolerance (Article 63), establishing the constitutional framework for balancing freedom of expression with the protection of human dignity, equality and non-discrimination.

At the criminal-law level, Article 297 of the Criminal Code (KZ-1) criminalises public incitement to hatred, violence or intolerance, including the denial, gross minimisation, approval or justification of genocide, crimes against humanity or war crimes, where such conduct may endanger public

¹ Including the six-part test for defining acts that constitute incitement to hatred and are therefore offences that must be prohibited, ie: the social and political context, status of the speaker, intent to incite the audience against a target group, content and form of the speech, extent of its dissemination and likelihood of harm, including imminence. See <https://docs.un.org/en/a/hrc/22/17/add.4>.

order or peace. Its application requires a case-by-case assessment of context, intent and impact, in line with constitutional standards and international freedom-of-expression guarantees.

At the misdemeanour level, recent amendments to the Protection of Public Order Act prohibit the public display of Nazi and Fascist symbols, while safeguarding educational, scientific, journalistic, archival, cultural and artistic uses. In the digital sphere, Slovenia applies the EU Digital Services Act, with a designated national coordinator addressing systemic risks related to unlawful content, including hate speech.

Certain civil-society initiatives and professional self-regulatory mechanisms further contribute through monitoring, reporting, awareness-raising and educational activities. While complementary in nature, these practices do not amount to a comprehensive transitional-justice framework.

Overall, the legal framework provides a basis for addressing the most serious forms of advocacy of hatred. Challenges remain regarding consistent threshold application in practice, the effectiveness of reporting mechanisms for online hate speech, and the absence of a transitional-justice-specific framework addressing the rights to truth and memory beyond criminal-law responses. International guidance, including the Rabat Plan of Action, serves as a relevant interpretative reference, although it is not formally incorporated as a binding assessment tool in domestic practice.

3. Please indicate any relevant practices adopted by non-state actors, including private companies and cultural institutions, to prevent or counter instances of denial, disinformation, negationism and revisionism of the aforementioned violations, as well as of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence on the Internet, in particular social media, digital technologies and other information and communication tools in transitional justice contexts. Please inform if and how these measures comply with the aforementioned international standards. Which good practices, obstacles, challenges and gaps are found in this regard?

Non-State actors in Slovenia, including online platforms, media organisations, cultural institutions and civil-society organisations, have adopted various practices aimed at addressing denial, disinformation, negationism and revisionism of serious human rights violations, as well as online advocacy of national, racial or religious hatred amounting to incitement.

Online platforms apply content-moderation policies and notice-and-action mechanisms for reporting and removing unlawful content, and in some cases cooperate with civil-society actors. Such measures may contribute to protecting human dignity and equality, provided that restrictions on expression are predictable, transparent and accompanied by procedural safeguards.

In the media sector, self-regulatory frameworks and journalistic ethics standards prohibit hate-inciting content and promote responsible reporting. Fact-checking initiatives contribute to identifying and contextualising disinformation and revisionist narratives, particularly online. Cultural institutions contribute primarily through educational, archival and remembrance activities grounded in documented historical sources.

Civil-society organisations further support these efforts through monitoring, reporting, research and awareness-raising. Persistent challenges nevertheless include uneven moderation practices, limited transparency regarding content amplification, the rapid spread of misleading content, and resource constraints affecting civil-society and cultural actors.

In transitional justice contexts, the role of cultural and educational institutions is particularly relevant in supporting access to archives, preservation of historical records and public education

based on evidence, thereby helping to counter denialist narratives without resorting to coercive measures.

- 4. Please indicate any relevant laws, norms, state practice and/or jurisprudence at the national and regional level, as well as practices adopted by non-State actors (including private companies) to address the challenges posed by the use of generative artificial intelligence and other tools to disseminate fake content, conspiracy theories and disinformation relating to gross violations of human rights and serious violations of international humanitarian law in transitional justice contexts. Please inform if and how these measures comply with the aforementioned international standards. Which good practices, obstacles, challenges and gaps are found in this regard?**

Slovenia addresses challenges related to the use of generative artificial intelligence and other technologies to disseminate fake content, conspiracy theories and disinformation primarily through binding EU regulatory frameworks, complemented by national criminal-law safeguards.

At EU level, the Digital Services Act and the Artificial Intelligence Act constitute the core regulatory response, introducing due-diligence, systemic risk-mitigation and transparency obligations, including requirements for the identification or labelling of AI-generated or manipulated content. This process-oriented approach aims to address systemic risks while avoiding general content-based prohibitions.

At national level, Slovenia relies on existing criminal-law provisions, in particular those concerning incitement to hatred or violence, where AI-generated disinformation reaches the threshold of unlawfulness.

Key challenges remain the scale and speed of AI-enabled disinformation, cross-border enforcement constraints, and the difficulty of addressing denial, negationism or revisionism that may be harmful in transitional justice contexts but remains lawful, without undermining freedom of expression and legitimate public debate. The Ombudsman has not identified specific domestic jurisprudence or established administrative practice in this area, which therefore requires continued monitoring.

- 5. Please indicate any relevant practices by state or non-state actors regarding the pernicious use of denial laws to directly or indirectly prevent commentary on other human rights or humanitarian law violations.**

Slovenia has no specific denial laws criminalising the denial of particular historical events or gross violations of human rights or international humanitarian law. Consequently, the Ombudsman has not identified practices—by State or non-State actors—of using such laws to directly or indirectly suppress commentary on other human rights or humanitarian law violations.

Existing criminal and misdemeanour provisions related to incitement to hatred or violence are interpreted restrictively in practice and applied subject to constitutional safeguards, proportionality and judicial oversight. This further reduces the risk of misuse to limit legitimate historical debate, research or advocacy.

The absence of specific denial laws has therefore operated as a structural safeguard against the instrumentalisation of memory politics, enabling historical research, public debate and civil-society advocacy on sensitive past violations without criminalisation as “denial” or “revisionism”.

The Ombudsman hopes that this submission will contribute usefully to the preparation of the Special Rapporteur’s thematic report.