

Franet National contribution to the Fundamental Rights Report 2022

SLOVENIA

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Policy and legal highlights 2021

Franet country study: policy and legal highlights 2021	
Issues in the fundamental rights institutional landscape	No developments in 2021. (Kindly be noted that the Human Rights Ombudsman obtained A status according to the Paris Principles, but we have not reported on this in our Contribution to FRR2022.)
EU Charter of Fundamental Rights	Supreme court finds violation of the principle of non-refoulement: In April 2021, in a landmark case, the Supreme Court found state authorities in breach of articles of the EU Charter relating to access to asylum and protection in the event of removal, expulsion or extradition.
Equality and non-discrimination	Equality body publishes first results of the national discrimination survey: In April 2021, the Advocate of the Principle of Equality published first results of a national discrimination public opinion survey which looked into people's attitudes and experiences regarding discrimination. The survey is representative for the population of Slovenia aged between 18 and 75 years by gender, age, region and education.
Racism, xenophobia & Roma integration	The government adopts the National programme for Roma: In December 2021, the government adopted the National programme of measures of the Government of the Republic of Slovenia for the Roma for the 2021–2030 period . It is the major government initiative for improving the living conditions of the Roma, including in the fields of education, employment, housing and health.
Asylum & migration	Human Rights Ombudsman on the situation at the border: In July 2021, the Human Rights Ombudsman produced a report on the situation of human rights of migrants for the ENNHRI. The report covers the work of the ombudsman in the field of migration (e.g. returns and violence at the border, access to procedures, reception conditions and deprivation of liberty at the borders) over the last three years.
Data protection and digital society	National programme on artificial intelligence adopted: On 27 May 2021, the Government of the Republic of Slovenia confirmed the National programme for promoting the development and use of artificial intelligence in the Republic of Slovenia by 2025 . The

	programme envisions the support for research, introduction and use of AI, while addressing safety, regulation, ethics and public trust.
Rights of the child	<p>Rules regarding training of officials participating in criminal proceedings against juvenile offenders adopted:</p> <p>Based on the amendment of the Criminal Procedure Act transposing Directive 2016/800, 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 participate in the procedures against juvenile offenders were adopted. The rules stipulate that the purpose of the training is to provide them with in-depth, additional and specialised knowledge, and to acquaint them with scientific advances in the field of juvenile offenders and juvenile delinquency.</p>
Access to justice, including victims of crime	<p>The law establishing Children’s House adopted:</p> <p>On 26 March 2021, the Protection of Children in Criminal Procedure and their Comprehensive Treatment in Children's House Act was adopted. The act represents an important step towards the establishment of a pilot Children’s House according to the Barnahus model in Slovenia.</p>
Convention on the Rights of Persons with Disability	<p>The free use and development of Slovenian sign language constitutionally guaranteed:</p> <p>On 27 May 2021, Constitutional Act Amending Chapter II of the Constitution of the Republic of Slovenia was adopted. The Constitutional Act added a new Article 62.a on sign language and language of the deafblind to the Constitution. The new provision guarantees the free use and development of Slovenian sign language and the language of the deaf-blind.</p>

Chapter 1. Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people

There are no notable legislative or policy developments in 2021.

In the years marked by the COVID-19 pandemic, several laws and regulations were adopted in Slovenia to curb the spread of the virus and to mitigate the consequences of the pandemic. In November 2021, the Advocate of the Principle of Equality (*Zagovornik načela enakosti*) reported that it reviewed a provision of the Intervention Measures to Assist in Mitigating the Consequences of the Second Wave of COVID-19 Epidemic Act (*Zakon o interventnih ukrepih za pomoč pri omilitvi posledic drugega vala epidemije COVID-19*) adopted at the end of 2020 for its possible discriminatory effect.¹ This provision sets out a one-off solidarity allowance for newborns in the amount of € 500 to one of the parents or another person or adoptive parent under the law governing parental protection and family benefits, for each child with permanent residence in the Republic of Slovenia born between 1 January 2020 and one year after the end of the epidemic, for whom they are entitled to childbirth grant under the law governing parental protection and family benefits. In the assessment procedure, the Advocate found that the regulation treats parents and other beneficiaries of extraordinary assistance with permanent residence in Slovenia differently, compared to those who have temporary residence in Slovenia and actually reside in Slovenia. The national equality body thus examined whether the unequal treatment of parents of newborns based on whether they had a permanent or temporary residence in Slovenia could have constituted an exception to the prohibition of discrimination, as provided for in Article 13 of the Protection against Discrimination Act (*Zakon o varstvu pred diskriminacijo*).² To this end, the Advocate carried out a proportionality test. The Advocate found that the measure was legitimate, as it justifiably pursued the goal that only parents of children who actually live in Slovenia would receive emergency assistance. They further found that the determination of the condition of permanent residence was an appropriate means of achieving the set goal, as a permanent residence was supposed to ensure that the person actually lived in

¹ Slovenia, [The Intervention measures to assist in mitigating the consequences of the second wave of COVID-19 epidemic act](#) (*Zakon o interventnih ukrepih za pomoč pri omilitvi posledic drugega vala epidemije COVID-19*), 29 December 2020, and subsequent modifications.

² Slovenia, [The Protection against discrimination act](#) (*Zakon o varstvu pred diskriminacijo*), 21 April 2016, and subsequent modifications.

Slovenia. However, in the opinion of the Advocate, the means used were not the only possible or necessary means to achieve the goal, as a milder measure existed that would have contributed to the goal equally effectively, namely parents of newborns with temporary residence who actually reside in Slovenia could be added among the beneficiaries. The Advocate established that this part of the regulation was not proportionate as the negative consequences outweighed the alleged benefits of the regulation. The body thus concluded that the measure could not be considered an exception to the prohibition of discrimination and that the provision in question was discriminatory. Although not specifically mentioned EU nationals, the Advocate found that the measure in question constituted direct discrimination on the ground of place of residence and indirect discrimination on the ground of nationality, depriving certain groups of population of their rights in the field of social benefits. Upon completion of the review, and after a failure of the competent ministry to implement the Advocate's recommendations, the national equality body lodged a request with the Constitutional Court (*Ustavno sodišče*) for a review of the constitutionality of this provision.³

In December 2021, the Advocate reported that it reviewed the current practice of blood donation as pursued by the Ministry of Health (*Ministrstvo za zdravje*) and the Blood Transfusion Centre of Slovenia (*Zavod Republike Slovenije za transfuzijsko medicino*), which provides for permanent prohibition of blood donation on the part of men having sexual intercourse with other men. They found that the general ban on blood donation for all men who have sex with other men was enforced in Slovenia because, according to the then statistics on newly discovered cases of HIV infection, they were at greater risk of infection. By permanently banning blood donation for them, the Blood Transfusion Centre of Slovenia tried to ensure that donated blood was safe. The Advocate thus examined whether the disadvantage of this group regarding blood donation could be considered as an exception to the prohibition of discrimination. The Advocate found that the goal of the introduced ban on blood donation was legitimate, as it was right that recipients are provided with safe blood. They also assessed, however, that the automatic and permanent ban on blood donation for all men who had sex with men is not entirely appropriate, nor is it the only possible or proportionate measure to achieve the set goal. For example, the Advocate found that the data produced by the National Institute of Public Health (*Nacionalni inštitut za javno zdravje*) showed that 16 % of persons, both women and men, contracted HIV through heterosexual intercourse, while further 14 % of persons had not been classified in any of statistical categories. The Advocate

³ Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*) (2021), 'Zagovornik: Otrokove pravice pripadajo enako vsem otrokom, ne glede na to, ali imajo v Sloveniji stalno ali začasno prebivališče', public release, 19 November 2021.

also found that the possibility of transmitting HIV and other blood-borne viruses mainly depends on sexual behaviour, which is not necessarily related to gender and sexual orientation. The Advocate also noted that all donated blood had been tested for the presence of certain viruses for many years. According to the Advocate, there is already an additional way to ensure the blood safety, which further confirms the assessment that the established regulation is not the only possible way to ensure the donated blood safety. Such a measure also perpetuates and spreads prejudices about same-sex relationships and reinforces the stigmatisation of people of same-sex orientation. The Advocate also noted that determining whether a candidate for blood donation had had sexual intercourse with men was based on self-determination in a special questionnaire for blood donation, which a candidate fills out before donating blood. According to the Advocate, such a procedure cannot guarantee that replies are accurate. In the opinion of the Advocate, the prohibition causes disproportionately more actual and potential harm than benefit in people and the society. The Advocate thus established that the current ban constitutes direct discrimination on the grounds of gender and sexual orientation.⁴

In November, the Constitutional Court of the Republic of Slovenia (*Ustavno sodišče Republike Slovenije*) issued a decision regarding a petition submitted by the Advocate of the Principle of Equality and seven trade unions. The petitioners challenged the provisions of the Employment Relationships Act (*Zakon o delovnih razmerjih*) and the Public Employees Act (*Zakon o javnih uslužbencih*),⁵ as modified by the Intervention Measures to Assist in Mitigating the Consequences of the Second Wave of COVID-19 Epidemic Act.⁶ According to the petitioners, among others, the provisions allowing employers to terminate, without specifying reasons, employment contracts of persons fulfilling conditions for old age pension represent discrimination on the ground of age. The court found that there should be a justified reason for termination of an employment contract connected with the capacity or conduct of the worker or based on the operational requirements of a specific employer. The court also noted that there should be a possibility for a worker to appeal the termination. Because the reviewed provisions fell short of such requirements, the court established its non-compliance with the ILO Termination of Employment Convention, the European Social Charter and the Constitution, and abrogated them. Although not

⁴ Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), [Decision No. 0700-41/2020/15](#), 3 December 2021.

⁵ Slovenia, [The Employment relationships act](#) (*Zakon o delovnih razmerjih*), 5 March 2013, and subsequent modifications; Slovenia, [The Public employees act](#) (*Zakon o javnih uslužbencih*), 11 June 2002, and subsequent modifications.

⁶ Slovenia, [The Intervention measures to assist in mitigating the consequences of the second wave of COVID-19 epidemic act](#) (*Zakon o interventnih ukrepih za pomoč pri omilitvi posledic drugega vala epidemije COVID-19*), 29 December 2020, and subsequent modifications.

reviewing the challenged provisions for its discriminatory impact, the Constitutional Court clarified the role of the Advocate of the Principle of Equality, the national equality body, in procedures before the Court. In the petition, the Advocate invoked the anti-discriminatory clause from Article 14 in conjunction with several other articles of the Constitution. In its response, the government claimed that the Advocate's capacity to bring an action before the Constitutional Court should be restricted to include the assertion of inconsistency of acts and regulations with the first paragraph of Article 14 of the Constitution. The court eventually established that the procedural legitimacy of the Advocate before the Constitutional Court includes the assertion of inconsistency of acts and regulations with the first paragraph of Article 14 of the Constitution (prohibition of discrimination) in relation to any human right and fundamental freedom, and inconsistency with the second paragraph of Article 14 of the Constitution (i.e. general principle of equality before the law) if the distinction is based on personal circumstances. In the case at hand, for example, the court allowed the Advocate's allegations of inconsistency of the challenged provisions with several concrete rights and freedoms (e.g. the right to judicial protection, the right to personal dignity and safety, the right to social security) but denied their claims in relation to certain general provisions of the Constitution (e.g. that Slovenia is a state governed by the rule of law and a social state, or that laws and other regulations must comply with generally accepted principles of international law and with treaties that are binding on Slovenia).⁷

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people

The Advocate of the Principle of Equality continued the data collecting practice set up in 2018. Apart from data on received complaints, the body started recording cases involving requests for counselling. According to the 2021 report, covering the situation in 2020, the Advocate closed 253 cases in 2020, 64 of which involved hearing complaints alleging discrimination, while 189 concerned requests for counselling on discrimination-related issues. The Advocate was able to establish the relevant grounds of alleged discrimination on 203 occasions, 76 concerning complaints and 127 related to requests for counselling (please note that a single case may involve more than one ground of alleged discrimination, but separate data on cases of multiple discrimination are not available), while on

⁷ Slovenia, Constitutional Court of the Republic of Slovenia (*Ustavno sodišče Republike Slovenije*), [Decision No. U-I-16/21, U-I-27/21](#), 18 November 2021.

69 occasions no personal grounds of alleged discrimination was established. The grounds of discrimination alleged in complaints were as follows: gender (5 times), race, ethnicity or language (20), disability (8), age (4), religion or belief (6), sexual orientation (0), gender identity (1), gender expression (0), social status (4), place of residence (4), economic status (1), nationality (6), education (2), pregnancy/ parenthood (7), health state (7), other (1). Concerning the requests for counselling, the picture is the following: gender (10 times), race, ethnicity or language (16), disability (29), age (12), religion or belief (7), sexual orientation (2), gender identity (2), gender expression (1), social status (4), economic status (6), education (2), place of residence (5), nationality (8), pregnancy/ parenthood (9), health state (6), other (8). In the complaints procedure for establishing discrimination, the Advocate issued a decision finding discrimination in 6 cases concluded in 2020, in 12 cases discrimination was not established. (Please note that data disaggregated by the protected grounds are not available.) The Advocate also issued 14 decisions establishing that cases under consideration did not involve discrimination-related issues. A decision to suspend proceedings was issued in 10 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 nine cases, it issued a written explanation. A failure to commence proceedings occurred in five cases, while three cases were referred to another competent authority.⁸

Between 1 January and 31 December 2021, the Advocate saw 424 cases, 54 involving complaints alleging discrimination, 334 requests for counselling or information, and further 36 related to the assessment of the possible discriminatory impact of laws and regulations. In terms of protected grounds, there were 26 cases related to race or ethnicity, 13 to religion or conviction, 32 to gender, 41 to a disability, 29 to age, seven to sexual orientation, one to gender identity, three to the nationality of another Member State, nine to nationality of a third country, one to language, nine to economic status, seven to education, 10 to local identity (place of residence), 76 to other grounds, while in 175 cases protected grounds were not specified. (Kindly be noted that a specific case may involve more than one protected ground, so the total number of cases in specific categories does not necessarily corresponds to the total number of cases).⁹

The Human Rights Ombudsman (*Varuh človekovih pravic, VČP*) is another body that considers discrimination-related complaints. According to their 2021 report, covering the situation regarding human rights in 2020, the VČP dealt with 165

⁸ Zagovornik načela enakosti (2021), [Redno letno poročilo za leto 2020: Prvi del](#), Ljubljana, Zagovornik načela enakosti, pp. 53, 62–64.

