

# Frant National contribution to the Fundamental Rights Report 2023

**Slovenia**

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## Policy and legal highlights 2022

Franet country study: policy and legal highlights 2022	
Issues in the fundamental rights institutional landscape	No developments in 2022.
EU Charter of Fundamental Rights	<p><b>Project "Supporting NHRIs in monitoring fundamental rights and the fundamental rights aspects of the rule of law":</b></p> <p>In 2022, the Human Rights Ombudsman joined the project "<a href="#">Supporting National Human Rights Institutions in monitoring fundamental rights and the fundamental rights aspects of the rule of law (July 2022 - February 2024)</a>", which is a collaboration between European Union Agency for Fundamental Rights (FRA), seven National Human Rights Institutions (NHRIs) and the European Network of National Human Rights Institutions (ENNHRI). The project aims to empower NHRIs to establish activities in the area of fundamental rights (EU Charter) and the rule of law to a greater extent.</p>
Equality and non-discrimination	<p><b>Same-sex couples allowed to marry and apply for joint adoption:</b></p> <p>In June 2022, in <a href="#">a landmark case, the Constitutional Court</a> found the Family Code, which determines that marriage may only be contracted by two persons of different sex and same-sex partners living in a formal civil union may not jointly adopt a child, discriminatory. On 4 October 2022, the National Assembly amended the Family Code in accordance with the decisions of the Constitutional Court.</p>
Racism, xenophobia & Roma Equality and Inclusion	<p><b>Hate crime - Draft Act amending the Criminal Code prepared:</b></p> <p>On 22 November 2022, the Government of the Republic of Slovenia adopted a <a href="#">Draft Act amending the Criminal Code</a> (<i>Kazenski zakonik</i>), which introduces hate crime as a mandatory aggravating circumstance that is taken into account when sentencing. Amendment has not yet been adopted by the members of the National Assembly of the Republic of Slovenia.</p>
Asylum & migration	No developments in 2022.
Data protection and digital society	<p><b>National data protection law finally harmonised with the GDPR:</b></p> <p>On 15 December 2022, the new <a href="#">Personal Data Protection Act</a> (<i>Zakon o varstvu osebnih podatkov, ZVOP-2</i>) was adopted, which after more than four years finally aligns Slovenian national data protection legislation with the GDPR. In addition to procedural provisions for the exercise of the rights of the data subjects and competences of the national supervisory authority, ZVOP-2 also regulates sectoral arrangements, e. g. video surveillance and biometrics.</p>

Rights of the child	<p><b>Decree on the method of cooperation between the Children’s House and other participants in providing comprehensive treatment at the Children’s House:</b></p> <p>On 19 October 2022, a <a href="#">Decree on the method of cooperation between the Children’s House and other participants in providing comprehensive treatment at the Children’s House</a> was adopted. The Decree regulates in more detail the cooperation between the public institution Children's House and other participants in relevant proceedings under the Protection of Children in Criminal Procedure and their Comprehensive Treatment in Children's House Act.</p>
Access to justice, including victims of crime	<p><b>Draft Resolution on National Programme for Family Violence and Violence against Women Prevention prepared:</b></p> <p>In March 2022, the Ministry of Social Affairs and Labour has drafted a new <a href="#">Resolution on National Programme for Family Violence and Violence against Women Prevention</a>. If adopted, the draft Resolution, which for the first time combines the prevention of both family violence and violence against women.</p>
Convention on the Rights of Persons with Disability	<p><b>Draft Accessibility of Products and Services for Persons with Disabilities Act prepared:</b></p> <p>The Ministry of Labour, Family, Social Affairs and Equal Opportunities (in cooperation with other ministries), has prepared the <a href="#">Draft Accessibility of Products and Services for Persons with Disabilities Act</a>. The draft law prescribes the conditions for accessibility to products, services and answering emergency communications that are defined by Article 2 of the European Accessibility Act. The law is expected to be adopted by the end of 2022.</p>

# 1 Equality and non-discrimination

## 1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination focussing on LGBTIQ people and combating discrimination on the grounds of socio-economic status, health status and physical appearance

In 2022 the Constitutional Court of the Republic of Slovenia delivered landmark decisions in cases related to the regulation of marriage<sup>1</sup> and joint adoption,<sup>2</sup> which entailed prohibited discrimination against same-sex couples. By two decisions adopted on 16 June 2022, the Constitutional Court established that the statutory regulation which determines that (i) marriage may only be contracted by two persons of different sex and (ii) same-sex partners living in a formal civil union may not jointly adopt a child, is discriminatory and therefore inconsistent with the Constitution. Discrimination against same-sex couples who were not allowed to enter into marriage cannot be justified by the traditional meaning of marriage as a union of husband and wife, nor can it be justified by the special protection of the family.<sup>3</sup> For a detailed explanation, see Annex 2.

Furthermore, the Constitutional Court found that equal treatment of persons regardless of their sexual orientation requires the equalisation of their legal positions, including joint adoption. In Slovenia, same-sex partners have thus far been able to establish joint parenthood only if one partner adopted the child of the other partner (unilateral adoption). The aim of protecting the best interests of the child cannot justify the reviewed regulation of joint adoption, as the absolute prohibition of the entry of same-sex partners in the register of candidates for joint adoption is not an appropriate measure for achieving this aim. The best interests of the child can only be assessed in the context of an individual adoption procedure, in which the most suitable adoptive parents for the child are selected from among all potential candidates for joint adoption. Same-sex partners living in a formal civil union may jointly adopt a child under the same conditions as different-sex spouses.<sup>4</sup>

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<sup>1</sup> Slovenia, Constitutional Court of the Republic of Slovenia, [Decision No. U-I-486/20-20, Up-572/18-42](#), 16 June 2022.

<sup>2</sup> Slovenia, Constitutional Court of the Republic of Slovenia, [Decision No. U-I-91/21-26, Up-675/19-39](#), 16 June 2022.

<sup>3</sup> Slovenia, Constitutional Court of the Republic of Slovenia, [‘The reviewed regulation of marriage and joint adoption entails prohibited discrimination against same-sex couple’](#), press release, 23 June 2022.

<sup>4</sup> Slovenia, Constitutional Court of the Republic of Slovenia, [‘The reviewed regulation of marriage and joint adoption entails prohibited discrimination against same-sex couple’](#), press release, 23 June 2022.

On 4 October 2022, the National Assembly adopted the Family Code (*Družinski zakonik*), duly amended following the Constitutional Court decisions.<sup>5</sup>

In June 2022, the Advocate for the Principle of Equality (*Zagovornik načela enakosti*) reported that it assessed the discriminatory character of an amendment of the International Protection Act (*Zakon o mednarodni zaščiti*) in the part regulating the grounds for dismissal of the refugee counsellor (*svetovalec za begunce*). The Advocate considered that the possibility of dismissing refugee counsellors in cases where it appeared that they had failed to disclose information to the competent authorities that could be harmful to their clients was discriminatory. As a result of this arrangement in Article 9 of the International Protection Act, the right to an effective remedy in appeal proceedings is guaranteed only to applicants for international protection who are able to pay for the services of a lawyer. The right to an effective remedy is a fundamental human right recognised to every individual, both at the level of binding international legal instruments and the Constitution of the Republic of Slovenia. In the discrimination assessment procedure, the Advocate found that the applicant had not demonstrated that abuses of international protection procedures were taking place, nor had he demonstrated that the dismissal of refugee counsellors could be an appropriate means of reducing these alleged abuses. In the Advocate's view, the regulation thus results in the unjustified, less favourable treatment of applicants for international protection on the basis of their financial situation. He recommended that the Ministry of the Interior (*Ministrstvo za notranje zadeve*) eliminate the discrimination by amending the regulation.<sup>6</sup>

In September 2022, the Advocate found that the criteria for awarding bonuses, incentives and allowances paid to employees by a trading company were discriminatory. The amount of these salary supplements was based on the attendance of workers at work, which could have led to a disadvantage in these extraordinary benefits for those who could not be present at work due to their personal circumstances (their health status, disability, pregnancy or parenthood).<sup>7</sup>

As previously reported, the Advocate found in December 2021 a permanent refusal to donate blood based on sexual orientation and sexual behaviour alone discriminatory. It did so because it found, based on a proportionality test, that an automatic and permanent ban on blood donations for all men who have had sex with men was not wholly appropriate, nor the only possible or proportionate

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<sup>5</sup> Slovenia, National Assembly (*Državni zbor*), Act on amending the Family Code ([Zakon o spremembah Družinskega zakonika](#)), 4 October 2022.

<sup>6</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), 'The Advocate considers the International Protection Act discriminatory against refugees with lower financial status' ([Zakon o mednarodni zaščiti je po oceni Zagovornika diskriminatoren do beguncev s slabšim premoženjskim stanjem](#)), press release, 14 June 2022.

<sup>7</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), 'The Advocate finds discrimination in the payment of bonuses and salary supplements in a commercial company' ([Zagovornik ugotovil diskriminacijo pri izplačilu nagrad in dodatkov k plači v trgovskem podjetju](#)), press release, 6 September 2022.

measure to ensure the integrity of donated blood.<sup>8</sup> The Blood Transfusion Centre of Slovenia modified, as of 1 July 2022, the selection of blood donors. The permanent refusal to donate blood on the grounds of sexual orientation and sexual behaviour was abolished. The criteria for selecting blood donors will individually assess the risk of sexual behaviour of potential donors regardless of their gender or sexual orientation.<sup>9</sup>

In October 2022, the Advocate found that the Act Determining Emergency Measures to Mitigate the Consequences of the Impact of High Energy Commodity Prices based on which a one-off solidarity allowance of € 150 was paid to beneficiaries, was discriminatory in the part where beneficiaries were determined. The Advocate found it essential that, for the purpose of the introduction of the measure, no analyses were prepared to show the disadvantage of all categories of beneficiaries who would need such an allowance. In addition, the Advocate considered the measure inadequate and not strictly necessary to achieve an otherwise legitimate objective. Financial benefits must be based, by law, on analyses that show and justify the real need to remedy a disadvantage suffered by persons with a particular personal circumstance. The Advocate recommended that the Government, when adopting measures to address the consequences of energy poverty, base the categories of beneficiaries of the allowances on the analyses carried out and, when determining the categories of beneficiaries, take into account their financial situation and the actual inability to cover basic energy needs.<sup>10</sup>

In December 2022, the Advocate decided in a discrimination procedure in which the applicant drew attention to controversial publications made by a candidate for mayor in local elections. During the election campaign, the candidate displayed billboards with the slogan: "...the best choice for the new mayor. To protect children from LGBTQ adoptions! For children and families". In addition, he posted on his Twitter account several pictures with text such as: "Protecting children from LGBT adoptions and LGBT ideology in kindergartens and schools." and "Mayor is the biggest funder of LGBT elites, a supporter of child adoption into LGBTIQA+ relationships and of gender reassignment of children! Let's protect children and together stop the mayor!" The Advocate found that the publications lack the elements of incitement to discrimination that must be fulfilled under the Protection Against Discrimination Act to establish a breach of the prohibition of discrimination. The publication, although it may be offensive and humiliating to the persons to whom it refers, does not contain any calls to other persons to

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<sup>8</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), 'Eliminating discrimination in blood donation' (*'Odprava diskriminacije pri krvodajalstvu'*), press release, 16 June 2022.

<sup>9</sup> Slovenia, Blood Transfusion Centre of Slovenia (*Zavod Republike Slovenije za transfuzijsko medicino*), 'Update of blood donation criteria' (*'Posodobitev meril za darovanje krvi'*), press release, 30 June 2022.

<sup>10</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), Decision No. 050-10/2022/7, 'Recommendation of the Equality Advocate on amendments to the Act Determining Emergency Measures to Mitigate the Consequences of the Impact of High Energy Commodity' (*'Priporočilo Zagovornika načela enakosti glede sprememb Zakona o nujnih ukrepih za omilitev posledic zaradi vpliva visokih cen energentov'*), 27 October 2022.



discriminate. Nor does the publication contain any incitement or a direct call to action, which could result in discrimination. The Advocate also noted that the candidate for mayor, if elected, would have no formal possibility of influencing the regulations in force at the national level (such as the Family Code), or on the decisions of the Constitutional Court of the Republic of Slovenia, which recognised the rights to adoption and marriage to same-sex couples. Nor does a mayor, by virtue of his/her office, have the possibility of influencing the national curriculum, which defines the content of teaching primary school pupils about the different forms of the family and the different phenomena in society. By appealing to people to vote for him, an individual, either as a candidate or as a mayor, could not encourage other people to violate the rights of LGBT persons by means of election slogans. Only if the wording of the poster unambiguously and clearly called for the denial or restriction of rights or freedoms to a particular group of individuals on the basis of their personal circumstances, and not merely 'to protect against', would it be possible to speak of a call for discrimination under Article 10 of the Protection Against Discrimination Act.<sup>11</sup>

Regarding the implementation of the EU LGBTIQ equality strategy 2020–2025 at the national level, no national strategic plan to transfer the Strategy into a national policy was prepared. The Advocate recommended that the Government of the Republic of Slovenia as soon as possible prepares and adopts the missing strategic plans at the national level.<sup>12</sup>

## **1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance**

The Advocate of the Principle of Equality (*Zagovornik načela enakosti*) continued the data collecting practice set up in 2018. Apart from data on received complaints and cases involving requests for counselling, it started recording cases of assessment of discriminativeness of regulations. According to the 2022 report covering the situation in 2021, the Advocate closed 454 cases in 2021, 65 of which involved hearing complaints alleging discrimination, 358 concerned requests for counselling on discrimination-related issues and in 31 cases, the procedure of assessment of discriminativeness of regulations was conducted. The Advocate was

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<sup>11</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), 'Alleged discriminatory statements on election posters' (['Domnevno diskriminatorne navedbe na predvolilnih plakatih'](#)), press release, 14 December 2022.

<sup>12</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), 'The Advocate recommends that the Government of the Republic of Slovenia adopt four national plans on protection against discrimination' (['Zagovornik Vladi RS priporoča sprejetje štirih nacionalnih načrtov na področju varstva pred diskriminacijo'](#)), press release, 21 September 2022.

able to establish the relevant grounds of alleged discrimination on 334 occasions, 67 concerning complaints, 216 related to requests for counselling and 51 related to reviews of regulations (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 210 occasions no personal grounds of alleged discrimination was established. The grounds of discrimination alleged in complaints were as follows: gender (5 times), nationality (5), race or ethnic origin (9), language (1), religion or belief (3), disability (8), age (4), sexual orientation (2), gender identity (1), gender expression (0), social status (1), property status (2), education (1), citizenship (3), place of residence (7), pregnancy/parenthood (5), health status (7), other (3). Concerning the requests for counselling, the picture is the following: gender (25 times), nationality (14), race or ethnic origin (12), language (1), religion or belief (10), disability (42), age (20), sexual orientation (8), gender identity (4), gender expression (3), social status (0), property status (10), education (6), citizenship (13), place of residence (4), pregnancy/parenthood (19), health status (18), other (7). In cases of assessment of discriminativeness of regulations, the alleged personal grounds were: gender (4 times), nationality (2), race or ethnic origin (3), language (3), disability (9), age (9), social status (3), property status (6), education (1), citizenship (3), place of residence (3), health status (3), other (2). In the complaints procedure for establishing discrimination, the Advocate issued a decision finding discrimination in 10 cases concluded in 2021; in 13 cases, discrimination was not established. (Please note that data disaggregated by the protected grounds are not available.) The Advocate also issued 15 decisions establishing that cases under consideration did not involve discrimination-related issues. A decision to suspend proceedings was issued in 8 cases, while in two cases, a decision on the dismissal on procedural grounds was issued. In five cases, the Advocate issued a formal note on the closure of the case, while in six cases, it issued a written explanation. A failure to commence proceedings occurred in five cases, while four cases were referred to another competent authority, and in two cases, a recommendation was issued by the Advocate.<sup>13</sup>

In 2022, the Advocate closed 333 cases, 53 of which involved hearing complaints alleging discrimination, 249 concerned requests for counselling on discrimination-related issues and in 31 cases, the procedure of assessment of discriminativeness of regulations was conducted. The Advocate was able to establish the relevant grounds of alleged discrimination on 258 occasions, 57 concerning complaints, 196 related to requests for counselling and 29 related to reviews of regulations (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 99 occasions no personal grounds of alleged discrimination was established. The grounds of discrimination alleged in complaints were as

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<sup>13</sup> Zagovornik načela enakosti (2022), [Annual Report 2021: Systemic Overview](#), Ljubljana, Zagovornik načela enakosti, pp. 40, 42, 61.

follows: gender (7 times), nationality (7), race or ethnic origin (1), language (0), religion or belief (5), disability (6), age (6), sexual orientation (2), gender identity (0), gender expression (0), social status (0), property status (0), education (0), citizenship (5), place of residence (4), pregnancy/ parenthood (7), health status (10), other (2). Concerning the requests for counselling, the picture is the following: gender (18 times), nationality (6), race or ethnic origin (5), language (2), religion or belief (9), disability (27), age (14), sexual orientation (9), gender identity (4), gender expression (1), social status (3), property status (0), education (0), citizenship (15), place of residence (7), pregnancy/ parenthood (24), health status (24), other (4). In cases of assessment of discriminativeness of regulations the alleged personal grounds were: gender (0 times), nationality (2), race or ethnic origin (2), language (0), religion or belief (0), disability (7), age (7), sexual orientation (0), gender identity (0), gender expression (0), social status (0), property status (3), education (1), citizenship (4), place of residence (2), pregnancy/ parenthood (0), health status (0), other (1).<sup>14</sup>

The Human Rights Ombudsman (*Varuh človekovih pravic*) is another body that considers discrimination-related complaints. According to their 2022 report, covering the situation regarding human rights in 2021, the Ombudsman dealt with 87 cases in the field of equality before the law and prohibition of discrimination (165 in 2020), 20 of which were related to equal opportunities for persons with disabilities (26 in 2020), zero to equal opportunities on the grounds of gender identity and sexual orientation (3 in 2020), three to equal opportunities on the grounds of race and ethnic affiliation (8 in 2020), four to equality before the law (five in 2020), while the remaining 60 cases considered by the Ombudsman were classified under the label 'Other – equality before the law and prohibition of discrimination' (123 in 2020). The Ombudsman found that nine out of 20 cases involving disability closed in 2021 were well-founded, as well as 0 out of three involving race, nationality or ethnic origin and 1 involving equality before the law.<sup>15</sup>

An anonymous online survey researching the needs of LGBT people 50+ years old in Slovenia was conducted by a civil society organisation between 9 to 23 October 2020. Target audiences were addressed through DIH Association's websites and social networks (Facebook and Instagram), other LGBT NGOs, and through the snowball method. 163 people started the survey, 122 completed it in full and 41 partially. The survey found that homophobia and transphobia in society were experienced by 25% of the respondents, while 20% were faced with ageism and the stigmatisation of old and elderly people in society. 18% were met with ageism and the stigmatisation of old and elderly people within the LGBT community. One of the respondents described the situation of elderly LGBT community members: "Younger people are less stressed. They grow in a more open society, where these

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<sup>14</sup> Information was provided by the Advocate for the Principle of Equality (*Zagovornik načela enakosti*) upon request (email, 19 January 2023).

<sup>15</sup> Varuh človekovih pravic (2022), [Letno poročilo Varuha človekovih pravic Republike Slovenije za leto 2021](#), Ljubljana, Varuh človekovih pravic, p. 200.

issues are more talked about. Older people stay with their fears, loneliness, discrimination.” Another respondent warned: “We live in the 21st century. There should be no differences at all, but unfortunately, there are. In any case, everyone over 50 should be treated equally well, not just LGBT 50+.”<sup>16</sup>

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<sup>16</sup> Rupar, T., Blažič, M. (2022), 'Potrebe oseb LGBT 50+ v Sloveniji', *Socialno delo*, Vol. 61, No. 1, pp. 83–97.

## 2 Racism, xenophobia and related intolerance

### 2.1 Data, research findings, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

In 2021 the Advocate of the Principle of Equality (*Zagovornik načela enakosti*) considered a total of 586 cases, of which 454 cases were completed, while 132 unresolved cases were carried over to 2022. Of the 454 cases completed, the Advocate performed advisory activities in 358 cases (79 %), discrimination investigation in 65 cases (14 %), and the procedure of constitutionality and legality review in the remaining 31 cases (7 %).<sup>17</sup> The most frequently alleged personal ground of discrimination in cases completed in 2021 was disability (10.8 %), followed by the total number of cases with personal grounds of nationality, race and ethnic origin (8.3 %). The alleged personal ground of citizenship of another Member State or a third country occurred in 3.5 % of cases.<sup>18</sup>

In 2022, the Advocate considered a total of 447 cases, of which 333 cases were completed, while 114 unresolved cases were carried over to 2023. Of the 333 cases completed, the Advocate performed advisory activities in 249 cases (75 %), discrimination investigation in 53 cases (16 %), and the procedure of constitutionality and legality review in the remaining 31 cases (9 %). The most frequently alleged personal ground of discrimination in cases completed in 2022 was disability (11.2 %), followed by age (7.6 %), gender (7.0 %), citizenship (6.7 %) and the total number of cases with personal grounds of nationality, race and ethnic origin (5.0 %).<sup>19</sup>

The Human Rights Ombudsman (*Varuh človekovih pravic*) is another body that hears discrimination-related complaints. According to its 2022 annual report, covering events in 2021, the Ombudsman dealt with 87 complaints in the field of equality before the law and prohibition of discrimination (165 in 2020), three (eight in 2020) of which were related to equal opportunities on the grounds of race, nationality or ethnic origin. The Ombudsman did not find irregularities in the three cases concluded in 2021.<sup>20</sup>

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<sup>17</sup> Zagovornik načela enakosti (2022), [Redno letno poročilo za leto 2021: Prvi del](#), Ljubljana, Zagovornik načela enakosti, p. 40.

<sup>18</sup> Zagovornik načela enakosti (2022), [Redno letno poročilo za leto 2021: Prvi del](#), Ljubljana, Zagovornik načela enakosti, pp. 41–42.

<sup>19</sup> Information was provided by The Advocate of the Principle of Equality (*Zagovornik načela enakosti*) upon request (email, 17 January 2023).

<sup>20</sup> Varuh človekovih pravic (2022), [Letno poročilo Varuha človekovih pravic Republike Slovenije za leto 2021](#), Ljubljana, Varuh človekovih pravic, p. 200.

