

# Frant National contribution to the Fundamental Rights Report 2021

{ **Slovenia** }

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## Franet country study: policy and legal highlights 2020

<b>Issues in the fundamental rights institutional landscape</b>	No development in 2020.
<b>EU Charter of Fundamental Rights</b>	<b>Supreme Court decides on labour dispute in the light of the EU Charter:</b> In January 2020, the Supreme Court, with reference to the CJEU case law interpreting the meaning of Directive 2003/88/EC including in the light of Article 31 (2) of the EU Charter, clarified the <a href="#">time limit for entitlement to an allowance in lieu of annual leave</a> not consumed upon termination of employment relationship.
<b>Equality and non-discrimination</b>	<b>Study on the situation of intersex people regarding medical procedures:</b> In June 2020, the <a href="#">Advocate of the Principle of Equality published a study</a> showing, amongst others, that surgical procedures were performed for the sake of "social acceptance", although they were not necessary to ensure the baby's or child's health or survival.
<b>Racism, xenophobia &amp; Roma integration</b>	<b>ECtHR decides on applications by Slovenian Roma families on the access to safe drinking water:</b> The court clarified, in March 2020, that, while access to safe drinking water was not, as such, a right protected by Article 8 of the European Convention on Human Rights, a persistent and long-standing lack of such access may trigger the State's positive obligations under that provision. In <a href="#">the case at hand</a> , the court established no violation of the applicants' rights.
<b>Asylum &amp; migration</b>	<b>Detention conditions in Centre for Foreigners:</b> In November 2020, the <a href="#">Ombudsman published findings</a> on visits to the facility and the changed regime of placing detainees in containers. The Ombudsman, among other things, found that detention conditions of asylum applicants in containers were inconsistent with the Reception Directive requirements.
<b>Data protection and digital society</b>	<b>The impact of COVID-19 measures on data protection:</b> The two focuses of debates included expanded police powers and COVID-19 contact tracing mobile application. In April 2020, the <a href="#">Intervention measures to contain the COVID-19 epidemic and mitigate its consequences for citizens and the economy act</a> granted the police the power to collect and process data obtained by the National Institute for Public Health to carry out their powers. In July, the <a href="#">Act Determining Intervention Measures to Prepare for the Second Wave of COVID-19</a> provided for the contact tracing mobile app.
<b>Rights of the child</b>	<b>Act Amending the Criminal Procedure Act:</b> The Draft act on the liability of minors for criminal offences transposing the Directive 2016/800 on procedural safeguards for children has not yet been adopted. Instead, procedural provisions were included in the <a href="#">Act Amending the Criminal Procedure Act</a> , adopted in December 2020.

<p><b>Access to justice, including victims of crime</b></p>	<p><b>Draft act amending the Criminal Code providing for the transition from the traditional "model of coercion" to the "model of consent":</b> On 21 July 2020, the Ministry of Justice submitted to the inter-ministerial coordination the <a href="#">Draft act amending the Criminal Code</a> including amendments to Articles 170 (rape) and 171 (sexual violence) that incriminate interference with a person's sexual self-determination against their will according to the veto model, a subcategory of the consent model.</p>
<p><b>Convention on the Rights of Persons with Disability</b></p>	<p><b>Equinet intervention before the ECtHR:</b> In July 2020, Equinet, the European Network of Equality Bodies, submitted <a href="#">a third-party intervention before the European Court of Human Rights</a> in the cases of Franc Toplak v. Slovenia and Iztok Mrak v. Slovenia, now pending before the second section of the ECtHR. This is the first time that Equinet, of which the Slovenian Advocate of the Principle of Equality is a member, has joined one of the proceedings before the ECtHR. The cases concern the accessibility of polling stations to persons with disabilities in wheelchairs.</p>

# Chapter 1. Equality and non-discrimination

## 1. Legal and policy developments or measures relevant to fostering equality and combating discrimination against older people and against LGBTI people.

There are no notable legislative or policy developments concerning the fight against discrimination in 2020. In the year marked with the COVID-19 pandemic, several laws and regulations were adopted in Slovenia to curb the spread of the virus. After a complaint, the Advocate of the Principle of Equality (*Zagovornik načela enakosti*), the national equality body, reviewed the Ordinance on the temporary prohibition of the offering and sale of goods and services to consumers in the Republic of Slovenia (*Odlok o začasni prepovedi ponujanja in prodajanja blaga in storitev potrošnikom v Republiki Sloveniji*) for its possible discriminatory effect on older people.<sup>1</sup> The ordinance was adopted on 15 March and was valid until 18 May 2020. It was amended on several occasions in this period. The government adopted the regulation to prevent the spread of the virus and protect members of vulnerable populations. Initially, pensioners, pregnant women and persons with disabilities were given priority when shopping (i.e. when entering the store, at the cash register). At a later stage, between 8.00 and 10.00 and during the last hour of operation, shops were exclusively open for these populations. However, pensioners and persons over 65 years of age were only allowed to shop during this specified period.

The Advocate noted that setting vulnerable groups-only shopping time was an appropriate measure to curb the pandemic. Namely, the government protected the most vulnerable residents, while not excessively interfering with the rights of other groups. In this respect, the body found that the measure in question was an exception to the prohibition of discrimination. The Advocate, however, established that the provision allowing pensioners or people over the age of 65 to only shop during the period intended for vulnerable groups, and not outside this timeframe, represented direct discrimination against the group in question. According to the Advocate, the government could have curbed the spread of the virus with a milder measure such as a recommendation to older people to make

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<sup>1</sup> Slovenia, [The Ordinance on the temporary prohibition of the offering and sale of goods and services to consumers in the Republic of Slovenia](#) (*Odlok o začasni prepovedi ponujanja in prodajanja blaga in storitev potrošnikom v Republiki Sloveniji*), 15 March 2020, and subsequent modifications. All hyperlinks were accessed on 27 January 2021.

purchases during the timeframe reserved exclusively for vulnerable groups. In response to the Advocate's inquiry, the National Institute of Public Health (*Nacionalni inštitut za javno zdravje*, NIJZ) also opined advising older people not to shop outside this timeframe would suffice. The Advocate also made inquiries with Equinet members and found that Serbia was the only other country to impose a similar measure. Those Equinet members who took a position on the issue presented by the Advocate noted that the case in question could have involved discrimination on the ground of age. Based on the obtained data and opinions, the Advocate performed a three-part test of the measure's proportionality. They established that the shopping ban for the older people was not entirely appropriate, necessary or proportionate for achieving the goal of limiting the spread of the new coronavirus.

While, for example, it was true that the shopping ban for older people limited the spread of the virus, this provision restricting them to make purchases in just a few hours meant in effect more crowds in shops at the time shopping was allowed. In the Advocate's opinion, the measure was not entirely appropriate, since such an arrangement threatened the achievement of the goals stipulated in the government ordinance. According to the Advocate, the ban was not a necessary measure, as the stipulated goal could also be achieved, for example, by recommending that older people made purchases during the timeframe intended for vulnerable groups. The ban also failed the proportionality test since the restriction excessively interfered with the freedom of older people, that is – it excessively affected their free choice of time to visit stores. The Advocate further noted that the ordinance instructed persons over 65 to produce an identity document before entering the store. As this was not required for any other population group and as the display of age could disproportionately affect the dignity of older people in general, the Advocate established that this measure amounted to harassment as a specific form of discrimination.<sup>2</sup>

During the pandemic, organisations working for the benefit of older people also raised concerns over the situation in nursing homes. For example, an organisation issued a public letter addressed to state authorities, Association of Social Institutions of Slovenia and the Ombudsperson. In the letter, the

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<sup>2</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), [Ocena diskriminatornosti 2.a člena Odloka o začasni prepovedi ponujanja in prodajanja blaga in storitev potrošnikom v republiki Sloveniji \(v času epidemije novega koronavirusa\)](#), No. 050-8/2020/35, 31 August 2020; Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*) (2020), ['Prepoved nakupovanja za starejše od 65 let med epidemijo Covid-19 je bila diskriminatoren ukrep'](#), public release, 9 September 2020.

organisation highly commended the performance of staff in nursing homes during the pandemic, in a situation where they faced staff shortages, lack of protective equipment, lack of expert knowledge on how to deal with the pandemic, 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 be 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, a sudden deterioration in one's health condition required immediate hospitalisation, but physicians in nursing homes mostly failed to order this, as they had different instructions, and the physicians were present only for a few hours a day. The organisation concluded there were violations of human rights (the right to adequate health care) and discrimination of the older people-taking place during the pandemic.<sup>3</sup>

The Advocate of the Principle of Equality is currently looking into possible discrimination against certain older adults who contracted COVID-19 in nursing homes regarding their access to hospital treatment. The procedure is pending.<sup>4</sup> Based on a survey, the body is currently completing a special report on the situation in nursing homes during the pandemic, expected to be released in 2021.<sup>5</sup> (For some preliminary survey findings, please see the next section on survey findings.)

On the initiative of two individuals, the Advocate of the Principle of Equality looked into the potential discriminatory effect of provisions of the Family Code (*Družinski zakonik*) and the Civil Union Act (*Zakon o partnerski zvezi*), which determine the conditions for entering into marriage and civil union (i.e. same-sex partnership) and the conditions for access to joint adoption.<sup>6</sup> In the assessment, the Advocate noted that the existence of two different forms of legal regulation of partnerships continued to unjustifiably differentiate and divide

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<sup>3</sup> Srebrna nit – Združenje za dostojno starost) (2020), '[Javno pismo - nujne aktivnosti za starejše](#)', public release, 5 May 2020. For more information on the impact of COVID-19 on elderly in Slovenia, please see pages 19–35 of the Franet country study of [3 June 2020](#) and pages 10–12 of the country study of [3 November 2020](#).

<sup>4</sup> 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.

<sup>5</sup> Information was provided by the Advocate of the Principle of Equality (*Zagovornik načela enakosti*) upon request (email, 29 September 2020; 18 January 2021).

<sup>6</sup> Slovenia, [The Family code](#) (*Družinski zakonik*), 21 March 2017, and subsequent modifications; Slovenia, [The Civil union act](#) (*Zakon o partnerski zvezi*), 21 April 2016.

people according to sexual orientation. Among other things, the Advocate found that the conditions for access to joint adoption were linked to the gender of partners or their sexual orientation, the reason for this being nowhere substantiated. According to the Advocate, the ban on access to the possibility of joint adoption in the Civil Union Act and the restriction of the possibility of joint adoption to spouses or extramarital partners as set out in the Family Code correspond to the definition of direct discrimination on the ground of sexual orientation.<sup>7</sup> In order to clarify this sensitive issue, a request for constitutional review of the relevant provisions was submitted to the Constitutional Court (*Ustavno sodišče*), the Advocate reported.<sup>8</sup>

## **2. Findings and methodology of research, studies or surveys on experiences of discrimination against older people and against LGBTI people.**

The Advocate of the Principle of Equality continued the data collecting practice set up in 2018. Apart from data on received complaints, the body started recording cases involving requests for counselling. According to the 2020 report, covering the situation in 2019, the Advocate closed 158 cases in 2019, 63 of which involved hearing complaints alleging discrimination, while 95 involved requests for counselling on discrimination-related issues. The Advocate was able to establish the relevant ground of alleged discrimination on 136 occasions, 76 in relation to complaints and 60 related to requests for counselling (please note that a single case may involve more than one ground of alleged discrimination, but separate data on cases of multiple discrimination are not available), while on 35 occasions no personal ground of alleged discrimination was established. The grounds of discrimination alleged in complaints were as follows: gender (18 times), race, ethnicity or language (15), disability (9), age (6), religion or belief (5), sexual orientation (2), gender identity (1), social status (3), place of residence (2), economic status (1), EU nationality (1), nationality of a third country (1), other (12), while no case involved gender expression as the alleged ground of discrimination. Concerning the requests for counselling, the picture is the following: gender (6 times), race, ethnicity or language (11), disability (10), age (2), religion or belief (1), sexual orientation (7), social status (1), place of

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<sup>7</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), [Discriminatory impact assessment No. 050-1/2018/4](#), 2 December 2020.

<sup>8</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), '[Zoper diskriminacijo Zagovornik tudi z ocenami predpisov](#)', public release, 5 December 2020.

residence (3), EU nationality (2), nationality of a third country (1), other (16), while no case involved gender identity or gender expression as alleged grounds of discrimination. The Advocate issued a decision establishing discrimination in 6 cases concluded in 2019; in 8 cases, discrimination was not established. (Please note that data disaggregated by the protected grounds are not available.) The Advocate also issued 6 decisions establishing that cases under consideration did not involve discrimination-related issues.<sup>9</sup>

In 2020, the Advocate concluded 253 cases, 82 involving complaints, 190 requests for counselling or information (please note that because a particular case may involve alleged discrimination on more protected grounds, the sum of complaints and requests for counselling do not add up to the total number of cases). In terms of protected grounds, there were 20 complaints alleging discrimination on the grounds of race or ethnicity or language, five to gender, six related to religion or conviction, eight to a disability, four to age-related discrimination, one related to gender identity and to economic status, respectively, four to social social status, two to education, six to nationality, four to place of residence, seven to pregnancy or parenthood, seven to health status, one to other grounds, in six cases protected ground was not specified, while no case involved sexual orientation or gender expression as alleged grounds of discrimination. Concerning requests for counselling, the following was recorded: gender (10), race or ethnicity or language (16), religion or conviction (7), disability (29), age (12), sexual orientation (2), gender identity (2), gender expression (1), education (2), economic status (6), social status (4), nationality (8), place of residence (5), pregnancy or parenthood (9), health status (6), other (8), no protected ground specified (63). Until 28 September, requests for the review of possible discriminatory impact of laws and regulations involved the following grounds: gender (1), disability (6), age (3), economic status (1), social status (1), other (11), ground not specified in two cases, while no request for review was related to sexual orientation, gender identity or gender expression.<sup>10</sup>

The Human Rights Ombudsman (*Varuh človekovih pravic, VČP*) is another body that considers discrimination-related complaints. According to their 2020 report, covering the situation regarding human rights in 2019, the VČP dealt with 49 cases in the field of equality before the law and prohibition of discrimination (46 in 2018), 14 of which were related to equal opportunities for persons with

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<sup>9</sup> Zagovornik načela enakosti (2020), [Redno letno poročilo 2019](#), Ljubljana, Zagovornik načela enakosti, pp. 50–52, 88.

<sup>10</sup> Information was provided by the Advocate of the Principle of Equality (*Zagovornik načela enakosti*) upon request (email, 29 September 2020, 18 January 2021).

disabilities (24 in 2018), six to equal opportunities on the grounds of gender identity and sexual orientation (eight in 2018), four to equal opportunities on the grounds of race and ethnic affiliation (five in 2018), five to equality before the law (one in 2018), while the remaining 20 cases considered by the VČP were classified under the label 'Other' (eight in 2017). The VČP found that three out of 10 cases involving disability closed in 2019 were well founded, as well as one out of six involving gender identity or sexual orientation and one out of three involving race, nationality or ethnic origin.<sup>11</sup>

In 2020, the Advocate of the Principle of Equality published a study on the situation of intersex people in Slovenia regarding medical procedures. The Advocate submitted 31 written questionnaires to different stakeholders including the Ministry of Health (*Ministrstvo za zdravje*), patient rights advocates (*zastopniki pacientovih pravic*), National Institute of Public Health and the relevant departments of the University Medical Centres Ljubljana and Maribor, respectively. The key findings from the analysis of the responses received from healthcare institutions point to the following: a) lack of knowledge of the notion of intersexuality on the part of some stakeholders, including patient rights advocates; b) lack of awareness of cases of medical treatment of intersex people on the part of some stakeholders; c) surgical procedures are performed in childhood or adolescence; the child's sex is determined within a few days after birth on the basis of screening, genetic testing and diagnosis; d) decisions of the competent departments of healthcare institutions are based on current medical guidelines, while there is a lack of consideration for an approach that would ensure comprehensive protection of human rights (i.e. a human rights-based approach); e) surgical procedures are performed for the sake of "social acceptance", although they are not necessary to ensure the baby's or child's health or even survival; f) certain manners of informing parents of intersex children tend to suggest stigmatisation and pathologisation of intersex; g) decision-making protocols on medical procedures on intersex peoples, which are not absolutely necessary, are unclear and are not harmonised. With a view to the study's findings, the Advocate made several recommendations to different government ministries and medical institutions.<sup>12</sup>

For monitoring the situation regarding discrimination against the older people, the Advocate of the Principle of Equality conducted an anonymous online survey

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<sup>11</sup> Varuh človekovih pravic (2020), [Letno poročilo Varuha človekovih pravic Republike Slovenije za leto 2019](#), Ljubljana, Varuh človekovih pravic, p. 139.

