

Coronavirus pandemic in the EU – Fundamental Rights Implications

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1 Measures taken by government/public authorities impacting on specific freedoms

1.1 Emergency laws/states of emergency

In **Slovenia**, a relatively quiet summer was followed by a high increase in Covid-19 cases in September and particularly October when the daily figures exceeded by far those in the first wave of the pandemic (for example, on 26 March, there were 61 confirmed cases upon 1,075 tests applied, while 7,471 tests carried out on 27 October resulted in 2,610 confirmed cases).¹ In the monitoring period, the authorities thus stepped up measures to contain the spread of the infection and to enforce physical distancing. While some of these measures interfered with fundamental rights, state of emergency in the sense of Article 16 of the Constitution of the Republic of Slovenia (*Ustava Republike Slovenije*) allowing for temporary suspension and restriction of human rights has not been declared.² According to the Article 92 of the Constitution, a state of emergency can only be declared in the case of a great and general danger that threatens the existence of the state. However, some fundamental rights like the freedom of movement (Article 32 of the Constitution) and the right of assembly and association (Article 42 of the Constitution) can be limited in the circumstances stipulated by law, including in the case of preventing the spread of infectious diseases. On 19 October, because of the increasing number of Covid-19 cases, Slovenia declared the Covid-19 epidemic on the basis of the Communicable Diseases Act (*Zakon o nalezljivih boleznih*) for the second time.³ This legislation has been the legal basis for introducing measures restricting physical interactions in the country. Earlier, epidemic was declared in Slovenia on 12 March,⁴ and lasted until the end of May.⁵ Slovenian Human Rights Ombudsman (*Varuh človekovih pravic*) produced in May the first report on observed Covid-19 – related cases.⁶ According to the most recent data, Until 1 October, the Ombudsman has dealt with 1,038 Covid-19-related cases. Most of these relate to social security rights such as healthcare and institutional care, to equality and to protection against discrimination, the protection of dignity, personal rights, safety and privacy, and to restrictions of personal liberties. Several cases were also related to children's rights and the right to education.⁷

¹ For more information, see the webpage of the National Institute of Public Health (*Nacionalni inštitut za javno zdravje*) on www.nijz.si/sites/www.nijz.si/files/uploaded/porocilo_stevilo_potrjenih_primerov_covid-19_01112020_splet.xlsx. All hyperlinks were accessed on 3 November 2020.

² Slovenia, [The Constitution of the Republic of Slovenia](#) (*Ustava Republike Slovenije*), 23 December 1991, and subsequent modifications.

³ Slovenia, [The Communicable diseases act](#) (*Zakon o nalezljivih boleznih*), 16 November 1995, and subsequent modifications; Slovenia, [The Ordinance on the declaration of the contagious disease COVID-19 epidemic in the territory of the Republic of Slovenia](#) (*Odlok o razglasitvi epidemije nalezljive bolezni COVID-19 na območju Republike Slovenije*), 18 October 2020.

⁴ Slovenia, Government of the Republic of Slovenia (*Vlada Republike Slovenije*) (2020), '[Slovenia declares coronavirus epidemic](#)', public release, 12 March 2020.

⁵ Slovenia, [The Ordinance on the revocation of the epidemic of contagious disease SARS-CoV-2 \(COVID-19\)](#) (*Odlok o preklicu epidemije nalezljive bolezni SARS-CoV-2 (COVID-19)*), 14 May 2020.

⁶ Human Rights Ombudsman (2020), [The Human Rights Ombudsman and addressing Covid-19-related issues](#), Ljubljana, Human Rights Ombudsman.

⁷ Information was provided by the Human Rights Ombudsman of the Republic of Slovenia (*Varuh človekovih pravic Republike Slovenije*) upon request (email, 16 November 2020).

1.2 Freedom of assembly

In **Slovenia**, since midnight, 20 March, assembly of people in public places and public surfaces, and access to such places have been restricted.⁸ Since then, there have been different arrangements in place. The restrictions in place were somehow relaxed due to favourable epidemiological situation, and, for example, since mid-June until the end of that month, gatherings of up to 500 persons were possible.⁹ Later on, and until 8 October, there was a rule in place allowing for the following: public gatherings of up to 10 persons, public gatherings of more than 10 and up to 50 persons provided that those organising gatherings compile a list of persons present, and organised public events involving gatherings of up to 500 persons provided that safe distance in accordance with instructions produced by the National Institute of Public Health (*Nacionalni inštitut za javno zdravje*) can be maintained.¹⁰ Worsening of the epidemiological situation led to the adoption of stricter measures later in the month of October. From 9 until 15 October, public gatherings of up to 10 people were allowed provided safe distance was kept in line with the instructions by the National Institute of Public Health, as well as gatherings at organised public events of up to 500 people provided organisers obtained a permit from the National Institute of Public Health. From 16 until 19 October, public gatherings of up to 10 people were allowed. This limitation did not apply to close family members or members of the same household. Moreover, gathering of up to six coworkers was allowed when sharing personal transport to or from work and provided a protection of the nasal and oral mucosa was worn. In statistical regions with more than 140 cases per 100,000 population in a 14-day period, all events, gatherings, weddings and religious ceremonies were banned. Individual public events, for which the National Institute of Public Health issued a permit (in line with the previous Ordinance of 8 of October) prior to 15 October, were still allowed.¹¹ From 20 October, all events, gatherings, weddings and religious ceremonies are prohibited. Gatherings of more than six people, unless they are close family members or members of the same households, shall also be banned. In case of a gathering of up to six people, the persons in question are obliged to observe the instructions and recommendations regarding physical distancing produced by the National Institute of Public Health.¹² On 25 October, the government adopted the current ordinance, applicable from 27 October, providing for further application of the measures imposed on 20 October. Every seven days, the government reviews the justification of the determined