In Slovenia, the Police is still one of the rare bodies able to produce some data on offences involving ethnically, racially or religiously motivated intolerance. In 2022, the police dealt with 18 (26 in 2021) suspicions of criminal offences motivated by ethnic/racial intolerance, and lodged 16 (21 in 2021) criminal complaints with the competent state prosecutor. In 2022, they also investigated one (three in 2021) alleged criminal offence motivated by religious intolerance. In 2022, the police did not lodge any criminal complaints, while in 2021, they lodged criminal complaints in two cases. Data on these incidents disaggregated by, for instance, antisemitic, Islamophobic or anti-Roma motivation are not kept.<sup>21</sup>

At the beginning of 2022, the Uniformed Police Directorate of the General Police Directorate prepared an Analysis of Offenses of Inciting Intolerance under Article 20 of the Protection of Public Order Act (*Analiza prekrškov vzbujanja nestrpnosti po 20. členu Zakona o varstvu javnega reda in miru – ZJRM-1*)<sup>22</sup>. Article 20 entails acts committed with the intention of inciting national, racial, sexual, ethnic, religious, and political intolerance or intolerance regarding sexual orientation. As part of the training in the police “Directing and supervising the work of police stations and police departments in the field of general police tasks”, the topic of analysis was presented to the 29 participants from all Police Directorates and the Uniformed Police Directorate of the General Police Directorate.<sup>23</sup>

The Minister of the Interior instructed the police to improve the detection of hate speech on social networks as a criminal offence and separate it from hate speech as an offence, including in relation to processes to detect and deter radicalisation leading to violence. Thus, in 2022, the police started planning a suitable programme addressing the above-mentioned issue and shall be included in the medium-term plan for the development and work of the police for the period 2023–2027. Based on this, the police shall prepare concrete tasks at the end of 2022 and include them in the police work plan for the year 2023.<sup>24</sup>

The Supreme State Prosecutor’s Office of the Republic of Slovenia (*Vrhovno državno tožilstvo Republike Slovenije*) does not record data on the personal circumstances of individuals (e.g., sexual orientation of the victim) or the motive for committing the crime (racial, ethnic or religious intolerance, etc.) in the information system of the registrants. Thus, such data is not available. In connection with the recording and monitoring of the aforementioned criminal acts, workshops were held under the auspices of the FRA and ODIHR in several EU countries for police officers, state prosecutors and relevant NGOs, to improve the recording of hate crimes. In Slovenia, such a workshop was initially planned for

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<sup>21</sup> Information was provided by the General Police Directorate (*Generalna policijska uprava*) upon request (email, 28 September 2022 and 18 January 2023).

<sup>22</sup> *Analiza prekrškov vzbujanja nestrpnosti po 20. členu ZJRM-1*, no. 223-15/2022/2, 7 March 2022.

<sup>23</sup> Information was provided by the General Police Directorate (*Generalna policijska uprava*) upon request (email, 28 September 2022).

<sup>24</sup> Information was provided by the General Police Directorate (*Generalna policijska uprava*) upon request (email, 28 September 2022).

the end of 2022;<sup>25</sup> but was ultimately not held (neither on hate crime nor hate speech specifically).<sup>26</sup>

According to the 2021 Joint report on the work of state prosecutors (*Skupno poročilo o delu državnih tožilstev za leto 2021*),<sup>27</sup> published in April 2022, also in 2021, the scope of the criminality of public incitement of hatred, violence or intolerance under Article 297 of the CC-1 and related crimes was marked by the situation related to the epidemic of COVID-19. With the increase in the number of users of online tools, enforcement actions most often occurred on social networks (e.g., Twitter and Facebook), where direct exposure of the authors of inappropriate online communication is prevented. The incidence of this type of criminality continued to be influenced by the intensified communication on the part of political representatives, who, with their disrespectful communication, helped to create intolerance among the addressees of legal norms. Their dissatisfaction with the Government's measures to curb the spread of the coronavirus has, in some places, grown into incitement to hatred, violence or intolerance, not only in relation to the protagonists of the measures but also against persons or social groups who think differently. The tightening of measures to contain the epidemic and, on the other hand, its impact on a different (adapted) life and decision-making in the economy and society was reflected in lower tolerance in words and actions.

In 2021, there were 72 (in 2020 38) complaints received, 68 decisions on dismissal of complaints, 3 filed indictments or motions to order precautionary measure/punitive order, 0 convictions, 2 judgements on the punitive order, 1 acquittal, and 0 rejection judgements.<sup>28</sup> The indictments filed were aimed at prosecuting, justifying and diminishing the significance of the Holocaust against the Jews and crimes against humanity (discovered on a social network) and (in a publicly published newspaper) the widespread idea of the superiority of one race over another and the approval of genocide – all through the use of insults and in a way that could disturb public order and peace. In 2021, the courts mostly followed the motions of state prosecutors and issued two judgments on the punitive order.<sup>29</sup>

Web Eye (*Spletno oko*) was a source of unofficial data on incidents of hate speech up to 1 March 2022. It was an online hotline platform where concerned individuals could report incidents of alleged hate speech they observed on the internet. After assessing individual cases, the hotline team forwarded to the police cases, which,

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<sup>25</sup> Information was provided by The Supreme State Prosecutor's Office of the Republic of Slovenia (*Vrhovno državno tožilstvo Republike Slovenije*) upon request (email, 26 September 2022).

<sup>26</sup> Information was provided by the Ministry of Justice (*Ministrstvo za pravosodje*) upon request (email, 17 January 2023).

<sup>27</sup> Vrhovno državno tožilstvo Republike Slovenije (2022), [Skupno poročilo o delu državnih tožilstev za leto 2021](#), pp. 168–183. Ljubljana, April 2022.

<sup>28</sup> Vrhovno državno tožilstvo Republike Slovenije (2022), [Skupno poročilo o delu državnih tožilstev za leto 2021](#), p. 169. Ljubljana, April 2022.

<sup>29</sup> Vrhovno državno tožilstvo Republike Slovenije (2022), [Skupno poročilo o delu državnih tožilstev za leto 2021](#), p. 169. Ljubljana, April 2022.

in their opinion, included elements of incitement to hatred, violence or intolerance prohibited under the Criminal Code. From 1 March 2022, Web Eye focused only on receiving and forwarding reports of videos of sexual abuse of children on the Internet. As part of the project, which will take place in the programme period of the next two years, reports of hate speech will not be accepted and processed. The reason for such a decision was insufficient financial means. In recent years, Web Eye noticed a disproportionate increase in the complexity of both areas under consideration, i.e., the problem of images of sexual abuse of children on the Internet and related forms of sexual exploitation of children, as well as the problem of hate speech. Further effective and professional communication of the registration point with the media and the general public, on the one hand, and the professional public and state institutions, on the other, would require incomparably greater financial resources than available. Thus, they decided to devote all available resources to preventing and limiting the problem of images of sexual abuse of children.<sup>30</sup>

Any individual can anonymously report cases of allegedly illegal hate speech directly to the Police online.<sup>31</sup> Reports of hate speech or acts of hate can also be reported on the "nprav.si" website, which was created as part of the "Call it hate" project in 2019.<sup>32</sup>

On 15 December 2021, the Peace Institute (*Mirovni inštitut*) published the final report of a research project entitled "Reducing and eliminating discrimination based on ethnicity, 'race', nationality and/or religion" (*Zmanjševanje in odpravljanje diskriminacije na podlagi etničnosti, 'rase', nacionalnosti in/ali vere*). The main findings were the following:

Discrimination based on the personal circumstances of nationality, citizenship, skin colour and religion is a problem present in Slovenia, especially in employment and workplace, healthcare, access to services, the housing market, and administrative procedures. The data show that discrimination is most often experienced by persons treated as foreigners by the legislation and the majority population, and it is especially strongly present in relation to applicants for international protection and refugees, who also report experiences of ethnic profiling by the police. Some people experience daily negative comments in public and hate speech online. The attitude towards the Roma population also shows discriminatory practices, although legally and formally, the Roma community has guaranteed conditions for an equal life. In practice, there is still a lot of discrimination in employment and education. This was especially highlighted during the COVID-19 epidemic with distance learning. The situation of Roma children worsened, and the exclusion of the Roma community at all levels was

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<sup>30</sup> Information was provided by the Web Eye (*Spletno oko*) upon request (email, 13 September 2022).

<sup>31</sup> Republika Slovenija, eUprava, [Prijava ekstremnega nasilja](#).

<sup>32</sup> Legebitra (2019), [Izjava za javnost ob začetku kampanje nprav.si](#).



apparent. Data from the field confirm a very similar situation for migrant children and migrant communities.<sup>33</sup>

In 2022, the book "Ethnic Discrimination: Research and Measurement Strategies" (*Etnična diskriminacija: strategije raziskovanja in merjenja*)<sup>34</sup> was published, breaking new ground in the field of collecting empirical data on unequal treatment and addressing existing legal acts and guidelines requiring data on equality to represent the situation in society reliably. In Slovenia, the practice of measuring discrimination is extremely scarce, so the book is the first to undertake an in-depth field investigation of discrimination in several areas of life following a precisely outlined combination of different data collection methods. Data on the numbers and treatment of immigrant and minority groups are necessary to reveal discrimination and evaluate measures to deal with it, and in Slovenia, research shows that despite the existing legal grounds for its prevention, the extent of discrimination is problematic. The book, therefore, stems from the need to collect such data in a way of addressing the issue of "measuring" ethnic discrimination beyond official statistics. In this sense, it is also the first in Slovenia to present in detail and critically evaluate the methodology of audit studies or situational discrimination testing.

The main conclusion of the monograph is – similar to the findings of the research report mentioned above – that ethnic discrimination in Slovenia is a problem present especially in employment and in workplace, but it is also noticeable in healthcare, access to services, the housing market and administrative procedures. Unequal treatment is usually accompanied by prejudices affecting discriminatory practices and inhibit equal treatment. Poor knowledge or lack of understanding of the Slovenian language often still prevents people from accessing equal treatment despite formal rights. Unequal treatment of foreign nationals is the most common, and persons born and living in Slovenia are also discriminated against simply on the basis of first and last name, skin colour, ethnicity, religion or language. The data show that discrimination is most often experienced by persons treated as foreigners by the majority population, and it is especially strongly present in relation to applicants for international protection and refugees, who also report experiences with police ethnic profiling. Cases similar to police ethnic profiling also occur at public events with accusations of theft and the like.<sup>35</sup>

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<sup>33</sup> Veronika Bajt (2021), [Zmanjševanje in odpravljanje diskriminacije na podlagi etničnosti, 'rase', nacionalnosti in/ali vere, Zaključno poročilo](#). Ljubljana, Mirovni inštitut.

<sup>34</sup> Veronika Bajt (2022), *Etnična diskriminacija: strategije raziskovanja in merjenja*. Ljubljana, Mirovni inštitut.

<sup>35</sup> Veronika Bajt (2022), *Etnična diskriminacija: strategije raziskovanja in merjenja*. Ljubljana, Mirovni inštitut.

## **2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive**

There were no notable legal developments in 2022.

The Working group on criminal offences committed with a hate motive (*Delovna skupina za kazniva dejanja, storjena s sovražnim motivom*) which has been established with the Supreme State Prosecutor's Office of the Republic of Slovenia (*Vrhovno državno tožilstvo Republike Slovenije*) in 2021 based on the Order No. VDT-Tu-3-3/1/2021/4 (*Odredba št. VDT-Tu-3-3/1/2021/4*),<sup>36</sup> remains responsible for hate speech issues, while its mandate was extended to all criminal offences committed with a hate motive. Apart from comprehensive monitoring of hate motives in committed criminal offences, the reason for expanding the group's mandate is the requirements of international organisations, which expect their respective member states to provide for awareness-raising among the (professional) public on the elements of hate that may occur in all criminal offences and in particular to identify, record and collect data on the hate elements displayed in crimes committed. The working group meets regularly and cooperates with other stakeholders in the field of "hate crimes".<sup>37</sup>

Upon the initiative of the working group, the Department for Criminal Affairs of the Supreme State Prosecutor's Office of the Republic of Slovenia (*Oddelek za kazenske zadeve Vrhovnega državnega tožilstva Republike Slovenije*) on 2 September 2022 adopted the Update of the legal position on the prosecution of the criminal act of public incitement to hatred, violence or intolerance under Article 297 of the CC-1 of 27 February 2013 (*Posodobitev pravnega stališča o pregonu kaznivega dejanja javnega spodbujanja sovraštva, nasilja ali nestrpnosti po 297. členu KZ-1 z dne 27. 2. 2013*) in such a way that it is in accordance with the conclusions of the Supreme Court of the Republic of Slovenia (*Vrhovno sodišče Republike Slovenije*) from the judgment ref. no. Ips 65803/2012 of 4 July 2019.<sup>38</sup>

According to the order of the State Prosecutor General, a special file notation "SOV" was set up for files dealing with criminal offences with an element of hostility (in Slovenian, *sovraštvo*), whereby the motive of the perpetrator in the execution of a certain criminal offence is indicated. In 2021, 25 cases were marked with the above-mentioned note by the state prosecutor, and among the legal

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<sup>36</sup> Slovenia, Supreme State Prosecutor's Office of the Republic of Slovenia (*Vrhovno državno tožilstvo Republike Slovenije*), order no. VDT-Tu-3-3/1/2021/4, 26 March 2021.

<sup>37</sup> Information was provided by the Supreme State Prosecutor's Office of the Republic of Slovenia (*Vrhovno državno tožilstvo Republike Slovenije*) upon request (email, 26 September 2022).

<sup>38</sup> Information was provided by the Supreme State Prosecutor's Office of the Republic of Slovenia (*Vrhovno državno tožilstvo Republike Slovenije*) upon request (email, 26 September 2022).

qualifications of criminal offences, the criminal offences of public incitement of violence, hatred and intolerance under Article 297 of the CC-1 and the criminal offence of threatening under Article 135 of the CC-1 prevailed.<sup>39</sup> In 2022, the notation "SOV" was marked on a total of 12 cases, and in two cases it was crime under Article 297 of the CC-1.<sup>40</sup>

In 2022, the Advocate of the Principle of Equality (*Zagovornik načela enakosti*) dealt with the following cases in which discrimination on the grounds of citizenship was found:

a) The Advocate was contacted by a user of the services of a financial company who claimed that the company had discriminated against him based on his (Syrian) citizenship. After using the company's services for a year, he received a message saying it would end its business relationship with him because he is a citizen of one of the countries in connection with which there is a high risk of money laundering or terrorist financing. The Advocate concluded that financial companies only need to monitor more closely the actions of customers who are at greater risk of illegal transactions. However, no regulation allows them to automatically deny customers the use of services just because of their personal circumstances, such as citizenship. Therefore, the Advocate found that the company discriminated against the user in the case under consideration.<sup>41</sup>

b) The bank closed the client's account just because she was a Cuban citizen. Therefore, the Advocate found discrimination based on the personal circumstance of citizenship in accessing services.<sup>42</sup>

c) The Advocate, in assessing the discriminatory nature of the Labour Market Regulation Act (*Zakon o urejanju trga dela*), assessed that its Article 8a causes discriminatory treatment of some foreigners. To remain in the register of unemployed persons, to which entitlement to social rights is also linked, they must pass an exam in basic knowledge of Slovenian. For citizens of the EU, Norway, Iceland, Liechtenstein and Switzerland, there is no deadline for fulfilling this condition, while for citizens of third countries, the deadline is 12 months. The Advocate assessed that this distinction is based only on the personal circumstance of citizenship and that there is no justifiable reason for it, and that such unjustified different treatment particularly affects citizens of certain third countries. The Advocate recommended to the Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) the elimination of discrimination by amending the law.<sup>43</sup>

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<sup>39</sup> Vrhovno državno tožilstvo Republike Slovenije (2022), [Skupno poročilo o delu državnih tožilstev za leto 2021](#), p. 170. Ljubljana, April 2022.

<sup>40</sup> Information was provided by the Supreme State Prosecutor's Office of the Republic of Slovenia (*Vrhovno državno tožilstvo Republike Slovenije*) upon request (email, 11 January 2023).

<sup>41</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), [Decision No. 0700-27/2021/21](#), 9 March 2022.

<sup>42</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), [Decision No. 0700-2/2021/37](#), 9 March 2022.

<sup>43</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), [Discrimination assessment No. 050-24/2020/14](#), 24 August 2022.

On 22 November 2022, at the proposal of the Ministry of Justice (*Ministrstvo za pravosodje*), the Government of the Republic of Slovenia adopted a draft amendment to the Criminal Code (*Kazenski zakonik – KZ-1J*), which introduced hate crime as a mandatory aggravating circumstance to be taken into account when sentencing. This means that any criminal offence caused by the personal circumstances of the victim will, under the proposed regulation, demand more severe punishment for the perpetrator. Circumstances (a criminal offence committed because of the victim's nationality, race, religion, ethnicity, gender, skin colour, origin, property status, education, social position, political or other beliefs, disability, sexual orientation or any other personal circumstances) are listed as examples, and they are summarised according to Article 297 of the CC-1, which summarises Article 14 of the ECHR and Articles 14 and 63 of the Constitution of the Republic of Slovenia. An amendment must also be approved by the members of the National Assembly of the Republic of Slovenia.<sup>44</sup>

The Legislative and Legal Service of the Slovenian Parliament and the Supreme State Prosecutor's Office commented that the amendment is redundant because the motive for the offence is already established in the Criminal Code as a possible aggravating circumstance. In their opinion, there is no need for a specific provision to take account of discriminatory motive. The Supreme State Prosecutor's Office additionally stressed that the proposed paragraph that refers to "any other personal circumstances" is too open-ended and too broad when listing circumstances such as financial status, education, social status and political or other beliefs, as it opens the door to overly broad interpretations of these circumstances. The Minister of Justice responded that this new provision sends an important message about the reprehensibility of hate crimes.<sup>45</sup> The proposed amendment is in line with the analysis of the Human Rights Centre at the Human Rights Ombudsman,<sup>46</sup> which suggested that legislative changes should be considered to regulate hate crimes better, as some of the analysed cases (i. e. cases involving physical violence with discriminatory motives) were dealt with under Article 297, although it would probably be more appropriate to prosecute them as hate crimes.

On 15 September 2022, the Advocate recommended the Government of the Republic of Slovenia to prepare and adopt the four missing strategic plans at the national level, which are the key basis for the design of advanced measures of protection against discrimination and the promotion of equal opportunities, both at the legislative level and at the policy level, in line with EU guidelines. The Advocate recommended that the Government set up a single (focal) point, whose key task would be to prepare, adopt and monitor the effectiveness of the

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<sup>44</sup> Slovenia, Ministry of Justice (*Ministrstvo za pravosodje*), [Vlada sprejela predlog novele Kazenskega zakonika](#), 22 November 2022.

<sup>45</sup> RTV SLO, '[Odbor za pravosodje podprl strožje kaznovanje zločinov iz sovraštva](#)', 11 January 2023.

<sup>46</sup> Center za človekove pravice (2021), [Kazenskopравни pregon sovražnega govora v Sloveniji po 297. členu Kazenskega zakonika \(KZ-1\): Analiza tožilske prakse pregona kaznivega dejanja javnega spodbujanja sovraštva, nasilja in nestrpnosti v obdobju 2008-2018](#), Ljubljana, Varuh človekovih pravic.

implementation of national policies for the prevention and elimination of discrimination and the promotion of equal opportunities in a comprehensive and unified manner. One of the four missing strategic documents is the national strategy against antisemitism,<sup>47</sup> which should be adopted by the end of 2022, according to the news published on 3 November 2022 by the daily newspaper Delo.<sup>48</sup> The Government shared the information that the Ministry of Justice was in charge of the preparation of the strategy, and it would include the Jewish community, relevant NGOs and Human Rights Ombudsman and the Advocate in the preparation.<sup>49</sup> The Ministry of Justice (Ministrstvo za pravosodje) confirmed the first draft of the strategy is prepared and in a phase of internal coordination. In the next stages of the strategy formulation all relevant stakeholders should be included.<sup>50</sup>

Towards the end of 2022, the Government of the Republic of Slovenia (*Vlada Republike Slovenije*) announced to form a special interdepartmental working group to combat hate speech and to appoint a national coordinator from the Prime Minister's Office. According to the Prime Minister, combating hate speech will be one of the priorities in the next six months.<sup>51</sup> In December 2022, the Government Office for Digital Transformation (*Služba Vlade Republike Slovenije za digitalno preobrazbo*) launched "Bite your hostile tongue!" (*Ugrizni se v sovražni jezik!*) Facebook campaign against online hate speech.<sup>52</sup>

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<sup>47</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), [Priporočilo glede priprave nacionalnih strateških načrtov za varstvo pred diskriminacijo](#), 15 September 2022.

<sup>48</sup> Delo, [Ruska invazija na Ukrajino še okrepila antisemitizem v EU](#), 3 November 2022.

<sup>49</sup> Information was provided by the Government of the Republic of Slovenia (*Vlada Republike Slovenije*) upon request (email, 28 November 2022).

<sup>50</sup> Information provided by the Ministry of Justice (Ministrstvo za pravosodje) upon request (email, 17 January 2023).

<sup>51</sup> Lebinger, A. (2022), "[Nad sovražni govor medresorsko in s koordinatorjem](#)", Dnevnik, 9 November 2022.

<sup>52</sup> Slovenia, the Government Office for Digital Transformation (*Služba Vlade Republike Slovenije za digitalno preobrazbo*) (2022), "[»Ugrizni se v sovražni jezik!«, kampanja proti sovražnemu govoru na spletu](#)", press release, 7 December 2022.