<sup>12</sup> Zagovornik načela enakosti (2020), [Posebno poročilo: Položaj interspolnih ljudi v medicinskih postopkih](#), Ljubljana, Zagovornik načela enakosti.

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, and 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. 1,267 people completed the survey. 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.<sup>13</sup>

The Advocate of the Principle of Equality commissioned a survey on discrimination in Slovenia in 2017. The survey measured perceptions and experiences of discrimination on a sample representative for the population of Slovenia aged between 15 and 75 by gender, age, region and education.<sup>14</sup> The body repeated this exercise in 2020, with survey findings expected to be published in the Advocate's 2021 annual report.<sup>15</sup>

Legebitra, an NGO working for the benefit of LGBTI people, published a report on their situation in Slovenia in June 2020. The organisation reported that many beneficiaries of its counselling and youth programmes experienced issues when the government closed student dormitories to curb the spread of the coronavirus. While the dormitories for university students remained open after intervention of student organisations, the measure particularly affected secondary school students who had to leave their dormitories. The latter were forced to return to their primary settings, which were often a threatening

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<sup>13</sup> 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.

<sup>14</sup> Advocate of the Principle of Equality (2018), [Annual report 2017](#), Ljubljana, Advocate of the Principle of Equality, pp. 39–63.

<sup>15</sup> Information was provided by the Advocate of the Principle of Equality (*Zagovornik načela enakosti*) upon request (email, 29 September 2020, 18 January 2021).

environment (e.g. homophobic, transphobic). Some of the beneficiaries of the organisation's programmes, for example, are not open with their parents or guardians about their sexual orientation or gender identity. Among other things, the organisation also raised concerns over the temporary suspension of non-essential healthcare services. For example, access to procedures such as hormone therapies for people in the early stages of transition and further specialised services for those already in transition became difficult or almost impossible.<sup>16</sup>

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<sup>16</sup> Legebitra and ERA –LGBTI Equal Rights Association for Western Balkans and Turkey (2020), [Spotlight Report on the position of LGBTI persons in the REPUBLIC OF SLOVENIA](#), Legebitra, ERA – LGBTI Equal Rights Association for Western Balkans and Turkey, pp. 13–14.

## Chapter 2. Racism, xenophobia and related intolerance

### 1. Legal and policy developments relating to the application of the Racial Equality Directive

There are no notable legal and policy developments in 2020.

In 2020, the Advocate of the Principle of Equality received 82 complaints alleging discrimination. Twenty claimed discrimination on the grounds of race or ethnicity or language and six discrimination based on religious or other conviction. The body also received further 190 requests for counselling or other questions in this period, 16 of which were related to race or ethnicity or language and seven to religious or other conviction.<sup>17</sup> According to its 2020 annual report, covering the year 2019, the Advocate closed proceedings in 158 cases in 2018, providing counselling in 95 cases, while in 63 cases they dealt with complaints alleging discrimination. There were 26 (15 %) cases involving alleged discrimination on the grounds of race, ethnicity, or language in which the Advocate either reviewed complaints or provided counselling. Such cases topped all other protected grounds in terms of frequency and were followed by 24 (14 %) cases involving alleged gender-related discrimination. Additional six cases (4 %) involved alleged discrimination related to religious or other conviction.<sup>18</sup> Other data, including data on cases in which discrimination has been established, disaggregated by the protected grounds are not available. In 2020, The Advocate saw one pandemic-related case involving alleged discrimination on the grounds of race, ethnic affiliation or religion. The body found no disparate treatment in the case in question.<sup>19</sup>

The Human Rights Ombudsman is another body that hears discrimination-related complaints. In 2019, the last year for which the data are available, the Ombudsman dealt with 49 complaints in the field of equality before the law and

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<sup>17</sup> Information was provided by the Advocate of the Principle of Equality (*Zagovornik načela enakosti*) upon request (email, 29 September 2020, 18 January 2021).

<sup>18</sup> Zagovornik načela enakosti (2020), [Redno letno poročilo 2019](#), Ljubljana, Zagovornik načela enakosti, pp. 50–52.

<sup>19</sup> Information was provided by the Advocate of the Principle of Equality (*Zagovornik načela enakosti*) upon request (email, 18 January 2021).

prohibition of discrimination (46 in 2018), four (five in 2018) of which were related to equal opportunities on the grounds of race, nationality or ethnic origin. Of the three cases concluded in 2019, the Ombudsman found irregularities in one case.<sup>20</sup>

## **2. Legal and policy developments relating to the application of the Framework Decision on Racism and Xenophobia relevant to combating hate speech and hate crime**

There are no notable legal and policy developments concerning the Framework Decision on Racism and Xenophobia in 2020.

The emergence of paramilitary groups claiming failure on the part of the state to protect the population against the perceived threat from immigration and Islam was also recorded in Slovenia.<sup>21</sup> To counter these developments, the National Assembly of the Republic of Slovenia (*Državni zbor Republike Slovenije*) adopted in 2020 amendments to the Protection of Public Order Act (*Zakon o varstvu javnega reda in miru*) and the State Border Control Act (*Zakon o nadzoru državne meje*). According to the latter, the police is responsible for state border control. Pursuant to the adopted amendments, any conduct by an individual or a group of at least two persons carried out for the purpose of state border control in a manner identical or similar in form to tasks performed by the police during state border control shall be prohibited. If committed by an individual, such a violation shall carry a fine of at least € 1,000. An individual involved in a group of at least two persons violating this prohibition shall face a fine of at least € 1,500. Incitement to such a conduct, organising or facilitating it shall also be prohibited. A legal person or an individual involved in this activity shall be subject to a fine of at least € 2,000.<sup>22</sup>

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<sup>20</sup> Varuh človekovih pravic (2020), [Letno poročilo Varuha človekovih pravic Republike Slovenije za leto 2019](#), Ljubljana, Varuh človekovih pravic, p. 139.

<sup>21</sup> Europol (2020), [European Union Terrorism Situation and Trend report \(TE-SAT\) 2020](#), The Hague, Europol, p. 18.

<sup>22</sup> Slovenia, The State border control act (*Zakon o nadzoru državne meje*), 22 June 2007, and subsequent modifications.

The Protection of Public Order Act was amended to fine anyone who wears camouflage clothing, a uniform or clothing similar to the uniform of an official or military person, and by his behaviour, conduct, movement or stay in a particular public or private place or by the use of equipment or accessories gives the appearance of performing the duties of official or military person. Such a violation shall carry a fine from € 500 to € 1,000. If this minor offence is committed by a group of at least two persons, each individual involved shall face a fine from € 1,000 to € 2,000. Under the law, an individual in a group of at least two persons wearing camouflage clothing, uniform or clothing similar to the uniform of official or military persons, and by his behaviour, conduct, movement and stay in certain public or private place, and by using symbols, coats of arms, flags, or by creating the impression of a hierarchical arrangement of the group, or by the use of vehicles with recognisable markings, or by the use of equipment or accessories, gives the appearance of a police or military force, operation of which has no basis in law, shall be sanctioned with a fine from € 1,500 to € 2,500. A person who in a public place carries, displays or uses decorative firearms, imitation firearms, firearms designed for alarm or signalling, or other objects similar in look to firearms, but are not considered firearms under the act regulating the classification and categorisation of firearms, and with such conduct causes distress or a feeling of endangerment, while giving the appearance of performing the duties of official or military persons shall face a fine from € 500 to € 1,000 EUR. If such a conduct involves a group of at least two persons, a fine between € 1,000 and € 2,000 shall be imposed on each individual.<sup>23</sup>

The working group, composed of prosecutors from each district state prosecutors' offices in the country, set up in 2018 to deal with issues related to the prosecution of criminal offences of incitement to hatred, violence and intolerance, considered in 2020 the issue of recording and monitoring crimes motivated by hate. Since case files in Slovenia cannot be tagged by a personal feature (e.g. membership of a specific group such as Roma) targeted by hate conduct, it is only possible to attach some general tag to files. As there is no definition of hate crimes in the national legislation, the working group produced such a definition. According to this definition, a hate crime shall be conduct committed because of hatred towards other due to their race, religious or ethnic origin, gender, colour of skin, origin, social status, disability or sexual orientation. The State Prosecutor General issued in July 2020 an order stipulating that the relevant case files falling under this definition be additionally

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<sup>23</sup> Slovenia, The Protection of public order act (*Zakon o varstvu javnega reda in miru*), 22 June 2006, and subsequent modifications.

tagged. The definition is a guiding tool when tagging case files and does not affect the legal classification of a criminal offence.<sup>24</sup>

In Slovenia, the police are currently the only body able to produce some data on offences involving ethnically, racially or religiously motivated intolerance. In 2020, the police dealt with 25 (16 in the whole of 2019) suspicions of criminal offences motivated by ethnic/racial intolerance, and lodged 23 (10 in 2019) criminal complaints with the competent state prosecutor. In 2020, they also investigated nine (two in 2019) alleged criminal offences motivated by religious intolerance. The police lodged criminal complaints in two cases in 2019, and in five cases in 2020. They also do not keep data on these incidents disaggregated by Antisemitic, Islamophobic or anti-Roma motivation. In the context of the COVID-19 pandemic, the police did not record specific developments regarding crimes motivated by racial, ethnic or religious hatred, and their number remained in the historical average.<sup>25</sup>

In October 2020, the government adopted the first report on the implementation of the Resolution on the national programme for the prevention and suppression of crime 2019–2023 (*Resolucija o nacionalnem programu preprečevanja in zatiranja kriminalitete za obdobje 2019–2023*), covering the year 2019. Reducing the amount of all types of hate speech – instances of public incitement to hatred, violence and intolerance – is listed among the resolution objectives.<sup>26</sup> According to the report, police investigated 32 criminal offences of public incitement to hatred, violence and intolerance in 2018, and 39 such offences in 2019. In 2018, they lodged criminal complaints with the competent state prosecutors in 13 cases, while 16 criminal complaints were lodged in 2019. In addition, after an important judgment by the Supreme Court of the Republic of Slovenia (*Vrhovno sodišče Republike Slovenije*) in a Roma-related case, clarifying the scope of the criminal offence of public incitement to hatred, violence and intolerance (under Article 297 of the Criminal Code (*Kazenski zakonik*)), the police adopted additional directions for dealing with this crime, in

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<sup>24</sup> Information was provided by the Supreme State Prosecutor's Office of the Republic of Slovenia (*Vrhovno državno tožilstvo Republike Slovenije*) upon request (email, 2 October 2020).

<sup>25</sup> Information was provided by the General Police Directorate (*Generalna policijska uprava*) upon request (email, 25 September 2020, 15 January 2021).

<sup>26</sup> Slovenia, The Resolution on the national programme for the prevention and suppression of crime 2019–2023 (*Resolucija o nacionalnem programu preprečevanja in zatiranja kriminalitete za obdobje 2019–2023*), 20 June 2019.

line with the court's judgment. These directions were then forwarded to police directorates across the country.<sup>27</sup>

Web Eye (*Spletno oko*) is a major source of unofficial information on incidents of hate speech. It is an online hotline platform where concerned individuals can report incidents of alleged hate speech they observe on the internet. After assessing individual cases, the hotline team forwards to the police cases, which in their opinion include elements of incitement to hatred, violence or intolerance prohibited under the Criminal Code. The hotline received 773 reports of controversial speech (*sporni govor*) on the internet in 2019 (591 in 2018) and referred 90 (35 in 2018) cases to the police for further investigation. Of the 773 reported cases, 688 cases were with sufficient data to be classified according to the hotline's classification of the controversial speech: 13 % fell to the category of alleged hate speech punishable as a criminal offence, 35 % to the category of socially unacceptable hate speech, 36 % of the cases included elements of insulting speech, 3 % included speech threatening the security of an individual, 1 % involved improper speech, and 13 % of the cases did not include features of controversial speech. Of the 90 incidents of alleged hate speech punishable as a criminal offence, 42 % featured intolerance against refugees, 23 % involved intolerance against members of the Muslim community, 11 % were related to the political background of targeted groups/individuals, 10 % were characterised by homophobia, 4 % were xenophobic, 3 % racist, 3 % targeted Roma, 2 % were motivated by antisemitism, and 1 % were motivated by other personal features of groups/individuals. According to the report, 69 % of these cases involved incitement to murder, 16 % incitement to or advocating physical violence, 12 % denial or glorification of Holocaust or war crimes, while 3 % involved incitement to hatred or dehumanisation.<sup>28</sup>

According to a 2020 report on Islamophobia in Slovenia covering developments in 2019, no instances of anti-Muslim violence against persons or property were reported in the period monitored. The report noted the setup of a new party characterised by strong anti-immigrant views. The party took part in the 2019

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<sup>27</sup> Vlada Republike Slovenije (2020), [Poročilo o izvajanju Resolucije o nacionalnem programu preprečevanja in zatiranja kriminalitete za obdobje 2019–2023 za leto 2019](#), Ljubljana, Vlada Republike Slovenije.

<sup>28</sup> Šulc, A., Motl, A. (2020), [Letno poročilo Spletno oko 2019](#), Ljubljana, Fakulteta za družbene vede, Center za varnejši internet, Spletno oko, pp. 32-37; Pirnat, A., Motl, A. (2019), [Letno poročilo Spletno oko 2018](#), Ljubljana, Fakulteta za družbene vede, Center za varnejši internet, Spletno oko, pp. 32–36.

European elections but failed to gain any meaningful support. The presence of anti-Muslim and anti-immigration groups on the internet was also recorded.<sup>29</sup>

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<sup>29</sup> Frank, A. (2020), 'Islamophobia in Slovenia: National report 2019' in: Bayraklı, E., Hafez, F. (eds.), [European Islamophobia report 2019](#), Istanbul, SETA, pp. 721–736.

## Chapter 3. Roma equality and inclusion

### 1. Measures and developments addressing Roma/Travellers

The National Programme of the Government of the Republic of Slovenia for the Roma for the 2017–2021 period (*Nacionalni program ukrepov za Rome Vlade Republike Slovenije za obdobje 2017–2021*, NPUR 2017–2021) is the major government initiative for improving the living conditions of the Roma, with a set of measures covering various fields of life including education, employment, housing and healthcare.<sup>30</sup> It was adopted based on the Roma Community in the Republic of Slovenia Act (*Zakon o romski skupnosti v Republiki Sloveniji*),<sup>31</sup> and with a view to the EU Framework on national Roma integration strategies. It is valid through the year 2021.

To facilitate EU cohesion funds absorption in the next perspective, the preparation of the new government programme has been initiated. The Office of the Government of the Republic of Slovenia for National Minorities (*Urad Vlade Republike Slovenije za narodnosti, UN*) coordinates it. It is planned that the new programme covers the period from 2022 until the end of the decade. In late 2019, the office organised a targeted discussion between the relevant stakeholders aimed at developing goals and initial measures for their inclusion in the planned programme. The discussion covered the fields of education, employment, social inclusion and healthcare. In 2020, the office's focus was on obtaining proposals from all responsible government departments regarding measures to be implemented within the framework of the new programme and goals to be achieved.<sup>32</sup>

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<sup>30</sup> Vlada Republike Slovenije (2017), [Nacionalni program ukrepov za Rome Vlade Republike Slovenije za obdobje 2017–2021](#), Ljubljana, Vlada Republike Slovenije.

<sup>31</sup> Slovenia, [The Roma community in the Republic of Slovenia act](#) (*Zakon o romski skupnosti v Republiki Sloveniji*), 30 March 2007.

<sup>32</sup> Information was provided by the Office of the Government of the Republic of Slovenia for National Minorities (*Urad Vlade Republike Slovenije za narodnosti*) upon request (email, 22 September 2020).

## 2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion

As noted, the NPUR 2017–2021 is the government’s major programme for improving the living condition of the country’s Roma population. It consists of a set of measures covering different fields of life, including education, employment, social inclusion, housing, healthcare as well as awareness rising and fight against discrimination. Each year, the government adopts an annual report on the situation of the Roma community in Slovenia, with comprehensive information on implemented measures annexed to the report. According to the 2020 (i.e. the seventh) report covering developments in 2019, important implemented measures were the following:<sup>33</sup>

- Education: The project ‘Together for knowledge’ (*Skupaj za znanje*) is the main initiative in the field of education. It is implemented by the Centre for School and Outdoor Education (*Center šolskih in obšolskih dejavnosti, CŠOD*), a public institute, and is a multi-year project for pre-school and schoolchildren. It is based on the following main pillars: operation of a preparatory kindergarten in Kerinov Grm settlement and provision of educational activities in three Multipurpose centres (*Večnamenski centri*) in Roma settlements targeting children who do not attend the mainstream kindergartens or do not attend them regularly; employment of Roma assistants who facilitate better integration of school children and act as a bridge between schools and Roma parents; provision of extra-school learning assistance to school children in seven Multipurpose centres and provision of out-of-class education activities. Since the start of the project in 2016 until the end of 2019, 616 pre-school and primary school children were involved in the project activities carried out in the multipurpose centres (in this same period, project activities also involved 213 Roma parents). In the school year 2018/2019, 391 Roma children attended out-of-class activities. In 2019, 28 Roma assistants were present in 33 schools and 9 kindergartens across Slovenia. In the school year 2018/2019, they provided active and more regular assistance to an average of 621 pre-school and primary school children per month.