⁹ Information was provided by the Advocate of the Principle of Equality (*Zagovornik načela enakosti*) upon request (email, 19 January 2022, response dated 18 January 2022).

cases in the field of equality before the law and prohibition of discrimination (49 in 2019), 26 of which were related to equal opportunities for persons with disabilities (14 in 2019), three to equal opportunities on the grounds of gender identity and sexual orientation (six in 2019), eight to equal opportunities on the grounds of race and ethnic affiliation (four in 2019), five to equality before the law (five in 2019), while the remaining 123 cases considered by the VČP were classified under the label 'Other – equality before the law and prohibition of discrimination' (eight in 2017). The VČP found that seven out of 26 cases involving disability closed in 2020 were well-founded, as well as two out of three involving gender identity or sexual orientation and one out of six involving race, nationality or ethnic origin.¹⁰

After a 2017 survey, the Advocate of the Principle of Equality, national equality body, for the second time commissioned a national discrimination survey. The purpose of the public opinion survey was to look into people's attitudes and experiences regarding discrimination, and to provide for an assessment of the Advocate's public visibility. The survey is representative of the population of Slovenia aged between 18 and 75 years by gender, age, region and education. The sample captured 1,007 persons. The research exercise involved a combination of a computer-assisted telephone survey and a computer-assisted online survey. The survey took place between 30 October and 9 November 2020, and the first results were published in the Advocate's 2021 annual report. Most respondents identified themselves as Slovenians (94 %), while 6 % identified as members of other nations or nationalities, such as Serbs, Croats and others. Per the perceptions of discrimination, 66 % of the respondents see discrimination as an important social problem, 30 % state that discrimination is a minor problem compared to other problems, while 3 % believe it is not a problem at all. The respondents consider the following personal features to be the most common reasons for discrimination: ethnicity or race (45 %), followed by sexual orientation (39 %) and political beliefs (25 %). According to the respondents, population groups most at risk of discrimination include homosexuals (24 %) and Roma (24 %), followed by the poor (21 %), foreigners (20 %) and women (19 %). Regarding experiences of discrimination, 22 % of the respondents stated that they were subjected to discrimination in the last 12 months, 11 % on multiple occasions. Of them, 22 % stated that this was due to age, 20 % due to education, followed by political belief (16 %), disability (14 %), gender (12 %) and social status (11 %). Eighty percent of those affected did not initiate any

¹⁰ Varuh človekovih pravic (2021), [Letno poročilo Varuha človekovih pravic Republike Slovenije za leto 2020](#), Ljubljana, Varuh človekovih pravic, p. 223.

proceedings. As regards the visibility of the Advocate, 42 % of the respondents are not familiar with the institution.¹¹

Legebitra Association Information Centre (*Društvo informacijski center Legebitra*), an LGBT civil society organisation, published in 2021 a research study on the situation of transgender persons during the pandemic, focusing particularly on their access to healthcare services. The research involved 12 transgender individuals (eight transgender men, one transgender woman and three gender non-binary persons), 10 of whom took part in focus groups, while two persons participated in semi-structured interviews. The average age of the transgender respondents is 24.7 years, and they come, almost exclusively from urban environments. The research further included semi-structured interviews with three representatives of LGBTIQ+ NGOs who work on the situation of transgender persons and four healthcare professionals. Regarding the latter, two represented public health institutions with direct relevance to questions of medical transition and two represented institutions with indirect relevance to this issue. The transgender respondents and NGO experts report raising economic and housing insecurity. While the former is a consequence of reduced or loss of regular income (e.g. loss of job), the latter is commonly related to their return to primary housing environments or to their families who are sceptical of LGBTIQ+ identities and communities. Harder access to the LGBTIQ+ community, both in terms of social life and professional support it offers, is also pointed out. As regards the experiences of transgender people with the healthcare system in the non-COVID-19 period, that is – before the epidemic was declared, and especially concerning healthcare services related to medical transition, the research findings show their positive experiences with healthcare providers at the primary level. They are considered engaged, if not knowledgeable, and approaching the treatment of transgender people sensibly, with awareness a medical treatment can cause (e.g. gynaecologists). They use an appropriate name and pronouns when referring to the service recipient. Negative experiences are also reported, such as transphobia in the form of exoticisation of transgender people as “rare trophies”, pathologisation, the use of inappropriate names and pronouns (on occasions despite repeated reminders), lack of knowledge on the part of healthcare professionals forcing transgender people to take up the role of an educator. As regards the medical transition, transgender persons note the following positive aspects, amongst others: transition can be carried out within the public healthcare system, while legislation, albeit rather by chance than by serious consideration, allows for fast completion of legal gender recognition without more intensive medical interventions. Negative aspects include insufficiently standardised procedure and difficult access to information

¹¹ Zagovornik načela enakosti (2021), [Redno letno poročilo za leto 2020: Prvi del](#), Ljubljana, Zagovornik načela enakosti, pp. 143–146.

about the medical transition. Healthcare professionals might lack information and coordination. The length of the procedure also tends to be an important negative feature of the medical transition process. "Psychiatrisation" and "psychologisation" of medical transition are also reported as having a considerable negative impact. During the COVID-19 epidemic, transgender people generally did not experience hindered access to primary healthcare services. Access to non-primary or the so-called elective healthcare services, however, was difficult in some places, and transgender persons faced e.g. cancellations or irregular provision of mental health services. The unresponsiveness of healthcare providers and the unpredictability of postponed appointments gave rise to a specific form of uncertainty in transgender people, especially those in the early stages of the medical transition, since the completion of the transition shifted into the unforeseeable future. In some cases, transgender people, notably those who have to a large degree completed the process of medical transition, report no major changes regarding access to the healthcare system during the pandemic.¹²

In 2021, Legebitra also published findings of an online survey dealing with the situation of LGBT youth in education settings. The survey in the second half of 2019 captured 602 individuals who have reached 16 years of age, 97.9 % of whom frequented secondary schools, while the rest attended primary schooling (N=579). Of those respondents who declared their gender (N=580), there were 82.4 % of cisgender persons (67.8 % females and 14.7 % males in the sample), 13.1 % transgender persons (3.1 % males, 0.9 % females in the sample), 9.1 % of non-binary persons and 4.5 % of other non-binary persons (e.g. sexual fluidity). As regards sexual orientation (N=583), there were 30 % of gay and lesbians, 48.5 % of bisexual persons, 8.7 % of pansexual persons, 2.1 % of queer persons, 7.7 % of individuals examining their sexual orientation and 2.9 % of persons of other sexual orientation (e.g. asexual persons). The average age of the respondents (N=598) was 17.4 years. In terms of residence (N=588), 78.1 % of the respondents were from the urban environment or a city, 15.1 % from city surroundings and 6.8 % from the rural environment or small places. Among other things, the research findings show that LGBT students hear negative remarks from peers and from teachers or other school staff. There are 38.9 % of the respondents who report hearing homophobic remarks often or very often at school, while 30.4 % of the respondents report hearing negative remarks about gender expression often or very often at school. The findings further show that 43.2 % of the respondents faced in the last year verbal harassment in school because of prejudice regarding their sexual orientation,

¹² Pergar, N. (2021), [*Transgender people during the Covid-19 epidemic: Access to healthcare services – Final report on the results of the study*](#), Ljubljana, Legebitra Association Information Centre.

whereby 7.6 % of the respondents experienced it very often or often. In addition, 40.2 % of the respondents faced in the last year verbal harassment in school because of prejudice regarding gender expression, whereby 8.4 % of the respondents experienced it very often or often. The research also shows that 31.6 % of the respondents experienced verbal harassment because of prejudice regarding their sex, whereby 4.9 % of the respondents experienced it very often or often. It further shows that 16.1 % of the respondents experienced in the last year physical harassment in school because of their sexual orientation (14.4 % the respondents because of gender expression and 11.4 % because of their sex), whereby 3.1 % of the respondents experienced it very often or often (2.6 % respondents because of gender expression and 1.4 % because of their sex). According to the research, 6.4 % of the respondents were subject in the last year to physical attack in school because of their sexual orientation, 5.6 % because of gender expression and 4.6 % because of their sex. As regards reporting, 32.9 % of those who were subject to harassment or attack reported such incidents to school staff, and 12.6 % always or almost always reported such incidents. Of those who reported incidents, 48 % stated that the response of staff was somehow effective, 10.7 % stated that it was very effective, 21.3 % claimed that it was ineffective and 20 % said that it was very ineffective. The most common reasons for not reporting incidents include the following: the respondents did not think that school staff would take any action based on the reported harassment or attack (45.2 %), did not think that the staff would effectively manage the situation (41.6 %), did not want to be considered a "traitor" or a "spy" (41.2 %), did not want to come out in front of school staff or parents as LGBT persons.¹³

¹³ Sešek, K., Margon, E. (2021), [*Raziskava o stanju v šolah v Sloveniji 2019: LGBT mladi – prebijmo molk v šolah*](#), Ljubljana, Društvo informacijski center Legebitra.

Chapter 2. Racism, xenophobia and related intolerance

2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

Between 1 January and 31 December 2021, the Advocate of the Principle of Equality saw 424 cases, 54 involving complaints alleging discrimination, 334 requests for counselling or information, and further 36 related to the assessment of the possible discriminatory impact of laws and regulations. In this period, there were 26 cases related to race or ethnicity, 13 to religion or conviction, three to nationality of another Member State, nine to nationality of a third country and one to language.¹⁴ According to its 2021 annual report, covering the year 2020, the Advocate closed proceedings in 253 cases in 2020, providing counselling in 189 cases, while in 64 cases, they dealt with complaints alleging discrimination. There were 30 (11 %) cases involving alleged discrimination on the grounds of race or ethnicity or language in which the Advocate either reviewed complaints or provided counselling. Such cases were only topped by cases involving alleged discrimination on the ground of disability (14 %). Additional 14 cases (5 %) involved alleged discrimination on the ground of nationality, six cases (2 %) involved alleged discrimination on the ground of language, and 13 cases (5 %) were related to religious or other convictions. Other data, including data on cases in which discrimination has been established, disaggregated by the protected grounds are not available.¹⁵

The Human Rights Ombudsman is another body that hears discrimination-related complaints. According to its 2021 annual report, covering events in 2020, the Ombudsman dealt with 165 complaints in the field of equality before the law and prohibition of discrimination (49 in 2019), eight (four in 2019) of which were related to equal opportunities on the grounds of race, nationality or ethnic origin. Of the six cases concluded in 2020, the Ombudsman found irregularities in one case.¹⁶

In Slovenia, the police are currently one of the rare bodies able to produce some data on offences involving ethnically, racially or religiously motivated

¹⁴ Information was provided by the Advocate of the Principle of Equality (*Zagovornik načela enakosti*) upon request (email, 19 January 2022, response dated 18 January 2022).

¹⁵ *Zagovornik načela enakosti* (2021), [Redno letno poročilo za leto 2020: Prvi del](#), Ljubljana, Zagovornik načela enakosti, pp. 62–64.

¹⁶ *Varuh človekovih pravic* (2021), [Letno poročilo Varuha človekovih pravic Republike Slovenije za leto 2020](#), Ljubljana, Varuh človekovih pravic, p. 223.

intolerance. In 2021, the police dealt with 26 (25 in 2020) suspicions of criminal offences motivated by ethnic/racial intolerance, and lodged 21 (23 in 2020) criminal complaints with the competent state prosecutor. In 2021, they also investigated three (nine in 2020) alleged criminal offences motivated by religious intolerance. The police lodged criminal complaints in two cases in 2021 and in five cases in 2020. Data on these incidents disaggregated by e.g. antisemitic, Islamophobic or anti-Roma motivation are not kept.¹⁷

In May 2021, the Human Rights Centre at the Human Rights Ombudsman (*Center za človekove pravice, Varuh človekovih pravic*) produced an analysis of the national practice in prosecuting hate speech, that is – criminal offences of public incitement to hatred, violence or intolerance under Article 297 of the Criminal Code (*Kazenski zakonik*). It is based on 145 prosecutorial files relating to the prosecution of criminal offences under Article 297 in the period 2008–2018. Some of the main findings may be summarised as follows:

- while most of the cases involved acts against LGBTI+ persons (23 cases), a majority of cases, however, were motivated by ethnicity, race or religion (Roma (15 cases), persons of other nationalities of the former Yugoslavia (12 cases), Muslims (7 cases), refugees and migrants (6 cases – two of which were related to the Islamic religion), and black people (6 cases), and certain cases also involved various political beliefs – communists, right-wing supporters, etc. (8 cases);
- 53% of cases (21 out of 40 cases) that the Prosecutor's Office concluded either with an indictment proposal or based on the institution of suspended prosecution involved internet posts (on social networks, Facebook posts being the most common, followed by posts in online forums and comments under online articles);
- 243 suspects were not public figures, while in about 30 cases, suspects were persons who are public figures to at least some degree (politicians, journalists and public intellectuals);
- as per sanctions, the judgments of conviction imposed suspended sentences of one to six months of imprisonment (for instance, the payment of compensations to the injured party (i.e. victim) was not imposed in any of the cases), while cases of suspended prosecution saw the imposition of different obligations on the offenders;

¹⁷ Information was provided by the General Police Directorate (*Generalna policijska uprava*) upon request (email, 25 January 2022, response dated 24 January 2022).

- since 2013, there has been a significant decrease in the proportion of cases in which the Prosecutor's Office filed an indictment or concluded a case by imposing an obligation on the offender under the institution of suspended prosecution;
- the change of the law in May 2012, introducing a new constitutive element of the offence (namely, two alternative conditions or manners stipulating that the offence must be committed in a manner that can jeopardise or disturb public law and order, or by use of force or threat, verbal abuse or insult), was not a decisive factor in dismissing the cases, as prosecutors dismissed seven out of 80 cases solely for not meeting the new threshold;
- on the other hand, failure to meet the condition of the new constitutive element (as noted, the offence must be committed in a manner that can jeopardise or disturb public law and order, or by use of force or threat, verbal abuse or insult) was one of the most common reasons cited by prosecutors in the reasoning of the decisions to dismiss charges;
- based on the examined files, it does not appear that prosecutors collect information or assess the impact of the offence on the injured party or on the community when dealing with a complaint;
- the prosecution acts (notably indictment proposals) and court decision are often not reasoned or include only a short reasoning, which limits the possibility of a substantive review of the decision; the analysis shows that amendments are likely to be necessary to address identified challenges adequately.

Based on the analysis, the authors conclude that legislative changes would most likely be needed if the possibility of subsidiary prosecution in criminal offences under Article 297 of the Criminal Code is to be provided not only to specific victims who were directly targeted by the crime, but also to the broader circle of injured persons (either to every representative of the attacked group or to authorised organisations). It follows including from the Guidance note on the practical application of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law that hate speech and hate crimes represent "identity" or "message" crimes. Such crimes not only violate the individual rights of the victim but also violate the principle of equality and constitute an expression of discrimination, prejudice, hatred towards the victim, as well as towards those who share its characteristics or the characteristics attributed to it, or against the group or community to which the victim belongs or is considered to belong. The analysis also suggests that possible 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 treat them as hate crimes.

According to the authors, the European Commission, for example, notes that Slovenia is one of the few Member States whose criminal law does not set out special provisions regarding discriminatory motives on the part of the perpetrator. Thus, dealing with hate crime is only possible based on the general provision of Article 49 (2) of the Criminal Code. Under this provision, the court shall deliver a sentence including with a view to the perpetrator's motive for committing the crime, but the possible motives are not determined in more detail in the law.¹⁸

Web Eye (*Spletno oko*) is a source of unofficial data on incidents of hate speech. It is an online hotline platform where concerned individuals can report incidents of alleged hate speech they observe on the internet. After assessing individual cases, the hotline team forwards to the police cases which in their opinion include elements of incitement to hatred, violence or intolerance prohibited under the Criminal Code. According to its 2021 annual report, the hotline received 2,268 reports of controversial speech (*sporni govor*) on the internet in 2020 (773 in 2019) and referred 67 (90 in 2019) cases to the police for further investigation. Of the 2,268 reported cases, 2,037 cases were with sufficient data to be classified according to the hotline's classification of the controversial speech: 3 % fell to the category of alleged hate speech punishable as a criminal offence, 32 % to the category of socially unacceptable hate speech, 49 % of the cases included elements of insulting speech, 3 % included speech threatening the security of an individual, 1 % involved improper speech, and 13 % of the cases did not include features of controversial speech. Of the 67 incidents of alleged hate speech punishable as a criminal offence, 63 % appeared on news portals, 30 % on social media and 7 % on internet forums. In 25 % of the cases, the alleged hate speech punishable by law included xenophobia (predominantly targeted at refugees/ people on the move), 13 % of the incidents featured religious intolerance, 7 % involved racism, 6 % were characterised by intolerance based on sexual orientation, 3 % targeted Roma, and 45 % were motivated by other personal features of groups/individuals. According to the report, 60 % of these cases involved incitement to murder, 33 % denial or glorification of Holocaust or war crimes, 6 % incitement to or advocating physical violence, while 1 % involved incitement to hatred or dehumanisation.¹⁹ *Spletno oko* is a part of the national project, the Safer Internet Centre Slovenia

¹⁸ Center za človekove pravice, Varuh človekovih pravic Republike Slovenije (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. Slovenia, [The Criminal code \(Kazenski zakonik\)](#), 20 May 2008, and subsequent modifications.

¹⁹ Valentič, U., Motl, A. (2021), [Letno poročilo Spletno oko 2020](#), Ljubljana, Fakulteta za družbene vede, Center za varnejši internet, Spletno oko, pp. 32–37; Šulc, A., Motl, A. (2020), [Letno poročilo Spletno oko 2019](#), Ljubljana, Fakulteta za družbene vede, Center za varnejši internet, Spletno oko, pp. 32–37.