### 3 Roma equality and inclusion

#### 3.1 Policy developments in regards to the implementation of national action plans

Development regarding the implementation of the action plans	
Has the Member State adopted one or several action plan(s) for the implementation of the strategy (separately from the strategic framework? If yes, please provide a hyperlink	<p><b>Yes/No/Other</b> (please specify)</p> <p>According to the Government of the Republic of Slovenia Office for National Minorities (GONM), the National Programme of Measures of the Government of the Republic of Slovenia for the Roma for the 2021-2030 period (<i>Nacionalni program ukrepov Vlade Republike Slovenije za Rome za obdobje 2021-2030</i> (NPUR 2021-2030)) is an strategic umbrella document and does not foresee the adoption of additional national (annual) action plans.<sup>53</sup> However, based on the Roma community in the Republic of Slovenia Act (<i>Zakon o romski skupnosti v Republiki Sloveniji – ZRomS-1</i>)<sup>54</sup> and the decision of the government of 23 December 2021<sup>55</sup>, all the bearers of measures under the NPUR 2021-2030 must adopt detailed field programmes or action plans within six months, that is – until 30 June 2022, and send them to the GONM. The GONM shall then provide an overview of adopted plans. The GONM is also responsible for the implementation of certain measures envisaged by the NPUR 2021-2030, so it adopted its action plan on 25 January 2022, namely the Action plan of the Office of the Government of the Republic of Slovenia for National Minorities for the implementation of the measures of the National Programme of Measures of the</p>

<sup>53</sup> Information was provided by the Government of the Republic of Slovenia Office for National Minorities (*Urad Vlade Republike Slovenije za narodnosti*) upon request (email, 26 September 2022).

<sup>54</sup> Slovenia, [The Roma community in the Republic of Slovenia act](#) (*Zakon o romski skupnosti v Republiki Sloveniji*), 30 March 2007.

<sup>55</sup> Vlada Republike Slovenije (2021), [Sklep št. 09501-2/2021/4](#), 23 December 2021.

	<p>Government of the Republic of Slovenia for the Roma for the period 2021-2030 under the authority of the office (<i>Akcijski načrt Urada Vlade Republike Slovenije za narodnosti za izvajanje ukrepov Nacionalnega programa ukrepov Vlade Republike Slovenije za Rome za obdobje 2021–2030 iz pristojnosti urada</i>).<sup>56</sup></p> <p>GONM called on all competent ministries to do the same by the end of June 2022 at the latest. To assist ministries, the GONM also prepared a proposal regarding the possible design of such an action plan and the relevant content to be included in such plans. Until the end of June, the following ministries adopted the relevant action plans: Ministry of the Interior (<i>Ministrstvo za notranje zadeve</i>), Ministry of Culture (<i>Ministrstvo za kulturo</i>), and Ministry of Agriculture, Forestry and Food (<i>Ministrstvo za kmetijstvo, gozdarstvo in prehrano</i>). Shortly after the deadline expiry, the Ministry of Education, Science and Sport (<i>Ministrstvo za izobraževanje, znanost in šport</i>) also adopted its action plan and sent it to GONM. The Ministry of Labour, Family, Social Affairs and Equal Opportunities (<i>Ministrstvo za delo, družino, socialne zadeve in enake možnosti</i>), the Ministry of Health (<i>Ministrstvo za zdravje</i>), the Ministry of the Environment and Spatial Planning (<i>Ministrstvo za okolje in prostor</i>), and the Ministry of Economic Development and Technology (<i>Ministrstvo za gospodarski razvoj in tehnologijo</i>) have not yet submitted their action plans to the GONM.<sup>57</sup></p> <p>None of the action plans is published online, so no links are available.</p>
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<sup>56</sup> Vlada Republike Slovenije (2022), [Deveto poročilo Vlade Republike Slovenije o položaju romske skupnosti v Sloveniji](#), p. 5, Ljubljana, Vlada Republike Slovenije. The same information was provided by the Government of the Republic of Slovenia Office for National Minorities (*Urad Vlade Republike Slovenije za narodnosti*) upon request (email, 26 September 2022).

<sup>57</sup> Vlada Republike Slovenije (2022), [Deveto poročilo Vlade Republike Slovenije o položaju romske skupnosti v Sloveniji](#), p. 5, Ljubljana, Vlada Republike Slovenije. The same information was provided by the Government of the Republic of Slovenia Office for National Minorities (*Urad Vlade Republike Slovenije za narodnosti*) upon request (email, 26 September 2022).

<p>How were Roma and Traveller civil society organizations consulted for the development of the action plan (please check with the competent national authorities and the most significant Roma organizations)?</p>	<p>Roma civil society organisations have not been consulted during the development of the action plans. According to the GONM, the action plans of the ministries and government departments are based on the content and measures from the NPUR 2021-2030, which is why Roma civil society was not included in their preparation. Roma civil society, representatives of the Roma community, and other relevant stakeholders were intensively involved in the process of preparing the NPUR 2021-2030.<sup>58</sup></p>
<p>Was the Equality Body and the NHRI and the Ombuds institution in your country consulted in the development of the action plan (please check with the competent national authority, the Equality body, NHRI and Ombuds institution)?</p>	<p>The Advocate for the Principle of Equality and the Human Rights Ombudsman have not been consulted during the development of the action plans.<sup>59</sup> According to the GONM, the action plans of the ministries and government departments are based on the content and measures from the NPUR 2021-2030, which is why the Ombudsman (<i>Varuh človekovih pravic</i>) and the Advocate of the Principle of Equality (<i>Zagovornik načela enakosti</i>) were not included in their preparation. However, both were intensively involved in the process of preparing the NPUR 2021-2030.<sup>60</sup></p>
<p>Does the national strategic framework and the action plan foresee a regular monitoring and review? If yes, who will conduct this.</p>	<p><b>Yes/No/Other</b> (please specify)</p> <p>The implementation of the measures will be reported on an annual basis as part of the preparation of government reports on the situation of the Roma community. As compared to the past, the monitoring of the implementation of the programme remains the</p>

<sup>58</sup> Information was provided by the Government of the Republic of Slovenia Office for National Minorities (*Urad Vlade Republike Slovenije za narodnosti*) upon request (email, 26 September 2022).

<sup>59</sup> Information was provided by the Human Rights Ombudsman (*Varuh človekovih pravic*) upon request (email, 23 September 2022).

<sup>60</sup> Information was provided by the Government of the Republic of Slovenia Office for National Minorities (*Urad Vlade Republike Slovenije za narodnosti*) upon request (email, 26 September 2022).



same. The umbrella body that will monitor the programme's implementation is a working body, as defined by ZRomS-1. The law stipulates that the government appoints a special working body to monitor the implementation of the programme of measures, and competent state authorities and bodies of self-governing local communities report to the working body at least once a year on the implementation of this programme.<sup>61</sup>

According to the NPUR 2021-2030, coordinators for the implementation of measures and monitoring of their implementation shall be appointed at the level of state secretaries or directors of government offices. They shall carry out coordination tasks and shall provide for the monitoring of implemented measures and their effects. They shall also be responsible for cooperation with the GONM, and shall take part in the preparation of annual reports on the implementation of programme measures and its evaluation. Apart from coordinators, ministries and government offices shall also appoint contact persons from the ranks of civil servants who shall regularly liaison with the GONM and shall assist the coordinators. Self-governing local communities where Roma live and the Council of the Roma community of the Republic of Slovenia (*Svet romske skupnosti Republike Slovenije*) shall also be asked to appoint coordinators responsible for the implementation of measures and monitoring.<sup>62</sup>

The NPUR 2021-2030 further provides that the first assessment of the situation in the substantive areas and relating to the goals envisaged by the programme shall be prepared in the first half of 2023 at the latest. The second assessment shall be prepared halfway through the implementation of the programme, namely by

<sup>61</sup> Vlada Republike Slovenije (2021), [Nacionalni program ukrepov Vlade Republike Slovenije za Rome za obdobje 2021-2030](#), pp. 11–12, Ljubljana, Vlada Republike Slovenije.

<sup>62</sup> Vlada Republike Slovenije (2021), [Nacionalni program ukrepov Vlade Republike Slovenije za Rome za obdobje 2021-2030](#), p. 13, Ljubljana, Vlada Republike Slovenije.

	<p>the end of 2026. On the basis of this assessment, the government shall evaluate the progress and assess whether the goals set and the measures taken need to be modified. By the programme's end, namely by the end of 2030 at the latest, a final assessment of the situation in the relevant social areas shall be produced, as well as an assessment of the programme's success. Based on the final assessment, the government shall adopt a decision and guidelines for the subsequent period, including as regards any necessary continuation of existing measures or the adoption of a new programme.<sup>63</sup></p> <p>The first review of the implementation of the NPUR 2021-2030 was carried out by the Government Commission for the Protection of the Roma Community (<i>Delovna skupina za obravnavo romske problematike</i>)<sup>64</sup> at its 8<sup>th</sup> meeting on 18 March 2022. The competent bearers of the measures reported on the activities carried out and on the plans for the next four months.<sup>65</sup></p>
<b>Implications of the war in Ukraine on the situation of Roma</b>	
Have Roma from Ukraine entered your country?	Yes/ <b>No</b> Relevant public institutions, NGOs working with refugees and Roma associations do not have any data on Roma refugees from Ukraine arriving to Slovenia. <sup>66</sup>
If Roma from Ukraine entered your country how was this communicated in the media?	Yes/ <b>No</b>

<sup>63</sup> Vlada Republike Slovenije (2021), [Nacionalni program ukrepov Vlade Republike Slovenije za Rome za obdobje 2021-2030](#), p. 13, Ljubljana, Vlada Republike Slovenije.

<sup>64</sup> Vlada Republike Slovenije (2020), Ordinance establishing the Government Commission for the Protection of the Roma Community ([Odlok o ustanovitvi Delovne skupine za obravnavo romske problematike](#)).

<sup>65</sup> Vlada Republike Slovenije (2022), [Deveto poročilo Vlade Republike Slovenije o položaju romske skupnosti v Sloveniji](#), p. 5, Ljubljana, Vlada Republike Slovenije.

<sup>66</sup> Information was provided by the Government of the Republic of Slovenia Office for National Minorities (*Urad Vlade Republike Slovenije za narodnosti*) upon request (email, 26 September 2022) and by Legal centre for the protection of human rights and environment (*Pravni center za varstvo človekovih pravic in okolja*) upon request (email, 5 October 2022) and by Government Office for the Support and Integration of Migrants (*Urad Vlade RS za oskrbo in integracijo migrantov*) upon request (email, 17 November 2022).

	The media have not reported about any Roma refugees from Ukraine arriving to Slovenia.
Is there any evidence (articles, reports, analyses) of the impact of the economic implications of the war (inflation, food or energy prices etc.) on Roma? If yes, provide reference	Yes/ <b>No</b>

### 3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers equality and inclusion

The NPUR 2021–2030 is the major government initiative for improving the living conditions of the Roma. It was adopted based on the ZRomS-1 and with a view to the new strategic framework of the European Union "A Union of Equality: EU Roma strategic framework for equality, inclusion and participation".<sup>67</sup> The programme consists of a set of measures covering different fields of life, including education, employment, social inclusion, housing, healthcare, fight against discrimination etc. Each year, the government adopts an annual report on the situation of the Roma community in Slovenia, with information on implemented measures annexed to the report. According to the 2022 (i.e. the ninth) report,<sup>68</sup> the main developments in 2021 and the beginning of 2022 were the following:

Education:

<sup>67</sup> European Commission (2020), [Communication from the Commission to the European Parliament and the Council, A Union of Equality: EU Roma strategic framework for equality, inclusion and participation](#), 7 October 2020.

<sup>68</sup> Vlada Republike Slovenije (2022), [Deveto poročilo Vlade Republike Slovenije o položaju romske skupnosti v Sloveniji](#), Ljubljana, Vlada Republike Slovenije.

In the school year 2021/2022, more than 60 Roma assistants were employed in kindergartens and schools, namely 15 in kindergartens and 48 in primary schools.<sup>69</sup> To increase the involvement of children in preschool education programmes, the Ministry of Education, Science and Sport (*Ministrstvo za izobraževanje, znanost in šport*) commissioned an evaluation study relating to the needs, conditions and possibilities of mandatory inclusion of children in one of the pre-school education programmes aimed at reducing social, economic and cultural inequality at the national level. The results of the study shall serve as one of the bases for possible changes in the field of inclusion of children in pre-school programmes (e.g. possible mandatory inclusion of children, especially in shorter programmes), presumably from the school year 2022/2023.<sup>70</sup>

According to the Ministry of Education, Science and Sport (*Ministrstvo za izobraževanje, znanost in šport*), an evaluation of the work of Roma assistants after their systematic accommodation in the Slovenian education system (i.e. creation of regular posts of Roma assistants in kindergartens and primary schools) shall be carried out in the school year 2022/2023. Based on the results of the evaluation, the needs for new jobs and training for Roma assistants shall be determined. The goal is to have Roma assistants in other institutions as well, since the Strategy for the Education and Training of Roma 2021-2030 (*Strategija vzgoje in izobraževanja Romov 2021-2030*)<sup>71</sup> envisages the employment of Roma assistants in regional units of the National Education Institute Slovenia (*Zavod Republike Slovenije za šolstvo*) in areas where a larger proportion of the Roma population. The strategy also envisages the employment of Roma assistants in local communities (municipalities) with a larger proportion of the Roma population.<sup>72</sup>

#### Social Protection:

As of 1 April 2022, social activation coordinators in areas with a larger Roma population, previously employed at the Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*), have been employed by social work centres. They shall help professional workers at the centres in dealing with Roma families.

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<sup>69</sup> Vlada Republike Slovenije (2022), [Deveto poročilo Vlade Republike Slovenije o položaju romske skupnosti v Sloveniji](#), p. 6, Ljubljana, Vlada Republike Slovenije.

<sup>70</sup> Vlada Republike Slovenije (2022), [Deveto poročilo Vlade Republike Slovenije o položaju romske skupnosti v Sloveniji](#), p. 13, Ljubljana, Vlada Republike Slovenije.

<sup>71</sup> Ministrstvo za izobraževanje, znanost in šport (2021), [Strategija vzgoje in izobraževanja Romov v Republiki Sloveniji 2021-2030](#), Ljubljana, Ministrstvo za izobraževanje, znanost in šport.

<sup>72</sup> Information provided by the Ministry of Education, Science and Sport (*Ministrstvo za izobraževanje, znanost in šport*) upon request (email, 27 September 2022).

The Ministry also plans to increase staffing at social work centres from 1 June 2022. Social work centres covering areas with a larger Roma population shall receive staff to work with the Roma.<sup>73</sup>

#### Health:

In 2022, the Center for the Study and Development of Health (*Center za proučevanje in razvoj zdravja*) and the Murska Sobota Regional Unit of the National Institute of Public Health (*Območna enota Murska Sobota, Nacionalni inštitut za javno zdravje*) continued research work relating to the health of Roma children and newborns. The Murska Sobota Regional Unit also continued with media activities aimed at providing information regarding public health to members of the Roma community (regular radio broadcasts on Radio Romi and publishing articles in the Roma newspaper Romano Them), kept strengthening partnership relationship with the Association of Roma of Slovenia and Roma non-governmental organisations (bilateral meetings), and took part in events organised by Roma. In 2022, this regional unit was drafting a comprehensive Programme for strengthening the public health of members of the Roma community (*Program krepitve javnega zdravja pripadnikov romske skupnosti*), a professional, systematic and comprehensive approach to improving health, as adapted to the needs of the Roma community.<sup>74</sup>

The Roma have the same rights as other insured persons in the field of health care, but they are given additional attention through Health Promotion Centers, which organize various health education content, workshops and lectures. They mostly take place in multi-purpose Roma centres. There are also frequent visits to Roma settlements, where counselling and various activities for children take place. Leaflets in the Romani language are also occasionally prepared. School clinics are also active, where they mainly encounter poor responses to systematic examinations and vaccinations. School dispensary teams often go to Roma settlements. Visiting nurses visit Roma more often than others, and in their work, they have a health education function. They cooperate with the Centres for social work, with schools, preschools, general and gynaecological clinics.<sup>75</sup>

The Ministry of Health supports NGOs through the public tender for co-financing programs of direct assistance, counselling and care for vulnerable persons. In a special section, the contents of direct assistance, awareness raising and counselling for young Roma girls, women and children are highlighted with the key goal: ensuring a better quality of life and health. Activities are

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<sup>73</sup> Vlada Republike Slovenije (2022), [Deveto poročilo Vlade Republike Slovenije o položaju romske skupnosti v Sloveniji](#), p. 7, Ljubljana, Vlada Republike Slovenije.

<sup>74</sup> Information was provided by the National Institute of Public Health (*Nacionalni inštitut za javno zdravje*) upon request (email, 27 September 2022).

<sup>75</sup> Information was provided by the Ministry of Health (*Ministrstvo za zdravje*) upon request (email, 6 October 2022).

carried out by the Association for the Development of Voluntary Work Novo mesto, the Roma Association Romani Union and the Association Kralji Ulice (Maribor). A national conference on Roma health shall also be held by the end of 2022.<sup>76</sup>

#### Strengthening the local level:

Within the framework of the project National Platform for Roma (*Nacionalna platforma za Rome*) SIFOROMA5, which stated in 2021, the GONM continued with the planned activities in 2022. The project is still predominantly focused on the local level. The main activities of the project are aimed at monitoring the implementation of the NPUR 2021-2030, supporting and helping municipalities where Roma live, developing local action plans for the inclusion of Roma, strengthening inter-institutional cooperation at the local level, raising the awareness of both public professionals in institutions and organisations operating in the local environment, as well as raising the awareness of members of the Roma community.<sup>77</sup>

#### Training, awareness raising and fight against discrimination:

In 2022, as part of the SIFOROMA5 project, the GONM organised consultations and training courses specifically dealing with harmful practices of early and forced marriages. The consultations took place on 21 March 2022 in Dolenjske Toplice and were intended for heads of all institutions that are involved both in the detection of these cases and the related procedures. In April, May and June 2022, three training courses intended for professional workers with individual institutions from local environments were organised in Novo mesto, Krško and Kočevje, respectively. Apart from providing training to professionals in smaller groups, a further aim of these courses was to strengthen the mutual cooperation of all competent institutions. On 15 September 2022, the GONM organised an evaluation event and meeting of the Ad hoc working group dealing with cases of early and forced marriages in the Roma community. The purpose of the event was to assess and evaluate the events held so far, to discuss suggestions for improvements and further steps while also discussing how to approach the Roma community as effectively as possible. The group further discussed developing video materials on the harmfulness of these practices targeting members of the Roma community.<sup>78</sup>

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<sup>76</sup> Information was provided by the Ministry of Health (*Ministrstvo za zdravje*) upon request (email, 6 October 2022).

<sup>77</sup> Information was provided by the Government of the Republic of Slovenia Office for National Minorities (*Urad Vlade Republike Slovenije za narodnosti*) upon request (email, 26 September 2022).

<sup>78</sup> Information was provided by the Government of the Republic of Slovenia Office for National Minorities (*Urad Vlade Republike Slovenije za narodnosti*) upon request (email, 26 September 2022).

In the field of improving coexistence in Roma settlements and their surroundings, the activities of the Ministry of the Interior (*Ministrstvo za notranje zadeve*) and the police have intensified in recent years. Within the framework of the police, there is a Permanent Working Group for Police Work in a Multicultural Community and with Subcultural Groups (*Stalna delovna skupina za delo policije v večkulturni skupnosti in s subkulturnimi skupinami*), which meets once a month and reviews the situation. The working group notes that the situation is somewhat better than it was in the past.<sup>79</sup>

According to the Police Academy, every year, at least two training sessions within the program "Awareness of stereotypes, control of prejudices and prevention of discrimination in a multicultural community" are held for civil servants working with representatives of the Roma community and two training sessions for police officers. In 2021, two training sessions were held for civil servants, namely twice for employees of the Probation Administration (*Uprava za probacijo*): the Probation Unit Ljubljana and Novo mesto (10 participants) and the Probation Unit Maribor and Murska Sobota (13 participants), and two training sessions for police officers: Police Department Murska Sobota (25 participants) and Police Department Ljubljana (55 participants).<sup>80</sup> In 2022 the Police intensified preventive activities aimed at including Roma children and young people in schooling and education through the project "School-path to success" (*Šola-pot k uspehu*). The Police emphasised the advantage that "Roma police officers" can contribute significantly to the mentioned project by working in the Roma settlements and by setting their own example.<sup>81</sup>

On 17 October 2022, the Advocate sent the Government a recommendation to amend ZRomS-1 with the aim of regulating representation in the Council of the Roma community of the Republic of Slovenia (*Svet romske skupnosti Republike Slovenije*). Due to the fact that more than two-thirds of all Roma associations in the Republic of Slovenia are not included in the Union of Roma of Slovenia (*Zveza Romov Slovenije*), the Advocate estimates that the provision of Article 10(1) ZRomS-1 does not ensure the representativeness of the entire Roma community in the Council of the Roma community of the Republic of Slovenia. The Advocate, in accordance with Article 21 of the ZVarD, recommends the Government of the Republic of Slovenia to prepare a proposal to amend ZRomS-1 to enable representative representation of members of the Roma community in the Council of the Roma community of the Republic of Slovenia. In doing so, it should take into account that in Slovenia, in addition to the

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<sup>79</sup> Vlada Republike Slovenije (2022), [Deveto poročilo Vlade Republike Slovenije o položaju romske skupnosti v Sloveniji](#), pp. 8–9, Ljubljana, Vlada Republike Slovenije.

<sup>80</sup> Information provided by the General Police Directorate (*Generalna policijska uprava*) upon request (email, 28 September 2022).

<sup>81</sup> Information provided by the General Police Administration (*Generalna policijska uprava*) upon request (email, 28 September 2022).

Union of Roma of Slovenia (*Zveza Romov Slovenije*), there are other Roma unions of various Roma associations (based in areas of both traditionally and non-traditionally inhabited by Roma).<sup>82</sup>

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<sup>82</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), [\*Priporočilo Zagovornika načela enakosti za spremembo Zakona o romski skupnosti v Republiki Sloveniji \(Ureditev predstavništva v Svetu romske skupnosti Republike Slovenije\)\*](#), 17 October 2022.