⁸ Slovenia, [The Ordinance on the temporary general prohibition of movement and assembly of people in public places and surfaces in the Republic of Slovenia](#) (*Odlok o začasni splošni prepovedi gibanja in zbiranja ljudi na javnih mestih in površinah v Republiki Sloveniji*), 19 March 2020.

⁹ Slovenia, [The Ordinance on the temporary general restriction of the assembly of people in public places and areas in the Republic of Slovenia](#) (*Odlok o začasni splošni omejitvi zbiranja ljudi na javnih krajih in mestih v Republiki Sloveniji*), 15 May 2020, and subsequent modifications.

¹⁰ Slovenia, [The Ordinance on the temporary general restriction or prohibition of assembly of people in the Republic of Slovenia](#) (*Odlok o začasni splošni omejitvi oziroma prepovedi zbiranja ljudi v Republiki Sloveniji*), 29 June 2020.

¹¹ Slovenia, [The Ordinance on the temporary general restriction or prohibition of gatherings of people in the Republic of Slovenia and the prohibition of circulation of certain types of goods and products during gatherings of people](#) (*Odlok o začasni splošni omejitvi oziroma prepovedi zbiranja ljudi v Republiki Sloveniji ter prepovedi prometa posameznih vrst blaga in izdelkov v času zbiranja ljudi*), 8 October 2020, and subsequent modifications.

¹² Slovenia, [The Ordinance on the temporary partial restriction of movement of people and on the restriction or prohibition of gathering of people to prevent the SARS-CoV-2 infections](#) (*Odlok o začasni delni omejitvi gibanja ljudi in omejitvi oziroma prepovedi zbiranja ljudi zaradi preprečevanja okužb s SARS-CoV-2*), 19 October 2020, and subsequent modifications.

measures, and by taking into account expert evidence, decides on whether the devised measures are to be continued, modified or abolished.¹³

Public gatherings, especially Friday anti-government protests including against its handling of the purchase of the protective equipment and its role in alleged weakening of environmental and democratic standards during epidemic, have been a regular feature of public life in **Slovenia** since April. The largest such protests are organised in the capital of Ljubljana.¹⁴ The Human Rights Ombudsman has dealt with police procedures for establishing the identity of individuals during the protests on 19 June in Ljubljana (the procedure for establishing the identity of individuals was carried out in 69 cases). To this end, the body addressed a comprehensive inquiry to the Ministry of the Interior (*Ministrstvo za notranje zadeve*). Upon receipt of the response, the Ombudsman found that the ministry failed to eliminate all the doubts raised regarding the justification for carrying out the identification of individuals, that is – the question remained whether the measures of establishing identity in these cases were actually carried out in a lawful manner and did not represent an encroachment on the rights to privacy and personality rights, as set out in the Constitution. The Ombudsman thus recommended that police officers provided for careful assessment of conditions laid down by law and other regulations when exercising their powers to establish one's identity.¹⁵

In **Slovenia**, in the period from the beginning of September until 25 October, police (*Policija*) recorded a total 94 public gatherings across Slovenia. During these events, police established 119 violations of the Communicable Diseases Act, 16 violations of the Public Assembly Act (*Zakon o javnih zbiranjih*), 25 violations of the Protection of Public Order and Peace Act (*Zakon o varstvu javnega reda in miru*), seven violations of the Identity Card Act (*Zakon o osebni izkaznici*), 19 violations of the Road Traffic Rules Act (*Zakon o pravilih cestnega prometa*), two violations of the Weapons Act (*Zakon o orožju*), one violation of the Motor Vehicles Act (*Zakon o motornih vozilih*), the Explosives and Pyrotechnic Articles Act (*Zakon o eksplozivih in pirotehničnih izdelkih*) and the Private Security Act (*Zakon o zasebnem varovanju*), respectively. Police also investigated one suspicion of criminal offence of damaging another person's object under the Criminal Code (*Kazenski zakonik*). During these events police used the following powers: undertaking identification procedure in 184 cases, the use of physical force in five cases, the use of instruments for handcuffing and binding in one case and apprehension in two cases. According to police data, 46 of 94 of such gatherings took place in Ljubljana, 22 of which were not notified to the competent administrative units, and were thus held without a permit. Apart from these, police recorded six further gatherings in this same period, including, for example, the 2020 Ljubljana Pride, Youth for environmental justice protest and a protest before the Polish Embassy following this country's initiative addressed to Slovenia regarding denunciation of the Istanbul Convention. Apart from the Pride event, other events were held without a permit.¹⁶

¹³ Slovenia, [The Ordinance on the temporary partial restriction of movement of people and on the restriction or prohibition of gathering of people to prevent the SARS-CoV-2 infections](#) (*Odlok o začasni delni omejitvi gibanja ljudi in omejitvi oziroma prepovedi zbiranja ljudi zaradi preprečevanja okužb s SARS-CoV-2*), 25 October 2020.

