

# Franet National contribution to the Fundamental Rights Report 2020

**Slovenia**

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## Contents

<b>Franet country study: policy and legal highlights 2019.....</b>	<b>3</b>
<b>Chapter 1. Equality and non-discrimination .....</b>	<b>4</b>
<b>Chapter 2. Racism, xenophobia and related intolerance .....</b>	<b>7</b>
<b>Chapter 3. Roma integration.....</b>	<b>12</b>
<b>Chapter 4. Asylum, visas, migration, borders and integration .....</b>	<b>17</b>
<b>Chapter 5. Information society, data protection .....</b>	<b>24</b>
<b>Chapter 6. Rights of the child .....</b>	<b>31</b>
<b>Chapter 7. Access to justice including crime victims.....</b>	<b>35</b>
<b>Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities .....</b>	<b>39</b>
<b>Annex 1 – Promising Practices .....</b>	<b>40</b>
<b>Annex 2 – Case law .....</b>	<b>51</b>

## Franet country study: policy and legal highlights 2019

<b>Issues in the fundamental rights institutional landscape</b>	<b>Human Rights Centre established with the Human Rights Ombudsman:</b> In 2019, based on the 2017 amendments to the Human Rights Ombudsman Act, the <a href="#">Human Rights Centre</a> was set up as a special organisational unit of the Ombudsman. The centre's tasks include promotion, education and preparation of human rights analyses and reports, as well as cooperation with civil society, trade unions and state authorities.
<b>EU Charter of Fundamental Rights</b>	<b>The Supreme Court used the EU Charter to clarify the time limit for filing compensation claims:</b> On 17 January 2019, the Supreme Court, by taking into account the right of every individual to an effective legal remedy, as enshrined in Article 47 of the EU Charter, <a href="#">clarified the time limit for filing compensation claims</a> under Regulation No 889/2002 regarding air carrier liability in the event of accidents.
<b>Equality and non-discrimination</b>	<b>National equality body stepped up efforts to increase its visibility:</b> After a 2017 survey showing a very poor awareness of the body's existence and its mandate, the Advocate of the Principle of Equality, in 2018 and 2019, <a href="#">introduced several measures to raise awareness of its work</a> , including a new website, widely disseminated leaflet, visits to local communities and consulting with CSOs.
<b>Racism, xenophobia &amp; Roma integration</b>	<b>A key decision by the Supreme Court in a hate speech case:</b> On 4 July 2019, in a <a href="#">landmark decision on a case involving hate speech against the Roma</a> , the Supreme Court clarified the meaning of Article 297 (1) of the Criminal Code prohibiting incitement to hatred, violence or intolerance.
<b>Asylum &amp; migration</b>	<b>Unaccompanied children are still accommodated in a student dormitory:</b> Based on the <a href="#">December 2018 government decision</a> , unaccompanied children seeking asylum or are beneficiaries of international protection are still accommodated in a student dormitory through 2019, until a systematic solution concerning their accommodation is in place.
<b>Data protection and digital society</b>	<b>Implementation of the GDPR:</b> A new Personal Data Protection Act, with the aim to implement the provisions of the GDPR, was drafted already in 2018. A version of the draft underwent inter-ministerial coordination and public discussion in March 2019. After this procedure, the draft received further revisions and the <a href="#">Ministry of Justice prepared its new version</a> , which in December 2019 was in the second cycle of inter-ministerial coordination.
<b>Rights of the child</b>	<b>Procedural safeguards for children who are suspects in criminal proceedings:</b> <a href="#">Draft Liability of Minors for Criminal offences Act</a> was prepared that will transpose the Directive 2016/800 on procedural safeguards for children.
<b>Access to justice, including victims of crime</b>	<b>Transposition of the Victims' Rights Directive:</b> On 26 March 2019, the <a href="#">Act Amending the Criminal Procedure Act</a> was adopted. One of the main goals of the adopted amendment was to <a href="#">transpose the Victim's Rights Directive</a> . Its provisions are applicable as of 20 October 2019. <b>Judgment sparked debate about legal definition of rape:</b> In January 2019, a judgement of the Higher Court in Koper ( <i>Višje sodišče v Kopru</i> ) sparked public discussion on the existing definition of rape, as set out in the Criminal Code. During one of the public discussions, the <a href="#">Minister of Justice expressed support for the implementation of 'yes means yes' model</a> in the next amendments to the Criminal Code.
<b>Convention on the Rights of Persons with Disability</b>	<b>CRPD monitoring at national level:</b> On 10 May 2019, the Ministry of Labour, Family, Social Affairs and Equal Opportunities initiated public discussion on the <a href="#">Draft Council for Persons with Disabilities Act</a> . The draft law was to regulate the composition of the Council for Persons with Disabilities. However, it received criticism from the national Commission for the Prevention of Corruption. The ministry promised to cooperate with the commission in future steps of drafting the law.