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

### 4.1 National legal framework on criminalisation of 'humanitarian assistance' and domestic transposition of sanctions

EUMS	Implementation of Article 3 of <a href="#">Directive 2002/90/EC</a>
	<p data-bbox="501 603 902 751"><b>How has your EUMS implemented Article 3 of Directive 2002/90/EU</b></p> <p data-bbox="925 603 2011 743">The legal provision <b>Article 308, paragraphs 3-6 of the Criminal Code</b> implementing Article 3 of Directive 2002/90/EU in Slovenian language is available here: <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050#308">http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050#308</a></p> <p data-bbox="925 783 1910 850">There is no official translation of the said provision into the English language. An unofficial translation is provided below.</p> <p data-bbox="925 890 1995 957"><b>Criminal Code, Article 308: Illegal crossing of the state border or territory</b></p> <p data-bbox="925 962 2029 1209">(3) Whoever illegally brings foreigners, who do not have a permit to enter or reside in the Republic of Slovenia, into the Republic of Slovenia, transports them or helps them to hide, or whoever brings one or more of such foreigners illegally across the border or territory of the state, transports them therein, or facilitates their unlawful stay therein, to obtain pecuniary gain for himself or another, shall be sentenced to imprisonment for between three to ten years and imposed a fine.</p> <p data-bbox="925 1214 2029 1315">(4) An official who enables a foreigner to enter the territory of the Republic of Slovenia illegally or to stay therein illegally shall be imposed the punishment referred to in the preceding paragraph.</p>

		<p>(5) Whoever accepts or gathers people for illegal migration, provides them with forged documents or with transportation, or otherwise organises their illegal migration, or organises migration by deceiving the competent authorities as to the real purpose of foreigners entering into the territory of the Republic of Slovenia, shall be sentenced to imprisonment for between three to ten years and imposed a fine.</p> <p>(6) If the perpetrator gains disproportionate proceeds for him- or herself or a third person by committing an act referred to in paragraphs three, four or five of this Article, or if he or she arranges an unlawful workforce, or causes a threat to human life or health, or commits such acts as a member of a criminal organisation, he or she shall be sentenced to imprisonment for between three and fifteen years and imposed a fine.</p> <p>According to the Ministry of Justice, there is no need to explicitly exclude humanitarian aid from the field of criminality since Article 308(3) criminalises “engaging” in the unlawful bringing of aliens across the border or the unlawful bringing of aliens across the border in exchange for a pecuniary gain. By their nature, these two cases do not involve humanitarian aid.<sup>83</sup></p> <p>Article 3 of Directive 2002/90/EU is implemented as a misdemeanour as well. Foreigners Act stipulates in Article 15 that: “A person shall not act in such a way that by his or her actions he or she enables or assists an alien to enter, transit or reside illegally in the territory of the Republic of Slovenia.” Article 146 of the Foreigners Act defines fines for violation of this provision, where a fine of between EUR 2,000 and EUR 4,000 shall be imposed on any individual who facilitates or assists an alien to reside illegally on the territory of the Republic of Slovenia; and a legal entity shall be liable to a fine of between EUR 3,000 and EUR 15,000; and the</p>
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<sup>83</sup> Information was provided by the Ministry of Justice (Ministrstvo za pravosodje) upon request (email, 14 November 2022).

		<p>responsible person of the legal entity shall be liable to a fine of between EUR 1,000 and 4,000.</p> <p>Said provision is very open and incriminates as a misdemeanor / minor offence any and all action that enables or assists an alien to enter, transit or reside illegally in the territory of the Republic of Slovenia with no exception of actions of humanitarian assistance.</p> <p>The legal provisions in the Slovenian language are available here: <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761">http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761</a> There is no official translation of the said provisions into the English language. Therefore unofficial translations were provided.</p>
	<b>Cases [incident numbers] of criminalisation of humanitarian assistance</b>	
	<b>Number of cases recorded by the police in 2022</b>	<b>Number and details of cases (if available)</b>
		<p>Information unavailable.</p> <p>In 2022, the police are unaware of any offence under Article 308 of the Criminal Code in which the motive for the offence was humanitarian assistance.<sup>84</sup> Generally, in 2022, the police had dealt with 323 offences under Article 308 of the Criminal Code. They initiated 290 police investigations in said cases.<sup>85</sup></p> <p>In 2022, the police also dealt with misdemeanour / minor offences under Article 146(1) in relation to Article 15 of the Foreigners Act (see above). They have dealt with 107 offences; they issued 102 penalty notices (which</p>

<sup>84</sup> Information was provided by the Criminal Police Directorate (*Uprava kriminalistične policije*) upon request (email, 28 September 2022).

<sup>85</sup> Information was provided by the General Police Directorate (*Generalna policijska uprava*) upon request (email, 18 January 2023).

		include a fine) and five warnings (no fine). <sup>86</sup> Information whether any of these cases criminalised humanitarian assistance is unavailable.
	<b>Number of investigations initiated in 2022</b>	<p><b>Number and details of cases (if available)</b></p> <p>Information unavailable.</p> <p>The State Prosecutor's Office explained they do not keep (any) motive for committing a crime as a special classifier in the electronic registers of the State Prosecutor's Office, and therefore data on whether the offence under Article 308 of the Criminal Code was committed for reasons of humanitarian aid cannot be obtained.<sup>87</sup></p> <p>The State Prosecutor's Office explained that the Office received 310 indictments for the offence under Article 308 of the Criminal Code in 2021 and 363 in 2022. 254 convictions for this offence were obtained in 2021 and 249 in 2022.<sup>88</sup></p>
	<b>Number of court decisions taken in 2022</b>	<p>Information unavailable.</p> <ul style="list-style-type: none"> <li><b>Number and type of court decisions, information if decision is final.</b></li> </ul> <p>1 court decision by District Court of Murska Sobota, Decision no. XI K 69156/2021, 21 October 2022. Decision is final. The defendant was charged with an offence under Article 308(3) of the Criminal Code and remanded in custody from December 2021 to October 2022. At the trial, the defence successfully argued that the defendant was exercising (?)</p>

<sup>86</sup> Information was provided by the General Police Directorate (*Generalna policijska uprava*) upon request (email, 18 January 2023).

<sup>87</sup> Information was provided by the Supreme State Prosecutor's Office (*Vrhovno državno tožilstvo*) upon request (email, 26 September 2022).

<sup>88</sup> Information was provided by the Supreme State Prosecutor's Office (*Vrhovno državno tožilstvo*) upon request (email, 16 January 2023).

		<p>humanitarian aid. The court acquitted the defendant on the (formal) ground that the District Public Prosecutor had failed to prove the charges.<sup>89</sup></p> <ul style="list-style-type: none"> <li>• <b>Type of penalties imposed according to Article 1 <a href="#">2002/946/JHA: Council framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence</a></b></li> </ul> <p>In 2021, there were 244 prison sentences imposed by the first-instance courts for the offence of Illegal crossing of the state border or territory of Article 308 of the Criminal Code, 9 suspended sentences, 1 suspended sentence with an additional condition, 248 fines, 71 seizures of objects, 163 expulsions of foreigners, 1 juvenile prison sentence, 3 supervision by a social welfare authority, 1 mandatory psychiatric treatment and 1 ban on driving a motor vehicle. In 2022, there were 234 prison sentences imposed by the first-instance courts, 11 suspended sentences, 3 suspended sentences with protective supervision, 238 fines, 97 seizures of objects, 166 expulsions of foreigners, 1 supervision by a social welfare authority.<sup>90</sup></p> <ul style="list-style-type: none"> <li>• <b>Describe in max three-four sentences the key court decisions in 2022 and add hyperlink to decision (if available)</b></li> </ul> <p>1 court decision by District Court of Murska Sobota, Decision no. XI K 69156/2021, 21 October 2022. Decision is final. The defendant was charged with an offence under Article 308(3) of the Criminal Code and remanded in custody from December 2021 to October 2022. At the trial, the defence successfully argued that the defendant was exercising humanitarian aid. The court acquitted the defendant on the (formal) ground that the District Public Prosecutor had failed to prove the charges.<sup>91</sup></p>
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<sup>89</sup> Information was provided by the defendant's defence counsel upon request (email, 10 January 2023).

<sup>90</sup> Information was provided by the Supreme State Prosecutor's Office (*Vrhovno državno tožilstvo*) upon request (email, 16 January 2023).

<sup>91</sup> Information was provided by the defendant's defence counsel upon request (email, 10 January 2023).

## 4.2 Use of the large-scale IT Systems in the area of asylum, migration and border control

In the process of registering illegally-entering people in the context of asylum and migration, the Police fingerprint and photograph the foreigners, under Article 41(5) of the Police Duties and Powers Act. In the context of border control at border crossings, the Police verify the identity of persons against the data captured on the chip of their biometric travel document, in accordance with Article 8(1) of the State Border Control Act. Additionally, they verify travel documents based on the data contained in the machine-readable part of the travel documents. Readers for this purpose are installed at border crossing points. The Police intends to install so-called "ABC gates" (automated border control booths) at the Brnik Airport border crossing point. These booths (gates) verify identity by fingerprint and by comparison with the photograph taken during the border control procedure and with the data recorded on that travel document chip. The legal basis is the same.<sup>92</sup>

In 2022 the Police introduced a new Automatic Fingerprint Information System (AFIS). The new AFIS system includes workstations for fingerprint and fingerprint trace examination, as well as electronic and mobile fingerprinting. Fingerprints and palmprints of criminal suspects and fingerprints of foreigners are entered into AFIS. AFIS supports the ACE-V (Analysis, Comparison, Evaluation – Verification) comparison method, colour coding of morphological features in the analysis and comparison phase, interfaces (FIO, Prum, Eurodac), integrations (Interpol, SIS II, LIMS – Laboratory Information Management System), exports and imports of fingerprints and traces.<sup>93</sup>

In 2022, the Information Commissioner conducted an *ex officio* inspection procedure against the Ministry of the Interior, Police, in which they were verifying the lawfulness of the personal data processing in the context of alerts under Article 36 of the SIS

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<sup>92</sup> Information was provided by the Criminal Police Directorate (*Uprava kriminalistične policije*) upon request (email, 28 September 2022).

<sup>93</sup> Slovenia, General Police Directorate (*Generalna policijska uprava*), 'Slovenian police have a new Automatic Fingerprint Identification System (AFIS)' (['Slovenska policija ima nov sistem za avtomatsko primerjavo prstnih odtisov \(AFIS\)'](#)), press release, 14 April 2022.

II Decision. The inspection procedure was carried out after coordination meetings with the European Data Protection Supervisor and the national authorities responsible for the supervision of the processing of personal data in the framework of the Schengen Information System (SIS II SCG), in view of the constant increase in the number of alerts in recent years. The procedure did not reveal any irregularities and was consequently terminated.<sup>94</sup>

In the area of complaints concerning the exercise of individuals' right to know their personal data, the Information Commissioner received 4 SIS-related complaints so far in 2022. The Information Commissioner's ex officio inspection procedure on the processing of personal data under the Eurodac system was concluded in 2021.<sup>95</sup>

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<sup>94</sup> Slovenia, Information Commissioner (*Informacijski pooblaščenec*), Decision No. 06100-30/2022/5, 28 November 2022.

<sup>95</sup> Information was provided by the Information Commissioner (*Informacijski pooblaščenec*) upon request (email, 19 September 2022).

## 5 Information society, privacy and data protection

### 5.1 Initiatives in the use of artificial intelligence in both private and public sectors

Actor	Type	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Government	Policy document	<p><b>Strategy for the digital transformation of the economy</b></p> <p>On 6 January 2022, the Government of the Republic of Slovenia adopted the Strategy for the digital transformation of the economy, which outlines how Slovenia will ensure the transition to a modern digital economy over the next decade (2021 - 2030).</p> <p>The main goals of the Strategy are to (1) maintain and strengthen Slovenia's leading role in advanced digital technologies, among others in artificial</p>	<p>No.</p> <p>Since the Strategy sets goals to be achieved in the economic sector, human rights are only addressed indirectly by stating that the benefits of the new digital environment shall be enjoyed in an inclusive and equitable way.</p>	<p>Slovenia, Ministry of Economic Development and Technology (<i>Ministrstvo za gospodarski razvoj in tehnologijo</i>), <a href="#">Strategy for the digital transformation of the economy</a>, 6 January 2022.</p> <p>Slovenia, Government of the Republic of Slovenia (<i>Vlada Republike Slovenije</i>), <a href="#">the Government of the Republic of Slovenia adopts the Strategy for the digital transformation of the economy</a>, public release, 6 January 2022.</p>



		<p>intelligence, and (2) to ensure a stable and prosperous environment for economic growth and empowering society through digital transformation. It leans on the deployment of the following technologies: artificial intelligence (AI), the Internet of Things (IoT), big data, blockchain (BC), high-performance computing (HPC), quantum computing and 5G technologies.</p> <p>The Strategy sets strategic directives and pertaining goals in three key areas:</p> <p>(1) Digital technologies of the fourth industrial revolution as an enabler of the digital transformation of the economy;</p>		
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		<p>(2) An effective ecosystem for a competitive economy;</p> <p>(3) An open and sustainable society as a basis for the growth of the digital economy.</p> <p>Artificial intelligence is listed as one of six key advanced digital technologies enabling the digital transformation of the economy – to improve the DESI index, Slovenia aims to increase the uptake of artificial intelligence by businesses from the current 33% to 75% by 2030</p>		
Slovenian Research Agency, ministries and other public	Academia	<p><b>Research projects related to the development and use of AI</b></p> <p>In 2022, Slovenian Research Agency and the Government Office for Digital Transformation</p>	<p>Yes.</p> <p>The research project Proteverb – Legal, ethical and technological aspects of processing textual and speech data for scientific, research and development purposes will look into legal and organisational barriers researchers faced when</p>	<p>Slovenia, Slovenian Research Agency (<i>Javna agencija za raziskovalno dejavnost Republike Slovenije</i>), <a href="#">Results of the Call for Proposals for the selection of research projects - Targeted Research Programme 2022 (Ciljni raziskovalni program, CRP</a></p>

<p>authorities</p>		<p>will provide funding for the following research projects related to the development and use of AI:</p> <ol style="list-style-type: none"> <li>1. Transformation of the labour market due to the implementation of artificial intelligence;</li> <li>2. Defining a framework to ensure public trust in AI solutions based on different socio-technological factors;</li> <li>3. Definition of a model of indicators for monitoring the potential of AI deployment in Slovenia.</li> </ol>	<p>collecting (personal) data for research purposes, including the data protection framework.</p>	<p><a href="#">2022) in 2022</a>, 5 October 2022.</p>
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		<p>4. Teaching with a pinch of Artificial Intelligence;</p> <p>5. Proverb – Legal, ethical and technological aspects of processing textual and speech data for scientific, research and development purposes.</p> <p>The research projects pursue the objectives set in the National Program for the Promotion of the Development and Use of Artificial Intelligence in the Republic of Slovenia until 2025.</p>		
Governmental	Other	<p><b>Roundtable Opportunities and risks of artificial intelligence in modern society</b></p>	Yes.	<p>Slovenia,, National Assembly of the Republic of Slovenia (Državni zbor), <a href="#"><u>Roundtable Opportunities and risks of artificial intelligence in</u></a></p>

		<p>On 2 February 2022, the delegation of the National Assembly for cooperation with the OECD organised a roundtable <i>Opportunities and risks of artificial intelligence in modern society</i>. Panellists discussed how the use of artificial intelligence impacts society and in which ways it could be further used as a tool for tackling global challenges while respecting the OECD Principles on Artificial Intelligence.</p>		<p><a href="#"><i>modern society</i></a>, public release, 2 February 2022.</p>
<p>Government Office for Digital Transformation</p>	<p>Agreement</p>	<p><b>Non-binding Memorandum of Understanding for Strategic Cooperation between the Government Office for Digital Transformation and NVIDIA Corporation</b></p> <p>On 18 February 2022, the Government Office</p>	<p>N/A</p>	<p>Slovenia, Government Office for Digital Transformation (<i>Služba Vlade za digitalno preobrazbo</i>), <a href="#"><u>Agreement for partnership of countries on Artificial Intelligence, Non-binding Memorandum of Understanding for Strategic Cooperation (Sporazum o partnerstvu držav za umetno inteligenco, Nezavezujoči memorandum o soglasju za</u></a></p>

		for Digital Transformation signed an agreement with the corporation NVIDIA <sup>96</sup> to set up a strategic partnership to accelerate the deployment of artificial intelligence in the Republic of Slovenia on different levels, e.g. in public administration, businesses (start-ups), education and research.		<a href="#">strateško sodelovanje</a> ), 18 February 2022.  Slovenia, Government of the Republic of Slovenia ( <i>Vlada Republike Slovenije</i> ), <a href="#">Corporation NVIDIA to support Slovenia in achieving its national AI efforts</a> , public release, 18 February 2022.
Policy makers, academia	Research Project	<b>PAMLS - Analytical tool that enables analysis of large volumes of data to identify risks of money laundering and financing of terrorism</b>  Since 2019, the Bank of Slovenia and Jožef Stefan Institute have	Yes.  Since the data processed by PAMLS contains both personal as well as confidential data, various measures were introduced to ensure compliance with the GDPR. Throughout the project, the research team constructively cooperated and consulted with the Information Commissioner.	Slovenia, Written Answer provided by the Bank of Slovenia on 30 September 2022.  <a href="#">Project INFINITECH</a> , Grant Agreement no. 856632.

<sup>96</sup> NVIDIA is a multinational technology company incorporated in the United States of America, known for manufacturing graphics processing units (GPUs), but also providing numerous other software and hardware solutions, which fuel the development of artificial intelligence. NVIDIA, [Our Body of Work](#).

		<p>been developing PAMLS solution (Platform for AML Supervision), which is one of the deliverables of the Project INFINITECH, funded by the European Union's Horizon research and innovation programme, Grant Agreement no. 856632. PAMLS has multiple functionalities, including an analytical tool that enables the analysis of large volumes of data to identify risks of money laundering and financing of terrorism (PAMLS).</p>		
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## 5.2 Legal and policy initiatives on data protection and private life

### *National legislative framework for the protection of personal data*

Until 15 December 2022, when the new Personal Data Protection Act (*Zakon o varstvu osebnih podatkov, ZVOP-2*)<sup>97</sup> was adopted, Slovenia remained the only Member State that has not harmonised its national data protection legislation with the GDPR. Personal Data Protection Act (*Zakon o varstvu osebnih podatkov, ZVOP-1*),<sup>98</sup> which was enacted in 2004 to transpose

<sup>97</sup> Slovenia, [Personal Data Protection Act](#) (*Zakon o varstvu osebnih podatkov – ZVOP-2*), 15 December 2022.

<sup>98</sup> Slovenia, [Personal Data Protection Act](#) (*Zakon o varstvu osebnih podatkov – ZVOP-1*), 15 July 2004 and subsequent amendments.

Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data, remains in force as far as it does not contravene the GDPR. Its provisions still govern sectoral data protection arrangements regarding biometrics, video surveillance, direct marketing, records of entry and exit from premises, public books, linking of personal data and expert supervision.

On 9 February 2022, the European Commission launched a formal infringement procedure against Slovenia for failing to fulfil its obligations under the GDPR and for not making it possible for its national supervisory authority, the Information Commissioner (*Informacijski pooblaščenec*), to use all the corrective powers under the GDPR.<sup>99</sup> Since Slovenia's reply failed to sufficiently address the concerns expressed by the Commission in the letter of formal notice, on 15 July 2022, the Commission sent a reasoned opinion to Slovenia, which has two months to reply. If the Commission deems the provided reply unsatisfactory, it could bring the matter before the Court of Justice of the European Union.<sup>100</sup>

Several proposals for a new Personal Data Protection Act (*Zakon o varstvu osebnih podatkov, ZVOP-2*) were considered in the past few years, and numerous stakeholders, including the Information Commissioner (*Informacijski pooblaščenec*) submitted their opinions about the draft regulation, which was subsequently amended and adjusted in the light of the relevant comments. On 4 July 2022, Ministry of Justice submitted the Draft Personal Data Protection Act to the Government, which confirmed it on 14 July 2022 and submitted it to the National Assembly.<sup>101</sup>

Personal Data Protection Act (*Zakon o varstvu osebnih podatkov, ZVOP-2*) was adopted on 15 December 2022, and it entered into force on 26 January 2023. ZVOP-2 is divided in three parts, the first one dealing with topics, which Member States may further regulate pursuant to the GDPR, the second one governing the sectoral arrangements, and the last part containing penal provisions.

The first part of ZVOP-2 stipulates (1) procedural rules for the exercise of the rights of the data subjects, (2) special provisions regarding the security of personal data and data protection impact assessment, (3) competences of the national supervisory authority, the Information Commissioner, and procedural provisions for the exercise of its powers, (4) a new regime for the persons responsible for the protection of personal data within processors and controllers (data protection officers and their

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<sup>99</sup> European Commission, [February infringements package: key decisions](#), public release, 9 February 2022.

<sup>100</sup> European Commission, [July infringements package: key decisions](#), public release, 15 July 2022.

<sup>101</sup> Slovenia, [The Draft Personal Data Protection Act](#) (*Predlog Zakona o varstvu osebnih podatkov-2*), 15 July 2022.



deputies), and finally (5) conditions for the transfer of personal data to third countries. In addition, it sets an age limit for minors to validly consent to the processing of their personal data in relation to the information society services. It provides a regime of protection of the personal data of the deceased individuals, which applies to the personal data of the deceased 20 years after their death. Pursuant to ZVOP-2, personal data relating to criminal convictions and minor offences are considered as special categories of personal data.

The second part of the ZVOP-2 contains sector-specific regimes of the personal data protection. Sectoral arrangements, which were also regulated in the ZVOP-1 (e.g. video surveillance, biometrics, records of entry to and exit from premises), are harmonised with the GDPR. ZVOP-2 additionally governs the processing of personal data for scientific and historical research purposes, statistical and archiving purposes, the relationship between the protection of personal data and freedom of expression and the right to access public information and the processing of contact information and identity documents.

National penalties applicable for the infringements of the GDPR and ZVOP-2 are stipulated in the third part of ZVOP-2, under which administrative fines stipulated in the GDPR are to be considered minor offences. In addition to determining the range of the imposed fines, ZVOP-2 also provides guidelines to determine the exact amount of the fine.

Data protection in the police sector in Slovenia is regulated by the Act on the Protection of Personal Data in the Area of Treatment of Criminal Offences (*Zakon o varstvu osebnih podatkov na področju obravnavanja kaznivih dejanj, ZVOPOKD*),<sup>102</sup> which 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 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 (hereinafter: Directive 2016/680) into national legislation. On 7 September 2022, the Information Commissioner issued a list of personal data processing operations, which are subject to the requirement of prior consultation in the process of preparation of the data protection impact assessment pursuant to ZVOPOKD.<sup>103</sup> Although the examples included in the list

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<sup>102</sup> Slovenia, [Act on the Protection of Personal Data in the Area of Treatment of Criminal Offences](#) (*Zakon o varstvu osebnih podatkov na področju obravnavanja kaznivih dejanj*), 20 November 2022 and subsequent amendments.