¹⁴ For more information, see, for example, the webpage of Dnevnik daily on www.dnevnik.si/tag/petkovi%20protesti.

¹⁵ Slovenia, Human Rights Ombudsman (*Varuh človekovih pravic Republike Slovenije*) (2020), '[Policijski postopki ugotavljanja identitete ob protestu 19. 6. 2020 v Ljubljani](#)', public release, 25 August 2020.

¹⁶ Information was provided by the General Police Directorate (*Generalna policijska uprava*) upon request (email, 29 October 2020, response dated 26 October 2020).

In **Slovenia**, concerns were particularly raised over police handling of the 9 October protests in Ljubljana. Several organisations and initiatives addressed on behalf of protesters a protest letter to the head of police claiming excessive use of police powers and requesting explanation of police conduct.¹⁷ The protesters also lodged a complaint with the Human Rights Ombudsman (*Varuh človekovih pravic*) alleging excessive use of police powers. They claimed that despite observing protective measures as published by the National Institute of Public Health their right to free movement, assembly and to free expression were unlawfully denied. As per the Ombudsman, the body shall look into the matter and produce an opinion upon investigation.¹⁸ The Amnesty International Slovenia (*Amnesty International Slovenija*) also expressed concerns over allegations of excessive use of police power and called on police authorities to inspect the matter. The organisation also called on all alleged victims to initiate a complaint procedure with the Ministry of the Interior.¹⁹ In a statement, police rejected all allegations of violence. Among other things, they noted that the protests were not notified to the competent authorities, so the task to provide for certain tasks fell on police (e.g. maintaining public order and peace, ensuring the safety of protesters, and identifying violations of the provisions providing for temporary general restriction or prohibition of gatherings in the country). According to the statement, police officers present at the scene were subject to insults on the part of individual participants, while individual protesters also obstructed police actions. Despite this, police said that the findings so far showed that police officers performed their tasks lawfully and professionally. Police further noted that six individuals who failed to observe police orders upon multiple warnings were subject to the most lenient means of restraint, namely physical force and handcuffing. Two of them were brought to police facility for establishing their identity and later released. According to the statement, police received no information that individuals in question sought medical help or being injured.²⁰

1.3 Freedom of movement

In **Slovenia**, the government imposed night-time curfew on 20 October due to a strong rise in daily Covid-19 infections, the first time such a measure being imposed since the outbreak of pandemic in March. The movement of people between nine in the evening and six in the morning was banned.²¹ The most recent ordinance adopted by the government on 25 October provides for further application of this measure. The exceptions to the rule are the following: elimination of immediate danger to health, life and property; commuting to and from work and performance of essential work tasks;

¹⁷ STA (2020), [‘Protestno pismo zaradi ravnanja policije na včerajšnjih protestih’](#), *Dnevnik*, 10 October 2020.

¹⁸ Švajger, T., STA (2020), [‘Protestniki od varuha človekovih pravic pričakujejo preiskavo zakonitosti’](#), *24ur.com*, 13 October 2020.

¹⁹ Amnesty International Slovenija (2020), [‘Odziv na petkove proteste: Covid-19 vladi ne daje prostih rok, da “potepta” mednarodne standarde’](#), public release, 12 October 2020.

²⁰ Slovenia, General Police Directorate (*Generalna policijska uprava*) (2020), [‘Policija se zaveda pomena javnega izražanja mnenj in stališč o vprašanih skupnega pomena, a je njena naloga tudi, da skrbi za javni red – odziv’](#), public release, 12 October 2020.

²¹ Slovenia, [The Ordinance on the temporary partial restriction of movement of people and on the restriction or prohibition of gathering of people to prevent the SARS-CoV-2 infections](#) (*Odlok o začasni delni omejitvi gibanja ljudi in omejitvi oziroma prepovedi zbiranja ljudi zaradi preprečevanja okužb s SARS-CoV-2*), 19 October 2020, and subsequent modifications.

access to and provision of essential services; provision of food and medicine delivery services; travel of persons who entered the Republic of Slovenia for the purpose of transit through the territory of the Republic of Slovenia to a neighbouring country or to their place of residence in the Republic of Slovenia. Every seven days, the government shall review the justification of this measure, and by taking into account expert evidence, shall decide on whether the devised measures are to be continued, modified or abolished.²²

In **Slovenia**, the month of October also saw restriction of movement from statistical regions with more than 140 cases per 100,000 population in 14-day period,²³ and later on movement between statistical regions was fully banned.²⁴ The latter ordinance fully banning movement between statistical regions and imposing curfew was on the agenda of the Constitutional Court (*Ustavno sodišče*) on 22 October, as a request for review of its constitutionality was brought before the court.²⁵ At the time of writing, no information on the court's decision is in the public domain. With its last ordinance, adopted on 25 October, applicable from 27 October, the government prohibited movement between municipalities.²⁶ There are 13 exceptions to this ban including elimination of immediate danger to health, life and property; commuting to and from work and performance of work tasks; provision of care and assistance to persons in need of support, or for the purpose of parental care or contacts with children; access to emergency services.²⁷ The measure of prohibition of movement from a person's municipality of permanent or temporary residence was also in place in spring. Two ordinances adopted by the government for this purpose in March and April were challenged before the Constitutional Court.²⁸ The court dealt with the case despite the fact that the ordinances ceased to be in force at the time of the court's deliberation as it assessed that the petition raised important precedential constitutional question of a systematic nature. In September, it announced its decision.