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<sup>33</sup> Vlada Republike Slovenije (2020), [Sedmo poročilo Vlade Republike Slovenije o položaju romske skupnosti v Sloveniji: Priloga 1 – Uresničevanje ukrepov NPUR 2017–2021 v letu 2019](#), Ljubljana, Vlada Republike Slovenije.

- Employment – Members of the Roma community registered with the Employment Service of Slovenia (*Zavod Republike Slovenije za zaposlovanje*, ZRSZ), are included in general state measures in the labour market for unemployed persons and persons whose job is at risk. The state measures include active employment policy (education and training – 176 males and 166 females included in this measure in 2019; employment incentives – 8 males and 6 females included; creation of jobs – 49 males and 42 females included; promoting self-employment – 1 Roma person included), labour market services (various workshops related to the access to the labour market – 84 males and 62 females included) and services in the Career centres (e.g. career counselling, cooperation with employers in selecting job candidates – 1,492 males and 1,449 females included). In 2019, 231 Roma found a job, 100 of whom in public works and other employment programmes created by the Employment Service. (Please note that the presented data only include persons self-identified as members of the Roma community.)
- Social protection – In 2019, four social protection programmes (*socialnovarstveni programi*) were supported by the government and targeting the Roma. Social support programmes are often carried out by NGOs supplementing the existing social protection services (*socialnovarstvene storitve*). Of the four programmes, two were part of the public network of social protection programmes financed on a multi-year basis. Both included day care centres for children, one operated by an NGO and the other by a social work centre. The other two programmes were experimental programmes funded yearly. Both assist the Roma with social inclusion.

An important initiative is also the set-up of seven Multipurpose Roma Centres (*Večnamenski romski centri*, VNRC) in areas with the Roma population. Their aims are the prevention of Roma social exclusion, their social activation, integration and empowerment. They were set up in 2017 and continued their activities throughout 2019. The majority of activities are carried out as workshops covering different topics (e.g. healthy lifestyle, safe sex and importance of gynaecological examination, importance of education including pre-school education, financial literacy and safe use of IT devices). (Please note that these are not the same centres as those mentioned in the section on education.)

- Housing – In 2019, as in the preceding year, the focus was on the spatial regulation and provision of communal infrastructure in Žabjak-Brezje settlement, the largest Roma settlement in the country.
- Awareness raising and fight against discrimination – In 2019, the General Police Directorate (*Generalna policijska uprava*, GPU) continued to deliver training courses under their verified programme 'Awareness of stereotypes, the management of prejudices and the prevention of discrimination in a multicultural community' (*Zavedanje stereotipov, obvladovanje predsodkov ter preprečevanje diskriminacije v multikulturni skupnosti*). The two target groups included public servants in contact with members of the Roma community when exercising their competences and the police officers.

As regards public servants, one of the main purposes of this measure is to raise awareness of prejudices and stereotypes against Roma in a given environment, and to confront civil servants with their own prejudices and stereotypes, as well as to find practical solutions to specific challenges in a particular environment. In 2019, the GPU delivered four training courses to public servants. There were 127 participants, including staff of social work centres and schools, and employees of the Financial Administration of the Republic of Slovenia (*Finančna uprava Republike Slovenije*, FURS). In the same year, seven training courses involved police officers. They provided police officers with the adequate knowledge on identification and understanding of the various forms of discrimination, understanding of specific features including those of multicultural communities, and with examples of good practice regarding the successful solution of problem situations in the field. In 2019, 151 police officers attended these courses.

- Measures at local level - The Office of the Government of the Republic of Slovenia for National Minorities (*Urad Vlade Republike Slovenije za narodnosti*, UN), which monitors the situation of Roma in Slovenia and is the National Roma Contact Point, implemented the project 'National platform for the Roma' (*Nacionalna platforma za Rome*). The overall objective of the project was to encourage dialogue and cooperation between different stakeholders at the local level and the government office, the latter providing expert assistance for dealing with concrete problems in the field. In 2019, targeted consultations were, for example, organised to encourage local authorities to adopt local action plans and set up multidisciplinary teams to address actual issues more

comprehensively. A training course targeting Roma councillors in SE Slovenia was also organised. Apart from this, various other discussions and consultations were organised within the project's framework.

Comprehensive reports on the situation of Slovenian Roma during the COVID-19 pandemic are not available. The Office for National Minorities collected information from various stakeholders on activities in the field during the pandemic. Among other things, water tanks were provided in cooperation between civil protection units, municipalities and Roma representatives where needed. In many Roma communities, additional activities were carried out to inform the population about preventive and protective measures through visits by representatives of municipalities and civil protection units or/and with new technologies. Besides, through several ESF-funded projects and projects implemented by some of the Slovenian Roma organisations funded from the state budget, translations of information materials or new materials in different Roma varieties (video materials, brochures, leaflets etc.) were prepared. Two multigenerational centres provided food within the project "Surplus food". Within the project, surplus food in shops was distributed among the population in need. In various parts of Slovenia, schools regularly provided teaching materials to Roma children via regular mail. Some Roma children also received computers or tablets. In certain parts of the country, NGOs also actively provided support to Roma children (e.g. printing teaching materials for Roma children or providing Roma children with teaching materials adapted to their needs).<sup>34</sup> The Centre for School and Outdoor Education (*Center šolskih in obšolskih dejavnosti*) which carries out the project "Together for knowledge" (*Skupaj za znanje*) for inclusion of Roma children in education, and employs 26 Roma assistants, focused on assisting Roma children and their parents, as well as assistance to basic primary schools staff in organising distance education for the Roma children.<sup>35</sup>

An organisation of the Slovenian Roma, the Union for the Development of Roma Minority – Resurgence (*Zveza za razvoj romske manjšine – Preporod*) organised in cooperation with the Forum of Roma Councillors (*Forum romskih svetnikov*) two online coordination meetings in April, the second tackling the issue of Roma education during the pandemic. According to the attendees, major issues with

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<sup>34</sup> Information was provided by the Information was provided by the Office of the Government of the Republic of Slovenia for National Minorities (*Urad Vlade Republike Slovenije za narodnosti*) upon request (emails, 6 May, 5 June, and 22 September 2020).

<sup>35</sup> Ministrstvo za izobraževanje, znanost in šport (2020), [Poročilo o izvedbi ukrepov na področju vzgoje in izobraževanja v času epidemije Covid-19](#), Ljubljana, Ministrstvo za izobraževanje, znanost in šport.

distance education occur in SE Slovenia. The principles found the guidelines for the education of the Roma unusable because of the specific situation. There was poor responsiveness of children in the Roma settlements and the situation was solved by sending them the educational materials via regular post. They further noted that Roma children needed substantive contact with the teacher, just exchanging tasks was not enough and that Roma assistants were particularly overburdened in distance schooling. The attendees also agreed that one of the key obstacles was the poor infrastructure faced by Roma children and the low computer literacy of both children and their parents. The participants assessed that a third of the children worked and participated in the learning process, a third had difficult circumstances for smooth work, and the last third had no opportunities to participate and were consequently wholly unresponsive.<sup>36</sup>

Apart from the pandemic, the year 2020 was marked by applications relating to access to safe drinking water and sanitation before the European Court of Human Rights (ECtHR) by Slovenian Roma families from two informal settlements. The families of two and 14 members have been living in their informal settlements for decades. The first applicants claimed, among other things, that their home (i.e. a wooden hut) had no access to water, sewage and sanitation, and they were consequently forced to claim water from the cemetery or the nearby polluted stream or to acquire it from other houses. They further claimed that the past solution to their situation had not been successful. A water tank installed with financial contributions by the local authorities and the applicants was allegedly unusable due to mould and fungi, while their possible resettlement was never a realistic option due to opposition by the local majority population. The second applicants also lacked access to public utilities. While the local authorities provided a water-distribution system in their settlement, the applicants claimed that they could not connect to it due to obstruction by hostile neighbours, a fact known to the government including from the reports by the Human Rights Ombudsman. The applicants did not see a village fountain 1.8 km away from their hut as a reasonable solution regarding their access to water.

The ECtHR joined their applications. The applicants claimed that because of the lack of basic amenities such as running water and sanitation they had experienced hygiene issues, embarrassment and pain because of their living conditions, while their children were stigmatised, humiliated and unable to integrate into the mainstream society. The applicants alleged the state's

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<sup>36</sup> Zveza za razvoj romske manjšine – Preporod (2020), '[2. koordinacijski sestanek](#)', public release, 28 April 2020.

violation of Article 3 and, *a fortiori*, Article 8 of the European Convention on Human Rights (ECHR), as their homes lacked basic amenities, particularly drinking water and sanitation. They also pointed to negative and discriminatory attitudes on the part of the local authorities, failing to address their adverse situation in any meaningful manner. In the applicants' opinion, this amounted to the violation of Article 14 in conj. with Articles 3 and 8 of the ECHR. The ECtHR found that the applicants' allegations of the state's failure to facilitate their access to drinking water and sanitation, with a view to their specific needs as members of the Roma community and their different lifestyle, raised mainly issues under Article 8 (right to respect for private and family life) and 14 (prohibition of discrimination) of the ECHR.

The ECtHR clarified that access to safe drinking water was not, as such, a right protected by Article 8 of the ECHR, but that, "A persistent and long-standing lack of access to safe drinking water can therefore, by its very nature, have adverse consequences for health and human dignity effectively eroding the core of private life and the enjoyment of a home within the meaning of Article 8. Therefore, when these stringent conditions are fulfilled, the Court is unable to exclude that a convincing allegation may trigger the State's positive obligations under that provision." In this respect, an assessment of the relevant circumstances should be performed on a case-by-case basis. In the case at hand, the court established no violation of the petitioners' rights. It ruled that the state's measures to provide for their access to safe drinking water and sanitation took account of their vulnerable position and satisfied the requirements under Article 8 of the ECHR. According to the ECtHR, a) the applicants could have used social benefits they receive for improving their living conditions, b) the states enjoy a wide margin of appreciation in housing matters, and c) the applicants failed to convincingly back the state's alleged failure to provide them with access to safe drinking water had an adverse impact on their health and human dignity. As a result, the court also found no violation of Article 14. The ECtHR further established no violation of Article 3, taken alone and in conj. with Article 14, since "the positive measures undertaken by the domestic authorities provided the applicants with the opportunity to access safe drinking water, irrespective of how and whether it was realised."<sup>37</sup>

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<sup>37</sup> European Court of Human Rights (ECtHR), [Hudorovič and others v. Slovenia](#), Nos. 24816/14 and 2514/14, 10 March 2020.

## Chapter 4. Asylum, visas, migration, borders and integration

Extension of residence permits and other authorisations to stay that expired during COVID-19 pandemic measures.

EUMS/ Republic of North Macedon ia, Republic of Serbia	Category of TCN	Brief description of the measure	Legal source (legislation or case law as relevant) with hyperlink	Comments
	Complete this row if measures concern all/most of the TCN listed below whose (national or EU law based) permission to stay expired during COVID-19 related travel restrictions. In this case indicate in the next rows the categories to which the measure applies	According to the law, foreigners who had a valid legal title for a lawful stay in the Republic of Slovenia until at least 13 March 2020 and who, for objective reasons, could not leave its territory during the period in which measures to contain and control the pandemic applied, shall be allowed to stay in the country until containment measures objectively preventing foreigners from leaving its territory are lifted or	Slovenia, <a href="#">The Intervention Measures to Contain COVID-19 Epidemic and to Mitigate its Consequences for Citizens and Economy Act (Zakon o interventnih ukrepih za zaježitev epidemije COVID-19 in omilitev njenih posledic za državljane in gospodarstvo)</a> , 2 April 2020, and subsequent	/

		<p>until foreigners have obtained relevant legal title for a lawful stay.</p> <p>This provision provides for further stay of foreigners whose visa or residence permit expire during this period. It also applies to foreigners who did not need a visa to enter the country. The measure covered the period from 13 March until 31 May 2020. (Please note that the law was adopted in April 2020, but with retroactive application.) Since then, no similar measures have been adopted.</p>	<p>modifications.</p>	
	<p>Holders of visas issued based on the <a href="#">Visa Code</a> No. 810/2009 (as last amended by <a href="#">Regulation (EU)</a></p>	<p>The general measures apply.</p>		

	<a href="#">No. 2019/1155</a> ) (Schengen visas)			
	Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the <a href="#">Visa List Regulation</a> (Regulation (EU) 2018/1806)	The general measures apply.		
	Holders of long-term visas issued by the EUMS (under <a href="#">Regulation (EU) No. 265/2010</a> and beyond, under national law)	The general measures apply.		
	Holders of residence permits issued under <a href="#">Regulation (EC) No. 1030/2002</a> (as last amended by <a href="#">Regulation (EU) 2017/1954</a> )	The general measures apply.		
	Holders of local	The general measures apply.		

	border traffic permit under <a href="#">Regulation (EC) No. 1931/2006</a>			
	Any other category of TCN not listed above.	/		

Notes:

TCN = third-country nationals

EUMS = EU Member State

## Chapter 5. Information society, privacy and data protection

### 1. Legal and political initiatives that have been implemented to support access to, and use of, personal data.

A new Personal Data Protection Act (*Zakon o varstvu podatkov*, ZVOP-2), with the aim, among others, to implement the provisions of the GDPR, has not yet been adopted and it is still in the phase of inter-ministerial coordination.<sup>38</sup> Simultaneous validity of the current Personal Data Protection Act (*Zakon o varstvu podatkov*, ZVOP-1) and the GDPR is causing procedural ambiguities regarding conducting administrative procedures for resolving complaints of individuals on the exercise of their rights under Articles 13 to 22 of the GDPR, where the Information Commissioner (*Informacijski pooblaščenec*, IP) acts as an appeal body. Due to the absence of procedural provisions for conducting misdemeanour proceedings and imposing fines for established violations, the Commissioner may initiate misdemeanour proceedings only in the event of a violation of those Articles of ZVOP-1, which are still in force.<sup>39</sup>

On 20 November 2020, the Act on Personal Data Protection in the Field of **Prevention**, Investigation, Detection or Prosecution of Criminal Offences (*Zakon o varstvu osebnih podatkov na področju obravnavanja kaznivih dejanj - ZVOPOKD*) was adopted.<sup>40</sup> The act transposes the Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or

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<sup>38</sup> Slovenia, The Draft Personal data protection act (*Predlog Zakona o varstvu osebnih podatkov*, ZVOP-2), 14 August 2019.

<sup>39</sup> Informacijski pooblaščenec (2020), [Letno poročilo Informacijskega pooblaščenca za leto 2019](#), Ljubljana, Informacijski pooblaščenec.

<sup>40</sup> Slovenia, [The Act on personal data protection in the field of prevention, investigation, detection or prosecution of criminal offences](#) (*Zakon o varstvu osebnih podatkov na področju obravnavanja kaznivih dejanj*), 20 November 2020.

prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA. The act is regulating the personal data processing by four important administrative bodies: the Police, the State Prosecutor's Office, the Administration for the Execution of Criminal Sanctions and the Administration for Probation. It provides for the legal basis for the processing of personal data, effective control by the Information Commissioner, internally authorised persons for personal data protection and exceptions (e.g. in cases of covert investigative measures or control of protected persons - undercover workers, protected witnesses, etc.).

Measures taken during the COVID-19 pandemic had important personal data protection aspects to which the Information Commissioner responded by issuing several opinions.

On 30 March, the Information Commissioner submitted to the Slovenian Parliament an opinion on the Draft Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy.<sup>41</sup> The Information Commissioner recommended that the parliament rejects the proposed provisions of Article 103 (expanding police powers such as entering apartments and other premises and temporary movement restriction of persons) to all purposes necessary for containment and control of the COVID-19 pandemic and to ensure compliance with the specific measures provided for in the law on prevention of infectious diseases and other orders and decrees adopted to contain and control the COVID-19 pandemic) and Article 104 (granting police the power to trace individuals via mobile phone locations without a court order).<sup>42</sup> The Information Commissioner argued that the proposed provision of Article 103 could expand police powers to the entire Slovenian population and set up a police state. Regarding Article 104, the Commissioner established that it was in conflict with the Constitution and that a court order was required and the provision was subsequently dropped in the parliament.