(Center za varnejši internet). The project is run by a consortium of academic and civil society partners coordinated by the Faculty of Social Sciences at the University of Ljubljana (*Univerza v Ljubljani, Fakulteta za družbene vede*), Academic and Research Network of Slovenia (*Akadska in raziskovalna mreža Slovenije, Arnes*), Slovenian Association of Friends of Youth (*Zveza prijateljev mladine Slovenije, ZPMS*) and Youth Information and Counselling Center of Slovenia (*Mladinsko informativno svetovalno središče Slovenije, MISSS*). Apart from organisations running the project, the Council of the Safer Internet Center includes representatives of those institutions that are committed to reducing the amount of illegal content online, including the police, the Supreme State Prosecutor's Office of the Republic of Slovenia (*Vrhovno državno tožilstvo Republike Slovenije*), the Human Rights Ombudsman, the Information Commissioner (*Informacijski pooblaščenec*) and the Agency for Communication Networks and Services of the Republic of Slovenia (*Agencija za komunikacijska omrežja in storitve Republike Slovenije, AKOS*).²⁰

Please see also information in Chapter 1, Section 2 on the discrimination-related national public opinion survey commissioned by the Advocate of the Principle of Equality.

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 are no notable legal developments in 2021.

In March 2021, as the successor to the Working group on hate speech (*Delovna skupina za sovražni govor*), the Working group on criminal offences committed with a hate motive (*Delovna skupina za kazniva dejanja, storjena s sovražnim motivom*) has been established with the Supreme State Prosecutor's Office of the Republic of Slovenia (*Vrhovno državno tožilstvo Republike Slovenije*) based on the Order No. VDT-Tu-3-3/1/2021/4 (*Odredba št. VDT-Tu-3-3/1/2021/4*).²¹ The newly established working group remains responsible for hate speech issues, but its mandate is extended to all criminal offences committed with a hate motive. Apart from comprehensive monitoring of hate motives in criminal offences committed, the reason for expanding the group's mandate are the

²⁰ For more information, see the webpage of Safer Internet Centre Slovenia on <https://safe.si/center-za-varnejši-internet/o-centru/svet-centra-za-varnejši-internet>.

²¹ 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.

requirements of international organisations, including the European Commission against Racism and Intolerance (ECRI), the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the European Union Agency for Fundamental Rights (FRA) and the International Holocaust Remembrance Alliance (IHRA). These organisations expect from Member States to provide for awareness-raising among the (professional) public of 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.²²

In 2021, the Advocate of the Principle of Equality found a violation of Article 10 of the Protection against Discrimination Act (*Zakon o varstvu pred diskriminacijo*) in much publicised cases involving two media outlets, respectively. This provision provides for prohibition of incitement to discrimination, namely publicly justifying the neglecting or despising of persons or a group of persons on the grounds of personal circumstances, as well as justifying the idea of supremacy or superiority of a person or a group of persons with certain characteristics over those who are not members of that group.²³ In the first case, a TV host allegedly challenging societal taboos stated the following: "Or, for example, about differences between races. Different IQs. Different races have different IQs and if you say that, you are immediately a racist... We should not talk about why Africa is a continent of hopelessness. Maybe it's because blacks are lazy and stupid and just don't know how to organise their countries in such a way that they function, and we are doing ourselves a disservice by importing these economic migrants." Upon considering the case, the Advocate thus found that the broadcaster, by broadcasting the edition of the show entitled "Who is afraid of free speech?" violated the anti-discrimination law. In the case at hand, the Advocate identified race or ethnic origin as a personal circumstance based on which individuals or a group of persons enjoy protection against discrimination.²⁴

The second case seen by the Advocate involved an allegedly satirical piece published in a weekly magazine which, for instance, stated the following: "Immigrants of other races, for example, have much more radium in them and it is enough to create a microorganism that does not tolerate radium well and you have a disease that only attacks immigrants. It will, therefore, happen that migrants will inexplicably get sick and die, for God will create such a microorganism that will not tolerate their DNA. It is then possible to create such

²² Information was provided by the Supreme State Prosecutor's Office of the Republic of Slovenia (*Vrhovno državno tožilstvo Republike Slovenije*) upon request (email, 8 September 2021, response dated 7 September 2021).

²³ Slovenia, [The Protection against discrimination act](#) (*Zakon o varstvu pred diskriminacijo*), 21 April 2016, and subsequent modifications.

²⁴ Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), [Decision No. 0700-15/2021/7](#), 9 July 2021.

a virus that only affects certain people, races, groups of people with certain features. Target elimination, in short. Just as people target certain types of natural pests, mould, weeds, etc., God can target certain types of harmful people.” As the complainant themselves was not a victim, the Advocate started proceedings *ex officio*, since it considered the case to be important for the protection against discrimination on the grounds of race or ethnic origin, religion or belief. The Advocate found that the author justified the ideas about the dominance and superiority of people in terms of skin colour, ethnic origin and religious beliefs. It further established that the case represented an abuse of the fundamental right of the freedom of speech, and that publishing a piece to justify ideas about the dominance or superiority of one group of persons compared to other groups of persons is discriminatory regardless of the genre in which it is supposed to be written. The Advocate thus established that the publisher violated the mentioned provisions providing protection against discrimination.²⁵ No sanction has been imposed on violators in these two cases, as the relevant law does not provide for such a measure.²⁶

Chapter 3. Roma equality and inclusion

3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link	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>) (adopted on 23 December 2021). (The 2017–2021 programme of measures is valid through 2021.)
Please add a hyperlink if the strategy is publicly available.	www.gov.si/assets/vladne-sluzbe/UN/NPUR-2021-2030/108NPRomi.docx
Did an evaluation of the previous Roma inclusion strategy take place? If yes,	Mirovni inštitut (2018), Letna evalvacija uresničevanja Nacionalnega programa ukrepov Vlade Republike Slovenije za Rome za

²⁵ Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), [Decision No. 0700-52/2020/11](#), 20 September 2021.

²⁶ Slovenia, [The Protection against discrimination act](#) (*Zakon o varstvu pred diskriminacijo*), 21 April 2016, and subsequent modifications.

<p>please provide reference</p>	<p><u>obdobje 2017–2021: Končno poročilo o vmesnem vrednotenju (obdobje od sprejema dokumenta dne 25. 5. 2017 do 1. 6. 2018)</u>, Ljubljana, Urad Vlade Republike Slovenije za narodnosti.</p> <p>This evaluation covers the first year of the implementation of the National programme of measures of the Government of the Republic of Slovenia for the Roma for the 2017–2021 period (<i>Nacionalni program ukrepov za Rome Vlade Republike Slovenije za obdobje 2017–2021</i>). The Government of the Republic of Slovenia Office for National Minorities (<i>Urad Vlade Republike Slovenije za narodnosti</i>) has not commissioned further evaluations and a full evaluation is not planned. The first evaluation proposed that, in the future, a full calendar year is covered by such an exercise, allowing for easier access to data and information. Because this would necessitate a certain time delay, and, particularly, because of the need for an earlier preparation of a new programme of measures, no further evaluations have been commissioned. The government office also considers that later evaluations would not add value to the findings and proposals for improvement included in the first evaluation from late 2018.²⁷</p>
<p>Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?</p>	<p>No, apart from some indicators that could somehow be linked to the education-related indicators, as set out in the new portfolio of indicators. These include the “assessment of the share of Roma pupils who completed primary education”, “assessment of the number of preschool children included in kindergartens with classes with Roma children” and “number of kindergartens with classes with Roma children”.</p>
<p>Was Roma civil society involved in the development of the strategy? Please provide examples?</p>	<p>Yes. During the public discussion on the draft programme from 25 May to 25 June 2021, two Roma organisations, namely the Union for the Development of Roma Minority – Resurgence (<i>Zveza za razvoj romske manjšine – Preporod</i>) and Romano veseli submitted written recommendations. The former, for example, submitted recommendations regarding scholarships for talented Roma students and subsidies for setting up social enterprises and for</p>

²⁷ Information was provided by the Government of the Republic of Slovenia Office for National Minorities (*Urad Vlade Republike Slovenije za narodnosti*) upon request (email, 4 October 2021).

	<p>self-employed, while the latter proposed certain measures to address the use of psychoactive agents among the Roma.²⁸</p> <p>Representatives of certain Roma organisations took part in public events organised by the Office for National Minorities through its project entitled National platform for the Roma (<i>Nacionalna platforma za Rome</i>) that focused on the new programme. This, for example, includes a November 2019 event dedicated to the development of basic principles, objectives and measures for the preparation of the new national programme in the fields of education, employment, social inclusion and health care. In June 2021, the office organised consultations relating to the draft programme involving representatives of state bodies and two Roma organisations, namely the Roma Community Council of the Republic of Slovenia (<i>Svet romske skupnosti Republike Slovenije</i>), a public law entity representing the interests of Roma in relation to the state bodies, and the Forum of Roma councillors (<i>Forum romskih svetnikov</i>), a civil society organisation.²⁹</p>
<p>Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?</p>	<p>Yes, both the Advocate of the Principle of Equality and the Human Rights Ombudsman submitted their recommendations relating to the draft programme.</p> <p>The former, among other things, pointed to the need that the document clearly states that the measures are intended for all Slovenian Roma groups, including the Sinti, that sectoral objectives are systematically linked to the horizontal objective of fighting and preventing anti-Gypsyism and discrimination, and that specific measures be added to address the consequences of the COVID-19 epidemic in the Roma population.³⁰</p> <p>The Ombudsman pointed to its recommendations, as set out in its annual report published in 2020 (e.g. introduction of the measures targeting older Roma, stepping up activities for drafting a legal act on emergency regulation of the situation in Roma</p>

²⁸ Urad Vlade Republike Slovenije za narodnosti (2021), Pregled prejetih pripomb in predlogov na osnutek Nacionalnega programa ukrepov za Rome za obdobje 2021–2030 in odziv pristojnih organov, Ljubljana, Urad Vlade Republike Slovenije za narodnosti.

²⁹ Information was provided by the Government of the Republic of Slovenia Office for National Minorities (*Urad Vlade Republike Slovenije za narodnosti*) upon request (email, 4 October 2021).

³⁰ Zagovornik načela enakosti (2021), [Priporočilo Zagovornika načela enakosti glede osnutka Nacionalnega programa ukrepov za Rome za obdobje 2021–2030](#), Ljubljana, Zagovornik načela enakosti.

	<p>settlements) and also raised the issue of measurement of the effects of measures implemented, since there was a lack of ethnic data in Slovenia. According to the Ombudsman, effective measurement might require the availability of such data.³¹</p>
<p>Does the new strategy link to the operational programmes for the new EU funding period 2021-2027?</p>	<p>The draft programme sets out that programme funds shall involve funds from the state budget as well as EU structural funds, among other things. Under the programme, certain measures should be funded from the EU funds. These include the following:</p> <p>a) education:</p> <ul style="list-style-type: none"> - Strengthening the communicative capacities of the Roma children and students (€140,000 from the preceding financial perspective; funds from the 2021-2027 Multiannual Financial Framework should be also allocated, but the amount of funds is not specified); - Employing Roma assistants in kindergartens (ESF+ and national budget; €340,000); - Systematisation – Roma assistants: education, training and employment (ESF+ and national budget; €546,000); - Adequate competence of expert workers dealing with members of Roma community (ESF+ and national budget; funds not specified); - Adapting implementation of the secondary school curricula or performing obligations based on a personal education plan in cooperation with local communities (ESF+ and national budget; funds not specified); - Preventing early school leaving (ESF+ and national budget; funds not specified); <p>b) employment:</p> <ul style="list-style-type: none"> - Inclusion of Roma in the state measures in the labour market (ESF and national budget; around €1,500,000 for the Roma, of which 25 % from the ESF); <p>c) social protection, social inclusion, protection of children, women and youth:</p> <ul style="list-style-type: none"> - Co-financing programmes of social activation (ESF+ and national budget; funds not specified); - Co-financing programmes of social activation for Roma women (ESF+ and national budget; funds

³¹ Information was provided by the Human Rights Ombudsman (*Varuh človekovih pravic*) upon request (email, 13 September 2021, response dated 10 September 2021).

	<p>not specified);</p> <ul style="list-style-type: none"> - Re-establishing and strengthening the network of Multipurpose Roma centres (ESF+ and national budget; funds not specified); - Co-financing of activities relating to social inclusion of Roma of Multigenerational centres (ESF+ and national budget; funds not specified); <p>d) inclusion in societal and cultural life:</p> <ul style="list-style-type: none"> - Literacy education for Roma in the field of culture (ESF+ and national budget; funds not specified); <p>e) Strengthening the implementation of measures at the local level:</p> <ul style="list-style-type: none"> - Programmes for Roma social inclusion (EAFRD, funds not specified); - Further support to municipalities regarding the development and operation of multidisciplinary teams to address specific issues in local environments where members of the Roma community live, and regarding the development of concrete and realistic action plans for Roma inclusion, tailored to the needs of each local community (when an event is organised on the initiative of the Government of the Republic of Slovenia Office for National Minorities, it may be funded from the state budget (10 %) and with the EU funds (90 %); the amount of funds not specified; - Monitoring the implementation of measures, provision of information about measures, seeking finding synergies, and identifying and eliminating possible obstacles to the implementation of measures at the local level (national budget (10 %) and EU funds (90 %), amount of funds not specified); - Implementation of various awareness-raising and educational multi-stakeholder events or activities in cooperation with municipalities, other institutions operating in the local environment and members of the Roma community with a view to share experiences, knowledge and success practices at local level, thereby strengthening all stakeholders involved in the process of Roma inclusion and strengthening their cooperation (national budget (10 %) and EU funds (90 %), the amount of funds not specified).
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3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers inclusion

In 2021, regulations governing norms and standards in kindergartens, elementary schools and educational facilities for children with special needs were amended to provide for systematic accommodation of the Roma assistants in Slovenian education system. In the past, Roma assistants were mostly employed on a project basis and their work was funded by the EU funds. The rules governing kindergartens stipulates that a full-time post of Roma assistant shall be available in kindergartens with more than 20 Roma children from Roma settlements, while a half-time post shall be available in kindergartens with between 10 and up to 20 children.³² In elementary schools, a full-time job shall be available in schools with 31 or more Roma children, and a half-time post shall be available in schools with between 16 and up to 30 children.³³ The same standards apply in bilingual primary schools and primary schools with Italian as the language of instruction.³⁴ In primary schools and institutes for children with special needs, a full-time post shall be available in facilities with 13 or more Roma children, while a half-time post shall be available in facilities with between 6 and up to 12 Roma children.³⁵ In all cases, a Roma assistant shall complete secondary or secondary vocational education, or shall have a national vocational qualification as a Roma assistant. In facilities for children with special needs, the post titled additional expert to work with Roma pupils is further laid down. For example, 10 % of a full-time post shall be available in facilities with between four and up to eight Roma pupils, half-time post in facilities with between 14 and up to 19 children, full-time post in facilities with between 27 and up to 34 children, while two full-time posts shall be available in facilities with 45 or more children.³⁶ The new standards have been in use since the beginning of September.

³² Slovenia, [The Rules on norms for the implementation of pre-school education](#) (*Pravilnik o normativih za opravljanje dejavnosti predšolske vzgoje*), 3 April 2014, and subsequent modifications.

³³ Slovenia, [The Rules on norms and standards for the implementation of the primary school programme](#) (*Pravilnik o normativih in standardih za izvajanje programa osnovne šole*), 28 May 2007, and subsequent modifications.

³⁴ Slovenia, [The Rules on norms and standards for the implementation of the primary school programme in bilingual primary schools and primary schools with Italian as the language of instruction](#) (*Pravilnik o normativih in standardih za izvajanje programa osnovne šole v dvojezičnih osnovnih šolah in osnovnih šolah z italijanskim učnim jezikom*),

³⁵ Slovenia, [The Rules on norms and standards for the implementation of education programmes for children with special needs](#) (*Pravilnik o normativih in standardih za izvajanje vzgojno-izobraževalnih programov za otroke s posebnimi potrebami*), 11 June 2007, and subsequent modifications.