²² Slovenia, [The Ordinance on the temporary partial restriction of movement of people and on the restriction or prohibition of gathering of people to prevent the SARS-CoV-2 infections](#) (*Odlok o začasni delni omejitvi gibanja ljudi in omejitvi oziroma prepovedi zbiranja ljudi zaradi preprečevanja okužb s SARS-CoV-2*), 25 October 2020.

²³ Slovenia, [The Ordinance on the temporary partial restriction of movement of people to prevent the SARS-CoV-2 infections](#) (*Odlok o začasni delni omejitvi gibanja ljudi zaradi preprečevanja okužb s SARS-CoV-2*), 14 October 2020.

²⁴ Slovenia, [The Ordinance on the temporary partial restriction of movement of people and on the restriction or prohibition of gathering of people to prevent the SARS-CoV-2 infections](#) (*Odlok o začasni delni omejitvi gibanja ljudi in omejitvi oziroma prepovedi zbiranja ljudi zaradi preprečevanja okužb s SARS-CoV-2*), 19 October 2020, and subsequent modifications.

²⁵ For more information, see the webpage of the Constitutional Court (*Ustavno sodišče*) on www.us-rs.si/seja/26-seja-ustavnega-sodisca-republike-slovenije-2/.

²⁶ Slovenia, [The Ordinance on the temporary partial restriction of movement of people and on the restriction or prohibition of gathering of people to prevent the SARS-CoV-2 infections](#) (*Odlok o začasni delni omejitvi gibanja ljudi in omejitvi oziroma prepovedi zbiranja ljudi zaradi preprečevanja okužb s SARS-CoV-2*), 25 October 2020.

²⁷ For more information, see the government webpage on www.gov.si/en/news/2020-10-25-the-new-ordinance-on-temporary-partial-restriction-of-movement-and-gatherings-as-well-as-prohibits-on-movement-between-municipalities/.

²⁸ Slovenia, [The Ordinance on a temporary general prohibition of movement and assembly of people in public places and surfaces in the Republic of Slovenia and prohibition of movement outside the municipalities](#) (*Odlok o začasni splošni prepovedi gibanja in zbiranja ljudi na javnih mestih in površinah v Republiki Sloveniji ter prepovedi gibanja izven občin*), 29 March 2020, and subsequent modifications; Slovenia, [The Ordinance on a temporary general prohibition of movement and assembly of people in public areas, surfaces and places in the Republic of Slovenia and prohibition of movement outside the municipalities](#) (*Odlok o začasni splošni prepovedi gibanja in zbiranja ljudi na javnih krajih, površinah in mestih v Republiki Sloveniji ter prepovedi gibanja izven občin*), 15 April 2020, and subsequent modifications.

The court conducted the review on the basis of the test of legitimacy and the strict test of proportionality. It found the ordinances in line with the Constitution. Among other things, the court established “that the measure restricting movement to the municipality of one’s residence was also proportionate in the narrower sense, which means that the demonstrated level of probability of a positive impact of the measure on the protection of human health and life outweighed the interference with the freedom of movement.”²⁹

Since March, special arrangements have also been in place at **Slovenian** borders. The government last modified border arrangements on 23 October, and the current regime entered into force on 26 October. According to this regulation, four road control points at the border with Italy are open, three checkpoints are open at the border with Austria, and two at the border with Hungary. Outside these checkpoints, borders with the countries in question may only be passed by Citizens of the Republic of Slovenia, the citizens of respective countries, as well as citizens of other EU Member States or Schengen Area countries who are residents of administrative units of respective countries bordering to Slovenia. Based on the epidemiological assessments by the National Institute of Public Health, the government determines or modifies the list of epidemiologically safe countries or epidemiologically safe administrative units of a country (i.e. the so-called green list). Persons coming from the areas included on the green list are allowed entry into the country without restrictions and quarantine. Quarantine lasting 10 days shall apply to persons coming from countries or administrative units of countries with high risk of Covid-19 (i.e. areas on the so-called red list). The quarantine is not ordered if a person, when crossing the border, produces a negative test for Covid-19, that is not older than 48 hours and was taken in an EU or Schengen Area member state or was performed by an organisation or an individual recognised by the Institute of Microbiology and Immunology and the National Laboratory of Health, Environment and Food as suitable and credible. There shall be, however, 17 exceptions under which quarantine shall not apply to or a negative test shall not be required from persons coming from red-list areas including daily cross-border workers holding proof of having an employment contract in an EU or other Schengen Area Member State, or possessing a written statement demonstrating the reason for crossing the border as a daily migrant worker; persons travelling in transit through the Republic of Slovenia within 12 hours; diplomatic passport holders; persons crossing the border due to urgent personal affairs or urgent business reasons that cannot be delayed, which can be proved with an adequate certificate (in case of urgent personal affairs these shall include court decisions or other similar acts, according to which the person enforces their right to have contact with their children), and returning not later than 48 hours after crossing the border; persons crossing the border for family reasons, that is - to maintain relations with close family members, and who are returning within 72 hours from crossing the border. Areas not placed on the green or red list are considered orange areas. Persons coming from these areas are not required to quarantine or to produce a negative Covid-19 test.³⁰