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<sup>41</sup> Slovenia, [The Intervention measures to contain the COVID-19 epidemic and mitigate its consequences for citizens and the economy act](#) (*Zakon o interventnih ukrepih za zajezitev epidemije COVID-19 in omilitve njenih posledic za državljane in gospodarstvo*), 2 April 2020.

<sup>42</sup> Slovenia, Information Commissioner (*Informacijski pooblaščenec*), [Opinion No. 007-13/2020/2](#), 30 March, 2020.

On 2 April 2020, the Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy was adopted.<sup>43</sup> The law granted the police power to collect and process data obtained by the National Institute for Public Health (*Nacionalni inštitut za javno zdravje*) such as personal name, personal identification number (EMŠO), the number, type and country of the issuance of a personal document of a foreigner, permanent or temporary residence address, data on the personal physician, data on the decision on isolation or quarantine of the infected person, data on the type, duration and the place of isolation or quarantine, data on restriction imposed on persons concerned (i.e. on protective equipment and manners of transportation). The police may use this data to carry out their powers to search for people, identification of people by means of photographs, set up road blockades with blockade points, temporarily restrict free movement of persons and produce persons. The initial provision of the draft law, which allowed the use of this data to enter private apartments and other premises, was dropped from the adopted law.

On 9 July, Act Determining Intervention Measures to Prepare for the Second Wave of COVID-19 was adopted.<sup>44</sup> Among others, the law provided for the legal basis of the COVID-19 contact tracing mobile application. In accordance with Article 26 of the Act, the purpose of the app is informing the users of a risk of becoming infected with the SARS-CoV-2 virus because they were near another user of the same mobile application who was positive for the SARS-CoV-2 virus or had been ordered quarantine or self-isolation; raising awareness of users about the symptoms of the SARS-CoV-2 virus (fever, cough, shortness of breath) and measures to combat the spread of the infectious disease COVID-19; recommending that users of the mobile application contact their chosen personal physician or emergency medical service immediately in the event of obvious symptoms characteristic of the SARS-COV-2 infection. The downloading and use of the app is free of charge and voluntary. However, persons who possessed a smartphone and were issued a decision to quarantine or tested positive, were bound to install the application and enter a code received together with the quarantine decision or positive test results.

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<sup>43</sup> Slovenia, [The Intervention measures to contain the COVID-19 epidemic and mitigate its consequences for citizens and the economy act](#) (*Zakon o interventnih ukrepih za zajezitev epidemije COVID-19 in omilitev njenih posledic za državljane in gospodarstvo*), 2 April 2020.

<sup>44</sup> Slovenia, [The Act determining intervention measures to prepare for the second wave of COVID-19](#) (*Zakon o interventnih ukrepih za pripravo na drugi val COVID-19*), 9 July 2020.

The mobile application is designed in such a way that it enables anonymous recording of contact data between mobile application users and informing users of contacts with other mobile application users who tested positive or have been quarantined, but must not allow the user to be identified, his/her location and other personal data. The contact data is to be automatically deleted after 15 days from their recording. There is no definite sunset clause for this measure, as the law states that the measure is valid until the cessation of the reasons for it, which shall be established by the Government by a resolution published in the Official Gazette of the Republic of Slovenia.

The Information Commissioner, who was not consulted in the drafting of this measure, addressed to all members of the parliament its key concerns regarding the mobile app.<sup>45</sup> The Commissioner recommended that the parliament reject the proposed provisions regarding the app and criticised the mandatory use of the app. It stated that the European Commission, European Parliament, Council of Europe, European Data Protection Board and the WHO support the voluntary use of contact tracing apps and only apps on a voluntary basis are consistent with EU law and the Slovenian Constitution. It also noted, that all EU Member States, with the exception of Poland, introduced voluntary apps and that some countries have already cancelled the app (Norway), some have found that despite a high rate of users the app does not contribute significantly to the containment of the virus (Iceland) and that almost all countries report about reliability issues. The Commissioner warned that the introduction of the app does not address one of the main risks – infections from abroad. The Commissioner also proposed that before the adoption of the measure, information are gathered on whether the app has the capacity to help control the spread of COVID-19, as research shows that its efficiency is limited – it works only on certain devices, excluding the most vulnerable groups.

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<sup>45</sup> Slovenia, Information Commissioner (*Informacijski pooblaščenec*), [Seznanitev s ključnimi pomisleki Informacijskega pooblaščenca glede Predloga Zakona o interventnih ukrepih za pripravo na drugi val COVID-19 \(PKP4\), No. 007-24/2020](#), 7 July 2020.

On 13 December 2020, the government adopted an ordinance on the temporary partial restriction of movement in relation to COVID-19.<sup>46</sup> Article 6 of the ordinance stipulated that the restriction of movement within some of the Slovenian statistical regions be lifted for persons with permanent or temporary residence in one of the statistical regions and with a downloaded and permanently activated contact tracing mobile application. The Information Commissioner, who was contacted regarding the impact of this measure by the media and many individuals, referred the complaints to the Advocate of the Principle of Equality regarding possible discrimination of persons who cannot download the application and informed the Human Rights Ombudsman about the human rights concerns. The Information Commissioner will verify the issue of the legality of the processing of personal data in the inspection procedure. The Information Commissioner stressed that the use of the application is supposed to be voluntary in accordance with legal provisions. Voluntary use or non-punishment for non-use has also been determined as a condition by the providers of back-end services on which the application is based – Apple and Google. The Commissioner stated that, at the time, it is not possible to fully assess the extent of the consequences of the ordinance on the fundamental and constitutional rights of individuals, nor is it clear what the ordinance means for the protection of personal data, as it does not determine how the new arrangements are to be implemented, how individuals should demonstrate the installation of the application, how long the application must be installed to meet the conditions of the decree, and how the supervision over the implementation of this provision is legally and constitutionally compliant. The Information Commissioner stressed that a court order is required to look into the mobile phone and check the installation of the application. The issues of personal data protection for which the Commissioner is responsible are therefore only one segment of the otherwise significantly broader issue of interference with various fundamental rights.<sup>47</sup>

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<sup>46</sup> Slovenia, [The Ordinance on the temporary partial restriction of movement of people and on the prohibition of gathering of people to prevent the spread of COVID-19](#) (*Odlok o začasni delni omejitvi gibanja ljudi in prepovedi zbiranja ljudi zaradi preprečevanja okužb s SARS-CoV-2*), 13 December 2020.

<sup>47</sup> Slovenia, Information Commissioner (Informacijski pooblaščenec) (2020), 'Gre pri vezavi pravice do gibanja na aktivacijo aplikacije za diskriminacijo?', public release, 14 December 2020.

## 2. Artificial intelligence and big data

Please fill in the table below with any initiatives you may identify in your country:

<b>MS</b>	<b>Actor*</b>	<b>Type**</b>	<b>Description</b>	<b>Are Ethical concerns mentioned? (yes/no)</b>	<b>Are Human Rights issues mentioned? (yes/no)</b>	<b>Reference</b>
<b>SI</b>	Government / Parliamentary	other projects	<p>Position paper of the Government of the Republic of Slovenia regarding the White Paper On Artificial Intelligence - A European approach to excellence and trust.</p> <p>The Republic of Slovenia supports the goal of the White Paper on Artificial Intelligence that the European Union remains an important global economic and political</p>	Yes. (briefly, as described in the previous column)	Yes. (briefly, as described in the previous column)	Slovenia, <a href="#">Position paper of the Government of the Republic of Slovenia regarding the White Paper On Artificial Intelligence - A European approach to excellence and trust</a> ( <i>Stališče Republike Slovenije do Bele knjige o umetni inteligenci - evropski pristop k odličnosti in zaupanju</i> ), 18 June 2020.

			<p>stakeholder and supports two key objectives: to ensure the European Union's research and development excellence in the field of artificial intelligence and to ensure public trust. Slovenia agrees with the definition of the problem of providing an appropriate legal and ethical framework that will provide a predictable environment for the use of artificial intelligence from a consumer protection perspective, while maintaining and ensuring the respect for human rights and fundamental freedoms, and not restricting the future development and innovation.</p> <p>Slovenia is encouraging the EC to monitor initiatives concerning ethical guidelines and other legal frameworks for artificial intelligence in other international organisations (e.g. Council of Europe, OECD,</p>			
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			UNESCO, and UN). Slovenia will propose the use of the currently most appropriate definition of AI system developed by OECD under the leadership of Slovenian experts.			
<b>SI</b>	Government / Parliamentary	other projects	Draft National programme for promoting the development and use of artificial intelligence in the Republic of Slovenia by 2025. The Ministry of Public Administration ( <i>Ministrstvo za javno upravo</i> ) is preparing the national programme as the basis for further activities on the national, EU and international level. The programme envisions the support for research, introduction and use of AI, while addressing safety, regulation, ethics and public trust. The programme is in the last stages of coordination and it is expected that the government will adopt it by the	Yes.	Yes.	Slovenia, <a href="#">Draft National programme for promoting the development and use of artificial intelligence in the Republic of Slovenia by 2025</a> ( <i>Nacionalni program spodbujanja razvoja in uporabe umetne inteligence v Republiki Sloveniji do leta 2025 (NpUI)</i> ), 20 August 2020.

			<p>end of the year.</p> <p>The Draft National Programme mentions the need to provide an appropriate legal and ethical framework that will maintain and ensure the respect for human rights and fundamental freedoms, thereby personal, civil, political, economic and social rights of every individual, regardless of the level of introduction of new solutions.</p> <p>The Draft states that special attention must be dedicated to the protection of the individual and the processing of personal data, which is elevated to a fundamental right under Article 8 of the EU Charter of Fundamental Rights; and underlines Slovenia's commitment that any processing of personal data complies with the fundamental principles of personal data</p>			
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			<p>protection.</p> <p>One of the strategic goals of the Draft National Programme is ensuring an appropriate legal and ethical framework that will be based on the universal values of the European Union, fundamental freedoms and human rights, with an emphasis on privacy, dignity, the right to a fair procedure, the protection of consumer rights and non-discrimination.</p>			
<b>SI</b>	Government / Parliamentary	National Draft Acts	<p>Draft Act on Electronic Identification and Trust Services. The act is to implement the Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC. The draft was published on 10 September 2020 and is currently in inter-</p>	No.	No.	<p>Slovenia, <a href="#">Draft Act on Electronic Identification and Trust Services</a> (<i>Zakon o elektronski identifikaciji in storitvah zaupanja</i>), 10 September 2020.</p>

			ministerial coordination.			
<b>SI</b>	Other (Strategic development-innovation partnerships of business, academia, NGO in cooperation with the Government )	Other Projects	Draft Action Plan IKT_Hm. IKT (information communication technology) Horizontal Network is set up by the Jožef Stefan Institute, Chamber of Commerce and Industry of Slovenia, Institute ICT Technology Network and the University of Ljubljana, following the vision of the Government of the Republic of Slovenia that Slovenia should become a green reference country in digital Europe. The network published version 3.0 of the plan in February 2020. The plan focuses on the development of information communication technology, focusing (among others) on digital transformation, AI, HPC and big data and the internet of things. The network is a part of the Strategic Development Innovation Partnership Smart	Yes.	No.	Strategic Development Innovation Partnership Smart Cities and Communities, ICT Horizontal network ( <i>Strateško razvojno inovacijsko partnerstvo Pametna mesta in skupnosti (IKT Horizontalna mreža)</i> ), <a href="#">Draft Action Plan IKT_Hm</a> (Akcijski načrt IKT_Hm), Version 3.0, February 2020.

			<p>Cities and Communities. It is defined as a set of enabling technologies and supports all Strategic Development Innovation Partnership's verticals: 1. Smart city ecosystem; 2. Energy and other supply; 3. Quality of urban living; 4. Mobility, transport and logistics; 5. Security; 6. Health.</p> <p>Ethical concerns are not discussed in detail, the action plan mentions that the purpose of using artificial intelligence is to improve three aspects of sustainable development: economic, social and environmental; and with such a focused development, aims to place Slovenia among leading countries in the field of humane and ethical use of artificial intelligence.</p>			

\*For the actors, please pick from the following suggestions:

Government/ Parliamentary

DPA

NGO/Other Non Profit

Academia

Domestic Courts

Business

Independent State Institution

Other

\*\* for the type, please pick from the following suggestions:

National Draft Acts / Adopted Acts

report/study

other projects



## Chapter 6. Rights of the child

### 1. Measures taken during the COVID-19 to ensure the well-being of children living in poverty and the protection of children from violence.

<b>Measures to address the specific vulnerabilities of children living in poverty</b>	<p><i>e.g. income support to single-headed families or dependant on number of children in the household; meals for children provided for free; free access to health services; suspension of evictions in households with children; support for distance learning (e.g. provision of computers/tablets, or access to internet)</i></p> <p><b>Income support:</b></p> <ul style="list-style-type: none"><li>- During the COVID-19 measures, when children who were receiving subsidised meals in schools could not attend school, their parents were able to apply for extraordinary social assistance funds at the centres for social work (if municipalities did not provide meals).</li><li>- On 2 April, the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy Act provided for a payment of a one-off solidarity allowance for vulnerable groups (recipients of social assistance funds or supplementary benefits) for € 150.<sup>48</sup></li><li>- On 28 April, the Act Amending the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy Act provided for payment of a one-off solidarity allowance to parents of children who are entitled to child benefits. The allowance was set for € 30 per each child entitled to child benefits.<sup>49</sup> The</li></ul>
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<sup>48</sup> Slovenia, [The Intervention measures to contain the COVID-19 epidemic and mitigate its consequences for citizens and the economy act](#) (*Zakon o interventnih ukrepih za zajezitev epidemije COVID-19 in omilitev njenih posledic za državljane in gospodarstvo*), 2 April 2020.

<sup>49</sup> Slovenia, [The Act amending the Intervention measures to contain the COVID-19 epidemic and mitigate its consequences for citizens and the economy act](#) (*Zakon o spremembah in dopolnitvah Zakona o interventnih ukrepih za zajezitev epidemije COVID-19 in omilitev njenih posledic za državljane in gospodarstvo*), 28 April 2020.

	<p>law also included new vulnerable groups entitled to a one-off solidarity allowance for € 150: parents who were in April entitled to parental allowance, childcare allowance and maternity or parental benefit under the law governing parental care and family benefits. Beneficiaries were also foster parents of a child up to the age of 18, with a valid foster care contract.</p> <ul style="list-style-type: none"> <li>- When schools closed in March 2020, many municipalities adopted additional measures to address the consequences of the COVID-19 pandemic, including providing free meals for children living in poverty.<sup>50</sup></li> <li>- When schools closed again in October 2020, hot meals were delivered to some children living in poverty. However, this was not the case in some parts of the country and the Minister of Education stated that a systematic solution would be sought if distance learning continued in the longer run.<sup>51</sup></li> <li>- On 29 December 2020, the so-called 7th Anti-corona Package was adopted.<sup>52</sup> This act provides for several measures for children and families: <ul style="list-style-type: none"> <li>one-off solidarity allowance in the amount of € 50 for all children (received by one of the parents or a foster parent of a child up to the age of 18 with permanent or temporary residence in Slovenia);</li> <li>a payment of a one-off solidarity allowance for newborns in the amount of € 500 (the beneficiary is one of the parents or adoptive parent of a child with permanent residence in Slovenia, born between 1 January 2020 and one year after the end of the epidemic; payment will be made ex officio);</li> <li>increased allowance for large families by € 100 for families with three children and by € 200</li> </ul> </li> </ul>
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<sup>50</sup> For more information, see the webpage of the Association of Municipalities and Towns of Slovenia (*Skupnost občin Slovenije*) on <https://skupnostobcin.si/ukrepi-obcin-na-covid-19/#p4>.

<sup>51</sup> For more information regarding measures taken during the COVID-19 to ensure the well-being of children living in poverty in Slovenia, please see page 8 of the Franet country study released on 3 November 2020.

<sup>52</sup> Slovenia, [The Act determining intervention measures to assist in mitigating the consequences of the second wave of COVID-19 epidemic](#) (*Zakon o interventnih ukrepih za pomoč pri omilitvi posledic drugega vala epidemije COVID-19*), 29 December 2020.