<sup>103</sup> Slovenia, Information Commissioner (*Informacijski pooblaščenec*), [A list of personal data processing operations subject to the requirement of prior consultation with the supervisory authority pursuant to Article 50 of ZVOPOKD](#), 7 September 2022.

do not represent a definitive set of processing operations for which a prior consultation procedure should be carried out, it provides guidelines and clarity to understand the individual criteria better and therefore ensure compliance with the ZVOPOKD.

#### *Other national legislation with data protection implications*

On 5 April 2022, the new Prevention of Money Laundering and Terrorist Financing Act (*Zakon o preprečevanju pranja denarja in financiranju terorizma – ZPPDFT-2*) entered into force<sup>104</sup> after almost the same legislative proposal was rejected by the National Assembly just two months earlier (on 2 February 2022)<sup>105</sup>. Both the Information Commissioner and the Legislative and legal service of the National Assembly expressed grave concern regarding the unconstitutionality of ZPPDFT and its incompatibility with the European data protection framework.<sup>106</sup> While recognising the importance of the prevention of money laundering and financing of terrorism, the Information Commissioner pointed out that the measures imposed by the new law are not proportionate to the aim pursued and undermine the fundamental principles of data protection in the Republic of Slovenia as far as it allows bulk processing of personal data, limits the data subjects' right to access personal data and hinder the supervisory powers of the national supervisory authority. The Information Commissioner was not consulted in the course of preparation of the legislative proposal, and its concerns regarding the incompatibility with both national and EU legal frameworks were not remedied in the legislative procedure. On 29 July 2022, the Information Commissioner filed a request to initiate the review of the constitutionality of several articles of ZPPDFT to the Constitutional Court of the Republic of Slovenia.<sup>107</sup>

On 28 July 2022, the Government of the Republic of Slovenia issued a Proposal for a position of the Republic of Slovenia on the Proposal for Regulation of the European Parliament and of the Council on harmonised rules for fair access to and use of data (Data Act).<sup>108</sup> The proposal was submitted to the National Assembly the same day and is still pending to be adopted. The Republic of Slovenia supports the proposal for a Regulation of the European Parliament and of the Council on harmonised rules for fair access to, and use of data (Data Act) and is committed to ensuring greater clarity and consistency of its provisions, as

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<sup>104</sup> Slovenia, [Prevention of Money Laundering and Terrorist Financing Act](#) (*Zakon o preprečevanju pranja denarja in financiranju terorizma – ZPPDFT-2*), 23 March 2022.

<sup>105</sup> Slovenia, National Assembly, [Prevention of Money Laundering and Terrorist Financing Act – Legislative proposals](#), 2 February 2022.

<sup>106</sup> Slovenia, Information Commissioner (*Informacijski pooblaščenec*), [Opinion on the Draft Prevention of Money Laundering and Terrorist Financing Act](#), 8 March 2022.

<sup>107</sup> Slovenia, Information Commissioner (*Informacijski pooblaščenec*), [A request to initiate a review of constitutionality of ZPPDFT](#), 29 July 2022.

<sup>108</sup> Slovenia, Government of the Republic of Slovenia (*Vlada Republike Slovenije*), [Proposal for a position of the Republic of Slovenia on the Proposal for a Regulation of the European Parliament and of the Council on harmonised rules for fair access to and use of data \(Data Act\)](#), 28 July 2022.

well as to balance public interest objectives the Data Acts with a high standard of human rights protection, including safeguarding the rights of the data subjects under relevant data protection legislation. However, in the view of the Republic of Slovenia, some definitions and notions from the legislative proposal need to be further clarified; particularly, the notion of exceptional need merits further attention to ensure that the use of data in such extraordinary circumstances does not hamper the enforcement of fundamental rights.

On 28 September 2022, the National Assembly adopted a new Electronic Communications Act (*Zakon o elektronskih komunikacijah, ZEKom-2*),<sup>109</sup> which transposes the Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast). ZEKom-2 aims to accelerate the development of electronic communications networks and services in the Republic of Slovenia, while safeguarding the fundamental rights and freedoms of the end-users, in particular their right to communications privacy, as well as strengthening the security of public communications networks and services, especially in the light of the increased risks posed by 5G technology and other novel technologies. However, provisions regarding the processing of personal data and privacy of electronic communications (Chapter XII) remain mostly unchanged.

#### *National Supervisory Authority – relevant developments*

On 9 March 2022, the Information Commissioner held a meeting with the Commission for the Prevention of Corruption (*Komisija za preprečevanje korupcije*), the Court of Audit of the Republic of Slovenia (*Računsko sodišče Republike Slovenije*) and the Human Rights (*Varuh človekovih pravic*) to address the issue of ensuring the conditions for the proper functioning of independent institutions in Slovenia.<sup>110</sup> Similar concerns were already raised in a statement, which was communicated to the media on 11 June 2021.<sup>111</sup> However the representatives of all institutions agreed that political pressure on independent and autonomous institutions and (direct) attacks on social or traditional media from high representatives of the state persist. They reiterated that opinions and decisions of independent and autonomous institutions, which are based on the professional expertise of their personnel, are often not just completely ignored but often even result in attempts to discredit institutions

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<sup>109</sup> Slovenia, [Electronic Communications Act](#) (*Zakon o elektronskih komunikacijah – ZEKom-2*), 28 September 2022.

<sup>110</sup> Slovenia, Human Rights Ombudsman (*Varuh človekovih pravic Republike Slovenije*), [Working meeting between four autonomous and independent government bodies of the Republic of Slovenia](#), public release, 9 March 2022.

<sup>111</sup> Slovenia, Human Rights Ombudsman (*Varuh človekovih pravic Republike Slovenije*), [Joint statement of the heads of the independent institutions of the Republic of Slovenia](#), public release, 11 June 2021.

and their leaders. Additionally, their budgetary independence is still threatened due to the current legislative framework, which enables the government to request adjustments of their financial plan proposals. Although the Constitutional Court found that this provision violates the autonomous and independent status of such institutions, which is protected by the Constitution of the Republic of Slovenia, the situation has not been remedied.

On 26 May 2022, the Information Commissioner announced that it concluded an inspection procedure against the Office of the Prime Minister of the Republic of Slovenia (as well as the National institute of public health and two private companies) regarding the processing of personal data of the recipients of the letter of Prime Minister concerning vaccination against COVID-19.<sup>112</sup> In December 2021, all adult Slovenian nationals received a letter from the Prime Minister of the Republic of Slovenia inviting them to be vaccinated against COVID-19, which spurred lively public debate about whether the personal data of the recipients was processed lawfully. The addresses of the recipients were obtained from the Central Patient Data Register (*Centralni register podatkov o pacientih, CRPP*), controller of which is the National Institute of Public Health (*Nacionalni inštitut za javno zdravje, NIJZ*). Although the National Institute of Public Health had a legal basis for processing of personal data, the Information Commissioner concluded that the controller did not ensure the appropriate security of personal data since it used a free version of WeTransfer tool to transfer the data. Additionally, data subjects were not informed about the processing of their data in compliance with Article 14 of GDPR, which led to an unusually high number of reports to the Commissioner, who received a total of 153 reports regarding this subject matter.

On 19 September 2022, the Information Commissioner drew attention to data processing activities in the course of collecting of signatures of support by the candidates for the President of the Republic of Slovenia.<sup>113</sup> It reiterated that persons collecting the signatures of support are controllers in the meaning of Article 4(7) of the GDPR and therefore have an obligation to ensure the data is processed following GDPR, including providing data subjects with the information stipulated in Article 13 of the GDPR.

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<sup>112</sup> Slovenia, Information Commissioner (*Informacijski pooblaščenec*), [IC concluded an inspection procedure concerning the processing of personal data of the recipients of a letter from the Prime Minister of the Republic of Slovenia in connection with the vaccination against COVID-19](#), public release, 26 May 2022.

<sup>113</sup> Slovenia, the Information Commissioner (*Informacijski pooblaščenec*), [Compliance with the rules for the protection of personal data also applies to the current collection of signatures of support](#), public release, 19 September 2022.

## 6 Rights of the child

### 6.1 Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee

Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the [EU Child Guarantee](#).

<b>Legislative changes</b>	<b>Intervention child-benefit allowance for low-income families.</b> The National Assembly adopted the Act on Intervention Measures to Mitigate the Consequences of Rising Costs of Living for Child Benefit Recipients. <sup>114</sup> The act foresees additional allowance for all recipients of the child benefit, i.e. low-income families, as well as foster families for children up to the age of 18. The payments will be made automatically three times (November 2022, December 2022 and January 2023). Families will be entitled to the intervention child benefit equal to the child benefit they already receive for the first child, depending on their income bracket. The family will receive the allowance for all children in the family. The intervention allowance for children placed in foster families will also be paid three times and will amount to EUR 122.97 for each child under the age of 18. <sup>115</sup>
<b>Policy changes</b>	<b>National action plan for the Child Guarantees in preparation.</b> The Ministry of Labour, Family, Social Affairs and Equal Opportunities is coordinating the preparation of the national action plan for the Child Guarantee in collaboration with different governmental departments (Ministry of Education, Science and Sport; Ministry of Health; Ministry of the Environment and Spatial Planning; Ministry of Finance). The advisory group for the national action plan also includes several research

<sup>114</sup> Slovenia, Act on Intervention Measures to Mitigate the Consequences of Rising Costs of Living for Child Benefit Recipients ([Zakon o začasnih ukrepih za omilitev posledic druginje za upravičence do otroškega dodatka](#)), Uradni list RS, št. 126/2022, 3 October 2022.

<sup>115</sup> Slovenia, Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) (2022), [Draginjnski otroški dodatek](#), press release, 26 September 2022.

	<p>institutes and NGOs (<i>Družinska pobuda, Slovenska fundacija UNICEF, Mreža za otrokove pravice, Inštitut RS za socialno varstvo, Nacionalni inštitut za javno zdravje</i>). Children from different Slovenian regions aged 12–15 were also included in the consultations.<sup>116</sup></p> <p><b>Action Plan for the Implementation of the Resolution on the National Mental Health Programme (2021-2028) 2022-2023.</b><sup>117</sup> The action plan, adopted by the government on 31 March 2022, focuses on mental health promotion, prevention and destigmatisation of mental disorders in children and adolescents. It includes measures such as the introduction of mental health promotion in educational institutions; additional staff training, capacity building and competencies raising to increase mental health support in kindergartens and schools; strengthening the mental health perspective in primary and secondary school; developing and implementing programmes for vulnerable groups of children and adolescents (minorities, children with parents with mental health issues, children with learning difficulties).<sup>118</sup> The budget for the realisation of the action plan goal has been allocated to relevant stakeholders.<sup>119</sup></p> <p><b>Resolution on the National Social Assistance Programme 2022-2030.</b><sup>120</sup> One of the main goals of the resolution, adopted by the National Assembly on March 23 2022, is reducing the risk of poverty and increasing social inclusion for children and youth. The aim is to develop further and increase the accessibility of social protection services and programmes (for example safe houses for victims of abuse, institutional care for children and young people with mental or physical disabilities or multiple disabilities, psychosocial support programmes for children living in poverty</p>
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<sup>116</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, 26 September 2022).

<sup>117</sup> Slovenia, Action Plan 2022-2023 for the Implementation of the Resolution on the Mental Health Programme (2021-2028) (OJ RS no. 24/18), no. 18100-4/2022/5 ([Akcijski načrt 2022-2023 za izvajanje Resolucije o nacionalnem programu duševnega zdravja 2018–2028 \(Ur.l. RS, št. 24/18\)](#)), 31 March 2022.

<sup>118</sup> Slovenia, Action Plan 2022-2023 for the Implementation of the Resolution on the Mental Health Programme (2021-2028) (OJ RS no. 24/18), no. 18100-4/2022/5 ([Akcijski načrt 2022-2023 za izvajanje Resolucije o nacionalnem programu duševnega zdravja 2018–2028 \(Ur.l. RS, št. 24/18\)](#)), 31 March 2022, pp. 15–20.

<sup>119</sup> Slovenia, Action Plan 2022-2023 for the Implementation of the Resolution on the Mental Health Programme (2021-2028) (OJ RS no. 24/18), no. 18100-4/2022/5 ([Akcijski načrt 2022-2023 za izvajanje Resolucije o nacionalnem programu duševnega zdravja 2018–2028 \(Ur.l. RS, št. 24/18\)](#)), 31 March 2022, p. 57.

<sup>120</sup> Slovenia, Resolution on the National Social Assistance Programme 2022-2030 ([Resolucija o nacionalnem programu socialnega varstva za obdobje 2022–2030](#)), Uradni list RS, št. 49/22, 8 April 2022.

	<p>or homeless children, quality leisure time programmes for children).<sup>121</sup> The resolution also foresees simplification of procedures relating to social benefits and additional staffing of Centres for social work in 2022.<sup>122</sup></p>
<p><b>Other measures or initiatives</b></p>	<p><b>The systematisation of the Roma assistant post in kindergartens and primary schools.</b> The Ministry of Education, Science and Sport included Roma assistants (<i>romski pomočniki</i>) in the official post systematisation in the school year 2021/2022.<sup>123</sup> The Roma assistants previously worked based on a project titled Together for knowledge (<i>Skupaj za znanje</i>), which ended in August 2021.<sup>124</sup> The Ministry will evaluate the work of Roma assistants after the systematisation of the post in the ongoing school year (2022/2023) and identify potential new recruitment and training needs. In line with the Roma Education Strategy 2021-2030, new recruitments of Roma assistants are foreseen in the regional units of the Education Institute of the Republic of Slovenia as well as other institutions in local communities with a larger Roma population.<sup>125</sup></p> <p><b>State financing of a project titled Analysis of the needs, conditions and possibilities for compulsory inclusion of children in a preschool education programme in the context of reducing social, economic and cultural inequalities at the national level.</b><sup>126</sup> The project, which will end in 2023, is led by the Faculty of Education (University of Maribor) and will provide a basis for changes in the area of (compulsory) enrolment of children in pre-school programmes, starting in 2024/2025. In line with the study's findings, the Ministry of Education, Science and Sport</p>

<sup>121</sup> Slovenia, Resolution on the National Social Assistance Programme 2022-2030 ([Resolucija o nacionalnem programu socialnega varstva za obdobje 2022–2030](#)), Uradni list RS, št. 49/22, 8 April 2022, Chapter 4.

<sup>122</sup> Slovenia, Resolution on the National Social Assistance Programme 2022-2030 ([Resolucija o nacionalnem programu socialnega varstva za obdobje 2022–2030](#)), Uradni list RS, št. 49/22, 8 April 2022, Chapter 6.

<sup>123</sup> Slovenia, Ministry of Education, Science and Sport (*Ministrstvo za izobraževanje, znanost in šport*) (2021), [Zaposlovanje romskih pomočnikov](#), press release, 2 September 2021.

<sup>124</sup> Project website: Center šolskih in obšolskih dejavnost, [Skupaj za znanje](#).

<sup>125</sup> Slovenia, Ministry of Education, Science and Sport (*Ministrstvo za izobraževanje, znanost in šport*) (2021), Roma Education Strategy 2021-2030 ([Strategija vzoje in izobraževanja Romov v Republiki Sloveniji 2021-2030, št. 095-3/2021/11](#)), pp. 34–35.

<sup>126</sup> Slovenia, Ministry of Education, Science and Sport (*Ministrstvo za izobraževanje, znanost in šport*) (2021), [Public call for applications](#), press release, 22 March 2021.

will identify measures to increase further the affordability of kindergartens (currently, the level of kindergarten fees is set according to the income bracket of the child's parents).<sup>127</sup>

**State funding of Family Centres.** In line with the vision of the Family policy resolutions 2018-2028, "A family-friendly society for all",<sup>128</sup> the Ministry of Labour, Family, Social Affairs and Equal Opportunities is funding the centres in the 2021-2025 period. The Family centres offer educational workshops, talks and lectures for families and are envisioned as a central space in the local environment designed to provide for the needs of different families. The main goal is to give children and adolescents various learning opportunities for their holistic development and the acquisition of appropriate social skills and competences for managing emotions, a positive self-image and constructive problem-solving. The Family centres also provide space for informal socialising, educational and practical workshops on developing positive parenting, holiday activities for children and organised workshops for children as well as counselling to improve emotional coping skills.<sup>129</sup> The project financing covers all costs, making the programmes in individual Family centres free of charge.

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<sup>127</sup> Slovenia, Kindergartens Act ([Zakon o vrtcih](#)), Uradni list RS, št. 100/05, s spremembami, 29 February 1996.

<sup>128</sup> Slovenia, Family policy resolutions 2018-2028 »A family-friendly society for all« ([Resolucija o družinski politiki 2018–2028 »Vsem družinam prijazna družba«](#)), Uradni list RS, št. 15/18, 7 March 2018.

<sup>129</sup> Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) (2021), [Centri za družine](#).



## 6.2 Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witness or suspects/accused in criminal proceedings.

<b>Legislative changes</b>	<p><b>Rules on the procedures and requirements of assessing the qualifications of professionals and counsellors who provide the comprehensive treatment of children in Children’s House</b></p> <p>In June 2022, according to Article 38 of the Protection of Children in Criminal Procedure and their Comprehensive Treatment in Children’s House Act<sup>130</sup>, the Minister of Justice issued a bylaw – the Rules on the procedures and requirements of assessing the qualifications of professionals and counsellors who provide the comprehensive treatment of children in the Children’s House, which regulate in further detail the requirements for personnel in the Children’s House.<sup>131</sup></p> <p><b>Decree on the method of cooperation between the Children’s House and other participants in providing comprehensive treatment at the Children’s House</b></p> <p>On 19 October 2022, the government of the Republic of Slovenia issued a Decree on the method of cooperation between the Children’s House and other participants in providing comprehensive treatment at the Children’s House. The Decree regulates in more detail the cooperation between the public institution Children’s House and other participants in relevant proceedings under the Protection of Children in Criminal Procedure and their Comprehensive Treatment in Children’s House Act. The main feature of the proceedings for the integrated treatment of children in the Children’s Home for minor victims and witnesses in pre-trial and criminal proceedings concerning certain offences and other criminal offences, as well as for minors under the age of</p>
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<sup>130</sup> Slovenia, Protection of Children in Criminal Procedure and their Comprehensive Treatment in Children's House Act ([Zakon o zaščiti otrok v kazenskem postopku in njihovi celostni obravnavi v hiši za otroke](#)), Uradni list RS, št. 54/21, 9 April 2021.

<sup>131</sup> Slovenia, Rules on the procedures and requirements of assessing the qualifications of professionals and counsellors who provide the comprehensive treatment of children in Children's House ([Pravilnik o usposabljanju in preverjanju usposobljenosti strokovnjakov in svetovalcev v hiši za otroke](#)), Uradni list RS, št. 60/22, 6 May 2022.

	<p>18 against whom pre-trial or criminal proceedings are underway, is multidisciplinary and inter-institutional treatment and cooperation.</p> <p>The Regulation further defines the method of communication between the institution and other participants in the proceedings, as well as the institution's response to enquiries from the social work centres and the police regarding the availability of the institution's space, technical and human resources.</p> <p>The Decree also regulates in more detail the cooperation between the institution and other relevant subjects, namely, courts, public prosecutors, police, social work centres, providers of health services, educational, higher education and scientific research organisations, and other experts, NGOs and other participants in the integrated treatment proceedings.</p>
<p><b>Policy developments</b></p>	<p><b>Training for judges, state prosecutors, police officers, defence counsels and mediators in criminal cases that take part in the procedures against juvenile offenders</b></p> <p>The Ministry of Justice, in particular, Centre for Judicial Education (<i>Center za izobraževanje v pravosodju</i> – CIP), organises basic training for subjects involved in juvenile justice system.<sup>132</sup> In 2022, they organised 5 basic<sup>133</sup> trainings, in January, February, March, September and October.<sup>134</sup> The programme of training lasts for 4 days and consists of the following topics: specific features of the treatment of juvenile offenders and juvenile delinquency, understanding the development of the juveniles; techniques of interviewing or interrogating juveniles and the enforcement of criminal sanctions against juveniles.<sup>135</sup> The number of participants never</p>

<sup>132</sup> Slovenia, Rules on the programme and the procedure regarding the implementation of training for judges, state prosecutors, police officers, defence counsels and mediators in criminal cases, that take part in the procedures against juvenile offenders ([Pravilnik o programu in načinu izvedbe osnovnega in rednega usposabljanja za sodnike, državne tožilce, policiste, zagovornike in poravnalce, ki sodelujejo v postopku proti mladoletniku](#)), Uradni list RS, št. 67/21, 20 April 2021; see also Slovenia, Criminal Procedure Act ([Zakon o kazenskem postopku](#)), Uradni list RS, št. 176/21 and subsequent changes, 13 October 1994, Article 452.b.

<sup>133</sup> Slovenia, Criminal Procedure Act ([Zakon o kazenskem postopku](#)), Uradni list RS, št. 176/21 and subsequent changes, 13 October 1994, Article 4.

<sup>134</sup> Information was provided by the Ministry of Justice (*Ministrstvo za pravosodje*) upon request (email, 26 September 2022).

<sup>135</sup> Information was provided by the Ministry of Justice (*Ministrstvo za pravosodje*) upon request (email, 26 September 2022).

exceeded 22 participants, as it consists of 8 judges, 8 prosecutors, 2 police officers, 2 mediators and 2 social workers.<sup>136</sup>

### **Training for police officers**

In addition to the training above, where 10 police officers take part yearly, the Ministry of the Interior, in particular, Criminal Police Directorate (*Uprava kriminalistične policije* – UKP) carries out similar training for 30 police officers per year.<sup>137</sup>

### **12<sup>th</sup> Expert consultation on E-abuse of Children: Juvenile perpetrators**

In September 2022, SPLETNO OKO, Safer Internet Centre Slovenia, Criminal Police Directorate of the General Police Directorate and the Association of Informatics and Telecommunications at the Chamber of Commerce and Industry of Slovenia co-organised an annual expert consultation on E-abuse of children.<sup>138</sup> This year the topic was focused mostly on juvenile perpetrators of E-abuse of Children.<sup>139</sup> The programme of the consultation covered theoretical lectures as well as practical workshops and brought together various relevant stakeholders.<sup>140</sup> About 80 police officers took part.<sup>141</sup>

### **20<sup>th</sup> Expert consultation: Are children who commit unlawful conduct victims or perpetrators?**

In April 2022, the Ministry of Justice, in cooperation with the Association of State Prosecutors of Slovenia and the General Police Directorate, organised an annual expert consultation titled “Are children who commit unlawful conduct victims or perpetrators?”.<sup>142</sup> The consultation lasted

<sup>136</sup> Information was provided by the Ministry of Justice (*Ministrstvo za pravosodje*) upon request (email, 26 September 2022).