³⁶ Slovenia, [The Rules on norms and standards for the implementation of education programmes for children with special needs](#) (*Pravilnik o normativih in standardih za izvajanje vzgojno-*

The National programme of measures of the Government of the Republic of Slovenia for the Roma for the 2017–2021 period (*Nacionalni program ukrepov za Rome Vlade Republike Slovenije za obdobje 2017–2021*, NPUR 2017–2021) is the major government initiative for improving the living conditions of the Roma.³⁷ It was adopted based on the Roma Community in the Republic of Slovenia Act (*Zakon o romski skupnosti v Republiki Sloveniji*),³⁸ and with a view to the EU Framework on national Roma integration strategies. It is valid through the year 2021. The programme consists of a set of measures covering different fields of life, including education, employment, social inclusion, housing, healthcare as well as awareness-raising and fight against discrimination. 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 2021 (i.e. the eighth) report covering developments in 2020, important implemented measures were the following:³⁹

- Education: The project 'Together for knowledge' (*Skupaj za znanje*) is the main initiative in the field of education. It is implemented by the Centre for School and Outdoor Education (*Center šolskih in obšolskih dejavnosti*, CŠOD), a public institute, and is a multi-year project for pre-school and school children. It is based on the following main pillars: operation of a preparatory kindergarten in Kerinov Grm settlement and provision of educational activities in three Multipurpose centres (*Večnamenski centri*) in Roma settlements targeting children who do not attend the mainstream kindergartens or do not attend them regularly; employment of Roma assistants who facilitate better integration of school children and act as a bridge between schools and Roma parents; provision of extra-school learning assistance to school children in seven Multipurpose centres and provision of out-of-class education activities. From the start of the project in 2016 until August 2020, 642 pre-school and primary school children were involved in the project activities carried out in the multipurpose centres (in this same period, project activities also involved 213 Roma parents). In the school year 2019/2020, 263 Roma children attended out-of-class activities. In 2020, 27 Roma assistants were present in 33 schools and five kindergartens across Slovenia. In the school year 2019/2020,

izobraževalnih programov za otroke s posebnimi potrebami), 11 June 2007, and subsequent modifications.

³⁷ Vlada Republike Slovenije (2017), [Nacionalni program ukrepov za Rome Vlade Republike Slovenije za obdobje 2017–2021](#), Ljubljana, Vlada Republike Slovenije.

³⁸ Slovenia, [The Roma community in the Republic of Slovenia act](#) (*Zakon o romski skupnosti v Republiki Sloveniji*), 30 March 2007.

³⁹ Vlada Republike Slovenije (2021), [Osmo poročilo Vlade Republike Slovenije o položaju romske skupnosti v Sloveniji: Priloga 1 – Uresničevanje ukrepov NPUR 2017–2021 v letu 2020](#), Ljubljana, Vlada Republike Slovenije.

they provided active and more regular assistance to an average of 541 pre-school and primary school children per month.

- **Employment:** Members of the Roma community registered with the Employment Service of Slovenia (*Zavod Republike Slovenije za zaposlovanje*, ZRSZ) are included in general state measures in the labour market for unemployed persons and persons whose job is at risk. The state measures include active employment policy (education and training – 132 Roma males and 119 females included in this measure in 2020; employment incentives – seven males and four females included; job creation – 44 males and 56 females included); labour market services (various workshops related to the access to the labour market – 26 males and 15 females included) and services in the Career centres (e.g. career counselling, cooperation with employers in selecting job candidates – 1,430 males and 1,330 females included). In 2020, 262 Roma found a job, 105 of whom in public works and other employment programmes created by the Employment Service. (Please note that the presented data only include persons self-identified as members of the Roma community.) In general, activities for the integration of Roma into the labour market were carried out throughout 2020, albeit in a modified and limited version. For example, Career centres, frequently visited by Roma, were closed during the officially declared epidemic, and assistance and information were provided via telephone and email. Public works, however, mostly went uninterrupted, and in cases when no work could be provided, workers were put on furlough receiving 80 % of the base salary, set out in the relevant labour legislation.
- **Social Protection:** In 2020, four social protection programmes (*socialnovarstveni programi*) supported by the government were targeting at the Roma. Social support programmes are often carried out by NGOs supplementing the existing social protection services (*socialnovarstvene storitve*). Of the four programmes, two were part of the public network of social protection programmes financed on a multi-year basis. Both included day care centres for children – one operated by an NGO and the other by a social work centre. The other two programmes were experimental programmes funded yearly. Both assist the Roma with social inclusion.

An important initiative is also the set-up of seven Multipurpose Roma Centres (*Večnamenski romski centri*, VNRC) in areas with the Roma population. Their aims are prevention of Roma social exclusion, their social activation, integration and empowerment. They were set up in 2017. In 2020, these facilities were closed twice for longer periods of time due to the COVID-19 epidemic. When they provided activities, most of them aimed to inform Roma men and women about measures to prevent the spread of the virus and the need to observe

them. Where possible, parents were offered assistance (instructions, guidelines and explanations) regarding distance education. Other activities were related to e.g. a healthy lifestyle and the possibilities and benefits of inclusion in social activation programmes. (Please note that these are not the same centres as those mentioned in the section on education.)

- Health: In 2020, the government funded four projects aimed at the Roma. Amongst others, the project activities included the following: addressing mental health distress during epidemic via telephone conversations; assisting Roma women in seeking medical help despite emergencies and measures in the country to curb the spread of COVID-19 infections (e.g. informing them that medical assistance is available and that they can visit healthcare facilities subject to measures); inclusion of Roma women and their children in specialist treatment (provision of support, including with the first contact with the specialist, and escorting beneficiaries to the specialist doctor); advocacy and interpretation (escort to medical institutions, joint calls to the healthcare facilities, writing e-mails, reading medical documentation and translating it into a language understandable to the user); support and counselling to pregnant Roma women to help them cope with the situation.
- Housing: In 2020, as in the preceding years, the main focus was on the spatial regulation and provision of communal infrastructure in Žabjaki-Brezje settlement, the largest Roma settlement in the country.
- Awareness raising and fight against discrimination: In 2020, the General Police Directorate (*Generalna policijska uprava*, GPU) continued to deliver training courses under their verified programme 'Awareness of stereotypes, the management of prejudices and the prevention of discrimination in a multicultural community' (*Zavedanje stereotipov, obvladovanje predsodkov ter preprečevanje diskriminacije v multikulturni skupnosti*). The two target groups included public servants in contact with members of the Roma community when exercising their competences and the police officers.

As regards public servants, one of the main purposes of this measure is to raise awareness of prejudices and stereotypes against the Roma in a given environment and to confront civil servants with their own prejudices and stereotypes, as well as to find practical solutions to specific challenges in a particular environment. In 2020, the GPU delivered one training course to public servants. There were seven participants from the Financial Administration of the Republic of Slovenia (*Finančna uprava Republike Slovenije*, FURS). In the same year, one training course involved police officers. They provided the police officers with adequate knowledge on identification and understanding of the various forms of discrimination, understanding of specific features including

those of multicultural communities, and with examples of good practice regarding the successful solution of problem situations in the field. In 2020, 23 police officers attended the training. Although there were plans for more training courses, their number was significantly reduced due to epidemic.

Please see also information in Chapter 1, Section 2 on the discrimination-related national public opinion survey commissioned by the Advocate of the Principle of Equality. According to the respondents, Roma – together with homosexuals – are a group most at risk of being subject to discrimination.

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

4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons
Slovenia ⁴⁰ 1 January – 31 December 2021	a) cessation 5 b) revocation 1	a) acquisition of Slovenian citizenship in all cases b) after a final conviction for a serious criminal offence, the person affected is considered as constituting a danger to the country	a) cessation 2 (in one case, an extension of subsidiary protection was denied on the ground that the person concerned acted contrary to the purposes and principles of	a) 1 – acquisition of Slovenian citizenship; 1 – relinquishing protection b) N/A

⁴⁰ Information was provided by the Ministry of the Interior (*Ministrstvo za notranje zadeve*) upon request (email, 7 September 2021, response dated 2 September 2021; email, 11 January 2022).

			the United Nations (exclusion clause)) b) revocation 0	
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4.2 National border monitoring mechanisms

Country	Legal source providing for border monitoring*	Organisation(s) responsible for monitoring	Is the monitoring body at the at same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities?
Slovenia 1 January – 31 December 2021	Human Rights Ombudsman Act (<i>Zakon o varuhu človekovih pravic</i>), 20 December 1993, and subsequent modifications	Human Rights Ombudsman	Y	SI www.varuh-rs.si/porocila-projekti/publikacije-gradiva/letna-porocila-priporocila-dz-odzivna-porocila-vlade/ (annual reports produced by the Ombudsman) EN www.varuh-rs.si/en/publ	one visit to a police station, five written inquiries with competent authorities, one interview with a petitioner, based on petitions submitted by foreigners to the Ombudsman under the Human Rights Ombudsman	No

				<p>ication-events/publications-documents/annual-reports/ (annual reports produced by the Ombudsman)</p> <p>Information can also be found in other sections on the Ombudsman 's website.</p> <p>In 2021, the Ombudsman also produced a special report on the</p>	Act. ⁴¹	
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⁴¹ Information was provided by the Human Rights Ombudsman (*Varuh človekovih pravic*) upon request (email, 19 January 2022, response dated 18 January 2022).

				<p>situation of human rights of migrants at the borders for the European Network of National Human Rights Institutions (ENNHRI). SI https://ennhri.org/wp-content/uploads/2021/08/Slovenian-National-Report_SLO.pdf</p> <p>EN https://ennhri.org/wp-content/uploads/2021/08/Slovenian-National-Report.pdf</p>		
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Slovenia 1 January – 31 December 2021	Act ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (<i>Zakon o ratifikaciji Opcijskega protokola h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju</i>), 29 September 2006	Human Rights Ombudsman	Y	SI www.varuh-rs.si/o-varuhu/organizacijske-enote-in-svet-varuha/drzavnipreventivnimehanizem/ (kindly see “Letna poročila DPM”) EN www.varuh-rs.si/en/about-us/organisational-units-and-humanrights-council/ombudsman-as-a-nmp/ (kindly see “NPM Annual	7 visits to police stations dealing with migrant population, under the Ombudsman’s mandate as the National Preventive Mechanism. ⁴²	No
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⁴² Information was provided by the Human Rights Ombudsman (*Varuh človekovih pravic*) upon request (email, 19 January 2022, response dated 18 January 2022).

				Reports")		
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*In Slovenia, the law does not provide for a special national border monitoring mechanism.

The powers of the Ombudsman to monitor border procedures are included in its general powers to respond to human rights violations by Slovenian state bodies, local authorities and bearers of public authority under Article 159 of the Constitution of the Republic of Slovenia (*Ustava Republike Slovenije*) and the Human Rights Ombudsman Act. The Ombudsman has the authority to initiate investigations into alleged human rights violations upon receipt of a complaint or on its own motion (Article 26 of the Human Rights Ombudsman Act). The Ombudsman may further monitor respect for human rights within border management in the capacity of National Preventive Mechanism under the Optional Protocol to the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment. Under this instrument, the Ombudsman is granted access to places of detention and to persons who have been deprived of liberty.

Chapter 5. Information society, privacy and data protection

5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

In July 2021, the Ministry of the Interior prepared a Draft Act amending and supplementing the Act on Police Duties and Powers.⁴³ This draft act aims to align national legal provisions with the Regulation (EU) 2019/817 and Regulation (EU) 2018/1862. It also contains provisions intended for more effective performance of police duties. On 6 September 2021, the Information Commissioner issued a statement expressing its concerns regarding proposals for a wide-ranging extension of police powers, listing the most notable:⁴⁴

- permanent video and audio surveillance of certain public areas;
- further extensions of biometric data processing for identity determination and identification;
- direct electronic access by the police to a broad and unspecified range of records;
- inadequate arrangements for automated checking of number plates in public transport;
- unclear permanent monitoring of the processing of personal data of certain protected persons in public sector databases and thus, indirectly, the possibility of permanent police control over the public authorities - the controllers of these databases;

⁴³ Slovenia, Draft Act amending and supplementing the Act on Police Duties and Powers (*Predlog Zakona o spremembah in dopolnitvah Zakona o nalogah in pooblastilih policije*, ZNPPol-C), 20 July 2021.

⁴⁴ Slovenia, Information Commissioner (*Informacijski pooblaščenec*), [Ali predlog sprememb Zakona o nalogah in pooblastilih policije, ki močno širi policijska pooblastila, nevarno tlakuje pot v družbo popolnega nadzora?](#), public release, 6 September 2021.

- the abolition of the obligation for police officers to inform individuals when collecting information about its voluntary nature (rather than the obligation) and the possibility of anonymity when giving information;
- the lack of clarity on the conditions for the use of radar systems to detect presence and movement through walls and devices to detect false base stations;
- the extension of the use of drones for the collection of personal data, including for prevention and surveillance;
- restrictions on access to one's own personal data.

According to the Information Commissioner, most of the proposals do not contain impact assessments on the protection of personal data, while the impact assessments for the Lifeseeker system (a system comparable to IMSI-catcher) and the automated checking of number plates in public transport are deficient and do not contain safeguards to ensure proportionality and avoid risks. The Information Commissioner stated that the proposal envisaged applying biometric measures in police identification in a completely disproportionate manner, as biometric data capture is allowed in every identification procedure. According to the Information Commissioner, such a broad mandate is particularly problematic when combined with automated processing and technical means, including automated face recognition technology, without being linked to specific circumstances and safeguards for the protection of rights. Furthermore, according to the Information Commissioner, the Draft also allows the police to make stationary and permanent (24/7) video and audio recordings of critical infrastructure and security risk areas, without any conditions or restrictions other than the municipality's consent. Given the vagueness of the notion of "security risk areas", this could also include e.g. main squares and city streets, which would seriously interfere with many constitutional rights of individuals (e.g. the right to free and unhindered assembly and association, the right to secrecy of communications). The Information Commissioner also deems inadequate the general authorisation for the police to retrieve personal data themselves from any computerised official public sector records - including those of hospitals, schools, the National Institute of Public Health, the Bank of Slovenia, the eSocial system - through free direct electronic access without a written request and without the active intervention of the controller of the database, as has been the case so far, is also inadequate. The police would be able to consult, copy or extract the data and process it in all their procedures.