²⁹ Slovenia, Constitutional Court of the Republic of Slovenia (*Ustavno sodišče Republike Slovenije*), [Decision No. U-I-83/20-36](#), 27 August 2020. See also the webpage of the Constitutional Court on [www.us-rs.si/odlocba-ustavnega-sodisca-st-u-i-83-20-z-dne-27-8-2020/](#) and [www.us-rs.si/constitutional-court-decision-no-u-i-83-20-dated-27-august-2020/?lang=en](#).

³⁰ Slovenia, [The Ordinance on imposing and implementing measures to prevent the spread of the COVID-19 infectious disease at the border crossings at the external border and checkpoints within national borders of the Republic of Slovenia](#) (*Odlok o odrejanju in izvajanju ukrepov za preprečitev širjenja nalezljive bolezni COVID-19 na mejnih prehodih na zunanji meji in na kontrolnih točkah na notranjih mejah Republike Slovenije*), 23 October 2020; Slovenia, [The Temporary measures to mitigate and remedy the consequences of COVID-19 act](#)

2 Implications of Covid-19 and measures to contain it on specific social rights

In **Slovenia**, following deterioration of the epidemiological situation, partial school closure was initially imposed by the Minister of Education on 19 October, the last week before one-week autumn school holidays. Pupils from grade 1 to 5 were allowed to schools, while distance learning was introduced for older pupils and secondary school students, as well as in music schools. Special needs education institutions, including elementary schools with adjusted programme also remained open.³¹ On 30 October, the Ministry of Education extended school holidays in primary and musical schools for a week.³² On 23 October, however, the government already adopted an ordinance, applicable from 26 October, almost completely closing down education institutions at all levels. The exceptions include education institution set up for work with children with emotional and behavioural issues. Kindergartens shall also be open for children whose parents are employed and cannot provide care in any other way, if so decided by the mayor of the municipality in which the kindergarten operates. Every seven days, the government reviews the justification of the determined measures, and by taking into account expert evidence, decides on whether the devised measures are to be continued, modified or abolished.³³ Education institutions are thus mostly closed, and distance learning is introduced, and currently there is no fixed date for school reopening. The major national trade union noted that with the renewed implementation of distance education the deepening of the knowledge gap between pupils and students also returned, stemming from their unequal material learning conditions, as well as unequal abilities and opportunities on the part of their parents to participate in the learning process. It also reported that information from the field showed that not all pupils, students and teachers had adequate computer equipment and internet access for distance learning.³⁴ An NGO working for the benefit of children also reported that children lack adequate computer equipment.³⁵ For some children living in poverty, the school hot meal was the only hot meal of the day. It was reported that after the closure of schools hot meals were delivered to their homes, but that this was not necessarily the case in all parts of the country.³⁶ The Minister of Education stated that a systematic solution to the issue of meals would be sought if distance learning continued in the longer run.³⁷ In addition, the results of the SLOfit monitoring of physical and motor development of schoolchildren,

(*Zakon o začasnih ukrepih za omilitve in odpravo posledic COVID-19*), 15 October 2020. For more information, see also the government webpage on www.gov.si/en/topics/coronavirus-disease-covid-19/border-crossing/.

³¹ Slovenia, Ministry of Education, Science and Sport (*Ministrstvo za izobraževanje, znanost in šport*) (2020), '[Izobraževalni proces od ponedeljka začasno na daljavo, v šolo le učenci od 1. do 5. razreda, vrtci kot običajno](#)', public release, 15 October 2020.

³² Slovenia, Ministry of Education, Science and Sport (*Ministrstvo za izobraževanje, znanost in šport*) (2020), '[Za teden dni podaljšane počitnice za osnovne in glasbene šole, za ostale izobraževanje na daljavo](#)', public release, 30 October 2020.

³³ Slovenia, [The Ordinance on the temporary prohibition of gatherings in education institution, universities and independent higher education institutions](#) (*Odlok o začasni prepovedi zbiranja ljudi v zavodih s področja vzgoje in izobraževanja ter univerzah in samostojnih visokošolskih zavodih*), 23 October 2020.

³⁴ Sindikat vzgoje, izobraževanja, znanosti in kulture Slovenije (2020), '[GO SVIZ o pouku na daljavo in stanju socialnega dialoga](#)', public release, 20 October 2020.

³⁵ Rožman, A. (2020), '[Učencem znova primanjkuje računalnikov](#)', *Dnevnik.si*, 28 October 2020.

³⁶ Kuralt, Š., Kotnik, M., Pušnik, M., Čepar, N. (2020), '[Otroci se na zalogo ne morejo najesti](#)', *Delo.si*, 23 October 2020.