	<p>for families with four or more children for the period until the end of the epidemic.</p> <p><b>Support for distance learning:</b></p> <ul style="list-style-type: none"> <li>- After schools closed in March 2020, the Ministry of Education, Science and Sport initiated the project "DIGI School" (<i>DIGI šola</i>) and collected more than 1,300 computers and 950 modems for children in need of these devices. Additionally, schools from all over the country provided over 4000 computers.<sup>53</sup> However, when schools closed again in October 2020, the major national trade union of educators noted that not all pupils, students and teachers had adequate computer equipment and the internet access for distance learning. An NGO working for the benefit of children also reported that children lack adequate computer equipment.<sup>54</sup></li> <li>- The Centre for School and Outdoor Education (<i>Center šolskih in obšolskih dejavnosti</i>) which carries out the project "Together for knowledge" (<i>Skupaj za znanje</i>) aimed at inclusion of Roma children in education, and employs 26 Roma assistants, focused on assisting Roma children and their parents, as well as assisting to primary schools staff in organising distance education for the Roma children.<sup>55</sup></li> </ul>
<p><b>Measures to protect children from violence</b></p>	<p><i>e.g. set up of new helplines or strengthening of existing ones through training or increased number of staff; campaigning on issues related to violence and COVID 19; revision of standard operating procedures for health and social workers to ensure identification and referral of victims of violence during Covid 19; social services identify alternative methods if home visits become</i></p>

<sup>53</sup> Ministrstvo za izobraževanje, znanost in šport (2020), [Poročilo o izvedbi ukrepov na področju vzgoje in izobraževanja v času epidemije Covid-19](#), Ljubljana, Ministrstvo za izobraževanje, znanost in šport.

<sup>54</sup> For more information regarding measures taken during the COVID-19 to ensure the well-being of children living in poverty in Slovenia, please see page 8 of the Franet country study released on 3 November 2020.

<sup>55</sup> Ministrstvo za izobraževanje, znanost in šport (2020), [Poročilo o izvedbi ukrepov na področju vzgoje in izobraževanja v času epidemije Covid-19](#), Ljubljana, Ministrstvo za izobraževanje, znanost in šport.

	<p><i>impossible; internet safety support to families.</i></p> <ul style="list-style-type: none"> <li>- Additional helplines were not provided. Helpline Tom for children and youth was available during the pandemic every day between 12.00 and 20.00. Counsellors were also available via email and online chat.<sup>56</sup></li> <li>- Within the existing contents of the Centres for Families and psychosocial assistance programmes for children, adolescents and their families, more attention was paid to preventive work with children and adolescents through several seminars, individual counselling and enhanced assistance in distress that re-emerged during the COVID-19 pandemic (telephone and online counselling, information via social networks and websites, etc.).<sup>57</sup></li> <li>- In connection with the COVID-19 pandemic, the police raised awareness among young people and warned them about the pitfalls of the internet, sexual abuse and violence through the online applications Facebook and Instagram. The police also raised awareness among the general population to report cases of violence against children during the COVID-19 pandemic.<sup>58</sup></li> </ul>
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## 2. Legal and policy measures or initiatives developed about criminal proceedings

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<sup>56</sup> Information was provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (Ministrstvo za delo, družino, socialne zadeve in enake možnosti) upon request (email, 2 October 2020). For more information, see also the webpage of Tom Helpline (*Tom, telefon za otroke in mladostnike*) on [www.e-tom.si/tom-telefon-s-tabo-tudi-v-casu-boja-proti-koronavirusu-sars-cov-2/](http://www.e-tom.si/tom-telefon-s-tabo-tudi-v-casu-boja-proti-koronavirusu-sars-cov-2/).

<sup>57</sup> Information was provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) upon request (email, 2 October 2020).

<sup>58</sup> Information was provided by the General Police Directorate (*Generalna policijska uprava*) upon request (email, 25 September 2020); Slovenia, General Police Directorate (*Generalna policijska uprava*), '[Nekateri otroci so v zadnjih dneh še bolj izpostavljeni nasilju v družini](#)', public release, 15 April 2020.

<p><b>Legislative changes</b></p>	<p><i>e.g. reform of the criminal code</i></p> <p><b>Act Amending the Criminal Procedure Act<sup>59</sup></b></p> <p>The need to adopt a special law governing procedural rules for children who are suspects in criminal proceedings has been present in Slovenia for over a decade. Currently, three different laws are used for processing minor suspects: Criminal Code (<i>Kazenski zakonik</i>),<sup>60</sup> Criminal Procedure Act (<i>Zakon o kazenskem postopku</i>)<sup>61</sup> and Enforcement of Criminal Sanctions Act (<i>Zakon o izvrševanju kazenskih sankcij</i>).<sup>62</sup> A special law that would comprehensively address the processing of minors in criminal proceedings was announced at the adoption of the 2008 Criminal Code. Since, drafts were prepared in 2011 and 2015 but were not adopted. The current draft was sent to public discussion on 24 December 2019 (Draft Liability of Minors for Criminal Offences Act).<sup>63</sup></p> <p>As the deadline for the transposition of the <a href="#">Directive 2016/800 on procedural safeguards for children</a> who are suspects or accused persons in criminal proceedings expired on 11 June 2019), the decision was made to include the procedural provisions of the Draft Liability of Minors for Criminal Offences Act into the Act Amending the Criminal Procedure Act (ZKP-O).<sup>64</sup> The law was adopted on 17 December 2020. The proposed amendment includes solutions related to the position of minors in criminal proceedings to implement the Directive (EU) 2016/800. This part of the procedural solutions was originally included in the Draft Liability of Minors for Criminal Offences Act.</p>
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<sup>59</sup> Slovenia, [The Act amending the Criminal procedure act](#) (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku*), 17 December 2020.

<sup>60</sup> Slovenia, [The Criminal code](#) (*Kazenski zakonik*), 20 May 2008, and subsequent modifications.

<sup>61</sup> Slovenia, [The Criminal procedure act](#) (*Zakon o kazenskem postopku*), 29 September 1994, and subsequent modifications.

<sup>62</sup> Slovenia, [The Enforcement of criminal sanctions act](#) (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000, and subsequent modifications.

<sup>63</sup> Slovenia, [The Draft Liability of minors for criminal offences act](#) (*Predlog Zakona o obravnavanju mladoletnih storilcev kaznivih dejanj*), 19 April 2019.

<sup>64</sup> Information was provided by the Ministry of Justice of the Republic of Slovenia (*Ministrstvo pravosodje*) upon request (email, 23 September 2020).

	<p>The solutions of the draft act include, among other things, requiring that the best interest of the minor is always taken into account in the proceedings; training of stakeholders involved in proceedings against a minor; the extension of mandatory defence cases and the explicit provision that minors have the right to a lawyer already in pre-trial proceedings; informing minors on their rights in an understandable and accessible manner; informing their parents or guardian of the rights of the minor; providing for the right of the minor to be accompanied by a parent or guardian in the proceedings; the specifics of the treatment of a minor deprived of liberty are specified as well.</p> <p>On 25 November 2020, the Ministry of Justice submitted to the inter-ministerial coordination the Draft Protection of Children in Criminal Procedure and Their Comprehensive Treatment in Children's House Act.<sup>65</sup> The draft act is an important step towards setting up a pilot House for Children according to the Barnahus model in Slovenia. The project is expected to come to life in the autumn of 2021. The law sets out the institutional framework, principles and procedures for the protection of child victims and witnesses of criminal offences and their holistic treatment. If in the best interests of the child, the comprehensive treatment of children may apply to procedures with children who are suspects or accused persons in criminal proceedings.</p>
<p><b>Policy developments</b></p>	<p><i>e.g. guidance or training for law enforcement officers on the treatment of child suspects; amendment of police academy curriculum; training of judges; developing indicators to monitor the situation of child suspects and improve data collection</i></p>

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<sup>65</sup> Slovenia, The Draft Protection of children in criminal procedure and their comprehensive treatment in Children's House act (*Predlog Zakona o zaščiti otrok v kazenskem postopku in njihovi celostni obravnavi v hiši za otroke*), 25 November 2020.

	<p>No new guidance or training of the criminal proceeding's stakeholders on the treatment of child suspects could be identified, nor any new indicators to monitor the child suspects' situation and improve data collection.</p> <p>However, the Act Amending the Criminal Procedure Act includes new provisions regarding the training of judges, prosecutors, lawyers and police officers involved in the proceedings against minors.<sup>66</sup> The amendment follows the Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice, which stipulate that all professionals working with and for children should attend mandatory interdisciplinary training on the rights and needs of children of different ages; on procedures that are adapted to children; and training in communication with children of all ages and stages of development and particularly with vulnerable children.<sup>67</sup> However, the relevant provision of the amendment does not require that judges, prosecutors, lawyers and police officers involved in the proceedings against minors attend mandatory training but only imposes an obligation on the state to provide basic and regular training (new Article 452.b of the Act Amending the Criminal Procedure Act).</p>
<p><b>Other measures or initiatives</b></p>	<p><i>E.g., relevant activities to promote alternatives to detention; community involvement or general initiatives related to the dissemination and information in relation to the entering into force of the Directive.</i></p> <p>No activities to promote alternatives to detention; community involvement or general initiatives related to the dissemination and information concerning the entering into force of the Directive could be identified.</p>

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<sup>66</sup> Slovenia, [The Draft Act amending the Criminal procedure act](#) (*Predlog Zakona o spremembah in dopolnitvah Zakona o kazenskem postopku*), 1 October 2020.

<sup>67</sup> Information was provided by the Ministry of Justice (*Ministrstvo pravosodje*) upon request (email, 23 September 2020).

# Chapter 7. Access to justice including crime victims

## 1. Victims' Rights Directive

In 2019, Slovenia adopted two key laws for the transposition of the Victims' Rights Directive: the Act Amending the Criminal Procedure Act (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku, ZKP-N*)<sup>68</sup> and the Act amending Social Assistance Act (*Zakon o spremembah in dopolnitvah Zakona o socialnem varstvu, ZSV-I*).<sup>69</sup>

The Act Amending the Criminal Procedure Act further elaborated the existing rights of victims in criminal proceedings and introduced new rights not available to victims before. The Act amending Social Assistance Act introduced a new provision on the support for victims of crime, including professional support and professional counselling to the person directly harmed by crime.

The working group, set up by the Ministry of Justice (*Ministrstvo za pravosodje*) in 2019 to prepare measures for the effective implementation of the new provisions of the Criminal Procedure Act transposing the Victims' Rights Directive, remains active in 2020.<sup>70</sup> Among other measures, the working group prepared a form for the police and state prosecution to use when performing an individual assessment of each victim. As an additional measure for protecting the victims' integrity, a new provision allowing the victims' address to be concealed was included in the Act Amending Criminal Procedure Act, which was adopted on 17 December 2020.<sup>71</sup>

In 2020, the Ministry of Labour, Family, Social Affairs and Equal Opportunities of the Republic of Slovenia (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) in cooperation with the Social Chamber of Slovenia (*Socialna zbornica Slovenije*) organised training for employees of the social

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<sup>68</sup> Slovenia, [The Act amending the Criminal procedure act](#) (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku*), 26 March 2019.

<sup>69</sup> Slovenia, [The Act amending the Social assistance act](#) (*Zakon o spremembah in dopolnitvah Zakona o socialnem varstvu*), 25 April 2019.

<sup>70</sup> Information was provided by the Ministry of Justice (*Ministrstvo za pravosodje*), upon request (email, 7 October 2019).

<sup>71</sup> Slovenia, [The Act amending the Criminal procedure act](#) (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku*), 17 December 2020.

work centres on the implementation of their new social welfare service of victim support, which was introduced with the 2019 Act amending Social Assistance Act.<sup>72</sup> With this amendment, social work centres were appointed with the task of providing victim support services. Social work centres are the main state institutions in social protection responsible for identifying social distress, acquainting beneficiaries with the possibilities of social welfare services, connecting them to the entire network of contractors responsible for providing assistance. They are also responsible for administering family benefits and rights from public funds. Overall, there are 16 centres for social work (*centri za socialno delo*) with 63 units (*enote*) operating in Slovenia, covering the entire national territory.<sup>73</sup>

An analysis of the implementation of this victim support service has not yet been carried out. According to the data collected from social work centres, the service itself is not yet sufficiently visible for victims to turn to social work centres specifically to receive this type of support. Thus, most often, this social welfare service is offered to victims of crime when they turn to social work centres regarding other rights or when professionals provide them with the services of first social assistance or perform tasks under the Domestic Violence Prevention Act. The information brochures on the victims' rights, prepared by the working group set up by the Ministry of Justice were distributed to all social work centres and other institutions that may encounter victims of crime.<sup>74</sup>

On 25 November 2020, the Ministry of Justice submitted to the inter-ministerial coordination the Draft Protection of Children in Criminal Procedure and Their Comprehensive Treatment in Children's House Act.<sup>75</sup> The draft act is an important step towards setting up a pilot House for Children according to the Barnahus model in Slovenia. The project is expected to come to life in the autumn of 2021 and should be financed from the Norwegian financial mechanism. According to the ministry, the draft act is the first attempt to regulate comprehensively the operation of the Children's House in a single

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<sup>72</sup> Information was provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) upon request (email, 2 October 2020).

<sup>73</sup> For more information, please see the website of the Slovenian social work centres at [www.csd-slovenije.si/](http://www.csd-slovenije.si/).

<sup>74</sup> Information was provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) upon request (email, 2 October 2020).

<sup>75</sup> Slovenia, The Draft Protection of children in criminal procedure and their comprehensive treatment in Children's House act (*Predlog Zakona o zaščiti otrok v kazenskem postopku in njihovi celostni obravnavi v hiši za otroke*), 25 November 2020.

legal act.<sup>76</sup> The law sets out the institutional framework, principles and procedures for the protection of child victims and witnesses of criminal offences and their holistic treatment. If in the best interests of the child, the comprehensive treatment of children should apply to procedures with children who are suspects or accused persons in criminal proceedings.

To address the effects of the COVID-19 pandemic on the victims of crime, the Ministry of Labour, Family, Social Affairs and Equal Opportunities launched an EU-funded call for applications to help the most vulnerable groups affected by the COVID-19 pandemic and to reduce its consequences. The contractors will be able to draw funds of € 1,950,000 in the period from 1 September 2020 to 31 December 2021. The purpose of the public call is to implement projects that provide innovative approaches to addressing social hardship due to the outbreak of the COVID-19 pandemic. The call will co-finance projects that will develop different approaches to address the new needs due to COVID-19 such as psychosocial counselling, awareness, providing information, fieldwork, providing support to users, setting up new safe points, digital distress solutions, providing crisis accommodations. The call is aimed at target groups who have been particularly at risk from the pandemic, including victims of crime (e.g. violence) as the consequences of the pandemic are expected to be long-lasting, so vulnerable groups who have already faced high levels of poverty and social exclusion will need special support in the coming period.<sup>77</sup>

## 2. Violence against women

The Resolution of National Programme of Family Violence Prevention and Violence against Women 2020–2025, which the Ministry of Labour, Family, Social Affairs and Equal Opportunities began drafting in 2019 is still in preparation.<sup>78</sup> The resolution seeks to highlight key areas where shortcomings and weak functioning of the prevention of violence against

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<sup>76</sup> Ministry of Justice (*Ministrstvo za pravosodje*) (2020), '[Ministrca mag. Lilijana Kozlovič: "Zavedamo se, da delamo nekaj dobrega"](#)', public release, 6 November 2020.

<sup>77</sup> Information was provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) upon request (email, 2 October 2020).

<sup>78</sup> Information was provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) upon request (email, 2 October 2020).

women and domestic violence were noted, and to identify goals and measures to improve them.

The exact timetable for implementing the measures will be set out in two-year action plans to be drawn up by the inter-ministerial working group set up to prepare this strategic document after the adoption of the resolution.<sup>79</sup>

Key objectives of the resolution include:

- high-quality, diverse and broadly available assistance and protection programmes for victims of domestic violence and violence against women;
- improved protection, treatment and status of victims of such a type of violence;
- highly skilled professionals dealing with domestic violence and violence against women;
- increased awareness in the society on the issues listed above and zero tolerance for such violence;
- improved regulations in the field of prevention of domestic violence and against women;
- provision of quality data on domestic violence and violence against women;
- improved prevention of domestic violence and violence against women.

In 2019, a public discussion began on the existing definition of rape as set out in Article 170 of the Criminal Code. The Ministry of Justice obtained a thorough analysis of the current definition of rape showing that this definition excludes certain cases (e.g. when the perpetrator uses the element of surprise or when the victim is rejecting sexual acts but is not physically resisting) and expressed support for the implementation of the 'yes means yes' model in the next amendments of the Criminal Code.<sup>80</sup>

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<sup>79</sup> Information was provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) upon request (email, 2 October 2020).