# Chapter 1. Equality and non-discrimination

## 1. Legal and policy developments in 2019 relevant to combating discrimination based on gender identity, religion or belief, disability, age or sexual orientation

There are no notable legislative or policy developments concerning the fight against discrimination in 2019. The year, however, was marked by the first lawsuit lodged by the Advocate of the Principle of Equality (*Zagovornik načela enakosti*), the national equality body, on behalf of and with the consent of a victim of discrimination. After reaching 70 years of age, an individual was automatically barred from performing the function of a commissaire in cycling competitions by the statute of the Association of Cycling Judges of Slovenia (*Društvo kolesarskih sodnikov Slovenije*). He approached the Advocate claiming direct discrimination on the ground of age. The Advocate subsequently established that the case indeed involved direct discrimination and called on the sports organisation to change its statute. After it had failed to do so, the Advocate lodged the lawsuit against the sports organisation with the Local Court in Ljubljana (*Okrajno sodišče v Ljubljani*) in the beginning of October. The Advocate noted, among other things, that Slovenia was among the countries with the fastest ageing population. In a society with an increasing share of the elderly in the population, we can expect more occurrences of discriminatory treatment of the elderly, noted the Advocate and emphasised that it was, therefore, necessary to combat age discrimination.<sup>1</sup> The legal basis for the Advocate's action was the 2016 Protection against Discrimination Act (*Zakon o varstvu pred diskriminacijo*).<sup>2</sup>

The Advocate of the Principle of Equality continued with the efforts to reduce the case backlog. Before the adoption of the 2016 Protection against Discrimination Act establishing an independent equality body, the Advocate had functioned as a one-person body within a government ministry. In 2018, the Advocate initiated a new practice as regards data collection. Apart from data on received complaints, the body started recording cases involving requests for counselling, and applied this method to cases dating back to 2012. There were 465 cases in the period from 2012 to 2018, and by the end of 2018, the Advocate closed 391 cases. In 2018 alone, 149 cases were concluded, 99 (66.44 %) of which involved complaints alleging discrimination, while 50 (33.56 %) involved requests for counselling on discrimination-related issues. The Advocate was able to establish the relevant ground of alleged discrimination in 58 cases, while in 91 cases this was not possible. The established grounds of alleged discrimination in these 58 cases were as follows: disability (15 cases), race or ethnicity (14), sex (8), religion or belief (7), age (5), sexual orientation (5), social status (2), place of residence (2), economic status (2), EU nationality (1), nationality of a third country (1), other personal circumstances (15 cases), while no case involved gender identity and gender expression as alleged ground of discrimination. (Please note that a single case may involve multiple grounds of alleged discrimination, but separate data on these cases are not available.) The Advocate established discrimination in 12 cases concluded in 2018, four of which dating back to the period from 2012 to 2016, and four to 2017 and 2018, respectively.<sup>3</sup> (Please note that data disaggregated by the protected grounds are not available.) In 2019, the Advocate received 83 discrimination complaints and 128

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<sup>1</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), '[Zagovornik načela enakosti na Okrajno sodišče v Ljubljani vložil tožbo zaradi diskriminacije zaradi starosti](#)', press release, 3 October 2019.

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

<sup>3</sup> Advocate of the Principle of Equality (2019), [Regular annual report 2018](#), Ljubljana, Advocate of the Principle of Equality.

requests for counselling.<sup>4</sup> At the time of submission of this report, more comprehensive data are not available.

In 2017, one year after the institution has been set up as an independent body, the Advocate of the Principle of Equality commissioned a survey on the perceptions of discrimination in Slovenia. The survey showed very poor awareness of the body's existence and its competences.<sup>5</sup> To counter this, the Advocate started a structured work on this issue in 2018 and 2019. Its office developed a new website and produced a leaflet on its mandate and on protected grounds of discrimination. Amongst others, the leaflet was disseminated to administrative units, municipalities, social work centres, healthcare centres, hospitals, employment service branches, multigenerational centres and old people's homes. The Advocate also set up a consultation process with civil society organisations working on protected grounds of discrimination. They met with representatives of the Roma organisations, organisations of persons with disabilities, youth organisations and LGBTI organisations to present their mandate and activities and to learn more about the expectations of civil society about the Advocate's work. The Advocate also visited three regions and held consultations with representatives of local governments, employers, civil society organisations and the general public. During these field visits, they set up mobile offices where local residents could seek legal advice or assistance in completing discrimination complaints. The Advocate also took part in major festivals and bazaars and presented its work.<sup>6</sup>