5.2 Artificial intelligence and big data

Actor*	Type**	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Government / Parliamentary	Other projects	<p>EU Digital COVID certificate</p> <p>In Slovenia, the certificate is issued by the National Institute of Public Health. The certificate can be obtained:</p> <ul style="list-style-type: none"> • with a qualified digital certificate via portal zvem.eZdrav.si, • at the time of vaccination at the vaccination site, • at one's personal doctor, • at pharmacies (extra charge). <p>On 23 July 2021, the National Institute of Public Health issued an app for verifying the EU digital COVID certificate, which allowed the reading of first and last name, date of birth and information on whether the person was vaccinated, tested or has recovered.</p> <p>At the same time, the Information Commissioner received an appeal and initiated an inspection procedure regarding the application.</p>	<p>No.</p> <p>Human Rights issues are not mentioned in the government ordinances. However, in Information Commissioner's public statements announcing its actions, the commissioner mentions the constitutionally protected right to personal data protection and that the constitutional review is particularly important, since the issue pertains to</p>	<p>Slovenia, National Institute of Public Health (<i>Nacionalni inštitut za javno zdravje</i>), EU Digitalno COVID potrdilo, 23 July 2021.</p> <p>Slovenia, National Institute of Public Health (<i>Nacionalni inštitut za javno zdravje</i>), Objava nove verzije aplikacije za preverjanje EU digitalnih COVID potrdil za mobilne naprave, 5 August 2021.</p> <p>Slovenia, Information Commissioner (<i>Informacijski pooblaščenec</i>), Informacijski pooblaščenec po prejeti prijavi začel inšpekcijski postopek o aplikaciji NIJZ za preverjanje izpolnjevanja pogoja PCT, , 23 July 2021.</p> <p>Slovenia, Information</p>

		<p>On 4 August 2021, the government of the Republic of Slovenia issued the Ordinance on the method of meeting the condition of morbidity, vaccination and testing to curb the spread of SARS-CoV-2 virus infections.</p> <p>The Ordinance prescribed the app as a means of reading the QR code.</p> <p>On 5 August 2021, the National Institute of Public Health issued a new “anonymous app for verifying the EU digital COVID certificate, which allows the reading of name and year of birth”.</p> <p>Since this processing of personal data was prescribed by Ordinance and not the law, the Information Commissioner referred the ordinance to the Constitutional Court for review.</p> <p>On 14 September 2021, the government issued a new Ordinance, which prescribed the vaccinated, tested, recovered rule (which can be proven, among other, by EU Digital COVID certificate) for all workers and all users of services.</p> <p>The government ordinances prescribe that the person for whom</p>	<p>processing and handling of health-related data.</p>	<p>Commissioner (<i>Informacijski pooblaščenec</i>), Applikacija PCT: IP bo prekinil inšpekcijski postopek in vprašanje ustreznosti odloka PCT, s katerim Vlada določa obdelavo osebnih podatkov, prepustil v presojo Ustavnemu sodišču, 5 August 2021.</p> <p>Slovenia, Ordinance on the method of meeting the condition of morbidity, vaccination and testing in relation to COVID-19 (<i>Odlok o načinu ugotavljanja izpolnjevanja pogojev prebolewnosti, cepljenosti in testiranja v zvezi z nalezljivo boleznijo COVID-19</i>), 4 August 2021.</p> <p>Slovenia, Ordinance on the method of meeting the condition of morbidity, vaccination and testing to curb the spread of SARS-CoV-2 virus infections (<i>Odlok o načinu izpolnjevanja pogoja prebolewnosti, cepljenja in testiranja za zajezitev širjenja okužb z virusom SARS-CoV-2</i>),</p>
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		<p>the vaccinated, tested, recovered condition is being verified proves their identity through a public document proving the identity of the persons. Regarding the (in)admissibility of access to personal documents for verification, the Information Commissioner has received numerous questions. They responded that access to a personal document for verifying the accuracy of the data is already allowed by Articles 18 and 82 of the Personal Data Protection Act, respectively. They also reminded that the Information Commissioner has already submitted a request for a constitutional review on the adequacy of the government ordinances on the verification of conditions, but until the Constitutional Court has ruled, the ordinances remain valid.</p> <p>The Information Commissioner has issued guidelines on the verification of the vaccinated, tested, recovered conditions from a personal data protection perspective to assist data subjects: for employers, individuals and schools, respectively.</p>		<p>14 September 2021.</p> <p>Slovenia, Information Commissioner (<i>Informacijski pooblaščenec</i>), Zakon o varstvu osebnih podatkov dopušča vpogled v osebni dokument za namen preverjanja točnosti podatkov, 8 November 2021.</p> <p>Slovenia, Information Commissioner (<i>Informacijski pooblaščenec</i>), Smernice o preverjanju PCT pogojev, 17 September 2021.</p>
Government / Parliamentar	Other projects	National programme for promoting the development and use of artificial intelligence in the Republic of	Yes Strategic goal	Slovenia, National programme for promoting the development

y		<p>Slovenia by 2025.</p> <p>On 27 May 2021, the Government of the Republic of Slovenia confirmed the national programme. It was prepared in an interdisciplinary multi-stakeholder working group, involving different segments of experts and stakeholders from different ministries, experts in the field of AI, law and stakeholders from industry and civil society, who provided their comments and suggestions also from an ethical perspective and human rights compliant use of AI systems.</p> <p>The programme envisions the support for research, introduction and use of AI, while addressing safety, regulation, ethics and public trust.</p>	<p>8 of the programme is to ensure the appropriate legal and ethical framework that will be based on the universal values of the European Union, fundamental freedoms and human rights, with an emphasis on privacy, dignity, the right to a fair procedure, the protection of consumer rights and non-discrimination.</p> <p>The programme states that special attention must be dedicated to the</p>	<p>and use of artificial intelligence in the Republic of Slovenia by 2025 (<i>Nacionalni program spodbujanja razvoja in uporabe umetne inteligence v Republiki Sloveniji do leta 2025 (NpUI)</i>), 27 May 2021.</p>
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			protection of the individual and the processing of personal data, which is elevated to a fundamental right under Article 8 of the EU Charter of Fundamental Rights; and underlines Slovenia's commitment that any processing of personal data complies with the fundamental principles of personal data protection.	
Government / Parliamentary	Other projects	Position paper of the Government of the Republic of Slovenia regarding the Proposal for a Regulation laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislative acts The Republic of Slovenia supports	Yes. The position paper agrees with the identification of the main problems of ensuring an adequate	Slovenia, Position paper of the Government of the Republic of Slovenia regarding the Proposal for a Regulation laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislative acts

		<p>the proposal. Among others, Slovenia agrees with the risk-based approach, which does not regulate the technology but rather its use; it also agrees with the identification of the main problems of ensuring an adequate regulatory regime for AI, i.e. the risk of violation of human rights and freedoms, as well as the risk of safety of products and services, and in this respect the need to ensure clarity and predictability of the legislation concerning the responsibilities of individual stakeholders.</p> <p>The Republic of Slovenia stated that this position paper had been prepared because Slovenia identifies artificial intelligence as one of the priorities of its Presidency of the Council of the EU, which will allow for an active Presidency and the expected progress on the proposal.</p>	<p>regulatory regime for AI, i.e. the risk of violation of human rights and freedoms. The paper states that special attention needs to be focused on the successful and sufficient use of AI systems for ensuring public safety; and that the use of AI must reflect European values and principles; and support and ensure the respect of human rights and fundamental freedoms.</p>	<p>(Stališče Republike Slovenije do Predloga uredbe o določitvi harmoniziranih pravil o umetni inteligenci (akt o umetni inteligenci) in spremembi nekaterih zakonodajnih aktov unije), 10 September 2021.</p>
Government / Parliamentary	National Draft Acts	<p>Electronic Identification and Trust Services Act.</p> <p>The act is implementing the Regulation (EU) No 910/2014 of the European Parliament and of the</p>	No.	<p>Slovenia, Electronic Identification and Trust Services Act (<i>Zakon o elektronski identifikaciji in storitvah zaupanja</i>), 13 July</p>

		Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC. The act was adopted on 13 July 2021.		2021.
NGO	Report/Study	<p>Report: Do EU Governments continue to operate contact tracing apps illegitimately?</p> <p>The publication reports of the research findings regarding the contact tracing applications in nine EU countries, including Slovenia. The chapter on Slovenia was produced by the Peace Institute, a Slovenian private research institute/ NGO.</p> <p>Regarding Slovenia, the study finds that the app was introduced without the involvement of competent state institutions (DPA), experts or civil society. Furthermore, the study concludes that in securing a legal basis for the app, there was no regard for EU and national data protection laws and regulations, the reasoning behind them and the established processes of drawing up laws that encroach on the right to privacy.</p>	Yes.	Civil Liberties Union for Europe (2021), Do EU Governments continue to operate contact tracing apps illegitimately? , Berlin, Civil Liberties Union for Europe.

Business	Other projects	<p>AI4SI Week – Artificial Intelligence for Slovenia</p> <p>During the Slovenian Presidency of the EU Council, the AI4SI initiative of the Chamber of Commerce and Industry of Slovenia (<i>Gospodarska zbornica Slovenije</i>) organised a week dedicated to Artificial Intelligence (13 – 17 September 2021)</p> <p>The discussions addressed, among others, the impact of the upcoming EU package of legislation and regulations on the life of an entrepreneur; for example, which AI components and solutions will need to be certified and who will be responsible; and the impact on providers and consumers.</p>	No. No direct mention.	Chamber of Commerce and Industry of Slovenia (<i>Gospodarska zbornica Slovenije</i>), Teden AI4SI – Umetna inteligenca za Slovenijo , September 2021.
Academia	Other projects	<p>Conference: Artificial Intelligence, Human Rights and Social Harm (<i>Umetna inteligenca, človekove pravice in družbena škoda</i>)</p> <p>On 15 June 2021, The Institute of Criminology (Faculty of Law, University of Ljubljana) organised the conference, addressing the issues, among others, of using AI in public administration, effects on</p>	Yes.	The Institute of Criminology at Faculty of Law (<i>Inštitut za kriminologijo pri Pravni fakulteti Univerze v Ljubljani</i>), Umetna inteligenca, človekove pravice in družbena škoda , June 2021.

		democratic processes, facial recognition technologies and its effects on human rights, AI algorithms and criminology; and the outlines of AI regulation at the EU level		
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Chapter 6. Rights of the child

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

<p>Measures to address the specific vulnerabilities of children living in poverty</p>	<p>During the COVID-19 pandemic, the state adopted eight packages of measures for mitigation of consequences. The majority of these were adopted in 2020, and they also included income support for families and children. On 29 December 2020, the seventh Anti-corona Package was adopted.⁴⁵ This act provided for several measures for children and families, including the increase of the childcare allowance (by € 100). The higher amount was paid from January 2021 (until the end of the epidemic), and in January 2021 the beneficiaries also received a reimbursement of the higher care allowance for October, November and December 2020.⁴⁶ The eight package was adopted in 2021: Act on Additional Measures for Mitigation of Consequences COVID-19.⁴⁷ However, this law did not provide for special measures for children, but for high school students over 18 years of age (one-off solidarity allowance in the amount of € 50) and students in higher education ((one-off solidarity allowance in the amount of € 150).</p> <p>EU Child Guarantee</p> <p>During the negotiation process for the adoption of the ECG, Slovenia adopted a position paper, supporting the adoption of the proposal, as it considered the initiative to be essential for equalising the life chances of all children and for breaking the intergenerational cycle of social exclusion.⁴⁸</p> <p>During Slovenia's Presidency of the Council of the EU, events on support to successful implementation of the ECG were organised (thematic discussion within the Social Protection Committee and online conference "Child Guarantee – Equal Chances for Every Child" in November 2021).⁴⁹</p>
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⁴⁵ Slovenia, [The Act determining intervention measures to assist in mitigating the consequences of the second wave of COVID-19 epidemic](#) (*Zakon o interventnih ukrepih za pomoč pri omilitvi posledic drugega vala epidemije COVID-19*), 29 December 2020.

⁴⁶ Slovenia, the Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*), '[Izplačila povišanega dodatka za nego otroka](#)', public release, 6 September 2021

⁴⁷ Slovenia, [Act on Additional Measures for Mitigation of Consequences COVID-19](#) (*Zakon o dodatnih ukrepih za omilitve posledic COVID-19, ZDUOP*), 3 February 2021.

⁴⁸ 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).

⁴⁹ Slovenia, Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*), '[Zmanjševanje revščine otrok je MDDSZ postavilo v središče predsedovanja Svetu EU](#)', public release, 9 November 2021.

	<p>The Ministry of Labour, Family, Social Affairs and Equal Opportunities is preparing a national action plan with the purpose of implementing the ECG.⁵⁰ The ministry is setting up an inter-ministerial working group, since specific recommendations are related to the competences of the Ministry of Health, the Ministry of Foreign Affairs and the Ministry of the Environment and Spatial Planning. Furthermore, the ministry is setting up a consultative group, which will include NGOs in the field of child rights and social protection, the Social Protection Institute of the Republic of Slovenia (<i>Inštitut Republike Slovenije za socialno varstvo, IRSSV</i>) and the National Institute for Public Health (<i>Nacionalni inštitut za javno zdravje, NIJZ</i>). The ministry is also exploring the possibilities for the participation of children in the preparation of the action plan.⁵¹</p>
<p>Measures to protect children from violence</p>	<p>On 18 May 2021, the Council of the Republic of Slovenia for Children and Family (<i>Svet Republike Slovenije za otroke in družino</i>), a permanent consultative body of the Government of the Republic of Slovenia, held a thematic session mainly devoted to the mental health of children and adolescents.⁵² The session highlighted the increase in the number of children in distress (related to COVID-19) who are seeking help from the TOM helpline for children,⁵³ as well as the problem of (un)responsiveness of public services to the needs of families who were facing multiple challenges even before the outbreak of COVID-19. The session also highlighted the challenges in the field of child and adolescent mental health and the need for an integrated approach to tackling them, requiring inter-ministerial cooperation and actions aimed at protecting children and adolescents.</p> <p>To address the need to improve protection against family violence, the Ministry of Labour, Family, Social Affairs and Equal Opportunities:⁵⁴</p> <ul style="list-style-type: none"> - strengthened the communication with social work centres and the police; - instructed all providers of social protection activities that family violence and all urgent tasks under the Domestic Violence Prevention Act are emergencies in which social

⁵⁰ 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).

⁵¹ 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).

⁵² Slovenia, Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*), '[Sedma seja Sveta Vlade RS za otroke in družino](#)', public release, 19 May 2021.

⁵³ Slovenia, [TOM helpline for children](#) (*TOM Telefon za otroke in mladostnike*).

⁵⁴ 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).

	<p>work centres continue to carry out public mandates uninterruptedly and, when necessary, also through personal visits with clients (regardless of the measures to fight the pandemic);</p> <ul style="list-style-type: none"> - in 2021 the ministry published a call for tenders for the funding of psychosocial programmes entitled Support for families in situations of risk and/or high conflict from September 2021 to September 2022.⁵⁵ The aim of the call for tenders was to support social work centres in their work with families in situations of risk and/or high conflict, or to address the issues of families in situations of risk and/or high conflict; - from January 2021, the SOS helpline for women and children has been available 24/7.⁵⁶ <p>The Police carry out awareness-raising activities regarding violence against children and youth, by using the Police website and social media (Facebook and Instagram). By using social media, the Police strive to reach out to children with content about peer violence, the pitfalls of the internet, and how to report violence:⁵⁷</p> <ul style="list-style-type: none"> - on Safer Internet Day, the police posted (website and FB) advice about sending intimate images ("Think before you post");⁵⁸ - "Parental supervision is key to keeping children safe online" - the police posted advice for parents;⁵⁹ - 2021 International Day of Families: "Families and New Technologies" - the police posted about the impact of new technologies on family relations;⁶⁰ - 2021 International missing children's day - the police posted a video "5-Step Challenge: do you recognise signs of online grooming?"⁶¹ - "Sun protection is important. What about protection online?" - the police posted advice for preventing online abuse;⁶²
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⁵⁵ Slovenia, Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*), '[Javni razpis za financiranje psihosocialnih programov za podporo družinam v tveganih in/ali visoko konfliktnih situacijah](#)', public release, 12 July 2021.

⁵⁶ Slovenia, General Police Directorate (*Generalna policijska uprava*), '[Še več pomoči za žrtve nasilja: od 1. januarja svetovalna linija društva SOS telefon deluje 24 ur na dan](#)', public release, 28 December 2020.

⁵⁷ Information provided by the General Police Directorate upon request (email, 7 September 2021).

⁵⁸ Slovenia, General Police Directorate (*Generalna policijska uprava*), '[Najprej premisli, šele nato objavi: obeležujemo svetovni dan varne rabe interneta](#)', public release, 9 February 2021.

⁵⁹ Slovenia, General Police Directorate (*Generalna policijska uprava*), '[Za varnost otrok na spletu je ključen nadzor staršev: otroci čedalje pogosteje dostopajo do neprimernih vsebin in neprimerne vsebine tudi objavljajo](#)', public release, 23 April 2021.

⁶⁰ Slovenia, General Police Directorate (*Generalna policijska uprava*), '[Letošnji mednarodni dan družin obeležujemo pod geslom Družine in nove tehnologije](#)', public release, 15 May 2021.

⁶¹ Slovenia, General Police Directorate (*Generalna policijska uprava*), '[Mednarodni dan pogrešanih otrok letos obeležujemo s plesno kampanjo: prepoznaš pet korakov groominga?](#)', 15 May 2021.