<sup>137</sup> Information was provided by the Criminal Police Directorate (*Uprava kriminalistične policije*) upon request (email, 28 September 2022).

<sup>138</sup> Slovenia, Ministry for Internal Affairs (*Ministrstvo za notranje zadeve*) (2022), [Strokovni posvet na temo spletnih spolnih zlorab otrok in mladostnikov: mladoletni storilci](#), press release, September 2022.

<sup>139</sup> Slovenia, Ministry for Internal Affairs (*Ministrstvo za notranje zadeve*) (2022), [Strokovni posvet na temo spletnih spolnih zlorab otrok in mladostnikov: mladoletni storilci](#), press release, September 2022.

<sup>140</sup> For more information on the programme of the consultation see Spletno oko’s website: Spletno oko (2022), [Program strokovnega posveta](#).

<sup>141</sup> Information provided by the Criminal Police Directorate (*Uprava kriminalistične policije*) upon request (email, 28 September 2022).

<sup>142</sup> Center za izobraževanje v pravosodju (2022), [Strokovni posvet: ali so otroci, ki storijo protipravno ravnanje, žrtve ali storilci?](#), April 2022.

two days, and the panels consisted of various relevant stakeholders, including psychologists, social pedagogues, state prosecutors, doctors, police officers, judges and social workers.<sup>143</sup> The topic of this year's consultation was centred around the aggressive behaviour of children, risk factors for the development of problems in the development of adolescents, the treatment of children and their families at the social work centre, types of addiction, examples from practice, setting up a good relationship with adolescents, the responsibility of minors serving an educational measure of placement in a re-education home, and the link between modern socialisation and education of children and the unlawful behaviour of children and adolescents.<sup>144</sup> About 80 police officers took part.<sup>145</sup>

### **Support for victims of crimes (*Podpora žrtvam kaznivih dejanj – PŽKD*)**

Social work centres provide support for victims of crimes in line with Article 14 of Social Assistance Act<sup>146</sup> with a special highlight on specific vulnerable groups of victims, including children.<sup>147</sup> This service includes the identification of the victim's distress, as well as providing information and guidance to mitigate the negative consequences of the crime committed.<sup>148</sup> It is available in all 63 units of 16 social work centres.<sup>149</sup> In 2022 (from 1 January 2022 to 21 September 2022), support has been provided 203 times.<sup>150</sup> It is unclear, however, what percentage of supported victims were children.

### **Developing indicators to monitor child suspects**

<sup>143</sup> See the full programme of the expert consultation at the organiser's website: [Program strokovnega posveta](#).

<sup>144</sup> Information provided by the Criminal Police Directorate (*Uprava kriminalistične policije*) upon request (email, 28 September 2022).

<sup>145</sup> Information provided by the Criminal Police Directorate (*Uprava kriminalistične policije*) upon request (email, 28 September 2022).

<sup>146</sup> Slovenia, Social Assistance Act ([Zakon o socialnem varstvu](#)), Uradni list RS, št. 3/07 and subsequent changes, 13 November 1992.

<sup>147</sup> Slovenia, Rules on standards and norms for social assistance services ([Pravilnik o standardih in normativih socialnovarstvenih storitev](#)), Uradni list RS, št. 45/10 and subsequent changes, 4 June 2010.

<sup>148</sup> Slovenia, Rules on standards and norms for social assistance services ([Pravilnik o standardih in normativih socialnovarstvenih storitev](#)), Uradni list RS, št. 45/10 and subsequent changes, 4 June 2010, Article 4.a.

<sup>149</sup> Information provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) upon request (email, 26 September 2022).

<sup>150</sup> Information provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) upon request (email, 26 September 2022).

	Criminal Police Directorate reported that they do not have specific indicators to monitor the situation of juvenile suspects or juvenile victims. <sup>151</sup>
<p><b>Other measures or initiatives</b></p>	<p><b>Seminar on dealing with domestic violence and victims of domestic violence</b></p> <p>In June 2022, the Ministry of Justice organised a two-day seminar on dealing with domestic violence and victims of domestic violence.<sup>152</sup> The programme of the seminar was related to the prevention, detection, prosecution, trial and enforcement of sanctions for acts of domestic violence, including several lectures on child victims, with a specific highlight on Barnahus houses set up by the 2021 Protection of Children in Criminal Procedure and their Comprehensive Treatment in Children's House Act.<sup>153</sup></p> <p><b>Opening of the Children's House</b></p> <p>In May 2022, Children's House opened in Ljubljana, set up in accordance with the Barnahus model.<sup>154</sup></p> <p><b>Improving the juvenile justice system and strengthening the education and training of penitentiary staff in Slovenia</b></p> <p>In the scope of the Juvenile Justice (Improving the juvenile justice system and strengthening the education and training of penitentiary staff in Slovenia) Project (2021-2023), several activities were carried out in 2022 to evaluate the draft Liability of Minors for Criminal Offences Act (ZOMSKD)<sup>155</sup>. For example, the Institute of Criminology at the Faculty of Law Ljubljana collected relevant statistics on juvenile delinquency and criminal proceedings against juveniles and prepared a Report on current criminal legislation governing criminal proceedings, sanctions</p>

<sup>151</sup> Information provided by the Criminal Police Directorate (*Uprava kriminalistične policije*) upon request (email, 28 September 2022).

<sup>152</sup> Center za izobraževanje v pravosodju (2022), [Obravnavanje nasilja v družini in žrtev nasilja v družini](#), June 2022.

<sup>153</sup> See the full programme of the seminar at the organiser's website: [Program seminarja](#).

<sup>154</sup> Slovenia Ministry of Justice (*Ministrstvo za pravosodje*) (2022), [Odprtje prostorov hiše za otroke](#), press release, 27 May 2022.

<sup>155</sup> Slovenia, Liability of Minors for Criminal Offences Act ([Zakon o obravnavanju mladoletnih storilcev kaznivih dejanj](#)), EVA: 2018-2030-0046 – predlog/draft, 19 April 2019.

and enforcement of sanctions against juvenile offenders. Two roundtable meetings were held in 2022, where stakeholders from the Ministry of Justice, prosecutors, judges, social workers, police officers, directors of educational institutions and correctional homes exchanged ideas and opinions about draft ZOMSKD.

**Draft Decree on cooperation between Children's House – Barnahus Slovenia and other stakeholders in providing comprehensive treatment in Children's House**

In August 2022, the government of the Republic of Slovenia issued a Draft Decree on cooperation between the Children's House – Barnahus Slovenia and other stakeholders in providing comprehensive treatment in the Children's House, which is aimed at regulating in further detail the relations between relevant stakeholders.<sup>156</sup>

**Systematic awareness-raising of children and adolescents in primary and secondary schools on the phenomenon of trafficking in human beings**

In line with the 2021-2022 Action plan of the National Working Group for Combating Trafficking in Human Beings, the Ministry of the Interior actively conducts awareness-raising workshops on trafficking in human beings for primary and secondary school pupils throughout Slovenia.<sup>157</sup> By 13 April 2022 they organized 23 workshops in primary schools and 29 workshops in secondary schools, involving a total of nearly 900 pupils.<sup>158</sup>

**Permanent Inter-Ministerial Working Group on Mental Health**

In November 2022, the Ministry of Health established the Permanent Inter-Ministerial Working Group on Mental Health.<sup>159</sup> The aim of this working group is to coordinate the activities of various ministries in the field of mental health.<sup>160</sup> In the meetings of the working group that have already been carried out, the problems in the treatment of juvenile offenders with mental

<sup>156</sup> Slovenia, Decree on cooperation between Children's House – Barnahus Slovenia and other stakeholders in providing comprehensive treatment in Children's House ([Uredba o načinu sodelovanja med Javnim zavodom Hiša za otroke in drugimi udeleženci pri zagotavljanju celostne obravnave v hiši za otroke](#)), EVA: 2021-2030-0042 – predlog/draft, 4 August 2022.

<sup>157</sup> Slovenia, Ministry of Internal Affairs (*Ministrstvo za notranje zadeve*) (2022), [Ozaveščanje otrok in mladostnikov o trgovini z ljudmi](#), press release, 13 April 2022.

<sup>158</sup> Slovenia, Ministry of Internal Affairs (*Ministrstvo za notranje zadeve*)(2022), [Ozaveščanje otrok in mladostnikov o trgovini z ljudmi](#), press release, 13 April 2022.

<sup>159</sup> Information provided by the Ministry of Justice (*Ministrstvo za pravosodje*) upon request (email, 17 January 2023).

<sup>160</sup> Information provided by the Ministry of Justice (*Ministrstvo za pravosodje*) upon request (email, 17 January 2023).

health problems have been highlighted.<sup>161</sup> The working group tasked itself with further examining these problems and addressing them accordingly.<sup>162</sup>

**Seminar on the Protection of Children in Criminal Procedure and their Comprehensive Treatment in Children's House Act**

In 2022, 4 seminars on the Protection of Children in Criminal Procedure and their Comprehensive Treatment in Children's House Act have been organized.<sup>163</sup>

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<sup>161</sup> Information provided by the Ministry of Justice (*Ministrstvo za pravosodje*) upon request (email, 17 January 2023).

<sup>162</sup> Information provided by the Ministry of Justice (*Ministrstvo za pravosodje*) upon request (email, 17 January 2023).

<sup>163</sup> Information provided by the Ministry of Justice (*Ministrstvo za pravosodje*) upon request (email, 17 January 2023).

## 7 Access to justice – Victims’ Rights and Judicial Independence

### 7.1 Legal and policy developments or measures relevant to the implementation of the Victims’ Rights Directive and the EU strategy for Victims’ Rights 2020-2025

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>164</sup> and the Act amending the Social Assistance Act (*Zakon o spremembah in dopolnitvah Zakona o socialnem varstvu – ZSV-I*).<sup>165</sup>

In March 2022, the Resolution on the National Social Security Programme 2022-2030 was adopted.<sup>166</sup> The national programme strives to achieve a greater level of visibility of the service assisting victims of crime, strengthening the skills of practitioners and better cooperation and liaison with other stakeholders in this area to enhance the support to victims of crime.<sup>167</sup>

In September 2022, the Ministry of Justice organised a meeting to review the implementation of existing solutions and the dissemination of good practices with representatives from various authorities and NGOs. To improve the situation of victims of sexual offences, for November 2022, the Ministry of Justice and the Ministry of the Interior and the Ministry of Labour, Family, Social Affairs and Equal Opportunities are planning a consultation of representatives of the competent authorities and representatives of NGOs working in the field of victim protection in practice.<sup>168</sup>

Victim support services are provided by all 63 units of the 16 social work centres covering the entire state territory. In 2022 (as of 21 September 2022), victim support has been provided to 203 victims of crime. In 2021, support was provided to 294

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<sup>164</sup> Slovenia, [The Act amending the Criminal procedure act](#) (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku*), 26 March 2019.

<sup>165</sup> Slovenia, [The Act amending the Social assistance act](#) (*Zakon o spremembah in dopolnitvah Zakona o socialnem varstvu*), 25 April 2019.

<sup>166</sup> Slovenia, [Resolution on the National Social Assistance Programme 2022-2030](#) (*Resolucija o nacionalnem programu socialnega varstva za obdobje 2022–2030*), 23 March 2022.

<sup>167</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, 25 November 2022).

<sup>168</sup> Slovenia, Ministry of Justice (*Ministrstvo za pravosodje*), [‘Iskanje novih rešitev za izboljšanje položaja žrtev spolnega drugega nasilja’](#), public release, 13 September 2022.



victims of crime (250 female and 44 male victims), as recorded by social work centres. Victims of crime who are involved in victim support services are not required to state the crime they were victims of. However, in the cases where the social work centres were aware of the offence for which the victims sought support, the most frequent offences were domestic violence, threats, sexual violence, theft and light bodily harm.<sup>169</sup>

When dealing with victims of crime, social workers provide information and support to victims. In a focused conversation, they introduce the role and services of the social work centre, relieve victims of their distress and problems and give them the opportunity to talk about their difficulties and problems. Based on the information received, they inform victims about the rights and forms of assistance and services provided by the social work centres and the network of programmes and services in place to protect victims of crime, inform them about the competences of other stakeholders (e.g., police, judicial authorities, NGOs) and direct them to the relevant specialist programmes and other forms of assistance available. Victims are also given a publication with information on victims' rights in criminal proceedings. Most often, victims who agreed to further treatment were directed to the social welfare service of personal assistance or assistance to families at home provided by social work centres, or to social welfare programmes (provided by other social service providers). In cases where the offence is domestic violence, assault, threats or similar, the victims are generally referred for treatment at the social work centres under the Domestic Violence Prevention Act.<sup>170</sup>

Every year, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, in cooperation with the Social Chamber of Slovenia, conducts training for social workers and social care professionals that provide support to victims of crime.<sup>171</sup> The aim of the seminar is to inform the participants about the treatment of victims of crime by individual organisations and their cooperation in providing assistance to victims. The rights of victims in criminal proceedings, the different approaches to working with victims of crime, the procedures and approaches to the treatment of victims by other institutions such as the police, crisis accommodation and the cooperation of social work centres with other stakeholders are presented. The seminars are intended

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<sup>169</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, 26 September 2022).

<sup>170</sup> Slovenia, [Domestic Violence Prevention Act](#) (*Zakon o preprečevanju nasilja v družini*), 1 February 2008.

<sup>171</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, 26 September 2022).

for all practitioners working in social work centres with a remit in this field. It is up to the individual social work centre how often social workers attend the training. In 2022, 50 practitioners from social work centres attended the seminar.<sup>172</sup>

## 7.2 Measures addressing violence against women

In March 2022, the Ministry of Social Affairs and Labour drafted a new Resolution on National Programme for Family Violence and Violence against Women Prevention. The previous Resolution was adopted in 2009 for the period 2009–2014.<sup>173</sup> The draft Resolution, which for the first time combines the prevention of both family violence and violence against women, was prepared within the framework of a broad inter-ministerial working group (involving all relevant ministries, NGOs, the court, the prosecutor's office and other experts). The Resolution aims to identify key areas where shortcomings in the prevention of violence have been recognised and where changes are needed and to set out objectives and measures to achieve improvements. Key changes/objectives that were identified are: Strengthening and improving the quality of programmes in the field of family violence, improved protection, treatment and situation of victims of family violence, (further) increased professionalism of staff dealing with family violence and violence against women, improved awareness of the general society on zero tolerance of family violence and violence against women, improved regulations in the field of prevention of family violence and violence against women, improvements in the monitoring of family violence and violence against women, and improved organisation. The objectives of the Resolution are in line with the European guidelines on the prevention and treatment of family violence and violence against women.<sup>174</sup>

As mentioned in section 7.1 of this report, in March 2022, the Resolution on the National Social Security Programme 2022-2030 was adopted.<sup>175</sup> The national programme foresees the development of services and programmes in the field of social

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<sup>172</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, 17 January 2023).

<sup>173</sup> Slovenia, [Resolution of National Programme of Family Violence Prevention 2009-2014](#) (*Resolucija o nacionalnem programu preprečevanja nasilja v družini 2009-2014*), 27 May 2009.

<sup>174</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, 26 September 2022).

<sup>175</sup> Slovenia, [Resolution on the National Social Assistance Programme 2022-2030](#) (*Resolucija o nacionalnem programu socialnega varstva za obdobje 2022–2030*), 23 March 2022.

protection, which also includes the area of prevention of violence against women and domestic violence. Among other things, it focuses on strengthening the network of crisis centres for adult victims of violence. One of the goals of the programme is also capacity building and training of practitioners that carry out the social security programmes and increase their numbers through new employment. The development of social security programmes (including violence prevention) is also envisaged, with particular attention to the expansion of the network of programmes and the expansion of existing programmes.<sup>176</sup>

In November 2022, the Government of the Republic of Slovenia adopted a Draft Act Amending the Criminal Code.<sup>177</sup> The Draft Act introduces hate crime as a mandatory aggravating circumstance that is considered when sentencing (please see Chapter 2.2 of this report). In accordance with the Draft Act, any perpetrator who has committed a crime due to hatred or prejudice based on the personal circumstances of the victim should receive a more severe punishment. Gender is listed as one of the personal circumstances.

In the field of family violence, the Police follow new guidelines and developments in court proceedings, with a special focus on victim protection, and implement them in training for their staff. With the implementation of the Victims' Rights Directive by amending the Criminal Procedure Act,<sup>178</sup> this also includes the aspect of preventing secondary victimisation. For example, the Police each year organise training of multipliers on domestic violence that takes place over three days at the Police Training Centre. In 2022, 30 participants attended. The training covers the professional aspect of dealing with family violence, the legislative framework, professional guidelines, how to implement police mandates and victim protection measures, inter-institutional treatment and familiarisation with the roles of other institutions. The training also includes topics regarding understanding and knowledge of the victim's perceptions.<sup>179</sup>

However, on the occasion of the International Day for the Elimination of Violence against Women, CSOs supporting victims of domestic violence and violence against women stressed that victims continue to experience secondary victimisation and do not trust the system to protect them from violence.<sup>180</sup> In almost two-thirds of national cases of femicides, the perpetrator had not

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<sup>176</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, 25 November 2022).

<sup>177</sup> Slovenia, [Draft Act Amending the Criminal Code](#) (*Predlog Zakona o spremembah in dopolnitvah Kazenskega zakonika*), 21 November 2022.

<sup>178</sup> Slovenia, [The Act amending the Criminal procedure act](#) (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku*), 26 March 2019.

<sup>179</sup> Information was provided by the General Police Directorate (*Generalna policijska uprava*) upon request (email, 29 September 2022).

<sup>180</sup> Slovenia, Ministry of Justice (*Ministrstvo za pravosodje*), ['Konferenca o nasilju nad ženskami: ustavimo nasilneže, zaščitimo žrtve'](#), 25 November 2022.

been previously reported, and the violence has not been dealt with by the institutions. In one-third of cases, proceedings against the reported perpetrator were already underway, but despite reporting, the worst happened. In this respect, CSOs stressed that surveillance of the perpetrator after the report is inadequate or insufficient. The restraining order is a frequently violated measure, and its enforcement is inadequate. Furthermore, when a restraining order is violated, the measures are not escalated, and the perpetrator is not physically prevented from accessing the victim. Victims feel particularly threatened when the court imposes on the perpetrator only a suspended sentence. CSOs report that, in practice, this is often the case. Furthermore, there is no revocation of suspended sentences when perpetrators commit further offences. Many perpetrators perceive this as an acquittal and believe they have done nothing wrong.<sup>181</sup>

In February 2022, the Statistical Office of the Republic of Slovenia published the results of the 2020 Gender-Based Violence survey.<sup>182</sup> The survey showed that three-quarters of intimate partner violence victims are women. When it comes to violence outside the intimate partnership setting, there are also more female victims, but the gender ratio is more balanced: 51% of victims are women, and 49% are men. It was also shown that violence against women has more severe consequences than violence experienced by men. Thirty per cent more women than men had physical injuries (e.g. bruises, scratches, cuts, burns, broken bones, abortion, head injuries, injured internal organs or genitals) as a result of physical or sexual violence. In addition, twice as many women (5.6%) as men (2.4%) were afraid for their lives while experiencing physical or sexual violence. Women are more frequently victims of all types of repeated violence. They experience repeated sexual violence 5.3 times more frequently than men do and other types of violence twice as often as men do. They experience one-time sexual violence 4.6 times more frequently than men do. Still, the most frequent type of intimate partner violence is psychological violence. Domestic violence was experienced at least once since the age of 15 by 14.9% of women and 5.4% of men aged 18–74. Three-quarters of domestic violence was physical violence with threats, while a quarter was sexual violence. Women were three times more frequently victims of domestic violence and five times more often victims of domestic sexual violence than men. The only types of violence experienced more by men than by women are one-time threats and one-time physical violence. Findings show that most violence remains unreported. More than 60% of victims speak about their experience with violence, most

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<sup>181</sup> Delo (2022), '[Posledice femicida: umor ene ženske vpliva na več deset življenj](#)', 25 november 2022.

<sup>182</sup> Slovenia, Statistical Office of the Republic of Slovenia (*Statistični urad RS*), '[Women more frequently victims of intimate partner as well as non-partner violence](#)', public release, 24 February 2022.

commonly with someone close to them. Most of the violence, however, remains unreported since victims only seldom report it to the Police or other institutions.

On 25 November 2022 (International Day for the Elimination of Violence against Women), the National Conference on Preventing and Responding to Violence against Women in Slovenia was held in Ljubljana.<sup>183</sup> The conference was organised by the Ministries of the Interior, Justice, Labour, Family, Social Affairs and Equal Opportunities, and the NGOs SOS Telephone for Women and Children – Victims of Violence, DNK – Association for Nonviolent Communication and PIC – Legal Centre for the Protection of Human Rights and the Environment. The conference framed violence and the increasing incidence of femicide as a major and multifaceted social problem and focused on addressing it from all angles and in cooperation between ministries and NGOs in this field.

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<sup>183</sup> Slovenia, Ministry of Justice (Ministrstvo za pravosodje), '[Konferenca o nasilju nad ženskami: ustavimo nasilneže, zaščitimo žrtve](#)', 25 November 2022.

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

### 8.1 CRPD policy and legal developments & implementation of the European Accessibility Act

To implement the European Accessibility Act, the Ministry of Labour, Family, Social Affairs and Equal Opportunities (in cooperation with other ministries) has prepared the **Draft Accessibility of Products and Services for Persons with Disabilities Act**.<sup>184</sup> The draft law prescribes the conditions for accessibility to products and services and answering emergency communications defined by Article 2 of the European Accessibility Act. The draft was submitted for consideration to the National Assembly in November 2022. At the end of the year, the legislative procedure was still pending. The law is expected to become applicable on 28 June 2025.<sup>185</sup>

On 9 December 2021, **Long Term Care Act** was adopted.<sup>186</sup> The act provides for long-term care for adult beneficiaries who, due to illness, old age, injury or disability, are no longer able to look after themselves. The act aims to enable beneficiaries to become active partners, deciding for themselves how to exercise and benefit from their rights under the law. The focus is on bringing services closer to the individual's home so that even as beneficiaries of long-term care, they can remain in their home environment for as long as possible.<sup>187</sup> Already in the process of its adoption, the act was widely criticised by experts and stakeholders as incomprehensible and not delivering better and more accessible services to beneficiaries.<sup>188</sup> After the parliamentary elections and the formation of the new government on 1 June 2022, the latter found the act could not be

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<sup>184</sup> Slovenia, [Draft Accessibility of Products and Services for Persons with Disabilities Act](#) (*Predlog Zakona o dostopnosti do proizvodov in storitev za invalide*), 12 September 2022.