The Human Rights Ombudsman (*Varuh človekovih pravic*, VČP) is another body that considers discrimination-related complaints. According to their 2019 report, covering the situation regarding human rights in 2018, the VČP dealt with 46 cases in the field of equality before the law and prohibition of discrimination (68 in 2017), 24 of which were related to equal opportunities for persons with disabilities (11 in 2017), eight to equal opportunities on the grounds of gender identity and sexual orientation (7 in 2017), five to equal opportunities on the grounds of race and ethnic affiliation (30 in 2017), one to equality before the law (four in 2017), while the remaining eight cases considered by the VČP were classified under the label 'Other' (16 in 2017). The VČP found that four out of 22 cases involving disability closed in 2018 were well founded, as well as two out of eight involving gender identity or sexual orientation and one out of five involving race, nationality or ethnic origin.<sup>7</sup>

Since one of the observed cases involved access to a court for persons with disabilities, the VČP, on their own initiative, asked the country's 66 courts to report on their accessibility. Based on the data obtained, the VČP found that only 46 % of court buildings were accessible for persons with disabilities, 20 % have toilets for persons with disabilities and 52 % have dedicated parking spaces for this population.<sup>8</sup>

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<sup>4</sup> Information was provided by the Advocate of the Principle of Equality (*Zagovornik načela enakosti*) upon request (email, 24 January 2020).

<sup>5</sup> Advocate of the Principle of Equality (2018), [Annual Report 2017](#), Ljubljana, Advocate of the Principle of Equality.

<sup>6</sup> Information was provided by the Advocate of the Principle of Equality (*Zagovornik načela enakosti*) upon request (email, 26 September 2019). For more information, see also: Advocate of the Principle of Equality (2019), [Regular annual report 2018](#), Ljubljana, Advocate of the Principle of Equality.

<sup>7</sup> Human Rights Ombudsman of the Republic of Slovenia (2019), [Annual report of the Human Rights Ombudsman of the Republic of Slovenia for 2018 \(abridged version\)](#), Ljubljana, Human Rights Ombudsman of the Republic of Slovenia, p. 63.

<sup>8</sup> Human Rights Ombudsman of the Republic of Slovenia (2019), [Annual report of the Human Rights Ombudsman of the Republic of Slovenia for 2018 \(abridged version\)](#), Ljubljana, Human Rights Ombudsman of the Republic of Slovenia, p. 65.

## 2. Research findings, studies or surveys on either experiences of discrimination or rights awareness

The year 2019 was marked by an almost complete absence of research dealing with the issue of discrimination. The Advocate of the Principle of Equality, for example, planned to repeat the survey on the perceptions of discrimination in the country, first conducted in 2017, but because of the budget constraints, the survey could not be implemented in the current year.

The Advocate, however, commissioned a research study on good practices of diversity management and of promoting equality in Slovenian small and medium-sized enterprises. The research focused on existing charters/certificates/awards (i.e. supportive environment) encouraging employers to provide for inclusive workplace but also collected data on some promising practices and measures at the level of individual enterprises. It shows that the current supportive environment encouraged good practices and adoption of promising measures addressing gender equality and inclusion of persons with disabilities, LGBTI+ individuals and elderly, but also that there is a relative lack of promising practices targeting persons of race, ethnic origin or religion. The exercise involved desk research, semi-structured interviews with the representatives of organisations coordinating individual awarding/certification procedures, and telephone interviews with selected enterprises, recipients of individual awards.<sup>9</sup> The project findings should be part of a handbook on workplace discrimination and its prevention aimed at employers. The Advocate plans to publish the handbook in 2020.<sup>10</sup>

On the initiative of the Advocate of the Principle of Equality, the Slovenian Research Agency (*Javna agencija za raziskovalno dejavnost Republike Slovenije*, ARRS) published a public call for targeted research projects, including two projects focusing on discrimination. The first project covers the issue of structural discrimination. Based on the analysis of data from existing research studies, reports and recommendations of international organisations, case law, cases in which discrimination was identified, and by conducting interviews and focus groups, this research effort should identify groups most vulnerable to discrimination in terms of personal circumstances (e.g. gender, race or ethnic origin, religion or belief, disability, age, sexual orientation, gender identity and gender expression) as well as the most critical areas of life (e.g. work and employment, social security and health care, education, access to goods and services) requiring measures to reduce the effects of discrimination. Based on research findings, recommendations shall be made regarding the implementation of specific measures to ensure equality, as defined in the applicable legislation in the field of protection against discrimination, with a view to the competences of individual state bodies, local communities and decision makers for implementing such measures.<sup>11</sup> The research project should be completed in two years. (The second project deals with discrimination on the grounds of race, ethnic origin and religion and is presented in more details in the next chapter.)

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<sup>9</sup> Ponikvar, J., Zupančič, B., ŠENTPRIMA – Zavod za rehabilitacijo in izobraževanje (2019), [Raziskava dobrih praks upravljanja raznolikosti in spodbujanja enakosti v malih in srednjih podjetjih v Sloveniji](#), Ljubljana, Zagovornik načela enakosti.