³⁷ Kuralt, Š., Kotnik, M., Pušnik, M., Čepar, N. (2020), '[Otroci se na zalogo ne morejo najesti](#)', *Delo.si*, 23 October 2020.

presented in September, show the largest decrease in motor efficiency of children as well as the largest increase in child obesity in the history of the monitoring. The measuring captured more than 20,000 children attending grades 1 to 9 of primary school. The researchers attributed these setbacks to measures adopted to curb the spread of coronavirus during the spring phase of the pandemic. The SLOfit monitoring system is operated by the Faculty of Sport at the University of Ljubljana (*Univerza v Ljubljani, Fakulteta za šport*).³⁸

A research among refugees (38 persons), persons with subsidiary protection (1) and asylum seekers (6) in **Slovenia**, conducted in June and July, showed that after the closure of education institution during pandemic the situation had changed for 33 respondents who were studying or had children in school (12 people respondents faced no changes because they were not studying or did not have schooling children). Respondents stated that they needed quite some time to adapt to distance learning due to the lack of computer literacy (on the part of parents, for example). Further barriers include low level of parents' education preventing them to assist their children with school work. One of the major obstacles was the lack of command of Slovene language. While respondents unanimously said that children spoke better Slovene than parents, this still was not sufficient for fully taking part in learning process without any assistance. Before the outbreak of pandemic, many children received learning assistance, but this was not available during the pandemic.³⁹

As noted, in **Slovenia**, as of 26 October, education institutions at all levels are almost completely closed.⁴⁰ This also includes student dormitories. Apart from foreign secondary school students who are prevented to return to the place of their permanent residence because of the current security situation, unaccompanied children with international protection or those seeking asylum, university students with permanent residence in student dormitories, student families, and foreign university students and visiting professors who cannot return to places of their permanent residence because of the existing security situation, other student are obliged to leave. This measure thus impacted on the housing situation of students. University student organisations, including the Slovenian Student Union (*Študentska organizacija Slovenije*) and local student residents' councils addressed a public letter to the government raising concerns over its failure to consult with students when adopting the measure forcing students to leave dormitories in short notice. They also warned that the government failed to provide for exceptions for vulnerable students, including e.g. students not having adequate conditions for distance learning at home, students working in the place of study (for some of them student work represents the only source of income), students who share households with at-risk groups or actively infected family members, students facing violence in home environment and students for whom the dormitory represents the only environment adapted to their special needs. The organisations called on the government to consider adequate modifications of this measure to include groups of students who urgently need accommodation in student dormitories.⁴¹ According to the media, the issue was also raised with the Human Rights Ombudsman.⁴²

³⁸ SLOfit (2020), '[Upad gibalne učinkovitosti in naraščanje debelosti slovenskih otrok po razglasitvi epidemije Covid-19](#)', public release, 22 September 2020.

³⁹ For more information on the survey, including survey demographics, see the webpage of the National Integration Evaluation Mechanism (NIEM) project on www.forintegration.eu/pl/the-influence-of-covid-19-pandemic-and-preventive-measures-on-lives-of-refugees-in-slovenia.

⁴⁰ Slovenia, [The Ordinance on the temporary prohibition of gatherings in education institution, universities and independent higher education institutions](#) (*Odlok o začasni prepovedi zbiranja ljudi v zavodih s področja vzgoje in izobraževanja ter univerzah in samostojnih visokošolskih zavodih*), 23 October 2020.

⁴¹ For more information see Facebook page of Student Council of Residents (*Študentski svet stanovalcev*) on www.facebook.com/permalink.php?story_fbid=2758371277816079&id=1528921420761077.

⁴² Volk, L. (2020), 'Zaprti študentski domovi', *Mladina*, 30 October 2020.

In **Slovenia**, the National Assembly of the Republic of Slovenia (*Državni zbor Republike Slovenije*) adopted on 15 October the Temporary Measures to Mitigate and Eliminate the Consequences of COVID-19 Act (*Zakon o začasnih ukrepih za omilitev in odpravo posledic COVID-19*). The bill (so-called 5th anti-corona package), aimed at assisting the population and the economy, provides, among other things, for a state wage compensation scheme targeting temporarily laid off workers until the end of the year, wage compensation in cases of quarantine imposed on workers or due to *force majeure*. The latter covers a parent or other person who care for a child in accordance with legislation governing family relations, or a guardian who actually cares for a child, and who cannot work because quarantine is imposed on the child or due to objective external circumstances preventing children from attending kindergartens or schools. The measure applies to persons caring for children up to 5th grade of primary school and children attending special needs education institutions. In addition, state budget shall pay basic monthly income for e.g. affected self-employed, shareholders-managers and farmers established before 1 September 2020 still operating who estimate a 20% revenue drop in 2020 compared to 2019, in the amount of EUR 1,100. Self-employed in the field of culture whose social contributions are covered from the state budget shall receive basic monthly income in the amount of EUR 700.⁴³ Self-employed, shareholders-managers and farmers can also receive partial reimbursement of lost income for the duration of quarantine at home or because of inability to perform work due to childcare obligations as a result of force majeure, in the amount of 250 EUR per quarantine or force majeure.⁴⁴ During the discussion of the draft law in the parliament, proposals for inclusion of persons in precarious employment (i.e. natural persons performing activity under one or more civil law contracts – that is, copyright contracts (*avtorske pogodbe*) or contracts for work (*podjemne pogodbe*)) under the basic monthly income scheme were also tabled. Such proposals, however, were not accepted and these individuals are left out of the scheme.⁴⁵