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| | - The police posted advice for parents regarding posting children's photos online. ⁶³ |
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6.2 Legal and policy developments or measures relating to criminal proceedings

Legislative changes	<p>On 17 December 2020, the Act Amending Criminal Procedure Act (ZKP-O) was adopted with the aim to transpose the Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.⁶⁴ The law entered into force on 13 January 2021. The solutions of the proposed act include, among other things, a requirement that the best interest of the minor is always taken into account in the proceedings; training of stakeholders involved in proceedings against a minor; the extension of mandatory defence cases and the explicit provision that minors have the right to a lawyer already in pre-trial proceedings; informing minors on their rights in an understandable and accessible manner; informing their parents or guardian of the rights of the minor; providing for the right of the minor to be accompanied by a parent or guardian in the proceedings; the specifics of the treatment of a minor deprived of liberty are specified as well.</p> <p>Based on the described amendment of the Criminal Procedure Act, 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 were adopted.⁶⁵</p> <p>On 26 March 2021, the Protection of Children in Criminal Procedure and their Comprehensive Treatment in Children's House Act was adopted.⁶⁶ The act is an important step towards the establishment of a pilot House for Children according to the</p>
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⁶² Slovenia, General Police Directorate (*Generalna Policijska Uprava*), '[Zaščita pred soncem je pomembna - kaj pa zaščita na spletu?](#)', public release, 22 June 2021.

⁶³ Slovenia, General Police Directorate (*Generalna Policijska Uprava*), '[Zakaj odsvetujemo objavljanje fotografij otrok na spletu – preventivni nasveti za starše](#)', public release, 14 July 2021.

⁶⁴ Slovenia, [The Act amending the Criminal procedure act](#) (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku*), 17 December 2020.

⁶⁵ Slovenia, [The 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*), 30 April 2021.

⁶⁶ Slovenia, [The 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*), 26 March 2021.

	<p>Barnahus model in Slovenia. Although the act is primarily addressing the needs of child victims and witnesses of criminal offences, the comprehensive treatment of children, as provided by this act, may also be used mutatis mutandis in the procedures with children who are suspects or accused persons in criminal proceedings. More information regarding the Act is provided in Chapter 7.1 of this submission.</p>
<p>Policy developments</p>	<p>As cited above, based on the law transposing the Directive, Rules on the programme and the procedure regarding the implementation of training for judges, state prosecutors, police officers, defence counsels and mediators were adopted.⁶⁷ The law does not require that judges, prosecutors, lawyers and police officers involved in the proceedings against minors receive mandatory training, the only obligation of the state is to provide basic and regular training (new Article 452b of the Act Amending Criminal Procedure Act).</p> <p>The rules stipulate that the purpose of the training is to refresh participants' knowledge, to provide them with in-depth, additional and specialised knowledge, and to acquaint them with scientific advances in the field of juvenile offenders and juvenile delinquency, in particular in the area of children's rights, appropriate interview or interrogation techniques, child psychology and communication in a language adapted to the child, the enforcement of criminal sanctions for juveniles, and an understanding of the development of the juvenile (Article 2 of the Rules).</p> <p>The providers of the training are:</p> <ul style="list-style-type: none"> - Ministry of Justice, Centre for Judicial Training (<i>Ministrstvo za pravosodje, Center za izobraževanje v pravosodju</i>) (for judges, state prosecutors and mediators); - the Ministry of the Interior (for police officers); - the Slovenian Bar Association (for lawyers, in accordance with its Statute and its internal organisational rules). <p>To ensure comparable quality of training for all participants, providers exchange information on training programmes and trainers (Article 2(3) of the Rules).</p> <p>The Rules state that regular training shall be provided at least once a year. The Rules also prescribe that the duration of the training must be at least 18 teaching hours.</p> <p>In accordance with the Rules, the training can take place in the form of lectures, seminars and workshops, but it can also be carried out in the form of field visits, particularly field visits to establishments where juvenile penalties are enforced.</p> <p>The Rules stipulate that judges, public prosecutors, police officers, lawyers and mediators will be referred or invited for</p>

⁶⁷ Slovenia, [The 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*), 30 April 2021.

	<p>training in such a way that, within three years of the entry into force of these Rules, basic training is made available to all those involved in proceedings against minors (Article 10 of the Rules).</p> <p>Since September 2021, the Ministry of Justice has been carrying out a one-year project funded by the European Commission's technical assistance programme, which will provide for a thorough analysis of the situation in the field of treatment of juvenile offenders, including case studies.⁶⁸</p>
Other measures or initiatives	No activities to promote alternatives to detention, community involvement or general initiatives related to the dissemination and information in relation to the entering into force of the Directive could be identified.

Chapter 7. Access to justice

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*)⁶⁹ and the Act amending the Social Assistance Act (*Zakon o spremembah in dopolnitvah Zakona o socialnem varstvu, ZSV-I*).⁷⁰

On 28 September 2021, the Ministry of Labour, Family, Social Affairs and Equal Opportunities of the Republic of Slovenia (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) in cooperation with the Social Chamber of Slovenia (*Socialna zbornica Slovenije*) organised training for employees of the social work centres on the implementation of their new social welfare service of victim support, which was introduced with the 2019 Act amending Social Assistance

⁶⁸ Information was provided by the Ministry of Justice (*Ministrstvo za pravosodje*) upon request (email, 15 October 2021).

⁶⁹ Slovenia, [The Act amending the Criminal procedure act](#) (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku*), 26 March 2019.

⁷⁰ Slovenia, [The Act amending the Social assistance act](#) (*Zakon o spremembah in dopolnitvah Zakona o socialnem varstvu*), 25 April 2019.

Act.⁷¹ The participants were informed about the rights of victims of crime and the experience of the police and the Victim Support Service at the Ljubljana District Court in working with victims.⁷²

According to the Ministry of Labour, Family, Social Affairs and Equal Opportunities, in 2020, the service of victim support was provided by the social work centres to 465 beneficiaries. The ministry further reports that the centres for social work strived to make the support for victims of crime as accessible as possible during the COVID-19 pandemic. During the periods of "lockdown", the social work centres were open for beneficiaries. They adapted their working methods to the situation and were accessible by telephone and email. As a rule, users had to pre-arrange their visit to the social work centres by phone or email, and support and information were available at the entrance to provide information and guidance to the clients.⁷³ In all urgent and immediate cases and crisis situations, professionals were present on-site and all social welfare services were provided without interruption.

On 26 March 2021, the Protection of Children in Criminal Procedure and their Comprehensive Treatment in Children's House Act was adopted.⁷⁴ The act is an important step towards the establishment of a pilot House for Children according to the *Barnahus* model in Slovenia. The law establishes that the integrated treatment of child victims and witnesses is a public service provided by the state and will be carried out in a special public institution. The treatment in the institution is intended for children who are victims or witnesses of crimes affecting the integrity of the child, e.g. crimes against sexual integrity, and crimes against life and body. If this is the best solution to protect the best interests of the child in a particular case, integrated treatment may also be provided to child victims or witnesses of other crimes or to juvenile offenders. If the capacity of the institution so permits, the police and social work centres may also use the Children's House to carry out their tasks in proceedings concerning minor victims and witnesses of crime. The Act sets out in detail the procedure for treatment in the Children's House: this includes interviews with the child, a physical examination of the victim, crisis support and psychosocial assistance. The Act provides that the hearing shall be initiated with a court order. The court

⁷¹ 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).

⁷² Slovenia, Ministry of Justice (*Ministrstvo za pravosodje*), '[Seminar Delo z žrtvami kaznivih dejanj za delavce CSD](#)', public release, 7 October 2021.

⁷³ 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).

⁷⁴ Slovenia, [The 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*), 26 March 2021.

thus retains the substantive procedural management of the hearing itself, leaving the organisation and the conduction of the hearing to the Children's House. Before the hearing is held, a preparatory meeting shall be organised where the participants make statements on the facts and circumstances relevant for the hearing, on the questions to be put to the child and on the manner in which the hearing is to be conducted. The hearing is to be conducted in a separate room by a designated expert of the institution, after the starting points agreed at the preparatory meeting. The presence of other persons is ensured in a separate room via audio and visual links. During the hearing, the judge will communicate with the expert by electronic communications equipment or other appropriate means. The hearing will be recorded and may be used both in criminal and other judicial proceedings. The child will be provided with crisis support and psychosocial assistance at all times in the Children's House by a designated child counsellor. Crisis support means providing support to the child at the time of the hearing or personal examination. Psychosocial support means a more permanent form of support that follows after the hearing. The child's involvement in crisis support and psychosocial assistance is voluntary. Qualified personnel will be essential for the performance of all tasks, and the law, therefore, sets out the required level and course of education, previous experience of working with children and additional training to be provided by the institution, both for the professionals who will assist in conducting the interviews of children and for the counsellors for crisis support and psychosocial assistance.⁷⁵

7.2 Measures addressing violence against women

The Resolution on the National Programme of Family Violence Prevention and Violence against Women 2020–2025, which the Ministry of Labour, Family, Social Affairs and Equal Opportunities began drafting in 2019 is still in preparation.⁷⁶

Available statistical data show that in 2020, during the COVID-19 pandemic, the number of criminal offences of domestic violence has increased by 10 %.⁷⁷ While some indicators in police records show lower numbers (the number of minor

⁷⁵ Slovenia, Ministry of Justice (*Ministrstvo za pravosodje*), '[Državni zbor sprejel Zakon o zaščiti otrok v kazenskem postopku in njihovi celostni obravnavi](#)', public release, 26 March 2021.

⁷⁶ Information was provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities of the Republic of Slovenia (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) upon request (email, 2 October 2020).

⁷⁷ RTV SLO MMC (2021), '[Nasilje v družini postaja vse okrutnejše](#)', 13 February 2021.

offences related to domestic violence has decreased by 23%),⁷⁸ last year there was a higher number of more serious and more violent criminal offences: more rapes, more threats and more murders within families.⁷⁹

The Ministry of Labour, Family, Social Affairs and Equal Opportunities also recognises that the risk factors for domestic violence are increasing. In 2021, the ministry was co-financing 36 social protection programmes aimed at violence prevention. The co-financed programmes include maternity homes, safe houses, shelters, crisis centres, information and counselling, treatment of victims of sexual violence, treatment of perpetrators of violence, telephone counselling, integrated treatment of victims of violence among persons with disabilities, and other prevention programmes in the field of prevention of violence against the elderly.⁸⁰ Since the calls for proposals for the co-financing of social protection programmes are rolled out annually, the ministry can continuously adapt the content of the call to the current situation on the ground and is in constant contact with the providers.⁸¹

In the instructions for social welfare providers, the ministry defined domestic violence and all the urgent tasks under the Domestic Violence Prevention Act as an urgent matter, so that the social work centres carried out their tasks for protecting victims of violence without interruption and when necessary, also through personal visits with clients, regardless of the COVID-19 measures.⁸² In cooperation with the police, the ministry harmonised the guidelines for the investigation of domestic violence and the procedures to be followed when infection or symptoms of infection are detected in a victim or perpetrator of violence.

In cooperation with the Government Communications Office (*Urad vlade za komuniciranje*, UKOM), the ministry prepared contact details information on contact details for telephone counselling services for victims of violence and people in mental distress.⁸³ The National Institute of Public Health also published

⁷⁸ RTV SLO MMC (2021), '[Nasilje v družini postaja vse okrutnejše](#)', 13 February 2021.

⁷⁹ Dnevnik (2021), '[Katja Zabukovec Kerin, Društvo za nenasilno komunikacijo: Žrtve imajo med epidemijo manj možnosti za umik](#)', 13 March 2021.

⁸⁰ 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).

⁸¹ 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).

⁸² 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).

⁸³ 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).

contacts of the telephone counselling centres of the programme providers on its websites related to COVID-19.

From January 2021, the SOS helpline for women and children has been available 24/7.⁸⁴

In 2019, a public discussion began on the existing definition of rape, as set out in Article 170 of the Criminal Code. On 21 July 2020, the Ministry of Justice submitted to the inter-ministerial coordination the Draft act amending the Criminal Code, which also contained amendments to the chapter on crimes against sexual integrity, which represent the transition from the traditional "model of coercion" to the "model of consent".⁸⁵ During the preparation of the amendment, the ministry organised several meetings with interested NGOs, and a consensus was reached that in crimes of rape, sexual violence and sexual abuse of a weak person, the legislation must go beyond the traditional model of coercion and legitimise the model of consent. However, no agreement was reached on the choice of the sub-type of consent model – representatives of non-governmental organisations insisted on determining the criminal offence following the "affirmative consent model" and the ministry supported the "veto model" as the model of consent.

The proposal the ministry submitted to the inter-ministerial coordination followed the "veto model", meaning that the use of force or threat by the perpetrator is no longer part of the legal definition, nor does it require the victim to physically resist the perpetrator, but the victim must express their disagreement outwardly or be in a position where disagreement or consent cannot be expressed at all (complete passivity, intoxication, unconsciousness, crippling fear, etc.).⁸⁶

After the submission of the said proposal, the process of adopting the amendment stalled. The Institute of the 8th March (*Inštitut 8. marec*), an NGO, has prepared its own legislative proposal in accordance with the "affirmative consent model". In February 2021, the Institute lodged an initiative to collect signatures in support of the proposed amendment to the Criminal Code and managed to collect sufficient number of signatures by the prescribed deadline. As they were about to submit the voters' signatures to the National Assembly,

⁸⁴ 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).

⁸⁵ Slovenia, Ministry of Justice (*Ministrstvo za pravosodje*), '[Spremembe Kazenskega zakonika, ki se nanašajo tudi na kazniva dejanja zoper spolno nedotakljivost, včeraj posredovane v usklajevanje](#)', public release, 22 July 2020.

⁸⁶ Slovenia, Ministry of Justice (*Ministrstvo za pravosodje*), '[Spremembe Kazenskega zakonika, ki se nanašajo tudi na kazniva dejanja zoper spolno nedotakljivost, včeraj posredovane v usklajevanje](#)', public release, 22 July 2020.

the government submitted its own amendment of the Criminal Code in the parliamentary procedure, without publishing any materials beforehand, so that it was not clear which model of consent was included in the proposal.⁸⁷ However, the government proposal was later withdrawn from consideration due to procedural shortcomings, and the Institute's proposal was therefore taken up first.⁸⁸

On 4 June 2021, the amendment to the Criminal Code determining the criminal offences of rape, sexual violence and sexual abuse of a weak person according to the "affirmative consent model" was adopted.⁸⁹

On 12 October 2021, the first evaluation report on the implementation by Slovenia of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ("the Istanbul Convention") was released.⁹⁰ While the report highlights many positive legal and policy measures, it also points out that less policy attention, funding, and political support is directed towards other forms of violence against women covered by the convention, in particular rape, stalking, forced marriage/abortion/sterilisation and female genital mutilation. Furthermore, Slovenia is lacking an integrated system of data collection concerning all the forms of violence. The report welcomes Slovenia's achievement of the minimum number of shelters per capita recommended by the Istanbul Convention documents. Several recommendations were made, including systematic and mandatory initial and in-service training, incorporating a gender approach, for all relevant professionals who deal with victims and/or perpetrators of all forms of violence; setting up appropriate and easily accessible rape crisis and/or sexual violence referral centres; implement the newly adopted provisions of the Criminal Code covering the criminal offences of rape and sexual violence to fully incorporate the notion of freely given consent and to conform to the convention's standards in relation to the offences of marital rape and sexual violence against a spouse or partner.

⁸⁷ Dnevnik (2021), '[Vlada neuspešno preigravala Inštitut 8. marec](#)', 25 February 2021.

⁸⁸ Mladina (2021), '[Inštitut premagal vlado](#)', 25 February 2021.

⁸⁹ Slovenia, [The Act amending the Criminal code](#) (*Zakon o spremembah in dopolnitvah Kazenskega Zakonika – KZ-1H*), 4 June 2021.

⁹⁰ Council of Europe, '[Slovenia: first report on implementation of the Istanbul Convention notes many positive measures](#)', public release, 12 October 2021.

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

8.1 CRPD policy & legal developments

On 27 May 2021, Constitutional Act Amending Chapter II of the Constitution of the Republic of Slovenia was adopted.⁹¹ The Constitutional Act added a new Article 62a on sign language and language of the deafblind to the Constitution. The new provision stipulates:

“The free use and development of Slovenian sign language is guaranteed. In areas of municipalities where Italian or Hungarian are also official languages, the free use of Italian and Hungarian sign languages shall be guaranteed. The use of these languages and the status of their users shall be regulated by law.

The free use and development of the language of the deafblind is regulated by law.”