<sup>10</sup> Information was provided by the Advocate of the Principle of Equality (*Zagovornik načela enakosti*) upon request (email, 24 January 2020).

<sup>11</sup> Slovenia, Slovenian Research Agency (*Javna agencija za raziskovalno dejavnost Republike Slovenije*), [‘Javni razpis za izbiro raziskovalnih projektov Ciljnega raziskovalnega programa “CRP 2019” v letu 2019’](#), public call, 31 May 2019, and subsequent modifications.

## Chapter 2. Racism, xenophobia and related intolerance

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

There are no notable legal and policy developments in 2019. Rather than measures specifically designed to combat discrimination, as defined in the Racial Equality Directive, the year 2019 saw the adoption of specific measures which can be considered as integration measures. In August 2019, the Rules on norms and standards for the implementation of the primary school programme (*Pravilnik o normativih in standardih za izvajanje programa osnovne šole*) were amended to provide for additional hours of Slovenian language for pupils who are not nationals and whose mother tongue is not Slovenian.<sup>12</sup> These amendments have been adopted upon proposals included in the Draft programme for work with migrant children in the field of pre-school, primary and secondary education (*Predlog programa dela z otroki priseljenci za področje predšolske vzgoje, osnovnošolskega in srednješolskega izobraževanja*), a product of the project ‘Challenges of intercultural coexistence’ (*Izzivi medkulturnega sobivanja*).<sup>13</sup>

The project is the major national project aimed at the integration of immigrant children into the national school system, running from May 2016 until September 2021. It is coordinated by the ISA Institute (*ISA institut*) and its consortium includes several primary schools as well as some secondary schools. Among others, the key objectives of the project are the following: improving professional competences of teachers, school counsellors and other education professionals for better integration of immigrant children into the national school system, improving communication skills, education opportunities and social inclusion of immigrant children, strengthening the cooperation between schools and families of immigrant children and between families of immigrant children and local population and strengthening intercultural values, tolerance and positive attitudes towards intercultural coexistence.<sup>14</sup>

The Advocate of the Principle of Equality closed proceedings in 149 cases in 2018, providing counselling in 50 cases, while in 99 cases they dealt with complaints alleging discrimination. There were 14 (8.24 %) cases involving alleged discrimination on the grounds of race or ethnicity, which were only topped, in terms of frequency, by 15 (9.62 %) cases involving alleged disability-related discrimination.<sup>15</sup> Other data, including data on cases in which discrimination has been established, disaggregated by the protected grounds are not available.

As part of their activities including consultations with civil society organisations, the Advocate met in 2018 with representatives of the Slovenian Roma communities. Consultations were organised in both NE and SE Slovenia, the regions with a considerable number of Roma. The Advocate found that Roma had very little information about the anti-discrimination legislation, the existence of the equality body and the possibilities of reporting discrimination.<sup>16</sup>

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<sup>12</sup> 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.

<sup>13</sup> Information was provided by the Ministry of Education, Science and Sport (*Ministrstvo za izobraževanje, znanost in šport*) upon request (email, 30 September 2019).

<sup>14</sup> For more information, see the project website at [www.medkulturnost.si/en/](http://www.medkulturnost.si/en/).

<sup>15</sup> Advocate of the Principle of Equality (2019), *Regular annual report 2018*, Ljubljana, Advocate of the Principle of Equality.

<sup>16</sup> Advocate of the Principle of Equality (2019), *Regular annual report 2018*, Ljubljana, Advocate of the Principle of Equality, pp. 111, 116.

As noted in Chapter 1, the Slovenian Research Agency, acting on the initiative by the Advocate of the Principle of Equality, published a public call for targeted research projects, including two projects focusing on the issue of discrimination. One of the projects deals specifically with discrimination on the grounds of race, ethnic origin and religion. Based on an analysis of the situation from available sources (e.g. regulations, reports and recommendations by relevant national and international organisations) and by developing methodology for obtaining qualitative and quantitative data directly from persons of race, ethnic origin or religion, the research project should identify areas of life most affected by discrimination against the population under consideration. The project shall also employ the method of situation testing to further test its findings.<sup>17</sup> The research findings should be available in two years. This could be seen as an encouraging step, since several international monitoring bodies have been pointing to a general lack of equality data in Slovenia. For example, in the report on his visit to Slovenia, the United Nations (UN) Special Rapporteur on Minority Issues noted that “*The current lack of clarity with regard to the demographic situation of minorities, and the continued reluctance to collect data on matters such as ethnicity, religion or language, are frustrating for many and unhelpful for authorities and policymakers. As seen in the case of other countries, respect for an individual’s personal data does not necessarily mean that information cannot be collected for the purposes of public policy, just as data on gender, age and other characteristics can be obtained for these purposes.*”<sup>18</sup> (Please see also the next section for similar conclusions by the European Commission against Racism and Intolerance (ECRI)).