<sup>185</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, 26 September 2022).

<sup>186</sup> Slovenia, [Long Term Care Act](#) (*Zakon o dolgotrajni oskrbi*), 9 December 2021.

<sup>187</sup> Slovenia, Ministry of Health (*Ministrstvo za zdravje*), '[Državni zbor sprejel Zakon o dolgotrajni oskrbi](#)', public release, 9 December 2021.

<sup>188</sup> RTV SLO MMC (2021), '[Usoda zakona o dolgotrajni oskrbi bo znana na naslednji seji DZ-ja](#)', 24 November 2021.

implemented in the envisaged timeframe, and the introduction of an incomplete system would have irreversible consequences for the functioning of the State and the State budget.<sup>189</sup> To address the shortcomings of the act, in July 2022, the Act Amending the Long Term Care Act was adopted.<sup>190</sup> The amendment has postponed the applicability of the law until 1 January 2024.<sup>191</sup> The largest opposition party, Slovenian Democratic Party (*SDS*), has called in July 2022 for a legislative referendum to reject the amendment.<sup>192</sup> In the referendum, which took place on 27 November 2022, the voters backed the law.<sup>193</sup>

In 2022, the Advocate of the Principle of Equality performed an assessment and found discriminativeness of regulations affecting the rights of persons with disabilities:

- **Pension and Disability Insurance Act:**<sup>194</sup> A petitioner claimed that Article 100(5) of the act is discriminatory as it provides assistance and attendance allowance only to blind and partially sighted children and adolescents up to the age of 18. However, children with other disabilities, who also depend on others to help them with most or all of their basic needs and who have similar or even greater difficulties, do not have the right to allowance before the age of 18. The Advocate found that Article 100(5) of the act discriminates against all other minors who are insured and who, like blind persons, require the assistance of another person to carry out their basic needs and could therefore be entitled to the allowance. The Advocate has addressed a recommendation to the competent authorities to amend the law in such a way that children with special needs in a comparable situation to blind persons would also become entitled to the allowance.<sup>195</sup>
- **National Assembly Election Act:**<sup>196</sup> The Advocate found that Article 7 of the Act discriminates against persons with intellectual and psychosocial disabilities. According to the Advocate, the regulation unjustifiably allows only persons with these personal circumstances to be deprived of the right to vote. It provides exclusively for them to be deprived of the

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<sup>189</sup> Slovenia, Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*), '[Zamik izvajanja Zakona o dolgotrajni oskrbi prinaša čas za nujne spremembe](#)', public release, 25 July 2022.

<sup>190</sup> Slovenia, [Act amending the Long Term Care Act](#) (*Zakon o spremembah in dopolnitvah Zakona o dolgotrajni oskrbi*), 9 December 2021.

<sup>191</sup> Slovenia, Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*), '[Zamik izvajanja Zakona o dolgotrajni oskrbi prinaša čas za nujne spremembe](#)', public release, 25 July 2022.

<sup>192</sup> Delo (2022), '[SDS po zakonih o vladi in RTV še nad dolgotrajno oskrbo](#)', 28 July 2022.

<sup>193</sup> MMC (2022), '[Spremembe zakona o dolgotrajni oskrbi na referendumu potrjene: za zakon 62 odstotkov volivcev](#)', 27 November 2022.

<sup>194</sup> Slovenia, [Pension and Disability Insurance Act](#) (*Zakon o pokojninskem in invalidskem zavarovanju*), 4 December 2012.

<sup>195</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), '[Ureditev pravice do dodatka za pomoč in postrežbo za mladoletne osebe, ki so zaradi svojih oviranosti odvisni od tuje nege in pomoči, je diskriminatorna](#)', public release, 31 January 2022.

<sup>196</sup> Slovenia, [National Assembly Election Act](#) (*Zakon o volitvah v državni zbor*), 10 September 2022.

right to vote based on an expert assessment of their capacity to understand the purpose, meaning and effect of elections, whereas other citizens' capacity is not assessed. The Advocate found that such differential treatment was unjustified and could not be regarded as an exception to the prohibition of discrimination. The measure was neither the appropriate, the only possible, nor a proportionate method of achieving the legitimacy of elections and preventing abuses in casting votes. The Advocate recommended that the Ministry of Public Administration eliminate discrimination by amending the act.<sup>197</sup> For a related caselaw, please see Annex 2 of this report.

- **Music Schools Act:**<sup>198</sup> The Advocate found that the act had been discriminatory because it lacked a provision that children with disabilities who want to go to a music school must be provided with reasonable accommodations when taking the entrance exams. Only such accommodations would provide equal opportunities for children with disabilities compared with their peers that have no disabilities. The Advocate recommended that the Ministry of Education eliminates discrimination.<sup>199</sup>
- **Social Inclusion of Persons with Disabilities Act:**<sup>200</sup> Under this law, adults who, because of their disability and inability to work, cannot provide for their social security and integrate into society are entitled to disability benefits regardless of their financial situation. However, persons incapable of work because of psychosocial disability and whose condition is permanent and not expected to improve are not entitled to this benefit. Namely, under the law in question, they are not entitled to the person with disability status. The Advocate found that such a regulation was discriminatory since the situation of these persons was comparable to that of other persons who could be granted the status of a person with a disability under the Social Inclusion of Persons with Disabilities Act.<sup>201</sup>

In July 2022, the Advocate of the Principle of Equality published a Special Report on the accessibility of secondary schools for persons with disabilities.<sup>202</sup> The report found that, according to official data, only a quarter of all secondary schools have all

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<sup>197</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), '[Možnost odvzema volilne pravice osebam z intelektualnimi in psihosocialnimi invalidnostmi je diskriminacija](#)', public release, 10 June 2022.

<sup>198</sup> Slovenia, [Music Schools Act](#) (*Zakon o glasbenih šolah*), 17 February 2000.

<sup>199</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), '[Ureditev vpisa v glasbene šole diskriminatorna do otrok s posebnimi potrebami](#)', public release, 10 June 2022.

<sup>200</sup> Slovenia, [Social Inclusion of Disabled Persons Act](#) (*Zakon o socialnem vključevanju invalidov*), 17 April 2018.

<sup>201</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), '[Zakon o socialnem vključevanju invalidov po oceni Zagovornika diskriminatoren](#)', public release, 22 November 2022.

<sup>202</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), '[Ureditev vpisa v glasbene šole diskriminatorna do otrok s posebnimi potrebami](#)', public release, 10 June 2022.



the conditions in place for the inclusion of pupils with physical disabilities in the educational process. Despite the guarantee of the right to education in one's own environment, in some regions, only one secondary school is fully accessible, and in some regions, there are no accessible secondary schools. Based on the findings of the Special Report, the Advocate has issued recommendations to the competent authorities to ensure and improve the accessibility of secondary schools. Namely, according to the Law on Equalisation of Opportunities for Persons with Disabilities Act, adaptations to public facilities must be provided for persons with disabilities by 11 December 2025 at the latest.<sup>203</sup>

In December 2022, the Human Rights Ombudsman published a Special Report on the Accessibility of Centres for Social Work for People with Movement and Sensory Disabilities.<sup>204</sup> The Human Rights Ombudsman stated that inaccessibility is a multi-layered problem affecting many public buildings. The report has found many issues in providing physical access to the premises of Centres for Social Work for persons with disabilities, lack of parking and bathroom facilities that were accessible for persons with disabilities. The findings of the report also revealed critical issues in accessibility for persons with sensory disabilities. For example, only just over half of the centres had a clearly signposted entrance that provided unimpeded access to people with impaired vision and hearing. At the time of the enquiry, only one centre in the whole country had tactile markings for the blind and visually impaired. None of the centres for social work had any 3D symbols or Braille inscriptions. Neither did any of the centres have any displays for written information or any appliances for showing videos with important information in sign language and with subtitles. Nor are there any possibilities for installing hearing loops in any of the Slovenian centres for social work.

At the end of December 2021, Act on Additional Measures to Stop Spreading and Mitigate, Control, Recover and Eliminate the Consequences of COVID-19 was adopted.<sup>205</sup> The act provides additional funding for programmes to support families facing mental health problems and other psychosocial distress due to the COVID-19 epidemic. The law also provides for an additional one-off solidarity allowance of € 150 for particularly vulnerable groups, including vulnerable groups of persons with disabilities,

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<sup>203</sup> Slovenia, [Equalisation of Opportunities for Persons with Disabilities Act](#) (*Zakon o izenačevanju možnosti invalidov*), 16 November 2010.

<sup>204</sup> Slovenia, Human Rights Ombudsman (*Varuh človekovih pravic RS*), ['Varuh človekovih pravic predstavil Posebno poročilo o dostopnosti centrov za socialno delo za invalide'](#), public release, 1 December 2022.

<sup>205</sup> Slovenia, [Act on Additional Measures to Stop Spreading and Mitigate, Control, Recover and Eliminate the Consequences of COVID-19](#) (*Zakon o dodatnih ukrepih za preprečevanje širjenja, omilitve, obvladovanje, okrevanje in odpravo posledic COVID-19*), 27 December 2022.

such as unemployable persons with disabilities who are unable to provide themselves with an income. The allowance was to be paid to the beneficiaries by the end of March 2022.

According to the Ministry of Labour, Family, Social Affairs and Equal Opportunities, no specific measures have been taken in relation to people with disabilities living in institutions.<sup>206</sup>

## 8.2 CRPD monitoring at national level

In July 2022, the National Council of the Republic of Slovenia adopted the **Draft Council for Persons with Disabilities Act**.<sup>207</sup> The Council for Persons with Disabilities is the national body set up under Article 33 of the CRPD Convention by the Equalisation of Opportunities for Persons with Disabilities Act.<sup>208</sup> Regarding the Council, the Committee on the Rights of Persons with Disabilities expressed concern about the lack of independence, capacity and resources of the Council of Slovenia.<sup>209</sup> The Committee recommended setting up an independent monitoring mechanism that adheres to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and provides it with adequate funding, bearing in mind the guidelines on independent monitoring frameworks and their participation in the work of the Committee.

In previous years, the Ministry of Labour, Family, Social Affairs and Equal Opportunities had an analysis carried out on how best to set up a body that would meet all the principles required by Article 33 of the CRPD Convention.<sup>210</sup> In 2019, the Ministry

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<sup>206</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, 26 September 2022).

<sup>207</sup> Slovenia, [Draft Draft Council for Persons with Disabilities Act](#) (*Predlog Zakona o Svetu za invalide Republike Slovenije*), 6 July 2022.

<sup>208</sup> Slovenia, [Equalisation of Opportunities for Persons with Disabilities Act](#) (*Zakon o izenačevanju možnosti invalidov*), 16 November 2010.

<sup>209</sup> United Nations (UN), Committee on the Rights of Persons with Disabilities (CRPD) (2018), *Concluding observations on the initial report of Slovenia*, 16 April 2018.

<sup>210</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, 1 October 2021).

of Labour, Family, Social Affairs and Equal Opportunities sent into public discussion the Draft Council for Persons with Disabilities Act. The draft was to regulate the composition of the Council for Persons with Disabilities, its tasks, powers and funding. The draft, however, received criticism from the Commission for the Prevention of Corruption (*Komisija za preprečevanje korupcije* – KPK), stalling further developments.

In 2022, the above-mentioned Draft Council for Persons with Disabilities Act was proposed to the National Council of the Republic of Slovenia (the upper house of the Slovenian Parliament) at the legislative initiative of one of its councillors. The draft act is next to be considered by the National Assembly of the Republic of Slovenia.<sup>211</sup>

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<sup>211</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, 26 September 2022).

## Annex 1 – Promising Practices

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one example of a promising practice to tackle discrimination against LGBTIQ people or discrimination on the grounds of socio-economic status, health status and physical appearance, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2022 relevant to equality and non-discrimination of LGBTIQ people or on the other above-mentioned grounds, preferably one conducted by a national equality body.
<b>Title (original language)</b>	Slikanica Moja mavrična družina
<b>Title (EN)</b>	Picture book My Rainbow Family
<b>Organisation (original language)</b>	Društvo Legebitra
<b>Organisation (EN)</b>	Legebitra Association
<b>Government / Civil society</b>	Civil society
<b>Funding body</b>	No information
<b>Reference (incl. URL, where available)</b>	Legebitra, 'My Rainbow Family' ('Moja mavrična družina'), press release, 8 October 2022. URL: <a href="https://legebitra.si/2022/10/10/moja-mavricna-druzina/">https://legebitra.si/2022/10/10/moja-mavricna-druzina/</a>
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	October 2022
<b>Type of initiative</b>	publication of a picture book for children

<b>Main target group</b>	pre-school and elementary school children, parents, staff of kindergardens and libraries, rainbow families and other
<b>Indicate level of implementation: Local/Regional/National</b>	national
<b>Brief description (max. 1000 chars)</b>	<p>The Legebitra Information Centre has published the first children's picture book in the Slovenian language, with which children from rainbow families can identify. It is a translation of the original picture book by Croatian author and activist Ivo Šegota, with illustrations by Borna Nikola Žeželj. My Rainbow Family, which is also adapted for the dyslexic, was printed in 1200 copies. Legebitra has donated over 800 copies to Slovenian libraries, and sent them as a gift to the highest representatives of the country. The remaining copies will be distributed to rainbow families and other interested families.</p> <p>The picture book My Rainbow Family is about a girl, Ana, and a boy, Rok. Ana has two loving dads, a cat named Muki and the sweetest strawberries in the garden. Ana's family might seem really strange to some people at first, but Ana doesn't mind because she has twice as many shoulders to carry her when she gets tired. Rok has two mums who make the best pancakes. Rok found out in kindergarten that his family is called a rainbow family – his teacher explained that this is because there is room for all the colours in a rainbow.</p>
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	The picture book itself may be translated and/or adapted.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	The picture book is the first children's book in the Slovenian language, with which children from rainbow families can identify. As it is a lasting item and as it has been distributed through Slovenian libraries, it will inform and support many generations of children.
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	It is evident from the press release of the publishing organisation that the book has been widely distributed and will be widely freely accessible, therefore it will reach a number of children and parents.

<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>The picture book was originally written and created by Croatian authors. It can be easily translated into other European languages and adapted for context of other member states.</p>
<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>Not applicable.</p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>Not applicable.</p>

<p><b>Thematic area</b></p>	<p><b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b>  Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about participation and engagement of Equality bodies and CSOs in addressing racism and hate crime. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</p>
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<b>Title (original language)</b>	No promising practice has been identified for this thematic area.
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<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> Please provide one example of promising practice in relation to the two topics addressed in the chapter: regarding the implementation of national action plans and regarding the legal or policy developments addressing Roma/Travellers equality and inclusion.
<b>Title (original language)</b>	Nacionalna platforma za Rome (SIFOROMA5)
<b>Title (EN)</b>	National Platform for Roma (SIFOROMA5)
<b>Organisation (original language)</b>	Urad Vlade Republike Slovenije za narodnosti
<b>Organisation (EN)</b>	Government of the Republic of Slovenia, Office for National Minorities
<b>Government / Civil society</b>	Government
<b>Funding body</b>	European Union, Rights, Equality and Citizenship Programme; Government of the Republic of Slovenia, Office for National Minorities
<b>Reference (incl. URL, where available)</b>	<a href="https://www.gov.si/zbirke/projekti-in-programi/krepitev-nacionalnega-posvetovalnega-procesa-nacionalna-platforma-za-rome-siforoma-3/">https://www.gov.si/zbirke/projekti-in-programi/krepitev-nacionalnega-posvetovalnega-procesa-nacionalna-platforma-za-rome-siforoma-3/</a>
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	1 July 2021 – 30 June 2023

<b>Type of initiative</b>	Strengthening consultation process between relevant stakeholders relating to the social inclusion of members of Roma community; awareness raising
<b>Main target group</b>	Roma; local authorities (municipalities where Roma live); professional workers in institutions or organisations working with Roma
<b>Indicate level of implementation: Local/Regional/National</b>	Local/ National
<b>Brief description (max. 1000 chars)</b>	The purpose of all initiatives within the framework of this project is to strengthen the consultation process in relating to social inclusion of Roma by linking national and local decision-makers, the Roma community and the non-governmental sector. The project is predominantly focused at developments at the local level. The main activities of the project include monitoring the implementation of the NPUR 2021-2030, supporting and helping municipalities where Roma live in developing local action plans for the inclusion of Roma, and in strengthening inter-institutional cooperation at the local level. Raising the awareness of public servants in institutions and organisations operating in the local environment, and raising the awareness of members of the Roma community are also parts of the project.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	All elements of the initiative are transferable.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	Considering that the Office for National Minorities started implementing the first project SIFOROMA1 in 2016 and that the project is currently in its fifth phase, this practice can be considered sustainable.
<b>Give reasons why you consider the practice as having</b>	SIFOROMA5 is an EU funded project, it has been selected for funding based on clearly set objectives and results, that is - the concrete measurable impact. The Office for National Minorities also reports yearly on the achieved results and the impact of the project.



<b>concrete measurable impact</b>	
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	The practice can be relatively easily transferable to other settings, provided, for example, that cooperation between relevant stakeholders is ensured and the funds are available.
<b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b>	The purpose of all SIFOROMA initiatives is to strengthen the consultation process relating to the social inclusion of Roma by linking national and local decision-makers, the Roma community and the non-governmental sector. All the mentioned groups are thus addressed by the project and involved in its activities.
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	The Office for National Minorities reports on the achieved results and the impact of the project on yearly basis.

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> Please, provide one example of a promising practice related to the topics addressed in the chapter, i.e., in relation to data protection, and/or artificial intelligence systems.
<b>Title (original language)</b>	Jesenska šola "Pravo pred izzivi digitalne (r)evolucije"
<b>Title (EN)</b>	Autumn school "Law facing the digital (r)evolution"
<b>Organisation (original language)</b>	Inštitut za kriminologijo pri Pravni fakulteti v Ljubljani in Univerza v Ljubljani, Pravna fakulteta
<b>Organisation (EN)</b>	Institute of criminology at the Faculty of Law, Ljubljana and University of Ljubljana, Faculty of Law
<b>Government / Civil society</b>	Academia
<b>Funding body</b>	N/A
<b>Reference (incl. URL, where available)</b>	<a href="https://www.inst-krim.si/jesenska-sola-pravo-pred-izzivi-digitalne-revolucije/">https://www.inst-krim.si/jesenska-sola-pravo-pred-izzivi-digitalne-revolucije/</a>
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	26 and 27 October 2022
<b>Type of initiative</b>	Educational programme
<b>Main target group</b>	Students
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	Since 2018, the Institute of Criminology at the Faculty of Law, Ljubljana, and University of Ljubljana, Faculty of law, have been organising autumn school "Law facing the digital (r)evolution". The aim of a two-day educational programme is to equip students enrolled in all three Slovenian law schools and students of other

	(mainly social) studies with basic knowledge in ICT law, including data protection and IP law, since it is not yet a part of the core curriculum notwithstanding its growing importance in the interconnected world. In 2022 the autumn school offered a variety of lectures given by national and international legal experts, e.g. on social science perspectives on AI, dark patterns and data protection, the new UN Convention on cybercrime, the regulation of manipulative design of technology.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	All elements of the practice are transferable.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	Since the digital technology is rapidly developing, it is posing novel legal questions that need to be addressed and analysed. Therefore the need for further education in the field of ICT law will not cease in the future – on the contrary, it will be ever more important not just for law students, but for students and practitioners in various fields, which interact with the digital technology.
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	The direct impact of the practice can be measured in the number of participants and national and international experts participating in the event.
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	The project is not focused on any particularities of slovenian legal system, but it explores internationally relevant topics at the intersection of law and technology as regulated on EU and international level.
<b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the</b>	Not applicable.

<b>design, planning, evaluation, review assessment and implementation of the practice.</b>	
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	Not applicable.

<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> <b>Please provide a promising practice for the related topics addressed in the chapter (i.e., the impact of poverty and exclusion on children and children and justice).</b>
<b>Title (original language)</b>	N/A (original title is in English)
<b>Title (EN)</b>	Improving the juvenile justice system and strengthening the education and training of penitentiary staff in Slovenia
<b>Organisation (original language)</b>	Svet Evrope v sodelovanju z Ministrstvom za pravosodje in Upravo za izvrševanje kazenskih sankcij
<b>Organisation (EN)</b>	Council fo Europe in cooperation with the Ministry of Justice in Slovenia (for Component I of the project) andthe Prison Administration of the Republic of Slovenia (for Component II of the project)
<b>Government / Civil society</b>	Government
<b>Funding body</b>	co-funded by the European Union and the Council of Europe
<b>Reference (incl. URL, where available)</b>	<a href="https://www.coe.int/en/web/children/-improving-the-juvenile-justice-system-in-slovenia">https://www.coe.int/en/web/children/-improving-the-juvenile-justice-system-in-slovenia</a>
<b>Indicate the start date of the</b>	1 September 2021 -

<b>promising practice and the finishing date if it has ceased to exist</b>	
<b>Type of initiative</b>	Project
<b>Main target group</b>	The Directorate for Criminal Law and Human Rights of the Ministry of Justice of the Republic of Slovenia; Justice professionals; Children in conflict with the law and society at large (or general public) as final beneficiaries.
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	The project is aimed at identifying current weaknesses in Slovenian juvenile justice system and proposing improvements. The first component fo the project was carried out mostly in 2022 and has been an example of excellent cooperation between academia, subjects, involved in juvenile criminal proceedings (judges, prosecutors, police officers, mediators, social workers...) and subjects carrying out the enforcement of criminal sanctions (personell in juvenile prison, educational institutions and correctional home). Together, the stakeholders identified the main issues and drafted proposals for improvements, as well as an evaluation of the draft Liability of Minors for Criminal Offences Act, which is urgently needed in order to unify and effectively regulate the field of juvenile justice in Slovenia.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	- Roundtable meetings of all subjects regarding the findings of the project
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	- The project compares statistics conducted 10 years ago with current statistics in order to identify trends in juvenile delinquency - The project combines theoretical analysis of the legislative measures and practical aspects of the issue gathered through individual interviews with relevant stakeholders, roundtable meetings, statistic analysis, which provides a better understanding of the issues and enables creating more long-term solutions

<b>Give reasons why you consider the practice as having concrete measurable impact</b>	The project will provide concrete results and will offer a concrete amendments to the draft Liability of Minors for Criminal Offences Act.
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	Slovenian juvenile justice system does not have notable specifics that would demand the project to be carried out in Slovenia in a specific way.
<b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b>	<ul style="list-style-type: none"> <li>- Roundtable meetings</li> <li>- Contact via e-mail</li> <li>- Interviews</li> <li>- Visit to educational institution</li> </ul>
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	The project is coordinated by Council of Europe, which ensures that the activities and results are compliant to international standards.