This means that deaf people, whose mother tongue is Slovenian, will be able to fully exercise all human rights and fundamental freedoms, as set out in the Convention on the Rights of Persons with Disabilities. By making the languages of the deaf and deafblind a constitutionally protected category, which will effectively enable them to fully exercise all human rights and fundamental freedoms, a solid foundation is laid for the further guarantee of the rights of persons with hearing impairments at all levels of society, especially in the areas of the further development of sign language, education and employment.⁹²

In relation to the implementation of the European Accessibility Act, the Ministry of Labour, Family, Social Affairs and Equal Opportunities formed an inter-ministerial working group, which includes representatives from all relevant ministries as well as representatives of persons with disabilities. According to the ministry, the working group is already preparing a draft law on access to products and services.⁹³

⁹¹ Slovenia, [The Constitutional act amending Chapter II of the Constitution of the Republic of Slovenia](#) (*Ustavni zakon o dopolnitvi II. poglavja Ustave Republike Slovenije*), 27 May 2021.

⁹² Slovenia, Human Rights Ombudsman (*Varuh človekovih pravic*), '[Varuh pozdravlja vpis znakovnega jezika v Ustavo](#)', public release, 28 May 2021.

⁹³ 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).

In 2020, the measures adopted to mitigate the consequences of the epidemic included persons with disabilities. Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy provided for a payment of a one-off solidarity allowance for vulnerable groups (recipients of social assistance funds or supplementary benefits) in the amounts between € 130 and € 300 to recipients of disability insurance benefits, parents of children with special needs.⁹⁴ The act also provided for a monthly crisis allowance in companies employing persons with disabilities and employment centres. However, the Human Rights Ombudsman found that the government excluded persons with disabilities who received their status under the Rehabilitation and Employment of Disabled Persons Act from the measures.⁹⁵ Since unemployable persons with a disability status under this act were not included among the recipients of the solidarity allowance as disabled persons in both waves of the epidemic of COVID-19, the Ombudsman concluded that the described conduct was contrary to Article 14 of the Constitution of the Republic of Slovenia (equality before the law).

On 14 October 2021, the Government of the Republic of Slovenia adopted the Action Programme for Persons with Disabilities for 2022–2030 (Akcijski program za invalide 2022–2030).⁹⁶ The programme aims to promote, protect and ensure the full and equal enjoyment of the human rights of persons with disabilities and to promote respect for their dignity. It comprises thirteen core objectives with a total of 120 actions covering all areas of the lives of persons with disabilities and covering the period 2022–2030: raising awareness and providing information; accommodation and integration, accessibility; education and training; work and employment; financial and social security; health and healthcare; cultural participation; sport and leisure activities; religious and spiritual life; self-organisation of people with disabilities; violence and discrimination; and ageing with a disability.

On 9 December 2021, Long Term Care Act was adopted.⁹⁷ 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

⁹⁴ Slovenia, [The Act determining the intervention measures to contain the COVID-19 epidemic and mitigate its consequences for citizens and the economy](#) (*Zakon o interventnih ukrepih za zaježitev epidemije COVID-19 in omilitev njenih posledic za državljane in gospodarstvo*), 2 April 2020.

⁹⁵ Slovenia, Human Rights Ombudsman (*Varuh človekovih pravic*), '[Pri določitvi upravičencev do solidarnostnega dodatka spregledane osebe s statusom invalida po ZZRI](#)', public release, 26 July 2021.

⁹⁶ Slovenia, Government of the Republic of Slovenia (2021), [Action Programme for Persons with Disabilities 2022–2030](#) (*Akcijski program za invalide 2022–2030*), Ljubljana, Government of the Republic of Slovenia.

⁹⁷ Slovenia, [The Long-term care act](#) (*Zakon o dolgotrajni oskrbi*), 9 December 2021.

and benefit from their rights under the law. The focus is on bringing services closer to the individual's home, so that even as a beneficiaries of long-term care, they can remain in their home environment for as long as possible.⁹⁸ The act defines a public network to be developed jointly by the State and local authorities. It provides for formal care in an institution or at home, introduces the right to a family carer, services to promote and maintain independence, and the possibility for the beneficiary to opt to benefit from the right in the form of a cash benefit.

8.2 CRPD monitoring at national level

In 2021, there were no changes relating to the structures set up under Article 33 of the CRPD Convention. The Council for Persons with Disabilities is a tripartite body, composed of seven members of the government, seven members of professional institutions and seven members of disability organisations. As of 13 October 2021 this will be the third term of office of this Council. In previous years, the Ministry of Labour, Family, Social Affairs and Equal Opportunities had an analysis carried out on how best to establish a body that would meet all the principles required by Article 33 of the Convention on the Rights of Persons with Disabilities.⁹⁹ In 2019, the Ministry 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.

According to the ministry, no monitoring was conducted.

⁹⁸ Slovenia, Ministry of Health (*Ministrstvo za zdravje*), '[Državni zbor sprejel Zakon o dolgotrajni oskrbi](#)', public release, 9 December 2021.

⁹⁹ 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).

Annex 1 – Promising Practices

Thematic area	<p style="text-align: center;">EQUALITY AND NON-DISCRIMINATION</p> <p style="text-align: center;">Please provide one example of a practice to tackle nationality-based discrimination, or discrimination against LGBTI people, 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 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.</p>
Title (original language)	Dojemanje in izkušnje z diskriminacijo v Sloveniji v letu 2020
Title (EN)	Perceptions and experience with discrimination in Slovenia in 2020
Organisation (original language)	Zagovornik načela enakosti
Organisation (EN)	Advocate of the Principle of Equality
Government / Civil society	Equality body
Funding body	Advocate of the Principle of Equality/ Zagovornik načela enakosti
Reference (incl. URL, where available)	<p>Some findings are available in Advocate of the Principle of Equality (2021), Annual Report of the Advocate of the Principle of Equality for 2020: Systemic overview, Ljubljana, Advocate of the Principle of Equality, pp. 143-146, www.zagovornik.si/wp-content/uploads/2021/06/Redno-letno-porocilo-za-letno-2020-ANNUAL-REPORT-2019-SYSTEMIC-OVERVIEW.pdf.</p> <p>First limited findings published in 2021. Research report is yet to be published.</p>

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Late 2020: 30 October – 9 November (first limited findings published in 2021)
Type of initiative	Public opinion survey
Main target group	Population of the Republic of Slovenia
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Advocate of the Principle of Equality, national equality body, for the second time commissioned a national discrimination survey. The purpose of the public opinion survey was to look into people's attitudes and experiences regarding discrimination, and to provide for an assessment of the Advocate's public visibility. The survey is representative for the population of Slovenia aged between 18 and 75 years by gender, age, region and education. The sample captured 1,007 persons. The research exercise involved a combination of computer-assisted telephone survey and computer-assisted online survey.
Highlight any element of the actions that is transferable (max. 500 chars)	All elements of the initiative are transferable.
Give reasons why you consider the	Following a 2017 discrimination survey, this is the second national survey commissioned by the national equality body, showing its commitment to employ more expansive research methodologies on a relatively

<p>practice as sustainable (as opposed to 'one off activities')</p>	<p>regular basis.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The practice itself is an exercise measuring perceptions and experiences with discrimination in Slovenia, and, notably, it involves a national sample representative by gender, age, region and education. As noted, the purpose of the public opinion survey was to look into people's attitudes and experience regarding discrimination, and to provide for an assessment of the visibility of the Advocate of the Principle of Equality.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The practice can be relatively easily transferable, provided, for example, that funds are available. The first Slovenian exercise from 2017, for instance, draw inspiration from a discrimination survey implemented by the Croatian Ombudsman.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review</p>	<p>The equality body drafted a special questionnaire in cooperation with an external contractor. The Institute for Market and Media Research Mediana I.I.c (<i>Inštitut za raziskovanje trga in medijev Mediana, d. o. o</i>) carried out the survey.</p>

assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	See above.

Thematic area	<p style="text-align: center;">RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p style="text-align: center;">Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</p>
Title (original language)	Spletno oko
Title (EN)	Web Eye
Organisation (original language)	Univerza v Ljubljani, Fakulteta za družbene vede; ARNES – Akademska in raziskovalna mreža Slovenije; Zavod MISSS - Mladinsko informativno svetovalno središče Slovenije; Zveza prijateljev mladine Slovenije
Organisation (EN)	University of Ljubljana, Faculty of Social Sciences (coordinator); ARNES – Academic and research network of Slovenia; MISS Institute - Youth Information and Counselling Centre of Slovenia; Slovenian Association of Friends of Youth
Government / Civil society	Academic; public institute; civil society organisations
Funding body	European Commission; Government Information Security Office (Urad vlade za informacijsko varnost)
Reference (incl. URL, where	www.spletno-ok.si/

available)	
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2007 - ongoing
Type of initiative	Monitoring, awareness raising
Main target group	General public, the police
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Spletno oko is an online hotline platform where concerned individuals can report incidents of alleged hate speech they observe on the internet. After assessing individual cases, the hotline team forwards to the police cases which in their opinion include elements of incitement to hatred, violence or intolerance prohibited under the Criminal Code. For example, according to its last annual report released in June 2021, the hotline referred 67 cases to the police for further investigation in 2020. In late November 2021, the platform organised expert consultation on trends and challenges regarding online hate and discriminatory speech in Slovenia.
Highlight any element of the actions that is transferable (max.	Similar initiatives already exist in several EU Member States. However, elements that could be transferrable include: <ul style="list-style-type: none"> - introducing on-line platform enabling reporting of instances of hate speech; - evaluation of incidents and reporting of relevant incidents to the police.

500 chars)	
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The initiative is already more than a decade old. Among other things, it is also a part of a larger network (e.g. INHOPE) which is funded by the European Commission and state institutions.
Give reasons why you consider the practice as having concrete measurable impact	For example, an important indicator of the project's impact is the considerable number of received reports of allegedly illegal content, as well as the number of incidents further reported to the police for consideration.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	Such practices already exist in Member States. Slovenian experiences, however, could be shared with similar actors abroad for possible refinement.
Explain, if applicable, how the practice involves	Please see below.

<p>beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The initiative is open to public scrutiny. The project team publishes regular annual reports on its work. The project council counts among its members various stakeholders, including representatives of the Office of the State Prosecutor General of the Republic of Slovenia and the police.</p>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.
Title (original language)	Priročnik o prepoznavanju zgodnjih in prisilnih porok v romski skupnosti in o ukrepanju v teh primerih
Title (EN)	Handbook on identifying early and forced marriages in the Roma community and on how to act in these cases
Organisation (original language)	Urad Vlade Republike Slovenije za narodnosti
Organisation (EN)	Government of the Republic of Slovenia Office for National Minorities
Government / Civil society	Government
Funding body	European Commission; Government of the Republic of Slovenia Office for National Minorities
Reference (incl. URL, where available)	www.gov.si/zbirke/projekti-in-programi/krepitev-nacionalnega-posvetovalnega-procesa-nacionalna-platforma-za-rome-siforoma-3/prirocnik-o/
Indicate the start date of the	2021-2021

promising practice and the finishing date if it has ceased to exist	
Type of initiative	Training, awareness-raising
Main target group	Institutions and organisations working with Roma communities
Indicate level of implementation: Local/Regional/National	Local/National
Brief description (max. 1000 chars)	The handbook targets institutions and organisations working with Roma communities. It contains information on the identification of the problem (e.g. recognising early signs that indicate that an escape of a minor to a threatening environment or a forced marriage could occur), as well as legal bases for dealing with early and forced marriages. The handbook, for example, also includes examples of practical experiences and actions by institutions (e.g. social work centres, the police and state prosecutors) when dealing with such cases. The Government of the Republic of Slovenia Office for National Minorities reported that the handbook was produced in cooperation with representatives of different organisations, including representatives of the Roma Community Council of the Republic of Slovenia (<i>Svet romske skupnosti Republike Slovenije</i>). Pursuant to the Roma Community in the Republic of Slovenia Act (<i>Zakon o romski skupnosti v Republiki Sloveniji</i>), the council represents the interests of the Roma community in Slovenia in relation to the state authorities.
Highlight any element of the actions that is transferable (max. 500 chars)	All elements of the initiative are transferable.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The handbook is a tool which can be used for a longer period of time. It is available in the PDF format and can be easily accessed on the internet. The Office for National Minorities shall provide for the promotion of the handbook and its wider distribution, as well as for the transfer of key guidelines to professionals in local environments which face such issues.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The Office for National Minorities shall provide for the promotion of the handbook and its wider distribution, as well as for the transfer of key guidelines to professionals in local environments which face such issues. Training and consultations with professionals in regions or environments where this issue is topical shall be further carried out.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>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.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and</p>	<p>The handbook was produced in cooperation with representatives of the competent ministries, the Supreme State Prosecutor's Office (<i>Vrhovno državno tožilstvo</i>), the police, the Association of Social Work Centres of Slovenia (<i>Skupnost centrov za socialno delo Slovenije</i>), representatives of non-governmental organisations and the Roma Community Council of the Republic of Slovenia (<i>Svet romske skupnosti Republike Slovenije</i>).</p>

stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	/

Thematic area	<p style="text-align: center;">INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</p> <p style="text-align: center;">Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</p>
Title (original language)	Človekove pravice in regulacija umetne inteligence vredne zaupanja
Title (EN)	
Organisation (original language)	Human rights and trustworthy regulation of artificial intelligence
Organisation (EN)	Inštitut za kriminologijo pri Pravni fakulteti v Ljubljani
Government / Civil society	Institute of Criminology at the Faculty of Law
Funding body	Civil Society
Reference (incl. URL, where available)	Slovenian Research Agency (ARRS), the Ministry of Foreign Affairs of the Republic of Slovenia, the Ministry of Public Administration of the Republic of Slovenia, the Ministry of Education, Science and Sport of the Republic of Slovenia and the Ministry of Justice of the Republic of Slovenia
Indicate the start date of the	https://www.inst-krim.si/clovekove-pravice-in-regulacija-umetne-inteligence/

promising practice and the finishing date if it has ceased to exist	
Type of initiative	1.11.2019 - 30.06.2021
Main target group	Research project
Indicate level of implementation: Local/Regional/National	Policy makers, academia, students
Brief description (max. 1000 chars)	National
Highlight any element of the actions that is transferable (max. 500 chars)	The project has three phases:
Give reasons why you consider the practice as sustainable (as opposed to 'one	1. Atlas of the Use of AI, analyses the use of AI in social domains and social subsystems where AI can affect the foundations of democratic social order and the rule of law. It also examines existing uses of AI in public policy.

off activities')	
Give reasons why you consider the practice as having concrete measurable impact	2. The impact of AI on human rights and the individual – the aim is to develop qualitative analyses of the use of AI in different domains. The two key impacts of AI addressed by the project are the impacts of AI on fundamental human rights (legal aspects) and the impacts on human subjectivity (non-legal or psycho-social aspects).
Give reasons why you consider the practice as transferable to other settings and/or Member States?	3. Regulation and governance of AI - placing previously analysed uses of AI in an ethical and legal framework. One of the central themes is the protection of personal data. The fundamental principles of personal data protection in the EU were developed in the pre-digital revolution era and are often at odds with the realities of data collection and processing in the era of big data and AI.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of	In addition to contributing to the development of these scientific disciplines in Slovenia, the results of the study will also be relevant to the European and global academic community. The issues addressed are of global importance. The aim of the project is that the papers, conference, autumn school, published monograph and other results of the research will contribute to the exchange and dissemination of knowledge at a wider level.

the practice.	
Explain, if applicable, how the practice provides for review and assessment.	The project aims to provide evidence based and sustainable solutions for building a comprehensive and reliable global governance regime for AI, following the example of good governance models in other fields. One of the objectives of the project is to establish a roadmap for a single information resource that would offer a comprehensive view of development trends within the complex field of AI.