As already noted, the Human Rights Ombudsman is another body that considers discrimination-related complaints. In 2018, the last year for which the data are available, the Ombudsman dealt with 46 complaints in the field of equality before the law and prohibition of discrimination (68 in 2017), five (30 in 2017) of which were related to equal opportunities on the grounds of race, nationality or ethnic origin. Of the five cases concluded in 2018, the Ombudsman found irregularities in one case.<sup>19</sup>

## **2. Legal, policy developments and measures relating to the application of the Framework Decision on Racism and Xenophobia**

In June 2019, the National Assembly of the Republic of Slovenia (*Državni zbor Republike Slovenije*) adopted the Resolution on the national programme for the prevention and suppression of crime 2019–2023 (*Resolucija o nacionalnem programu preprečevanja in zatiranja kriminalitete za obdobje 2019–2023*). Reducing the amount of all types of hate speech – instances of public incitement to hatred and intolerance – is listed among the objectives of the resolution. According to the document, a strong link exists between actual social developments and hate speech. For example, when migrant- and refugee-related issues emerged in August 2015, there was a considerable increase in reports of hate speech based on ethnic or religious affiliation or of hate speech targeting refugees. The resolution also discusses the frequent occurrence of hate speech in the digital environment, namely on social networks, forums and in comments in online media. This is attributed to the fact that the internet is relatively unregulated, to a lack of editorial control over published material, as well as to anonymity, the latter providing the users with the feeling of safety from potential legal sanctioning.

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<sup>17</sup> Slovenia, Slovenian Research Agency (*Javna agencija za raziskovalno dejavnost Republike Slovenije*), [‘Javni razpis za izbiro raziskovalnih projektov Ciljnega raziskovalnega programa “CRP 2019” v letu 2019’](#), public call, 31 May 2019, and subsequent modifications.

<sup>18</sup> United Nations (UN), Human Rights Council (2019), [Visit to Slovenia: Report of the Special Rapporteur on minority issues](#), 8 January 2019.

<sup>19</sup> Human Rights Ombudsman of the Republic of Slovenia (2019), [Annual report of the Human Rights Ombudsman of the Republic of Slovenia for 2018 \(abridged version\)](#), Ljubljana, Human Rights Ombudsman of the Republic of Slovenia, p. 63.

The resolution lists several solutions to tackle the phenomenon of hate speech, including:

- the preparation of an in-depth study on the presence, extent, manifestations and future trends in hate speech, and factors that encourage it in Slovenia;
- developing a methodology for a uniform and consistent collection of data concerning hate speech;
- developing an action plan or other strategic document comprehensively regulating the issue of hate speech at the systemic level;
- enhanced cooperation between the relevant stakeholders, including state bodies, NGOs, the research sector and interest groups;
- periodic training for the police and inspection bodies;
- encouraging self-regulation and adoption of code of conducts, particularly in media and digital environment and by the National Assembly and sports organisations;
- assessment of existing legal framework concerning its possible refinement.

It also pays specific attention to awareness raising and educational measures, stating that the following shall be supported:

- educational activities, public debates on the issue of hate speech as well as campaigns raising awareness of the general public on how hostile and discriminatory public discourse encourages the occurrence of hate speech;
- a programme raising awareness of public servants about hate speech;
- education of children within the regular curricula or through special workshops on the issues of tolerance, the formation of stereotypes and prejudices in society and on hate speech, as well as on the importance of understanding and acceptance of diversity in society, conflict character of society and on constructive ways to respond to manifestations of hate speech;
- provision of training to staff in educational institutions about teaching materials concerning hate speech.

Indicators for measuring the impact of intended measures include the number of educational, promotional and other preventive activities, the number of adopted code of conducts and established self-regulation mechanisms and the number of criminal offences and minor offences marked by hostility (the target being the lower number of these incidents and an increased number of prosecuted crimes and minor offences).<sup>20</sup>

There are no major developments on the collection of data on bias-motivated crimes in the monitoring period. These data are relatively limited in scope. In general, relevant agencies only keep records according to the criminal offences set out in the Criminal Code (*Kazenski zakonik*).<sup>21</sup> The police are the only body able to produce some data on offences involving ethnically, racially or religiously motivated intolerance. In 2019, the police dealt with 16 suspicions of criminal offences motivated by ethnic/racial intolerance, and lodged 10 criminal complaints with the competent state prosecutor. They also investigated two alleged criminal offences motivated by religious intolerance. In both cases, the police lodged criminal complaints. Data on the incidents disaggregated by antisemitic, Islamophobic or anti-Roma motivation, for example, are not collected in Slovenia.<sup>22</sup>

In its last report, ECRI noted the lack of relevant data and encouraged the Slovenian authorities to set up a more robust system of data collection on criminal offences, including on racist motivation. In the

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

<sup>21</sup> Slovenia, The Criminal code (*Kazenski zakonik*), 20 May 2008, and subsequent modifications.