<b>Thematic area</b>	<b>ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence</b> Please provide one example of a promising practice in relation to the topic address in the chapter: i.e. Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women.
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<b>Title (original language)</b>	No promising practice has been identified for this thematic area
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<b>Thematic area</b>	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> Please provide one example of a promising practice of national monitoring bodies (e.g., a well-run outreach campaign, an inclusive survey, a successful effort or initiative to improve legislation, etc.) in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities. Where no such practice exists, please provide one example of a promising practice in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities, focussing on projects and programmes implemented with EU funding.
<b>Title (original language)</b>	Pilotni project "S teboj lahko..."
<b>Title (EN)</b>	Pilot project "With you I can..."
<b>Organisation (original language)</b>	Varstveno delovni center Polž Maribor
<b>Organisation (EN)</b>	Occupational activity centre POLŽ Maribor
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Operational Programme for Cohesion Policy Funding 2014-2020
<b>Reference (incl. URL, where available)</b>	<a href="http://www.stebojlahko.si/">http://www.stebojlahko.si/</a>
<b>Indicate the start date of the promising practice and the finishing</b>	30 April 2020 – 31 March 2022

<b>date if it has ceased to exist</b>	
<b>Type of initiative</b>	Development and testing of social inclusion services.
<b>Main target group</b>	Persons with a disability status under the Social Inclusion of Disabled Persons Act: <ul style="list-style-type: none"> <li>• with moderate, severe or profound intellectual disabilities,</li> <li>• with autistic disorder,</li> <li>• deafblind persons</li> <li>• with moderate to severe brain injury or impairment, and</li> <li>• with most severe forms of physical disability who, because of their disability, are unable to integrate into society and provide themselves with social security.</li> </ul>
<b>Indicate level of implementation: Local/Regional/National</b>	Regional
<b>Brief description (max. 1000 chars)</b>	<p>The project aims to develop and pilot test four groups of social inclusion services for people with disabilities in the Eastern Slovenia Cohesion Region:</p> <ul style="list-style-type: none"> <li>• training for independent living</li> <li>• lifelong learning,</li> <li>• supported living and</li> <li>• maintaining the social inclusion of older people with disabilities</li> </ul> <p>By developing, testing and delivering social inclusion services, the project creates a supportive environment for the empowered inclusion of people with disabilities into society. The aim is to enable people with disabilities to be more included and independent in their home environment, thus impacting on their quality of life and equal opportunities in society.</p> <p>The main goals of the project are to:</p> <ul style="list-style-type: none"> <li>• Develop the range, content and environment for carrying out social inclusion services for people with disabilities;</li> <li>• Implement, test and deliver quality social inclusion services;</li> <li>• Create a supportive environment with a network of trained social inclusion service providers;</li> <li>• Empower the target group to live more independently and improve their chances of greater social inclusion;</li> <li>• Develop and test an information system for recording social inclusion services.</li> </ul>
<b>Highlight any element of the</b>	All elements are transferable.



<b>actions that is transferable (max. 500 chars)</b>	
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	This is a pilot project aims to develop and test social inclusion services for persons with diasabilities with the aim to be implemented as services under Social Inclusion of Disabled Persons Act, which will become applicable in March 2022.
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	The project has set the numbers of persons with disabilities and service providers that are to be included in the project activities.
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	All elements seem to be transferable.
<b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b>	The project states that activities will be adapted to the beneficiaries wishes and needs.
<b>Explain, if applicable, how the</b>	Not clear.

<b>practice provides for review and assessment.</b>	
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## Annex 2 – Case Law

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> <b>Please provide one high court decision addressing discrimination against LGBTIQ people or on the grounds of socio-economic status, health status and physical appearance (not related to health or disability or to other grounds like ethnic origin, religion). Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.</b>
<b>Decision date</b>	16 June 2022
<b>Reference details</b>	Constitutional Court of the Republic of Slovenia ( <i>Ustavno sodišče Republike Slovenije</i> )  Judgement No. U-I-486/20, Up-572/18  ECLI:SI:USRS:2022:U.I.486.20
<b>Key facts of the case (max. 500 chars)</b>	<p>A same-sex couple wished to apply to marry at an administrative unit. The latter refused the complainants' request. It referred to Art. 16 of the Marriage and Family Relations Act, which stipulated that the persons entering into a marriage must be of different sexes as a condition. The competent Ministry dismissed the complainants' appeal against the decision. The Administrative Court also dismissed their lawsuit. The complainants lodged an application for leave to review, which was rejected by the Supreme Court. Hence, the complainants lodged a constitutional complaint against the listed decisions arguing that prohibition of marriage to same-sex couples constituted prohibited discrimination and infringed the principle of equality. The complainants claim that they have been directly discriminated against. They consider that partners in same-sex and heterosexual relationships are in a substantially similar situation and that the distinction between them as regards the conclusion of marriage does not comply with a strict proportionality test. They submit that the alleged discrimination also has consequences in other areas of law. Only spouses may adopt children together. The complainants also consider that the couple's inability to conceive a child cannot be a circumstance which deprives them of the right to marry.</p>
<b>Main reasoning/argumentation (max. 500 chars)</b>	<p>The right to marry is derived from Article 53 of the Constitution. The Constitution does not give an explicit answer to the question whether marriage may be concluded only between persons of different sexes or also between persons of the same sex. This means that Article 53 of the Constitution does not in itself prevent the legislature from adopting the contested legislation. However, in regulating marriage, the legislator must, in addition to the requirements of Article 53, have regard to the prohibition of discrimination laid down in Article 14(1) of the Constitution and to</p>

	<p>the argument of human dignity, which is the foundation of human rights. There is no doubt that the contested regulation constitutes a difference in treatment between same-sex and heterosexual partners. A same-sex union, like a heterosexual union, is a situation in which two people are linked as a couple, with their (relatively stable) relationship being essentially defined by their emotional, moral, spiritual and sexual connection on a common life path. Same-sex relationships are as permanent and stable as heterosexual relationships. By the characteristics of the partnership, the heterosexual and same-sex partners are in a substantially identical legally relevant factual situation, and the difference in treatment in the reviewed legal regime with regard to the right to marry is based solely on the circumstance of sexual orientation. Reference to the traditional and majority conception of marriage cannot constitute a constitutionally permissible objective for a legal regime that prevents homosexuals from entering into marriage.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>The Constitutional Court explained Article 53 of the Constitution, which regulates <b>the human right to marry</b>. The Court noted, that Article 53 of the Constitution does not imply any restriction that this Article is reserved only for civil unions between persons of different sexes. This provision implies as regards marriage (only) the following requirements: (1) the requirement of equality of the spouses; (2) the requirement of mandatory civil marriage; and (3) the requirement of more detailed legal regulation of legal relations within marriage.</p> <p><b>Protection of family</b> can be a constitutionally permissible aim. However, denying same-sex couples the possibility of marriage is not an appropriate means of achieving this objective. The contested measure cannot contribute anything to the protection of the traditional family. Firstly, because the establishment of a family is not a condition for marriage, secondly because denying homosexual persons the possibility of marrying in itself has no effect on the life of traditional families which heterosexuals can found. Finally, it cannot be overlooked that, despite the fact that they have not been able to marry, for a long time, there have been families founded by same-sex couples (two women or two men with children). In this context, the right of same-sex partners to non-discriminatory treatment cannot be justified by reference to the protection of the family. The protection of the family as an otherwise constitutionally permissible objective cannot be achieved by the contested measure.</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Constitutional Court required the legislature to remedy the established unconstitutionality within six months. To prevent further violations of human rights until the unconstitutionality has been remedied, it held that it shall be deemed that marriage constitutes a life union of two persons regardless of their sex.</p>

	On 4 October 2022, the National Assembly approved amendments to the Family Code following the two decisions of the Constitutional Court of the Republic of Slovenia. <sup>212</sup>
<b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b>	<p>“Ureditev, ki partnerjem istega spola ni dovoljevala oziroma še vedno ne dovoljuje sklenitve zakonske zveze, torej ni bila oziroma ni v skladu s pravico istospolno usmerjenih oseb do nediskriminatorne obravnave glede sklenitve zakonske zveze iz prvega odstavka 14. člena v zvezi s 53. členom Ustave.”</p> <p>“Therefore, legislation which did not, or still does not, allow same-sex partners to marry was not, or is not, compatible with the right of homosexual persons to non-discriminatory treatment in respect of marriage under Article 14(1) in conjunction with Article 53 of the Constitution.”</p>

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

<b>Thematic area</b>	<b>ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION</b>
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<sup>212</sup> Slovenia, Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*), ‘[Amendments to the Family Code confirmed](#)’, press release, 5 October 2022.

	<b>Please provide the most relevant high court decision – or any court ruling – relating to the processing of personal data by new technologies in asylum, migration and border management delivered in 2022 (on Eurodac, SIS and VIS).</b>
<b>Decision date</b>	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> <b>Please provide the most relevant high court decision related to the topics addressed in the chapter (i.e. data protection, and/or artificial intelligence systems).</b>
<b>Decision date</b>	14 April 2022
<b>Reference details</b>	The Constitutional Court of the Republic of Slovenia (Ustavno sodišče Republike Slovenije)
<b>Key facts of the case (max. 500 chars)</b>	Decision No. U-I-180/21-34
<b>Main reasoning/argumentation (max. 500 chars)</b>	ECLI:SI:USRS:2022:U.I.180.21
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	Pursuant to the Ordinance on temporary measures for the prevention and control of infectious disease COVID-19 the recovered/vaccinated/tested (RVT) rule (prebolel/cepljen/testiran, PCT) became mandatory for all employees and in to enter certain premises in Slovenia, while the Ordinance on the method of establishing compliance with the conditions of morbidity, vaccination and testing in relation to the infectious disease COVID-19 prescribed how the compliance with the RVT rule is verified. Both ordinances envisaged processing of personal data, including sensitive data.
<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	GDPR cannot in itself constitute a legal basis for the processing of personal data, as it merely lays down the requirements which must be respected by the national legislator when establishing legal basis for the processing of personal data in the national legislation.

<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>“Iz <b>Splošne uredbe o varstvu podatkov ne izhaja</b>, da bi lahko država članica, če nalaga upravljavcem obdelavo osebnih podatkov za opravljanje nalog v javnem interesu ali pri izvajanju javne oblasti (točka (e) prvega odstavka 6. člena Splošne uredbe o varstvu podatkov) ali če z zakonom naloži upravljavcem obdelavo osebnih podatkov (točka (c) prvega odstavka 6. člena Splošne uredbe o varstvu podatkov), <b>takšne posege upravičila zgolj na podlagi določb Splošne uredbe o varstvu podatkov.</b>”</p> <p>“It <b>does not follow from the GDPR that</b> if a Member State imposes on controllers the processing of personal data for the performance of a task carried out in the public interest or in the exercise of official authority (point (e) of the first paragraph of Article 6 of the GDPR) or if a law imposes on controllers the processing of personal data (point (c) of the first paragraph of Article 6 of the GDPR), <b>such interference may be justified solely on the basis of the provisions of the GDPR.</b>”</p>
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<p><b>Thematic area</b></p>	<p><b>RIGHTS OF THE CHILD</b> Please provide the most relevant high court decision for the related topics addressed in the chapter.</p>
<p><b>Decision date</b></p>	<p>08.03.2022</p>
<p><b>Reference details</b></p>	<p>VSC Sodba II Kp 19601/2014</p>
<p><b>Key facts of the case (max. 500 chars)</b></p>	<p>A father of two children (the defendant) was found guilty of neglect of a minor and cruel treatment. He filed an appeal stating that his actions (beating the children), were aimed at raising and educating his children and that the methods used are not a criminal offence but at most may be a breach of family legislation. High Court rejected the appeal.</p>
<p><b>Main reasoning/argumentation (max. 500 chars)</b></p>	<p>The defendant is charged with unlawful conduct for which it is sufficient that the development of the victim - the child, could be endangered. The expert opinion makes it sufficiently clear that, during the period at issue, the girls experienced emotional distress as a result of the corporal punishment inflicted by the defendant on the girls. This decision does not pose an impermissible interference with the autonomy of family life, as corporal punishment of children is absolutely prohibited.</p>

<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	<p>Corporal punishment of children is absolutely prohibited and therefore poses a limitation to the autonomy of family life.</p> <p>For neglect of a minor and cruel treatment it is sufficient that the development of the victim - the child, could be endangered.</p>
<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	<p>The appeal was rejected, the defendant faced a conditional sentence.</p>
<b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b>	<p>"/.../ se obtožencu očita protipravno ravnanje po določbi prvega odstavka člena 192 KZ-1, torej temeljna oblika tega kaznivega dejanja, za katero je dovolj, da bi lahko bil ogrožen razvoj oškodovanca, torej otroka."</p> <p>"/.../ the defendant is charged with unlawful conduct under Article 192(1) of the Criminal Code, i.e. the basic form of this offence, for which it is sufficient that the development of the victim, i.e. the child, could be endangered."</p>

<b>Thematic area</b>	<p><b>ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence</b>  <b>Please provide the most relevant high court decision related topics addressed in the chapter (i.e the Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women).</b></p>
<b>Decision date</b>	<p>15 April 2022</p>
<b>Reference details</b>	<p>Higher Court in Celje  Decision No. <a href="#">II Kp 64465/2021</a>  ECLI:SI:VSCE:2022:II.KP.64465.2021</p>
<b>Key facts of the case (max. 500 chars)</b>	<p>The case is related to a non-contentious procedure regarding the settlement of boundaries of a land in which an allegedly an unlawful decision, based on false testimony, was passed. The Court of First Instance dismissed the application, by which the appellant wished to continue the criminal proceedings against the suspects, on the ground that it found that the appellant did not have the status of a victim in the criminal case and, consequently, did not have the status of a prosecutor entitled to take over the prosecution.</p>



	<p>The appellant disagrees with the conclusions of the first instance court that he is not a victim in the criminal case, which he explains on the ground that, although he was not a party to the non-contentious procedure, he was present as a representative of the surveying company which provided the surveying service. The decision in the non-contentious proceedings was unlawful, supported by a false testimony. Although all the documents in the non-contentious procedure exclude any fault on the appellant's part, he deems himself the victim of a criminal offence, where his personal rights and his property rights were violated and endangered. He is therefore convinced that he has the status of a victim in these proceedings, which is also apparent from the fact that the court has, throughout the proceedings, granted him access to the file of the non-contentious procedure, that he has been able to participate in the proceedings and has accordingly brought criminal charges against the actors in the abovementioned proceedings.</p> <p>In the decision to dismiss the criminal charges against the suspects, the prosecutor's office provided a legal instruction to the victims, in accordance with the second paragraph of Article 60 of the Criminal Procedure Act, on the right of victims to petition the District Court to carry out individual investigative actions or to file an indictment. The decision with said instruction was also served, inter alia, on the appellant.</p>
<p><b>Main reasoning/argumentation (max. 500 chars)</b></p>	<p>The status of injured party (victim), as the Court of First Instance correctly reasoned, is conferred by the provisions of Article 60 of the Criminal Procedure Act, that is to say, by law. The status of injured party (victim) cannot be conferred by an erroneous legal instruction in the (state prosecutor's) decision rejecting the criminal complaint, as the appellant erroneously maintains, since the status and rights of the injured party are precisely defined in the provisions of Article 60(1) of the Criminal Procedure Act.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>The decision clarifies the status of injured party, the victim's right to take over prosecution in case of state prosecutor's dismissal of the charge, incorrect legal instruction.</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The appeal was rejected.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>»V skladu z načelom legalitete kazenskega pregona je državni tožilec tisti, ki je dolžan začeti pregon in pri njem vztrajati v primeru, če je podan utemeljen sum, da je ovadena oseba storila kaznivo <i>dejanje</i>, za katero se storilec preganja po uradni dolžnosti. Prvo sodišče je v točki 9) izpodbijanega sklepa pravilno obrazložilo, da sme le oškodovanec prevzeti ali nadaljevati kazenski pregon, tudi v primeru, če ni podal ovadbe in če ne uveljavlja premoženjskopravnega zahtevka in da je oškodovanec vsaka tista oseba, ki je s kaznivim <i>dejanjem</i> oškodovana in je po predpisih</p>

	<p>civilnega prava tudi upravičena uveljavljati premoženjskopravni zahtevek. Zato mora sodišče, ki prejme zahtevo o nadaljevanju kazenskega pregona po zavrženju kazenske ovadbe državnega tožilca vedno skrbno presoditi, ali ima oseba, ki želi nadaljevati kazenski pregon, lastnost oškodovanca v smislu 6. alineje člena 144 ZKP.«</p> <p>»According to the principle of the legality of criminal prosecutions, it is the state prosecutor who is obliged to initiate and persist in a prosecution if there are reasonable grounds to suspect that the accused person has committed an offence for which he or she is being prosecuted <i>ex officio</i>. In paragraph 9) of the contested order, the Court of First Instance correctly explained that only the injured party may take over or continue the prosecution, even if he or she has not lodged a complaint and if he or she does not claim a pecuniary right, and that the injured party is any person who has been injured by the offence and who is also entitled to claim a pecuniary right under the rules of civil law. Therefore, a court which receives a request to continue a criminal prosecution following the dismissal of a criminal complaint by the state prosecutor must always carefully assess whether the person who wishes to continue the criminal prosecution has the status of an injured party within the meaning of Article 144(6) of the Criminal Procedure Act.«</p>
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<b>Thematic area</b>	<p><b>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)</b>  <b>Please provide the most relevant High Court decision, which quoted the CRPD or prominently referred to the CRPD in the reasoning.</b></p>
<b>Decision date</b>	23 February 2022
<b>Reference details</b>	<p>The Supreme Court of the Republic of Slovenia  Decision No. <a href="#">X Ips 29/2021</a>  ECLI:SI:VSRS:2022:X.IPS.29.2021</p>
<b>Key facts of the case (max. 500 chars)</b>	<p>The applicant was completely deprived of her right to vote by the decision of the district court with the reasoning that she is unable to understand the meaning, purpose and effect of the elections. The applicant argued that, on the basis of the Constitution of the Republic of Slovenia, the European Convention on Human Rights (ECHR), EU rules and, in particular, the UN Convention on the Rights of Persons with Disabilities (CRPD), she has an unrestricted right to vote. This right to</p>

	<p>vote cannot be limited by a court decision or in any other way. Consequently, notwithstanding the court's decision to deprive her of her right to vote, she considers that she still has it under directly applicable international law (Article 3 of Protocol 1 to the ECHR and Article 29 of the CRPD) and can exercise it unhindered in the Republic of Slovenia. The applicant argued that Article 7 of the National Assembly Election Act is contrary to the Constitution of the Republic of Slovenia in that it discriminates against persons with disabilities and infringes their right to vote under Article 43 of the Constitution of the Republic of Slovenia, and that it is also contrary to Articles 5, 12 and 29 of the CRPD, Article 3 of Protocol 1 to the ECHR, and Articles 21, 26, and 39 of the Charter of the European Union. The applicant asked the Supreme Court to stay the proceedings and initiate proceedings for a review of the constitutionality of Article 7 of the National Assembly Election Act before the Constitutional Court of the Republic of Slovenia, or to refer a question to the Court of Justice of the European Union (CJEU) for a preliminary ruling on the correct interpretation of Articles 21, 26, and 39 of the Charter of the European Union.</p>
<p><b>Main reasoning/argumentation (max. 500 chars)</b></p>	<p>The Supreme Court found that the right to vote cannot be exercised directly and without restriction under the Constitution of the Republic of Slovenia, nor can it be exercised directly under European or international law. Under EU law, the exercise of the right to vote is expressly subject to conditions laid down by the Member State itself. According to the Court of Justice of the European Union, the UN Convention on the Rights of Persons with Disabilities is also not directly applicable. European Court of Human Rights has already pointed out in its case-law that restrictions on the right to vote set out in Article 3 of Protocol 1 to the ECHR are permissible if the conditions of legitimacy of the aim pursued and proportionality of the restrictions are met.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>Restrictions of the right to vote for persons with disabilities, direct application of international law.</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The appeal on points of law was denied.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>“Omejevanje volilne pravice zaradi duševnih bolezni ali motenj v duševnem razvoju je po mnenju Vrhovnega sodišča zato ustavno dopustno in zatrjevane neustavnosti določbe drugega odstavka 7. člena ZVDZ ni našlo, zato posledično ni prekinilo postopka ter vložilo zahteve za oceno ustavnosti na Ustavno sodišče RS. Ustavno sodišče RS je [...] tudi že presojalo vidike ustavnosti posega v volilno pravico, ki jih je zakonodajalec upošteval s sprejetjem nove določbe 7. člena ZVDZ, revidentka pa drugih argumentov, ki bi vzpostavili dvom v ustavnost takšne ureditve, ni izpostavila.”</p>

	<p>“The Supreme Court therefore considers the restriction of the right to vote on the grounds of mental illness or mental disability to be constitutionally permissible and has not found the alleged unconstitutionality of the provision of Article 7 of the National Assembly Election Act to exist, and therefore has not suspended the proceedings and has not submitted a request for a constitutional review to the Constitutional Court of the Republic of Slovenia. The Constitutional Court of the Republic of Slovenia [...] has also already assessed aspects of the constitutionality of the interference with the right to vote, which the legislator took into account by adopting the new provision of Article 7 of the National Assembly Election Act, and the applicant has not raised any other arguments which would cast doubt on the constitutionality of such a regulation.”</p>
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