<sup>80</sup> STA (2019), '[Katičeva za uveljavitev modela DA je DA pri spolnem odnosu v spremembah kazenskega zakonika](#)', *Dnevnik*, 25 November 2019.

On 21 July 2020, the Ministry of Justice submitted to the inter-ministerial coordination the Draft Act amending the Criminal Code containing amendments to the chapter on crimes against sexual integrity, which represent the transition from the traditional “model of coercion” to the “model of consent”.<sup>81</sup> For the preparation of the amendment, the ministry set up a working group which almost unanimously assessed that it is appropriate to create a new criminal offence against sexual integrity in the Criminal Code that will incriminate the criminal offence according to the “veto model” as one of the models of consent (i.e. sexual intercourse and equal sexual offences and other sexual offences against a person’s will) but complemented by circumstances in which the victim, for various reasons, often cannot say no, and by the abuse of the victim’s surprise.

The ministry also organised several meetings with interested NGOs. A consensus was reached that in the case of crimes of rape, sexual violence and sexual abuse of a weak person the legislation must go beyond the traditional model of coercion and legitimise the model of consent.

However, no agreement was reached on the choice of the sub-type of consent model – representatives of the NGOs insisted on determining the crime according to the “affirmative consent model” and the ministry supported the “veto model” as the model of consent. The proposal now includes new fist paragraphs of Articles 170 (Rape) and 171 (Sexual violence) that incriminate interference with a person’s sexual self-determination against his or her will – according to the veto model. Thus, the existence of a crime no longer requires the perpetrator to use force or threats, nor does it require the victim to physically resist the perpetrator, but the victim must express his/her disagreement outwardly or be in a position where disagreement or consent cannot be expressed at all (complete passivity, intoxication, unconsciousness, crippling fear, etc.).<sup>82</sup>

The Institute of Criminology at the Faculty of Law in Ljubljana (*Inštitut za kriminologijo pri Pravni fakulteti v Ljubljani*) studied trends in criminal

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<sup>81</sup> Slovenia, Ministry of Justice (*Ministrstvo za pravosodje*), ‘[Spremembe Kazenskega zakonika, ki se nanašajo tudi na kazniva dejanja zoper spolno nedotakljivost, včeraj posredovane v usklajevanje](#)’, public release, 22 July 2020.

<sup>82</sup> Slovenia, Ministry of Justice (*Ministrstvo za pravosodje*), ‘[Spremembe Kazenskega zakonika, ki se nanašajo tudi na kazniva dejanja zoper spolno nedotakljivost, včeraj posredovane v usklajevanje](#)’, public release, 22 July 2020.

offences during the COVID-19 pandemic and compared the police data from 13 March to 13 April 2020 with data from the same period in 2019. The research findings, among other things, show an increase in reported alleged criminal offences against marriage, family and children, as titled in the Criminal Code. The number of alleged criminal offences of domestic violence was around 10 % higher in 2020 (119), compared with the same period in 2019 (108). The number of these offences from 13 March to 13 April 2020 is also around 10 % higher than the average monthly number of such offences in the period from 2015 to 2019.<sup>83</sup> Although violence against women is (in general) the predominant form of domestic violence, these cases may also include violence against older members of the family, parents of adult children, adult children, etc. However, this data does not include violence against minor children as this counts as a separate criminal offence. Data on the relationship between the perpetrator and the victim in certain other offences (such as minor bodily injury) and regarding minor offences in the field of public order would also be important for the assessment of partner violence against women during the pandemic, but the data was not yet available.<sup>84</sup> It is important to note that during the spring wave of the pandemic, NGOs supporting women victims of violence recorded that the number of women included in their programmes increased by two-thirds. According to the victims, the violence that had already been present continued and escalated, and in some cases, it occurred anew due to stress and various hardships.<sup>85</sup> The Ministry of Labour, Family, Social Affairs and Equal Opportunities stressed that the gender aspect of the impacts of the pandemic must not be overlooked.<sup>86</sup>

In the field of social welfare programmes, personal contacts with users were limited due to the pandemic. Providers nevertheless continued to implement their programmes by adapting activities, and being available to users by phone or e-mail. The implementation of accommodation programmes (safe houses for victims of violence, crisis centres) remained unchanged but in compliance with the instructions of the National Institute of Public Health

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<sup>83</sup> Plesničar M., M., Drobnjak, M., Filipčič, K. (2020), [Kriminaliteta v času Covid-19: Študija](#), Ljubljana, Inštitut za kriminologijo pri Pravni fakulteti v Ljubljani.

<sup>84</sup> Plesničar M., M., Drobnjak, M., Filipčič, K. (2020), [Kriminaliteta v času Covid-19: Študija](#), Ljubljana, Inštitut za kriminologijo pri Pravni fakulteti v Ljubljani.

<sup>85</sup> Al., Ma., MMC RTV SLO, STA (2020), '[Med epidemijo več nasilja nad ženskami](#)', MMC RTV SLO, 22 November 2020.

<sup>86</sup> Slovenia, Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*), '[Covid-19: ne pozabimo na vidik spola](#)', public release, 27 March 2020.

(*Nacionalni inštitut za javno zdravje*).<sup>87</sup> In cooperation with the Ministry of Health and Civil Protection, the Ministry of Labour, Family, Social Affairs and Equal Opportunities provided protective equipment to accommodation providers. The Ministry also called on the providers to continue assisting all users due to this exceptional situation and suggested that they provide counselling and support by other means of communication such as telephone, online and video calls. The providers raised awareness of domestic violence and provided women with information on where to turn in the event of domestic violence. For example, Association for Non-violent Communication (*Društvo za nenasilno komunikacijo*) adapted their availability, and between 13 April and 1 July 2020 set up a 24/7 helpline to support victims of violence during the increasing hardships due to the COVID-19 measures.<sup>88</sup> The National Institute of Public Health also published on their website the phone numbers where the providers offered counselling.<sup>89</sup>

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<sup>87</sup> Information was provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) upon request (email, 2 October 2020).

<sup>88</sup> Association for Non-violent Communication (*Društvo za nenasilno komunikacijo*), '[Kampanja – oglaševanje 24-urne telefonske številke za žrtve nasilja](#)', public release, 18 April 2020.

<sup>89</sup> Slovenia, Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*), '[Covid-19: ne pozabimo na vidik spola](#)', public release, 27 March 2020.

# Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

## 1. CRPD policy & legal developments

In 2019, the Ministry of Labour, Family, Social Affairs and Equal Opportunities prepared and then withdrew from the public discussion a draft amendment to the Personal Assistance Act.<sup>90</sup> After a year and a half, on 24 December 2020, the Ministry submitted to the inter-ministerial coordination the Draft Act Amending the Personal Assistance Act.<sup>91</sup> The Personal Assistance Act implemented two rights, namely the right to personal assistance and the right to a communication allowance for deaf, blind and deafblind users. The purpose of the law is to enable people with disabilities to live in a community and to provide personal assistance at home, at work, in education and in integration into the social environment. However, there have been several shortcomings in the implementation of the law, which the proposed amendment aims to address. Among others, the law did not stipulate that providers should have a certain level of experience in the field of personal assistance. To counter this, the amendment stipulates that personal assistance providers can be humanitarian organisations, self-help organisations and disability organisations, as well as institutions and associations with at least two years of experience in providing personal assistance. Besides, the draft amendment provides for a new definition of a personal assistant. Personal assistants shall be natural persons who provide personal assistance with personal assistance providers on the basis of an employment contract under the law governing employment, under a civil law contract or as sole proprietors, if they are of legal age, have legal capacity and do not have in their criminal record a prior conviction for a criminal offence involving violence, against sexual integrity or discriminatory treatment on the grounds of disability under other regulations. Personal assistants shall also complete training set out in the law.

On 28 July 2020, Equinet, the European Network of Equality Bodies, submitted a third-party intervention before the European Court of Human

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<sup>90</sup> STA (2019), 'Predlog sprememb zakona o osebni asistenci umaknjen iz javne razprave', 11 July 2019.

<sup>91</sup> Slovenia, [The Draft Act amending the Personal assistance act \(Predlog Zakona o spremembah in dopolnitvah Zakona o osebni asistenci\)](#), 24 December 2020.

Rights (ECtHR) in the case of Franc TOPLAK v. Slovenia and Iztok MRAK v. Slovenia, now pending before the second section of the ECtHR.<sup>92</sup> This is the first time that Equinet, of which the Slovenian Advocate of the Principle of Equality (*Zagovornik načlela enakosti*) is a member, has joined one of the proceedings before the ECtHR. The cases concern the accessibility of polling stations to persons with disabilities in wheelchairs. This is the first time that the Court will decide on the merits of a case regarding the structural problem of physical accessibility to polling stations regarding persons with disabilities, and the positive duties States have to ensure effective accessibility.

Persons with disabilities were particularly affected by the COVID-19 pandemic, as programmes for social inclusion and vocational rehabilitation were shut down due to the measures to contain the infection.<sup>93</sup>

The measures adopted to mitigate the consequences of the pandemic included persons with disabilities. Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy provided for a payment of a one-off solidarity allowance for vulnerable groups (recipients of social assistance funds or supplementary benefits) in the amount between € 130 and € 300 to recipients of disability insurance benefits, parents of children with special needs.<sup>94</sup> The act also provided for a monthly crisis allowance in companies employing persons with disabilities and employment centres.

Between July and September 2020, the Human Rights Ombudsman looked into various initiatives concerning people with disabilities during the COVID-19 pandemic. The Ombudsman issued several recommendations to the government, ministries and other stakeholders concerning COVID-19 and beyond:<sup>95</sup>

- the Ombudsman was critical of the possible outbreak of infection due to severe overcrowding in protective wards and lack of capacities for setting up red zones and called for a quick and effective action to prevent the

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<sup>92</sup> Equinet (2020), [Equinet's first amicus curiae intervention to the European Court of Human Rights](#), public release, 29 July 2020.

<sup>93</sup> Information was provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) upon request (email, 2 October 2020).

<sup>94</sup> Slovenia, [The Intervention measures to contain the COVID-19 epidemic and mitigate its consequences for citizens and the economy act](#) (*Zakon o interventnih ukrepih za zajezitev epidemije COVID-19 in omilitve njenih posledic za državljane in gospodarstvo*), 2 April 2020.

<sup>95</sup> Slovenia, Human Rights Ombudsman (*Varuh človekovih pravic*) (2020), '[Pregled aktivnosti Varuha na področju človekovih pravic invalidov / julij – september 2020](#)', public release, 10 November 2020.

spread of the coronavirus infection in the social care accommodation institutions;

- after the Ombudsman's recommendation, the government set an exception regarding the obligation to wear masks for direct communication with deaf and hard-of-hearing persons. After examining an initiative regarding the mandatory mask-wearing for children with special needs, the Ombudsman also suggested to the authorities to consider setting exemptions for people who cannot wear masks;
- the Ombudsman drew attention to the specifics of children with various chronic, autoimmune, rare or other diseases, making them even more vulnerable in the event of coronavirus infection or COVID-19 disease. He recommended to the authorities to include medical professionals from different specialities in the search for solutions, as well as pedagogical staff, who will eventually have to ensure the implementation of the adopted measures;
- the Ombudsman drew attention to the need to release the provision of services in work centres and training institutions for people with moderate and severe mental and physical disabilities, which were limited due to the pandemic, and inquired regarding the alleged refusal by the Ministry of Labour, Family, Social Affairs and Equal Opportunities to conclude contracts for the provision of personal assistance.
- the Ombudsman looked into the provision of help to families with children with special needs. After establishing that there has been a violation of Article 23 of the CRPD regarding the state's obligation to collect relevant disaggregated data and set up mechanisms to control the redistribution of resources effectively, the Ministry of Labour, Family, Social Affairs and Equal Opportunities has been called on to carry out an appropriate analysis as soon as possible.
- in September 2020, the Ombudsman submitted to the Council of Europe comments to the 19th National Report on the implementation of the European Social Charter. The submission included several issues related to disability, including long delays in implementation of the legal requirements regarding the accessibility of the physical environment, transportation, information and communications for persons with disabilities, and shortcomings in providing adequate, accessible, affordable and acceptable services for people with disabilities in need of assistance (including lack of policies aimed at deinstitutionalisation).

## 2. CRPD monitoring at national level

In 2019, the Ministry of Labour, Family, Social Affairs and Equal Opportunities sent into public discussion the Draft Council for Persons with Disabilities of the Republic of Slovenia Act.<sup>96</sup> The draft was to regulate the composition of the Council for Persons with Disabilities, an independent body for promoting equal opportunities of persons with disabilities and protecting their rights in accordance with Article 33 of the CRPD, including its tasks, powers and funding. The draft, however, received criticism from the Commission for the Prevention of Corruption (*Komisija za preprečevanje korupcije, KPK*), which stalled further developments.<sup>97</sup>

In its 2020 annual report, covering developments in 2019, the Commission for the Prevention of Corruption commented on the Draft Council for Persons with Disabilities of the Republic of Slovenia Act.<sup>98</sup> The Commission identified a risk of corrupt practices and possible illegal influences in the preparation of substantive solutions in the draft law. Namely, the ministry outsourced the preparation of the draft law to the Institute of Public Administration at the Faculty of Law in Ljubljana (*Inštitut za javno upravo pri Pravni fakulteti v Ljubljani*), thus relinquishing control over other influences on the content of the draft act. In the Commission's opinion, the ministry could not know which interest organisations (or lobbyists on their behalf) influenced the content of the draft, directly or indirectly through the members of the Council for Persons with Disabilities of the Republic of Slovenia (*Svet za invalide Republike Slovenije*) (currently a consultative body), whom the Institute consulted several times. The Commission found that the organisations represented in the Council had a significant impact on the content. It also noted that the draft law was not created based on comparable legal practices and professional solutions, but mainly based on particular interests. The Commission reported that the ministry admitted in a telephone conversation, that they outsourced the drafting of the law due to insufficient knowledge in the field of persons with disabilities protection, which is why in the past they have repeatedly drafted legal texts that did not meet the requirements of the CRPD. The Commission expressed concerns about this information. The Commission further noted that the draft law lacked elements required by the Rules of Procedure of the Government of the Republic of Slovenia (*Poslovnik*

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<sup>96</sup> Slovenia, [The Draft Council for persons with disabilities of the Republic of Slovenia act](#) (*Predlog Zakona o Svetu za invalide Republike Slovenije*), 10 May 2019.

<sup>97</sup> Information was provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) during the preparation of the Slovenia's Franet National contribution to the Fundamental Rights Report 2020 (email, 2 October 2019).

<sup>98</sup> Komisija za preprečevanje korupcije (2020), [Letno poročilo 2019](#), Ljubljana, Komisija za preprečevanje korupcije, pp. 62-64.

*Vlade Republike Slovenije*).<sup>99</sup> The Commission criticised the fact that the draft proposed the establishment of an independent state body which, in its organisational structure, deviates from other Slovenian independent state bodies (e.g. the Human Rights Ombudsman, Advocate of the principle of equality, Information Commissioner, etc.). One or more officials manage these bodies, while civil servants hold positions in professional services. But for the Council the draft law proposed that the current consultative body, which consists mainly of representatives of private interest organisations (disability organisations), became an independent state body, allowing these representatives to enter the public sector without any checks on their competence, knowledge and experience, without conducting a transparent selection process. The Commission also stated that the draft law did not specify the status of the Council's members and that the president of the Council could lead the body while being employed part time, posing a risk for the independence of their function.

In 2020, all proceedings regarding the Council for Persons with Disabilities Act were put on hold due to the COVID-19 situation, although materials and analysis for the planned changes in the legal framework were already prepared. According to the Ministry of Labour, Family, Social Affairs and Equal Opportunities, no CRPD monitoring was conducted.<sup>100</sup>

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<sup>99</sup> Slovenia, [The Rules of procedure of the Government of the Republic of Slovenia](#) (*Poslovnik Vlade Republike Slovenije*), 10 May 2001, and subsequent modifications.

<sup>100</sup> Information was provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) upon request (email, 2 October 2020).