3 Negative impact on social rights for vulnerable groups including measures to address this

In **Slovenia**, the Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) reported that the situation in nursing homes were under control despite record number of infections in these facilities. To counter the lack of staff, the ministry reported that it secured EUR 29 million for additional staff allowing nursing homes to hire 550 trained workers. Nursing homes have sufficient amounts of protective equipment and training is being

⁴³ Slovenia, [The Temporary measures to mitigate and eliminate the consequences of COVID-19 act](#) (*Zakon o začasnih ukrepih za omilitev in odpravo posledic COVID-19*), 15 October 2020.

⁴⁴ Slovenia, [The Temporary measures to mitigate and eliminate the consequences of COVID-19 act](#) (*Zakon o začasnih ukrepih za omilitev in odpravo posledic COVID-19*), 15 October 2020.

⁴⁵ For more information, see the webpage of the National Assembly of the Republic of Slovenia (Državni zbor Republike Slovenije) on www.dz-rs.si/wps/portal/Home/deloDZ/zakonodaja/izbranZakonAkt?uid=C1257A70003EE6A1C12585F40025AFDF&db=kon_zak&mandat=VIII and www.dz-rs.si/wps/portal/Home/deloDZ/seje/evidenca?mandat=VIII&type=mag&uid=6D646ED986BD8BFFC125860200343932.

provided to ensure that it is used correctly, said the ministry.⁴⁶ The Association of Social Institutions of Slovenia (*Skupnost socialnih zavodov Slovenije*), organisation representing the interests of institutional care providers for elderly and adults with special needs, warned, however, that nursing homes were facing outbreaks of coronavirus infections and that there was exceptional staff shortages in these facilities. According to the organisation, the Ministry of Health, with an order on temporary measures in the field of organisation of healthcare activities in order to ensure urgent medical treatment of patients,⁴⁷ instructed healthcare institutions to allocate healthcare professionals involved in non-essential and less burdened healthcare programmes to social care institutions for assistance. It noted, however, that these instructions were not implemented wherever necessary, and called on the Minister of Health to immediately address this issue. The association also warned that already in April it called the Ministry of Health to provide for external units for the isolation of infected residents who did not need hospital treatment, as most social care providers did not have the capacity to ensure complete and effective isolation. According to the organisation, so far the Ministry of Health has consistently rejected such proposals and insisted that the infected residents be cared for in nursing homes, so it called the ministry to engage in a joint search for the most adequate locations and to provide for the necessary staffing and technical equipment.⁴⁸

During the first wave of the pandemic, **Slovenian** organisations working for the benefit of the elderly also raised concerns over the situation in nursing homes. For example, the Silver Thread – Association for decent ageing (*Srebrna nit – Združenje za dostojno starost*) issued a public letter addressed to state authorities, Association of Social Institutions of Slovenia and the Ombudsman. In the letter, the organisation highly commended the performance of staff in nursing homes during epidemic, in a situation where they faced staff shortages, lack of protective equipment, lack of expert knowledge on how to deal with epidemic, as well as instructions that were often overdue. According to the organisation, although the Ministry of Health claimed that it provided that all those in need of hospital care have been hospitalised, there was information about triage of residents whereby, upon inspecting residents' medical records, medical teams had decided in advance who would not receive hospital treatment and who would remain in palliative care without the consent of the individual residents or persons close to them. According to the organisation, sudden deterioration in one's health condition required immediate hospitalisation, but doctors in nursing homes mostly failed to order this, as they had different instructions, and the doctors were present only for a few hours a day. The organisation concluded that there were violations of human rights (the right to adequate health care) and discrimination of the elderly taking place during the epidemic.⁴⁹ The Advocate of the Principle of Equality (*Zagovornik načela enakosti*), the national equality body, reported in late May that they would look *ex officio* into possible discrimination against certain elderly people who

⁴⁶ Slovenia, Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) (2020), '[Situation in homes for the elderly under control despite record number of positive cases](#)', public release, 2 October 2020.

⁴⁷ Slovenia, [The Order on temporary measures in the field of organisation of healthcare activities to ensure urgent medical treatment of patients](#) (*Odredba o začasnih ukrepih na področju organizacije zdravstvene dejavnosti zaradi zagotavljanja neodložljive zdravstvene obravnave pacientov*), 13 October 2020.

⁴⁸ Skupnost socialnih zavodov Slovenije (2020), '[Poziv ministru za zdravje, zdravstvenim zavodom in ponudnikom nastanitvenih zmogljivosti](#)', public release, 23 October 2020.