<sup>22</sup> Information was provided by the General Police Directorate (*Generalna policijska uprava*) upon request (email, 25 September 2019 and 22 January 2020).

report, covering the situation in Slovenia up to 5 December 2018, the ECRI also highlighted the prosecution of hate speech as an issue of concern, noting, “*Many legal practitioners, academics and NGOs find that the causal link of public disturbance provided by the law and the even stricter requirements contained in the Prosecutor General’s legal opinion have caused a significant impunity gap, with hate speech almost never prosecuted in Slovenia, and great frustration among victims.*”<sup>23</sup>

The Supreme Court of the Republic of Slovenia (*Vrhovno sodišče Republike Slovenije*), however, marked the year 2019 with its judgment departing from the established interpretation of Article 297, paragraph 1 of the Criminal Code, providing for the prohibition of incitement to hatred, violence or intolerance, that is – of hate speech. The relevant provision reads as follows: “*Whoever publicly provokes or stirs up hatred, violence or intolerance based on national, ethnic, racial or religious affiliation, sex, skin colour, origin, financial condition, education, social status, political or other belief, disability, sexual orientation or any other personal circumstance, and the conduct is carried out in a manner likely to endanger or disturb public order and peace, or with the use of threats, abuses or insults, shall be punished by imprisonment of up to two years.*”<sup>24</sup> Unlike previous interpretation that any incidents tried under this provision could be a criminal offence when conducted in such a manner that, given concrete circumstances, it threatened or disturbed public order or peace, the Supreme Court found that this criminal offence had two alternative forms, namely conducts likely to threaten or disturb public order and peace and conducts involving threats, abuses or insults. The court further clarified that the relevant provisions protected public peace and order, but also human dignity, and are aimed at preventing discrimination against less privileged and vulnerable groups, based on stereotypes. In the court’s opinion, both forms bore equal weight, were equal in intensity, and one form did not subsume the other.<sup>25</sup>

After the judgment, on 26 July and 14 August, the police issued additional directions for dealing with the said criminal offence, in line with the court’s judgment. Criminal Police Directorate, Organised Crime Sector, Terrorism and Extreme Violence Department (*Uprava kriminalistične policije, Sektor za organizirano kriminaliteto, Oddelek za terorizem in ekstremno nasilje*) followed with a training on the new approach towards this criminal offence delivered to police officers responsible for dealing with this type of crime at respective police stations across the country. The training course took place on 6 June 2019.<sup>26</sup>

On 26 September, during seminar ‘Meaning and power of words’ (*Pomen in moč besed*), a staff from the University of Ljubljana, Faculty of Social Sciences (*Univerza v Ljubljani, Fakulteta za družbene vede*) delivered a lecture concerning hate speech entitled Evaluation of socially unacceptable discourse on social networks (*Vrednotenje družbeno nesprejemljivega diskurza na družbenih omrežjih*). The seminar was attended by more than 60 participants, including judges and state prosecutors.<sup>27</sup>

Web Eye (*Spletno oko*) is a major source of unofficial information on incidents of hate speech. It is an online hotline platform where concerned individuals can report incidents of alleged hate speech they observe on the internet. After assessing individual cases, the hotline team forwards to the police cases,

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<sup>23</sup> Council of Europe, European Commission against Racism and Intolerance (ECRI) (2019), [ECRI Report on Slovenia \(fifth monitoring cycle\)](#), Strasbourg, Council of Europe, 5 June 2019.

<sup>24</sup> Slovenia, Criminal code (*Kazenski zakonik*), 20 May 2008, and subsequent modifications.

<sup>25</sup> Slovenia, Supreme Court of the Republic of Slovenia (*Vrhovno sodišče Republike Slovenije*), [Judgment I Ips 65803/2012](#), 4 July 2019.

<sup>26</sup> Information was provided by the General Police Directorate (*Generalna policijska uprava*) upon request (email, 25 September 2019).