# Annex 1 – Promising Practices

<b>Thematic area</b>	<p><b>EQUALITY AND NON-DISCRIMINATION</b></p> <p>Please provide one example of a promising practice to tackle discrimination against older people or LGBTI people such as awareness raising campaigns or ethical codes for healthcare staff held in your country in 2020. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2020 relevant to equality and non-discrimination of older people or LGBTI people, preferably one conducted by a national equality body.</p>
Title (original language)	Posebno poročilo: Položaj intersepolnih ljudi v medicinskih postopkih
Title (EN)	Special report: The situation of intersex people regarding medical procedures
Organisation (original language)	Zagovornik načela enakosti
Organisation (EN)	Advocate of the Principle of Equality
Government / Civil society	Equality body
Funding body	Advocate of the Principle of Equality
Reference (incl. url, where available)	<a href="http://www.zagovornik.si/wp-content/uploads/2020/06/PP-interspolnost-poslano-DZ-za-OBJAVO_kon%C4%8Dna.pdf">www.zagovornik.si/wp-content/uploads/2020/06/PP-interspolnost-poslano-DZ-za-OBJAVO_kon%C4%8Dna.pdf</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Written questionnaires issued in 2019, the report published in 2020.
Type of initiative	Study; awareness raising
Main target group	Intersex people; relevant stakeholders: patient rights advocates, key medical institutions, government departments

Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The Advocate submitted 31 written questionnaires to different stakeholders including the Ministry of Health (<i>Ministrstvo za zdravje</i>), patient rights advocates (<i>zastopniki pacientovih pravic</i>), National Institute of Public Health (<i>Nacionalni inštitut za javno zdravje</i>) and the relevant departments of the University Medical Centres Ljubljana and Maribor, respectively. The key findings from the analysis of the responses received from healthcare institutions point to the following: a) lack of knowledge of the notion of intersexuality on the part of some stakeholders, including patient rights advocates; b) lack of awareness of cases of medical treatment of intersex people on the part of certain stakeholders; c) surgical procedures are performed in childhood or adolescence; the child's sex is determined within a few days after birth on the basis of screening, genetic testing and diagnosis; d) decisions of the competent departments of healthcare institutions are based on current medical guidelines, while there is a lack of consideration for an approach that would ensure comprehensive protection of human rights (i.e. a human rights-based approach); e) surgical procedures are performed for the sake of "social acceptance", although they are not necessary to ensure the baby's or child's health or even survival; f) certain manners of informing parents of intersex children point to stigmatisation and pathologisation of intersex; g) decision-making protocols on medical procedures on intersex peoples, which are not absolutely necessary, are unclear and are not harmonised. The Advocate, with a view to study findings, made a series of recommendations to different government ministries and medical institutions.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	Generally, all elements of this exercise are transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The Advocate produced the study to draw attention to the right of intersex people to equal treatment and to raise awareness of the importance of developing and adopting regulations and measures to prevent any possibility of adverse treatment of intersex people. As noted, the Advocate, with a view to study findings, made a series of

	recommendations to different government ministries and medical institutions. As such, the study can serve as a benchmark for future activities and a tool for monitoring the situation in the field in question.
Give reasons why you consider the practice as having concrete measurable impact	Please see above.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	While very important, the project is not excessively complex in terms of methods or resources needed. The elements of the project are thus easily transferable to other settings, if cooperation of relevant stakeholders is ensured.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The Advocate examined the situation of intersex people regarding medical procedures on the initiative of a group of non-governmental organisations in the light of possible human rights violations or discrimination on the ground of sexual characteristics.
Explain, if applicable, how the practice provides for review and assessment.	N/A

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide one example of a promising practice to address racism and xenophobia in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
Title (original language)	Spletno oko
Title (EN)	Web Eye
Organisation (original language)	Univerza v Ljubljani, Fakulteta za družbene vede; ARNES – Akademska in raziskovalna mreža Slovenije; Zavod MISSS - Mladinsko informativno svetovalno središče Slovenije; Zveza prijateljev mladine Slovenije
Organisation (EN)	University of Ljubljana, Faculty of Social Sciences (coordinator); ARNES – Academic and research network of Slovenia; MISS Institute - Youth Information and Counselling Centre of Slovenia; Slovenian Association of Friends of Youth
Government / Civil society	Academic; public institute; civil society organisations
Funding body	European Commission; state bodies
Reference (incl. url, where available)	<a href="http://www.spletno-ok.si/">www.spletno-ok.si/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2007-ongoing
Type of initiative	Monitoring, awareness raising
Main target group	General public, the police
Indicate level of implementation: Local/Regional/National	National

Brief description (max. 1000 chars)	Spletno oko is an online hotline platform where concerned individuals can report incidents of alleged hate speech they observe on the internet. After assessing individual cases, the hotline team forwards to the police cases that in their opinion include elements of incitement to hatred, violence or intolerance prohibited under the Criminal Code. For example, the hotline referred 90 cases to the police for further investigation in 2019.
Highlight any element of the actions that is transferable (max. 500 chars)	<p>Similar initiatives already exist in several EU Member States. However, elements that could be transferrable include:</p> <ul style="list-style-type: none"> <li>- introducing on-line platform enabling reporting of instances of hate speech;</li> <li>- evaluation of incidents and reporting of relevant incidents to the police.</li> </ul>
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The initiative is already more than a decade old. Among other things, it is also a part of a larger network (i.e. INHOPE) which is funded by the European Commission and state institutions.
Give reasons why you consider the practice as having concrete measurable impact	For example, an important indicator of the project's impact is the considerable number of received reports of allegedly illegal content, as well as the number of incidents further reported to the police for consideration.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	Such practices already exist in Member States. Slovenian experiences, however, could be shared with similar actors abroad for possible refinement.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	Please see below.
Explain, if applicable, how the practice provides for review and assessment.	The initiative is open to public scrutiny. The project team publishes regular annual reports on its work. The project advisory board counts among its members various stakeholders, including representatives of the Office of the State Prosecutor General of

	the Republic of Slovenia, the General Police Directorate, as well as media and other organisations.
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<b>Thematic area</b>	<p><b>ROMA EQUALITY AND INCLUSION</b></p> <p>Please provide one example of promising practice in relation to the legal and policy developments in regard to Roma/Travellers (or any group covered by this term as per the Council of Europe definition) in 2020 that relate to the (1) application of the EU Framework on national Roma integration strategies and (2) the preparations for the new post-2020 initiative on Roma equality, inclusion and participation or in relation to any measures in your country in 2020 to address Roma inclusion and prevent discrimination, hate crime and hate speech with a particular focus on COVID-19.</p>
Title (original language)	Skupaj za znanje.
Title (EN)	Together for knowledge
Organisation (original language)	Center šolskih in obšolskih dejavnosti (CŠOD)
Organisation (EN)	Centre for School and Outdoor Education
Government / Civil society	Public institute
Funding body	EU funds (85 %), Ministry of Education, Science and Sport (15 %)
Reference (incl. url, where available)	<a href="http://www.skupajzaznanje.si/">http://www.skupajzaznanje.si/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2016-2021
Type of initiative	Roma education project
Main target group	Roma pre-school and school children and their parents
Indicate level of implementation: Local/Regional/National	Local/National

<p>Brief description (max. 1000 chars)</p>	<p>The project entitled "Together for knowledge" (<i>Skupaj za znanje</i>) is the main initiative in the field of education targeting the Roma. It is implemented by the Centre for School and Outdoor Education (<i>Center šolskih in obšolskih dejavnosti</i>), a public institute, and is a multi-year project aimed at pre-school and schoolchildren. It is based on the following main pillars: operation of a preparatory kindergarten in Kerinov Grm settlement and provision of education activities in three Multipurpose centres (Večnamenski centri) in Roma settlements targeting children who do not attend or do not regularly attend mainstream kindergartens; employment of Roma assistants who facilitate better integration of school children and act as a bridge between schools and Roma parents; provision of extra-school learning assistance to school children in seven Multipurpose centres and provision of out-of-class education activities. Since the commencement of the project in 2016 until the end of 2019, there were 616 pre-school and primary school children involved in the project activities carried out in the multipurpose centres (in this same period of time, project activities also involved 213 Roma parents). In the school year 2018/2019, 391 Roma children attended out-of-class activities. In 2019, 28 Roma assistants were present in 33 schools and 9 kindergartens across Slovenia. In the school year 2018/2019, they provided active and more regular assistance to an average of 621 pre-school and primary school children per month.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>All project elements seem to be transferable.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The practice is a multi-year project with stable financing.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The effect of the initiative can be seen in the number of children involved with the project, as well as in the fact that the project was adapted to better meet the children's needs. Instead of narrowly focusing on the school curriculum, the project team observed the actual needs in the field and focused on basic reading, writing and mathematics skills. Roma assistants are already an established bridge between schools and the Roma children and their parents, providing for the children's better integration in the school</p>

	environment.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	Elements of this practice have already been implemented in other environments. An important property of this practice is that different initiatives have been incorporated in a single comprehensive project, but this should not necessarily be an obstacle as regards the project's transfer to other environments.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The organisation implementing the project submits a report on project activities to the responsible ministry. It also employs an evaluation team that, among other things, asks Roma parents about their experience with the project activities. The project team adapts project activities based on the situation in the field. For example, since 2017, rather than on learning assistance which pays attention to the school curriculum the project activities has involved assistance to the children with obtaining and strengthening basic reading, writing and mathematics skills.
Explain, if applicable, how the practice provides for review and assessment.	Please see above.

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> Please, provide one example of a promising practice related to any of the topics addressed in the chapter – i.e. in relation to data protection, and/or artificial intelligence systems - in 2020.
Title (original language)	iDecide
Title (EN)	iDecide
Organisation (original language)	Informacijski pooblaščenec Republike Slovenije

Organisation (EN)	Information Commissioner of the Republic of Slovenia
Government / Civil society	Independent public authority (DPA)
Funding body	European Commission, Rights, Equality and Citizenship Programme
Reference (incl. url, where available)	<a href="http://www.ip-rs.si/varstvo-osebnih-podatkov/projekti/idecide/">www.ip-rs.si/varstvo-osebnih-podatkov/projekti/idecide/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2020
Type of initiative	Awareness raising
Main target group	Minors between 16 and 18 years of age, older people (over 65 years of age) and the working population
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>In 2020-2022, the Information Commissioner implements the iDecide project "Individuals decide - Raising awareness about data protection rights". The purpose of the project is to raise awareness of the reform of the personal data protection framework, especially regarding the rights of individuals.</p> <p>The main activities of the iDecide project include:</p> <ul style="list-style-type: none"> <li>- creation of three sets of freely accessible, printed and electronic, accurate and quality educational materials on the topic of the new framework for personal data protection, with special emphasis on the rights that individuals have and the possibilities of exercising them.</li> <li>- implementation of six educational seminars in the field of personal data protection for secondary school teachers and experts in the field of education, and experts from trade unions and labour associations.</li> <li>- daily professional support to the general public and target groups by experts at the</li> </ul>

	Commissioner in the form of: free telephone counselling (call to the telephone number 01 230 97 30), written counselling (individuals can send questions to the e-mail address gp.ip@ip-rs.si), publication of information and educational materials on Information Commissioner's websites (www.ip-rs.si, www.upravljavec.si and www.tiodlocas.si) and conducting educational lectures at external events.
Highlight any element of the actions that is transferable (max. 500 chars)	All elements seem transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Activities are implemented by the Information Commissioner, Slovenian data protection authority. Educational materials developed will be available in printed and electronic form, enabling extended use.
Give reasons why you consider the practice as having concrete measurable impact	Impact may be measured by the number of calls and e-mails received and addressed, number of downloads/clicks to the electronic versions of the materials, number of seminars organised, number of participants.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	Data protection authorities in other Member States may be properly placed to implement similar projects.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	/
Explain, if applicable, how the practice provides for review and assessment.	/



<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	DIGI Šola
Title (EN)	DIGI School
Organisation (original language)	Ministrstvo za šolstvo, znanost in šport Republike Slovenije
Organisation (EN)	The Ministry of Education, Science and Sport of the Republic of Slovenia
Government / Civil society	Government and civil society
Funding body	/
Reference (incl. url, where available)	<a href="http://www.gov.si/novice/2020-04-08-ministrstvo-za-izobrazevanje-znanost-in-sport-s-projektom-digi-sola-do-ucenk-in-ucencev-iz-socialno-ogrozenih-okolij/">www.gov.si/novice/2020-04-08-ministrstvo-za-izobrazevanje-znanost-in-sport-s-projektom-digi-sola-do-ucenk-in-ucencev-iz-socialno-ogrozenih-okolij/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	April 2020
Type of initiative	Education
Main target group	Children in need (technical support to distance learning)
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	To immediately enable equal opportunities for distance learning during COVID-19 epidemic, the Ministry of Education, Science and Sport established the project DIGI School to provide children with computers and access to internet. The project invited donators to contribute money or technical equipment (computers, tablets, software, and modems). The list of needs were compiled by schools and reported to local units of the Institute of Education ( <i>Zavod za šolstvo</i> ). The priority recipients are families without

	computer and access to internet and large families. As of 1 June 2020, the project collected more than 1,300 computers and 950 modems for children in need of these devices. Additionally, schools from all over the country provided over 4000 computers.
Highlight any element of the actions that is transferable (max. 500 chars)	All elements are transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	This project was established as a response to the pressing needs of distance learning during COVID-19. However, the project is ongoing and the established procedures could be employed for providing children with technical equipment and long-term internet access.
Give reasons why you consider the practice as having concrete measurable impact	The Ministry is providing reports on the number of equipment collected and distributed to children who did not have computers or internet access.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The practice includes organisation of the process by the Ministry and the schools, with the involvement of private donors.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	Not applicable.
Explain, if applicable, how the practice provides for review and assessment.	Not applicable.

<b>Thematic area</b>	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Služba za podporo oškodovancem pri Okrožnem sodišču v Ljubljani
Title (EN)	Victims Support Service at the District Court in Ljubljana
Organisation (original language)	Okrožno sodišče v Ljubljani
Organisation (EN)	District Court in Ljubljana
Government / Civil society	Judiciary
Funding body	District Court in Ljubljana
Reference (incl. url, where available)	<a href="http://www.sodisce.si/mma_bin2.php?nid=2019102208331882&amp;static_id=20191022082937">www.sodisce.si/mma_bin2.php?nid=2019102208331882&amp;static_id=20191022082937</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	20. October 2019
Type of initiative	Victim support
Main target group	Victims of crime who participate in the criminal proceedings
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	The changes of the Criminal Procedure Act to transpose the Victims' Directive demand a different treatment of victims, which also require the active conduct of judges and court staff, and more comprehensive and individual treatment of victims of crime. Thus, the District Court in Ljubljana decided to establish a new organizational unit, the Victims Support Service. The service works together with judges and other court staff to ensure

	<p>that the victims in criminal proceedings are treated appropriately and respectfully and that appropriate protection measures are provided to all those in need. The service primarily helps victims with special protection needs – due to the violations of their rights or their personal characteristics or vulnerabilities (due to the nature, gravity or circumstances of the criminal offense or due to the conduct of the accused or injured party in the pre-trial or criminal proceedings and beyond) there is a special need for protection.</p> <p>In four months since its establishment, the service provided support to 25 victims in 18 cases, predominantly to victims of domestic violence and crimes against sexual integrity.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	All elements are transferable, the service is organised at the court, which is similar to the solutions of some of the other EU Member States. Since, similar service has been established at the District Court in Maribor.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Since, similar service has been established at the District Court in Maribor. This is a promising practice that could lead to the establishment of similar services at other District Courts.
Give reasons why you consider the practice as having concrete measurable impact	The impact can be measured by the number of victims assisted through the service. The Victims Support Service at the District Court in Ljubljana provided support to 25 victims in 18 cases in four months after its establishment.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The service is organised at the court, which is similar to the solutions of some of the other EU Member States.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the	Not applicable.

practice.	
Explain, if applicable, how the practice provides for review and assessment.	Not applicable.