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice related to the topics addressed in the chapter.
Title (original language)	Spletna interaktivna predstava za osnovnošolce "Dobro počutje in internet"
Title (EN)	Online interactive show for primary school pupils "Wellbeing and the Internet"
Organisation (original language)	Center za varnejši internet - Fakulteta za družbene vede v Ljubljani
Organisation (EN)	Centre for Safer Internet - Faculty of Social Sciences in Ljubljana
Government / Civil society	Civil Society
Funding body	European Commission
Reference (incl. URL, where available)	https://safe.si/dan-varne-rabe-interneta/dan-varne-rabe-interneta-9-2-2021
Indicate the start date of the promising practice	9 February 2021

and the finishing date if it has ceased to exist	
Type of initiative	Awareness-raising, educational
Main target group	Children in primary education, teachers
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	On the occasion of the Safer Internet Day on 9 February 2021, Centre for Safer Internet Safe.si organised an online interactive show for pupils in the 2nd and 3rd trimesters of primary school, "Well-being and the Internet", at the Safe.si Internet Awareness Point. IGLU Teater improvisers presented the current topics of healthy relationships on the internet, the impact of the internet on young people's self-image, finding reliable health information on the internet and the importance of balanced use of screen devices to primary school pupils in a fun, innovative and relaxed way.
Highlight any element of the actions that is transferable (max. 500 chars)	The action is easily transferable.
Give reasons why you consider the	Teachers and pupils were able to join the Online interactive show "Wellbeing and the Internet" on the Safer Internet Day on 9 February 2021 free of charge. The shows were recorded and are now available online .

<p>practice as sustainable (as opposed to 'one off activities')</p>	
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The number of persons attending the live show and the number of views of the online posted videos is measurable.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The format is an easily transferable practice.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning,</p>	<p>The show that took place on 9 February 2021 was interactive and the participants voted on the topics that were then addressed.</p>

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

Thematic area	ACCESS TO JUSTICE Please provide one example of a promising practice related to the topics addressed in the chapter.
Title (original language)	Pot ob žici 2021: Koraki za odpravo nasilja nad ženskami
Title (EN)	Walk along the Wire 2021: Steps to end violence against women
Organisation (original language)	Amnesty International Slovenija, Društvo za nenasilno komunikacijo, Društvo SOS telefon za otroke in ženske - žrtve nasilja, Avanta Largo
Organisation (EN)	Amnesty International Slovenia, Association for Non-violent Communication, Association SOS Helpline and Avanta Largo
Government / Civil society	Civil society
Funding body	Amnesty International Slovenia
Reference (incl. URL, where available)	https://www.amnesty.si/poz-21-koraki-za-odpravo-nasilja-nad-zenskami
Indicate the start date of the	6 May 2021

promising practice and the finishing date if it has ceased to exist	
Type of initiative	Awareness-raising
Main target group	General Public
Indicate level of implementation: Local/Regional/National	Local/National
Brief description (max. 1000 chars)	At the beginning of May each year thousands of Slovenians take part in the traditional 'Walk along the Wire' all around Ljubljana to honour the memory of the period during the Second World War when the occupiers surrounded the city with barbed wire. For many years, Amnesty International Slovenia has been drawing attention to various aspects of human rights at this event. In 2021 the focus was violence against women. The activity highlights the importance of the response of all those who are trusted by people who have experienced violence. It is up to them to help stop the violence or to contribute to leaving the survivor without support and help by responding inappropriately. The campaign includes posters with 10 steps to help victims of violence.
Highlight any element of the actions that is transferable (max. 500 chars)	All elements are easily transferable.
Give reasons why	Although the action was designed for a specific event, it can be used on other occasions in public spaces where a larger number of members of the target groups can be reached.

<p>you consider the practice as sustainable (as opposed to 'one off activities')</p>	
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Since it is linked to another event, which attracts a large number of people, it has all the potential to reach virtually all participants of said event.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The practice is easily transferable to other member states, as it includes simple means (posters) and can be very cost-effective as it can reach a large number of audience and does not require a lot of funding.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design,</p>	<p>Not applicable.</p>

planning, evaluation, review assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	Not applicable.

Thematic area	<p align="center">Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p align="center">Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</p>
Title (original language)	Pilotni project "S teboj lahko..."
Title (EN)	Pilot project "With you I can..."
Organisation (original language)	Varstveno delovni center Polž Maribor
Organisation (EN)	Occupational activity centre POLŽ Maribor
Government / Civil society	Government
Funding body	Operational Programme for Cohesion Policy Funding 2014-2020
Reference (incl. URL, where available)	http://www.stebojlahko.si/
Indicate the start	30 April 2020 – 31 March 2022

<p>date of the promising practice and the finishing date if it has ceased to exist</p>	
<p>Type of initiative</p>	<p>Development and testing of social inclusion services.</p>
<p>Main target group</p>	<p>Persons with a disability status under the Social Inclusion of Disabled Persons Act:</p> <ul style="list-style-type: none"> • with moderate, severe or profound intellectual disabilities, • with autistic disorder, • deafblind persons • with moderate to severe brain injury or impairment, and • with most severe forms of physical disability who, because of their disability, are unable to integrate into society and provide themselves with social security.
<p>Indicate level of implementation: Local/Regional/National</p>	<p>Regional</p>
<p>Brief description (max. 1000 chars)</p>	<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"> • training for independent living • lifelong learning, • supported living and • maintaining the social inclusion of older people with disabilities <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">• Develop the range, content and environment for carrying out social inclusion services for people with disabilities;• Implement, test and deliver quality social inclusion services;• Create a supportive environment with a network of trained social inclusion service providers;• Empower the target group to live more independently and improve their chances of greater social inclusion;• Develop and test an information system for recording social inclusion services.
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<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>All elements are transferable.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>This is a pilot project aims to develop and test social inclusion services for persons with disabilities with the aim to be implemented as services under Social Inclusion of Disabled Persons Act, which will become applicable in March 2022.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The project has set the numbers of persons with disabilities and service providers that are to be included in the project activities.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>All elements seem to be transferable.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The project states that activities will be adapted to the beneficiaries wishes and needs.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>Not clear.</p>

Annex 2 – Case Law

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

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE 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.
Decision date	<u><i>No case law has been identified for this thematic area.</i></u>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	<u><i>No case law has been identified for this thematic area.</i></u>

Thematic area	ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the <u>right to an effective remedy</u> in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.
Decision date	<u><i>No case law has been identified for this thematic area.</i></u>

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION 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.
Decision date	16 March 2021
Reference details	Supreme Court of the Republic of Slovenia (<i>Vrhovno sodišče Republike Slovenije</i>) Judgement No. IV Ips 2/2021 ECLI:SI:VSRS:2021:IV.IPS.2.2021
Key facts of the case (max. 500 chars)	<p>In February 2020, the Information Commissioner found the perpetrator liable for thirty-two offences under Personal Data Protection Act for having disclosed the personal data of thirty-two individuals in the course of his work as an official responsible for access to public information at the Supreme State Prosecutor's Office of the Republic of Slovenia in the period from March to June 2017, without there being a legal basis for such processing of their personal data in law or in the personal consent of those individuals. The Information Commissioner characterised the perpetrator's actions as a multiple violation of Article 8(1) of Personal Data Protection Act, which provides that personal data may be processed only if the processing of personal data is provided for by law or if the processing of certain personal data is subject to the personal consent of the individual. It fined him EUR 830,00 for each offence and then imposed a single penalty of a fine of EUR 2.380,00.</p> <p>A Supreme State Prosecutor lodged a request for the protection of the legality of the above-mentioned decision, claiming that the Republic of Slovenia, due to the new GDPR, should have regulated the sanctioning of infringements of the rules of the in a new systemic framework, or at least by adapting the existing one, but has failed to do so. Among other, the applicant claimed that the GDPR should be considered a more lenient regulation in relation to the provisions of the national Personal Data Protection Act.</p>
Main reasoning/argumentation (max. 500 chars)	<p>The rules of the GDPR, which determine the lawfulness of data processing and the sanctions for infringements thereof (Article 6 GDPR in conjunction with Article 83 GDPR), only became applicable on 25 May 2018 with ex nunc effect, which means that they could only be relevant in the present case if they were more lenient for the perpetrator. However, the substantive provisions of the GDPR relied on by the applicant are not more lenient for the perpetrator in question than the provisions of the Personal Data Protection Act on which the contested decision is based. Not only do the provisions of the GDPR allow Member States to prescribe and impose (also) other sanctions for breaches of data protection rules, but - crucially - they have not replaced, in procedural terms, the</p>

	<p>procedural rules of the Minor Offences Act applicable to offence proceedings in respect of acts which, at the time they were committed, were defined as an offence and for which a sanction was prescribed by law.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>After the entry into force of the GDPR at the end of May 2018, some articles and literature argued that the sanctioning of offences under the national Personal Data Protection Act (both those committed before the GDPR entered into force and those committed afterwards) is no longer possible after the entry into force of the EU act. The Information Commissioner has consistently argued to the contrary, i.e. that the criminal sanctioning of provisions of the national act which do not conflict with the GDPR and as such are still valid. This position has been confirmed by the cited judgement of the Supreme Court of the Republic of Slovenia. The essential conclusion of the judgment of the Supreme Court of the Republic of Slovenia is that the General Data Protection Regulation leaves a relatively wide margin to the Member States in regulating the national rules by which infringements of the rules on the protection of personal data under the General Data Protection Regulation are to be sanctioned, and that, therefore, administrative fines, which are provided for in Article 83 of the General Data Protection Regulation, are not the only possible sanction for infringements of the rules on the protection of personal data under the General Data Protection Regulation.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The request for the protection of the legality was rejected.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“Vrhovno sodišče po vsem navedenem ugotavlja, da je IP v času izdaje izpodbijane odločbe odločal kot pristojni prekrškovni organ in da je skladno s prvim odstavkom 2. člena ZP-1 zakonito uporabil tisti materialnopravni predpis, ki je veljal v času storitve prekrškov, saj kasneje sprejeti predpis za storilca ni bil milejši.”</p> <p>“In the light of all the above, the Supreme Court finds that, at the time of the contested decision, the Information Commissioner acted as the competent offence authority and that, in accordance with Article 2(1)(2) of the Minor offences Act, it lawfully applied the substantive legal provision in force at the time the offences were committed, since the later adopted was not more lenient for the offender.”</p>

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	12 March 2021
Reference details	Higher Court in Ljubljana Decision No. II Kp 66708/2019 ECLI:SI:VSLJ:2021:II.KP.66708.2019
Key facts of the case (max. 500 chars)	The defendant, a minor, was charged with criminal offences of damage to property; displaying, producing, possessing and transmitting pornographic material; and assault. The District Court in Ljubljana imposed on the minor an educational measure of supervision by a social welfare authority and instructions to attend school regularly and to settle with the victim by reimbursing the proportionate share of the damage caused by the offence. The defence appealed against the decision on all grounds. The cited decision is the decision of the Higher Court in Ljubljana (court of appeal) on the said appeal.

<p style="text-align: center;">Main reasoning/argumentation</p> <p style="text-align: center;">(max. 500 chars)</p>	<p>The court of appeal found that, after the submission of the proposals for the imposition of an educational measure, the first instance court did not act in accordance with the fundamental right of every defendant to a fair trial. Where a proposal is made for the imposition of an educational measure or for the punishment of a minor, the judge must be familiar with the case in great detail before the case is called to order, in order to be able to decide correctly whether to call for a session of a panel of judges or a main hearing. In order to make such a decision, it is not only important whether the proposal is to punish the minor or to impose an educational measure, but the judge must also assess in advance which criminal sanction is most likely to be applicable in the particular case - a punishment or an institutional educational measure, which can only be imposed after a main hearing, or a non-institutional educational measure, which can be imposed at the session of a panel of judges. Since evidence is not given directly in the session of a panel of judges, a main hearing must also be convened if a non-state educational measure is applicable and there is a complex factual situation which will have to be clarified by questioning the minor, witnesses or experts.</p> <p>The first instance court did not take into account the gravity of the offences, the minor's denial and the fact that the minor and the victim were alone while the alleged offences took place. The court should in any event have held the main hearing as a matter of urgency and taken all the necessary evidence at that hearing. By not doing so, the court of first Instance therefore infringed the minor's rights of defence and to a fair trial.</p>
<p style="text-align: center;">Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>Right to defence, right to a fair trial, right to a main hearing.</p>
<p style="text-align: center;">Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The court of appeal annulled the decision of the court of first instance and returned the case to the court of first instance for a new trial.</p>
<p style="text-align: center;">Key quotation in original language and translated</p>	<p>“Ker se na seji senata dokazi ne izvajajo neposredno, se mora glavna obravnava razpisati tudi, če pride v poštev nezavodski vzgojni ukrep, gre pa za zapleteno dejansko stanje, ki ga bo treba razčiščevati z zasliševanjem mladoletnika, prič ali izvedencev. Senat za mladoletnike je kršil</p>

<p>into English with reference details (max. 500 chars)</p>	<p>mladoletnikovo pravico do obrambe in do poštenega sojenja, saj bi glede na težo očitanih kaznivih dejanj, mladoletnikovo zanikanje le-teh, dejstvo, da sta bila pri teh dejanjih mladoletnik in oškodovanka sama, njun opis dogodkov pa je kontradiktoren ter predlog obrambe za neposredno zaslišanje oškodovanke in mladoletnikove mame, moral opraviti glavno obravnavo in na njej v skladu z načelom neposrednosti in kontradiktornosti izvesti vse potrebne dokaze.”</p> <p>“As evidence is not taken directly at a session of a panel of judges, the main hearing must also be convened if a non-institutional educational measure is applicable and there is a complex factual situation that will have to be clarified by questioning the minor, witnesses or experts. The Juvenile Chamber infringed the minor's rights of defence and to a fair trial, since, in view of the gravity of the offences charged, the minor's denial of them, the fact that the minor and the victim were alone in the commission of those offences and that their account of the events is contradictory, and the defence's request for a direct examination of the victim and the minor's mother, it should have held the main hearing and, in accordance with the principle of directness and adversarial procedure, taken all the necessary evidence at the hearing.”</p>
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Thematic area	ACCESS TO JUSTICE Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	8 June 2021
Reference details	Higher Court in Ljubljana Decision No. IV Cp 932/2021 ECLI:SI:VSLJ:2021:IV.CP.932.2021
Key facts of the case (max. 500 chars)	The applicant and her daughter have applied to the court for a restraining order under the Prevention of Domestic Violence Act against their ex-husband and father respectively. On 31.7.2020, the Court of First Instance in the present case imposed measures to prevent domestic violence, prohibiting the respondent from entering and coming within 100 metres of the apartment, where the applicants are staying, for a period of 12 months. It also prohibited him from contacting. On 3 March 2021, the Court of Appeal annulled the decision on the measures to protect the applicant; and reduced the duration measure protecting her daughter to 4 months with the result that they would expire on 1 December 2020. The applicants appealed against this decision.
Main reasoning/argumentation (max. 500 chars)	The protection measure imposed did not (expressly) state that the time of its entry into force was the time when the order was served on the perpetrator. This means that the (<i>ex parte</i>) order entered into force immediately, which is only logical, since the measure is imposed because the victim needs to be protected urgently, <i>i.e.</i> immediately. It is also not logical that the order should have different temporal effects for the participants (the victim must also be aware of its temporal limitations), but it is entirely possible that different participants receive it at different points in time. The same reasons must be given for the extension of the measures as for their imposition, <i>i.e.</i> the infliction of violence by way of bodily injury or damage to the victim's health or other unlawful interference with his or her dignity or other personal rights, and it must be shown that the measures already imposed have not been sufficient.
Key issues (concepts, interpretations) clarified by the case (max. 500)	The decision explains when protection measures under the Prevention of Domestic Violence Act enter into force – in accordance with the decision they enter into force immediately, regardless of the time they were served to the parties to the procedure. It also explains the conditions for the extension of the measures.

chars)	
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The appeal was rejected.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“Vendar je, kot rečeno, sodišče prve stopnje ravnalo pravilno, ko dokazov [...] ni izvajalo, glede na to, da je bil predlog za podaljšanje ukrepov vložen po izteku njihove veljavnosti, da ni izkazano, da bi nasprotni udeleženec ukrepe kršil, novo domnevno zatrjevano nasilje pa je bilo opisano preveč pavšalno.”</p> <p>“However, as stated above, the Court of First Instance was correct in not considering evidence [...], considering that the application for renewal of the measures was made after the expiry of their validity and considering that there was no evidence of any breach of the measures by the (ex husband) and that the new alleged violence was described in an overly generalised way.”</p>

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant court judgment, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	<i>No case law has been identified for this thematic area.</i>