<sup>27</sup> Information was provided by the Ministry of Justice, Judicial Training Centre (*Ministrstvo za pravosodje, Center za izobraževanje v pravosodju*) upon request (email, 27 September 2019).

which in their opinion include elements of incitement to hatred, violence or intolerance prohibited under the Criminal Code. The hotline received 591 reports of controversial speech (*sporni govor*) on the internet in 2018 and referred 35 cases to the police for further investigation. Of the 591 reported cases, there were 539 cases with sufficient data to be classified according to the hotline's classification of the controversial speech: 6.5 % fell to the category of alleged hate speech punishable as criminal offence, 56.5 % to the category of socially unacceptable hate speech, 12 % of the cases included elements of insulting speech, 5 % included speech threatening the security of an individual, 0.5 % involved improper speech, and 19.5 % of the cases did not include features of controversial speech. Of the recorded incidents of alleged hate speech punishable as criminal offence, 28 % were of xenophobic nature, 23 % targeted members of Muslim community, 14 % targeted refugees, asylum seekers or migrants, 14 % were political, 9 % were homophobic, 6 % were motivated by antisemitism, 3 % by racism and 3 % of the incidents targeted members of other religious groups.<sup>28</sup>

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<sup>28</sup> Pirnat, A., Motl, A. (2019), [Letno poročilo Spletno oko 2018](#), Ljubljana, Fakulteta za družbene vede, Center za varnejši internet, Spletno oko.

## Chapter 3. Roma integration

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

Segregation in mainstream education has been less of an issue in Slovenia for a considerable number of years. The 2004 Strategy of Education of Roma in the Republic of Slovenia (*Strategija vzgoje in izobraževanja Romov v Republiki Sloveniji*) abolished segregation,<sup>29</sup> and a year earlier, for example, rules on norms concerning primary education ruled out the establishment of Roma-only classes.<sup>30</sup> Roma children, however, remain overrepresented in schools for children with special needs and as recipients of integrated special needs assistance in mainstream schools.<sup>31</sup> According to available data, Roma children are placed in special programmes in accordance with the existing regulations. They come from an environment with multiple risk factors that may have an impact on their development. There are no reports on specific measures to tackle this issue.<sup>32</sup>

Over the years, a major issue of concern has been the unfavourable housing situation of the Roma.<sup>33</sup> The National Programme of the Government of the Republic of Slovenia for the Roma for the 2017–2021 period (*Nacionalni program ukrepov za Rome Vlade Republike Slovenije za obdobje 2017–2021*, NPUR 2017–2021) is the major government initiative aimed at improving the living conditions of the Roma, with a set of measures covering various fields of life, including education, employment, housing and healthcare.<sup>34</sup> Housing is the only field with the prevention of segregation being explicitly stated objective, namely the integration of settlements with the Roma majority into the Slovenian settlement system and prevention, through additional measures, of further isolation, segregation and ghettoisation of these settlements. Measures envisaged in NPUR 2017–2021 include provision of information and expert support to local communities with the Roma population to model and develop local housing policies targeting Roma and to apply for funds under the Programme for Co-financing the Provision of Public Rental Housing in the Years 2016 to 2020 (*Program sofinanciranja zagotavljanja javnih najemnih stanovanj v letih 2016 do 2020*) developed by the Housing Fund of the Republic of Slovenia (*Stanovanjski sklad Republike Slovenije*, SSRS).<sup>35</sup> This is a general programme through which the SSRS provides co-investing opportunities or loans under favourable conditions to, among others, local governments and local housing funds for the construction of new or for the renovation of existing public rental apartments and housing units. These measures as of yet seems to be ineffective. In 2017 and 2018, the last years for which the data are available, these public calls for

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<sup>29</sup> Ministrstvo za izobraževanje, znanost in šport (2004), *Strategija vzgoje in izobraževanja Romov v Republiki Sloveniji*, Ljubljana, Ministrstvo za izobraževanje, znanost in šport, p. 6.

<sup>30</sup> Slovenia, The Rules amending the Rules on norms, standards and elements for the systematisation of jobs, which are the basis for the organisation and financing of the 9-year elementary school from the state budget (Pravilnik o spremembah in dopolnitvah odredbe o normativih in standardih ter elementih za sistemizacijo delovnih mest, ki so podlaga za organizacijo in financiranje programa 9-letne osnovne šole iz sredstev državnega proračuna), 15 July 2003.

<sup>31</sup> Council of Europe, European Commission against Racism and Intolerance (ECRI) (2019), *ECRI Report on Slovenia (fifth monitoring cycle)*, Strasbourg, Council of Europe, 5 June 2019, p. 26; Amnesty International (2019), *Slovenija: Persisting challenges in Roma integration: Amnesty International submission for the UN Universal Periodic Review, 34th session of the UPR Working Group, November 2019*, London, Amnesty International, p. 7.

<sup>32</sup> Information was provided by the Ministry of Education, Science and Sport (*Ministrstvo za izobraževanje, znanost in šport*) upon request (email, 22 November 2019).

<sup>33</sup> Vlada Republike Slovenije (2019), *Šesto poročilo Vlade Republike Slovenije o položaju romske skupnosti v Sloveniji – Poročilo o uresničevanju obveznosti na podlagi Zakona o romski skupnosti v Republiki Sloveniji (Uradni list RS, št. 33/07)*, Ljubljana, Vlada Republike Slovenije, p. 31.