<b>Thematic area</b>	<b>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)</b>  Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
Title (original language)	Za vse/4 All
Title (EN)	For All/ 4All
Organisation (original language)	ZIZRS - Združenje izvajalcev zaposlitvene rehabilitacije v Republiki Sloveniji, Slovenska filantropija, Zavod vozim
Organisation (EN)	Association of Vocational Rehabilitation Providers in the Republic of Slovenia, Slovene Philanthropy, Vozim Institute
Government / Civil society	Members of the first mentioned organisation include a public body, civil society organisations and companies providing vocational rehabilitation to persons with disabilities. The last two organisations are civil society organisations.
Funding body	Republic of Slovenia and the European Union through the European Social Fund
Reference (incl. url, where available)	<a href="https://za-vse.eu/en/accessibility-4-all/">https://za-vse.eu/en/accessibility-4-all/</a> ; <a href="https://za-vse.eu/sl/dostopnost-za-vse/">https://za-vse.eu/sl/dostopnost-za-vse/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 February 2019 – end of October 2020

Type of initiative	Awareness raising
Main target group	NGOs focusing on vulnerable groups, public institutions (sectoral inspections, the police, ministries, local public and educational institutions)
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The ZaVse/4ALL project strives towards a non-discriminatory society. It employs activities to reduce the level of discrimination and to contribute to the awareness, recognition and reduction of problems of unequal opportunities and discrimination against vulnerable groups, such the Roma, the same-sex oriented, refugees, the socially disadvantaged and persons with disabilities. One of the focuses of the project is accessibility to the built environment and information as a basic human right. Additionally, the project includes activities for encouraging employers to employ persons with disabilities. The project prepared several brochures and guidebooks on the topic of accessibility, social inclusion and employing persons with disabilities. The project also launched a media campaign promoting non-discriminatory contemporary communities, changing attitudes towards employing persons with disabilities and social responsibility. The media campaign includes short videos on accessibility to the built environment and information, employment incentives and workplace accommodations.
Highlight any element of the actions that is transferable (max. 500 chars)	All elements are transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Project outputs (videos, brochures, guides) provide for sustainable and long-term use and effect of the project results.
Give reasons why you consider the practice as having concrete measurable impact	The project includes the organisation of over 50 workshops across the country – number of workshops, number of participants, participant feedback are elements that provide for a measurable impact.
Give reasons why you consider	Elements of this practice have already been implemented in other environments.

the practice as transferable to other settings and/or Member States?	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The project includes the organisation of over 50 workshops across the country that are intended for project target groups.
Explain, if applicable, how the practice provides for review and assessment.	N/A

## Annex 2 – Case Law

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one high court decision addressing discrimination against older people or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE.</b> Please provide the most relevant high court decision concerning the application of <u>either</u> the Racial Equality Directive <u>or</u> the Framework Decision on racism and xenophobia, addressing racism, xenophobia and other forms of intolerance more generally.
	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
<b>Decision date</b>	10 March 2020
<b>Reference details</b>	European Court of Human Rights Hudorovič and others v. Slovenia, Nos. 24816/14 and 2514/14
<b>Key facts of the case</b> (max. 500 chars)	The families of two and 14, respectively, have been living in their informal settlements for decades. The first applicants claimed, among other things, that their home (i.e. a wooden hut) has no access to water, sewage and sanitation, and they were consequently forced to claim water from the cemetery or the nearby-polluted stream or to acquire it from other

	<p>houses. They further claimed that the past solution to their situation had not been successful. The second applicants also lack access to public utilities. While the local authorities provided a water-distribution system in their settlement, the applicants claimed that they could not connect to it due to obstruction by hostile neighbours. A village fountain, 1.8 km away from their hut was not seen by the applicants as reasonable solution as regards their access to water. The applicants claimed that because of the lack of basic amenities such as running water and sanitation they had experienced hygiene issues, embarrassment and pain in view of their living conditions, while their children were stigmatised, humiliated and unable to integrate into mainstream society. The applicants alleged the state's violation of Articles 3 and, a fortiori, 8 of the European Convention on Human Rights, as their homes lacked basic amenities, particularly drinking water and sanitation. They also pointed to negative and discriminatory attitudes by the local authorities, failing to address their adverse situation in any meaningful manner. In the applicants' opinion, this amounted to the violation of Article 14 in conj. with Articles 3 and 8 of the Convention. The court joined their applications.</p>
<p><b>Main reasoning/argumentation</b> (max. 500 chars)</p>	<p>The court clarified that access to safe drinking water was not, as such, a right protected by Article 8 of the Convention, but that a persistent and long-standing lack of access to safe drinking water may trigger, in specific circumstances, the State's positive obligations under that provision. In this respect, an assessment of the relevant circumstances should be performed on a case-by-case basis. In the case at hand, the court established no violation of the petitioners' rights. It said that the measures adopted by the state to provide for their access to safe drinking water and sanitation took account of their vulnerable position and satisfied the requirements enshrined in Article 8 of the Convention. According to the court, a) the applicants could have used social benefits they receive for improving their living conditions, b) the states enjoy a wide margin of appreciation in housing matters, and c) the applicants failed to convincingly back the state's alleged failure to provide them with access to safe drinking water had adverse impact on their health and human dignity. As a result, the court also found no violation of Article 14. The court further established no violation of Article 3, taken alone and in conj. with Article 14, since "the positive measures undertaken by the domestic authorities provided the applicants with the opportunity to access safe drinking water, irrespective of how and whether it was realised."</p>

<p><b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)</p>	<p>The court found that the complainants’ allegations of the state’s failure to facilitate their access to drinking water and sanitation, with a view to their specific needs as members of the Roma community and their different lifestyle, raised mainly issues under Article 8 (right to respect for private and family life) and 14 (prohibition of discrimination) of the Convention.</p>
<p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>	<p>The court established no violation of the relevant articles of the European Convention on Human Rights.</p>
<p><b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)</p>	<p>“The Court makes clear that access to safe drinking water is not, as such, a right protected by Article 8 of the Convention. However, the Court must be mindful of the fact that without water the human person cannot survive. A persistent and long-standing lack of access to safe drinking water can therefore, by its very nature, have adverse consequences for health and human dignity effectively eroding the core of private life and the enjoyment of a home within the meaning of Article 8. Therefore, when these stringent conditions are fulfilled, the Court is unable to exclude that a convincing allegation may trigger the State’s positive obligations under that provision. Existence of any such positive obligation and its eventual content are necessarily determined by the specific circumstances of the persons affected, but also by the legal framework as well as by the economic and social situation of the State in question. The Court considers that the question whether any positive obligations were triggered in the present case and the scope of such obligations, which are the core issues to be examined on the merits, are closely linked to the specific circumstances of the case and their level of seriousness. There is therefore a strong tie between the question of applicability and the merits in the assessment of whether or not a private life issue is raised in the present case.”</p> <p>(English is one of the court’s official languages, and is thus original language of the judgment.)</p>

<p><b>Thematic area</b></p>	<p><b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b></p>
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	Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. in relation to data protection, and/or artificial intelligence systems.
<b>Decision date</b>	28 August 2020
<b>Reference details</b>	Supreme Court of the Republic of Slovenia ( <i>Vrhovno sodišče Republike Slovenije</i> ) Judgement No. II Ips 23/2020 ECLI:SI:VSRS:2020:II.IPS.23.2020
<b>Key facts of the case</b> (max. 500 chars)	In August 2014, the defendant published newspaper articles in its online newspaper regarding the application of candidates for the Ministry of Justice's vacancy for the position of judge at the European Court of Human Rights (hereinafter ECtHR). In them, the defendant stated that the plaintiff had been sentenced to a year and a half in prison for the crime of domestic violence. The content of the articles was truthful and the writing did not reach a personal level. The purpose was to inform the public about the appropriateness of the candidates. The plaintiff claimed in the lawsuit that the defendant acted unlawfully because it allowed the article on the website to be freely accessible even after the vacancy for the position of judge at the ECtHR was annulled and a new vacancy was published on 30 October 2014. The information was no longer in the public interest at the time, so the article should have been removed from the publicly accessible website. By failing to do so, she violated his personal rights, in particular his right to privacy. The plaintiff demanded in the lawsuit that the defendant pay him compensation.
<b>Main reasoning/argumentation</b> (max. 500 chars)	An individual does not lose the status of a public person after the expiration of the event due to which he was a relative public figure. He will always maintain such a status in connection with this event. He cannot rule out participation in the event retrospectively. The second is the question of whether he is entitled to anonymity and protection of personal data after the event. The answer is ambiguous and depends on the circumstances of the case, especially the significance of the event, the role of the person in public life and his behaviour and public appearance, the public's interest in accessing information at a certain time after the event, content and form of publication.
<b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)	The right to be forgotten and the right of a person to request the deletion of certain personal data or information based on which he can be identified.

<b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)	The Supreme Court rejected the plaintiff's request for revision of the case.
<b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)	<p>“Pretirana in v nasprotju s poslanstvom medijev bi bila zahteva, da sami sprotno, vsakodnevno preverjajo aktualnost svojih preteklih objav, so pa to dolžni zahtevo upravičene osebe in tedaj po potrebi tudi ustrezno ukrepati.”</p> <p>“It would be an exaggeration and contrary to the mission of the media to demand of them to check the topicality of their past publications on a daily basis, but they are obliged to do so at the request of the entitled person and then, if necessary, take appropriate action.”</p>

<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> Please provide the most relevant high court decision relating to the topics addressed in this chapter.
<b>Decision date</b>	7 January 2020
<b>Reference details</b>	Higher Court in Ljubljana ( <i>Višje sodišče v Ljubljani</i> ) Decision No. II Kp 424/2019 ECLI:SI:VSLJ:2020:II.KP.424.2019
<b>Key facts of the case</b> (max. 500 chars)	The District Court in Ljubljana imposed on the minor an educational measure. An appeal was lodged against the decision by the defence counsel for "substantial violations of the provisions of criminal procedure, erroneous and incomplete findings of fact, misapplication of substantive law, violations of constitutional rights and freedoms and for incorrectly imposed sentence and proposed that the Higher Court annul the decision and return the case for retrial or to change the challenged decision by applying the principle and <i>dubio pro reo</i> by acquitting the minor. At the time of the appeal, the defence counsel proposed that the higher court hold a hearing in the presence of the parties. The court of second instance held a hearing, at which the defence counsel emphasized the essential points of the appeal and drew attention to the fact that the minor was not present at one of the sessions of the main hearing before the court of first instance and that the court should not hold the main hearing in the absence of his client.
<b>Main reasoning/argumentation</b> (max. 500 chars)	The higher court found, ex officio, that the court of first instance committed a substantial violation of the provisions of the criminal procedure from point 3 of the first paragraph of Article 371 of the ZKP. Given that it found that the direct taking of evidence would be necessary, the Court of First Instance called a main hearing. The court held the main hearing in five separate sessions. Four of the five sessions were held in the presence of a minor (on 28 November 2018, 9 April 2019, 9 May 2019 and 6 June 2019), but at the fifth session of the main hearing (on 5 September 2019) the minor was not present, which the defence counsel reasonably pointed out at the session of the Appeals Chamber. The absence of a minor at one of the sessions of the main hearing constitutes a substantial

	violation of the provisions of criminal procedure, as presence of a minor at the main hearing is mandatory under the provision of the third paragraph of Article 479 of the CPA.
<b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)	Mandatory presence of the minor at the hearing.
<b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)	When deciding on an appeal, the decision of the court of first instance is ex officio annulled and the case is returned to the court of first instance for a new trial.
<b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)	<p>“Sodišče prve stopnje je glede na to, da je ugotovilo, da bo v postopku proti <i>mladoletniku</i> potrebno neposredno izvajanje dokazov, razpisalo glavno obravnavo in jo na več narokih tudi opravilo. Ker pa je enega izmed narokov za glavno obravnavo opravilo v nenavzočnosti <i>mladoletnika</i> kljub temu, da je po določbi tretjega odstavka 479. člena ZKP <i>mladoletnikova</i> navzočnost na glavni obravnavi obvezna, je storilo bistveno kršitev določb kazenskega postopka po 3. točki prvega odstavka 371. člena ZKP.”</p> <p>“Since the court of first instance found that the proceedings against the <i>juvenile</i> would require the direct taking of evidence, it ordered a main hearing. However, since one of the hearings was held in the absence of the <i>juvenile</i>, despite the fact that the <i>juvenile's</i> presence at the main hearing is mandatory under the provision of the third paragraph of Article 479 of the CPA, it committed a substantial violation of the provisions of criminal procedure.”</p>

<b>Thematic area</b>	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide the most relevant high court decision relating to the topics addressed in this chapter.
<b>Decision date</b>	7 July 2020
<b>Reference details</b>	Higher Court in Ljubljana (Višje sodišče v Ljubljani) Decision No IV Cp 1065/2020 ECLI:SI:VSLJ:2020:IV.CP.1065.2020
<b>Key facts of the case</b> (max. 500 chars)	The Court of First Instance issued a protection (stay-away) order, prohibiting the opposing party (one former spouse and alleged perpetrator) for a period of six months from: entering and approaching the apartment where the applicants (second former spouse and their children, all alleged victims) reside. The first-instance court then upheld the objection of the opposing party against the said decision, annulled it and rejected the applicants' proposal. The applicants lodged an appeal against such a decision, on the grounds of erroneous or incomplete findings of fact, substantial violations of the procedural provisions and erroneous application of substantive law. Applicants claimed that there was a violent incident and that the opposing party had many times been physically and psychically violent towards the applicants. The opposing party claimed that this is not a criminal trial but a procedure to determine whether measures are necessary to prevent future violence.
<b>Main reasoning/argumentation</b> (max. 500 chars)	The purpose of the measures specified in Article 19 of the Family Violence Prevention Act is not to punish the opposing party for past actions. Their purpose is preventive, i.e. to ensure the protection of victims of domestic violence in an urgent and expeditious procedure by ending and preventing acts of violence. When the court decides on the imposition of measures, therefore, it will not only be a question of whether a certain conduct constitutes violence or not, but whether it constitutes such violence that state interference in the family community is justified. As these are encroachments on fundamental rights, the importance of the principle of proportionality is emphasized, which also implicitly derives from the provision of Article 5 of the Family Violence Prevention Act. The scope and content of the court's measures must be proportionate to the level of threat to the victim of violence. The principle of proportionality, as one of the basic principles of the Family Violence Prevention Act, also obliges the court to adequately protect victims, and in addition sets limits on interfering with the privacy of individuals or their mutual relations.

<b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)	Family Violence Prevention Act, protection measures, nature of protection measures, principle of proportionality.
<b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)	The court of second instance rejected the appeal of the applicants and upheld the decision of the court of 1st instance (rejecting the proposed protection (stay-away) order).
<b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)	<p>“Sodišče prve stopnje je pravilno zaključilo, da so ukrepi, ki so jih predlagatelji predlagali v tem postopku in jih je sodišče izreklo s sklepom z dne 1. 4. 2020, nesorazmerni oziroma pretirani in presegajo namen in cilje ukrepov po ZPND.”</p> <p>“The Court of 1st Instance correctly concluded that the measures proposed by the applicants in this procedure and imposed by the court by order of 1 April 2020 were disproportionate or excessive and exceeded the purpose and objectives of the measures under the ZPND [Family Violence Prevention Act].”</p>

<b>Thematic area</b>	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.
<b>Decision date</b>	22 October 2020
<b>Reference details</b>	Constitutional Court of the Republic of Slovenia (Ustavno sodišče Republike Slovenije) Decision No U-I-168/16-37
<b>Key facts of the case</b> (max. 500 chars)	At the initiative of several individuals and the Association for the Rights of Persons with Disabilities of Slovenia, the Constitutional Court assessed the constitutionality of statutory measures of positive discrimination for exercising the active voting right of persons with disabilities regulated by the National Assembly Elections Act (hereinafter the Act). The key complaint of the initiators was that the legislative abandonment of voting devices was inconsistent with the Constitution.
<b>Main reasoning/argumentation</b> (max. 500 chars)	<p>The Constitutional Court found that the current legislation mandates the physical accessibility of all voting stations for persons with disabilities, in addition to which it enables the disabled to vote with adapted ballots, by post, with the help of another person or at home before the electoral committee.</p> <p>The Constitutional Court paid additional attention to for persons with disabilities who would need technological assistance for personal, independent and secret voting and who in the past could exercise their right to vote with the help of voting devices. It found that these persons could vote with the help of another person in all polling stations, by post and at home in front of the electoral committee. It ruled that such a vote was appropriate both from the point of view of the right to personal, independent and secret voting (second paragraph of Article 43 of the Constitution) and from the point of view of the right to non-discriminatory treatment (first paragraph of Article 14 of the Constitution). It emphasised that the assistance of another person must be limited to technical assistance in filling in or submitting the ballot paper and the decision on voting must be made and expressed by the voter him/herself.</p>

<p><b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)</p>	<p>Constitutionality of statutory measures of positive discrimination for exercising the active voting right of persons with disabilities regulated by the National Assembly Elections Act, technological assistance, voting devices.</p>
<p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>	<p>The Constitutional Court thus ruled that the abandonment of voting devices, taking into account the regulation of other measures of positive discrimination as a whole, does not interfere with the right of persons with disabilities to non-discriminatory treatment in connection with the exercise of the right to vote.</p>
<p><b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)</p>	<p>“Glasovanje s pomočjo volilnih strojev oziroma naprav tudi primerjalnopravno ni splošno uveljavljeno. Volilne naprave trenutno uporabljajo le v treh evropskih državah, in sicer v Belgiji, Franciji in Bolgariji. [...]Po drugi strani je glasovanje s pomočnikom veliko bolj uveljavljeno in se pod različnimi pogoji uporablja v skoraj vseh evropskih državah.”</p> <p>“Voting with the help of voting devices is not generally established in comparative law. Electoral devices are currently used in only three European countries, namely Belgium, France and Bulgaria. [...] On the other hand, voting with an assistant is much more established and is used under different conditions in almost all European countries.”</p>