⁴⁹ Srebrna nit – Združenje za dostojno starost (2020), '[Javno pismo - nujne aktivnosti za starejše](#)', public release, 5 May 2020.

contracted Covid-19 in nursing homes in terms of their access to hospital treatment.⁵⁰ In October, the Advocate reported that they were still looking into the matter and that the procedure was pending.⁵¹

In **Slovenia**, for the purpose of monitoring the situation regarding discrimination against the elderly, the Advocate of the Principle of Equality conducted an anonymous online survey related to the situation of nursing homes residents during pandemic, the closing date for submitting responses being 31 August. It involved residents of nursing homes, their relatives, employees with these facilities, as well as NGOs dealing with the situation of the elderly. The preliminary results of the survey, reported by the Advocate in the beginning of October, show that a majority of the 87 residents surveyed was on average least satisfied with information on who was entitled to hospital treatment in the event of the infection. Two-thirds of them assessed the restrictive measures adopted as sensible. Almost 60% said they felt worse because of the restrictions, a majority missing spending time with relatives. Relatives of nursing home residents repeatedly stated that the latter were psychologically and physically very exhausted during the pandemic. The Advocate continues with the detailed analysis of the responses received. The survey findings shall represent the basis for recommendations for further action in this area. The survey was completed by 1,267 people. Apart from the residents, the survey captured 597 relatives or persons close to the residents, 427 employees in nursing homes, 72 heads of these facilities, as well as 84 representatives of NGOs.⁵²

In **Slovenia**, with a 19 October ordinance, applicable from the next day, the government imposed night-time curfew due to a strong rise in daily Covid-19 infections. The movement of people between nine in the evening and six in the morning was banned.⁵³ On 20 October, the Kings of the Street (*Kralji ulice*), an NGO working for the benefit of homeless people raised the issue of people with nowhere to go during curfew, and addressed an open letter to the government for failing to include this population among the exceptions to the ban. The organisation called on the government to take into account all the most vulnerable groups in the society when imposing and implementing measures to prevent the spread of coronavirus.⁵⁴ According to the media, homeless people tend to be insecure and scared, wondering if they could expect to be chased or fined by police. The Ministry of the Interior said that the decree should be interpreted practically, meaning that in the case of homeless people an exception could be made.⁵⁵ The Kings of the Street, however, said that it received no notification that the homeless people would not be fined. It noted that while the organisation successfully appealed fines imposed during the spring phase of the pandemic, the current supply of accommodation still did not meet the demand. The Ljubljana municipality reached out to the Kings of the Street for reopening

⁵⁰ For more information see Facebook page of the Advocate of the Principle of Equality on www.facebook.com/zagovornik/photos/a.1989840561259031/2621275058115575/?type=3&_tn=-R.

⁵¹ Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*) (2020), '[Zagovornik ob mednarodnem dnevu starejših: Ob varovanju javnega interesa naj bodo ukrepi čim bolj sorazmerni](#)', public release, 1 October 2020.

⁵² Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*) (2020), '[Zagovornik ob mednarodnem dnevu starejših: Ob varovanju javnega interesa naj bodo ukrepi čim bolj sorazmerni](#)', public release, 1 October 2020.

⁵³ Slovenia, [The Ordinance on the temporary partial restriction of movement of people and on the restriction or prohibition of gathering of people to prevent the SARS-CoV-2 infections](#) (*Odlok o začasni delni omejitvi gibanja ljudi in omejitvi oziroma prepovedi zbiranja ljudi zaradi preprečevanja okužb s SARS-CoV-2*), 19 October 2020, and subsequent modifications.

⁵⁴ For more information, see Facebook page of the Kings of the Street (*Kralji ulice*) on www.facebook.com/KraljiUlice/posts/10158457433280630?_tn=-R.

⁵⁵ Rožman, A. (2020), '[Brezdomci bi lahko spadali med izjeme](#)', *Dnevnik.si*, 21 October 2020.

of a temporary shelter, as was done during the first wave of the pandemic.⁵⁶ While being prepared to do so, the lack of staff represents a barrier. During the first wave, programmes funded by the Ministry of Labour, Family, Social Affairs and Equal Opportunities were not implemented in full, and some existing staff was available to work in the temporary shelter, but this is not the case at present.⁵⁷ The most recent ordinance adopted by the government on 25 October provides for further application of this measure, while homeless people are still not excluded from its application. The exceptions to the rule are the following: elimination of immediate danger to health, life and property; commuting to and from work and performance of essential work tasks; access to and provision of essential services; provision of food and medicine delivery services; travel of persons who entered the Republic of Slovenia for the purpose of transit through the territory of the Republic of Slovenia to a neighbouring country or to their place of residence in the Republic of Slovenia.⁵⁸

⁵⁶ Rožman, A. (2020), '[Brezdomci bi lahko spadali med izjeme](#)', *Dnevnik.si*, 21 October 2020..

⁵⁷ Rožman, A. (2020), '[Brezdomci bi lahko spadali med izjeme](#)', *Dnevnik.si*, 21 October 2020.

⁵⁸ Slovenia, [The Ordinance on the temporary partial restriction of movement of people and on the restriction or prohibition of gathering of people to prevent the SARS-CoV-2 infections](#) (*Odllok o začasni delni omejitvi gibanja ljudi in omejitvi oziroma prepovedi zbiranja ljudi zaradi preprečevanja okužb s SARS-CoV-2*), 25 October 2020.