<sup>34</sup> Vlada Republike Slovenije (2017), *Nacionalni program ukrepov za Rome Vlade Republike Slovenije za obdobje 2017–2021*, Ljubljana, Vlada Republike Slovenije.

<sup>35</sup> Slovenia, Housing Fund of the Republic of Slovenia (*Stanovanjski sklad Republike Slovenije*), The Programme for co-financing the provision of public rental housing in the years 2016 to 2020 (*Program sofinanciranja zagotavljanja javnih najemnih stanovanj v letih 2016 do 2020*), 10 June 2016, and subsequent modifications.

co-financing saw no applications for funds explicitly involving the provision of housing to members of the Roma community.<sup>36</sup>

The Advocate of the Principle Equality considered a petition by a representative of a Roma organisation claiming that a criterion set out in the Public Call for Co-financing Programmes of Activities by Organisations of Roma Community (Roma Associations) in 2019 (*Javni razpis za sofinanciranje programov aktivnosti organizacij romske skupnosti (romske zveze) v 2019*), published by the Roma Community Council of the Republic of Slovenia (*Svet romske skupnosti Republike Slovenije*, SRS) put certain Roma organisations in unfavourable position. According to this criterion, of the maximum 105 points, five points are awarded to Roma organisation in areas with a Roma representative in municipality councils (i.e. a Roma councillor), namely in the areas where the Roma are considered as traditionally settled (i.e. autochthonous). The petitioner claimed that Roma organisations and associations headquartered in areas without Roma representation in municipality councils including in larger urban areas (e.g. Ljubljana, Maribor) could not satisfy this criterion and were thus subject to adverse treatment. They further argued that the latter organisations should be subject to preferential treatment because they operate in the areas without the Roma representation in local councils, and their members were, consequently, subject to segregation and loss of identity to an even greater extent. The SRS claimed that the criterion in question was aimed at strengthening the cooperation between Roma associations and Roma councillors, and thus contributing to the improvement of the situation of the Roma community. It also established that the public call was open to all Roma organisations, regardless of the place of their establishment. The Advocate, among other things, observed five sets of activities considered for co-financing: 1) promoting inclusion of children and youth in education, 2) promoting employment of members of the Roma community, 3) awareness raising of children and youth from majority population, public servants and judicial authorities of the presence, culture and language composition of the Roma and its importance for the Slovenian landscape, 4) training of Roma representatives in local councils, representatives of Roma organisations and other Roma activists and 5) ensuring assistance to Roma organisations when applying to public calls. They established that the first two types of activities involved areas subject to specific government measures that were not based on the autochthony requirement. The Advocate further held that the third and the fourth type of activities included activities that, according to the government, could be linked to this requirement, while the fifth set of activities appeared as neutral, as it could involve activities related to all the areas mentioned. Upon examining all the facts of the case, the Advocate held that the criterion under consideration pursued a legitimate goal, namely to strengthen the cooperation between the Roma associations and Roma councillors to improve the situation of the Roma community. They found, however, that it was not necessary for achieving this goal and was not proportionate, since it applied to all areas considered for co-financing in the public call. The Advocate thus issued a decision establishing that the examined criterion, as set out in the public call in question, represented indirect discrimination of members of the Roma organisations set up in the areas without the Roma representation in municipality councils.<sup>37</sup>

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<sup>36</sup> Vlada Republike Slovenije (2018), *Peto poročilo Vlade Republike Slovenije o položaju romske skupnosti – Poročilo o uresničevanju obveznosti na podlagi Zakona o romski skupnosti v Republiki Sloveniji (Uradni list RS, št. 33/07): Priloga I – Uresničevanje ukrepov NPUR 2017–2021*, Ljubljana, Vlada Republike Slovenije, p. 25; Vlada Republike Slovenije (2019), *Šesto poročilo Vlade Republike Slovenije o položaju romske skupnosti v Sloveniji – Poročilo o uresničevanju obveznosti na podlagi Zakona o romski skupnosti v Republiki Sloveniji (Uradni list RS, št. 33/07): Priloga I – Uresničevanje ukrepov NPUR 2017–2021*, Ljubljana, Vlada Republike Slovenije, p. 31.

<sup>37</sup> Slovenia, Advocate of the Principle of Equality (*Zagovornik načela enakosti*), Decision No. 0700-11/2019/22, 15 July 2019.

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

As already noted, the NPUR 2017–2021 is the major programme developed by the government aimed at improving the living condition of the country's Roma population. It consists of a set of measures covering different fields of life. According to the 2019 government report on the situation of the Roma community, covering developments in 2018, important implemented measures included:<sup>38</sup>

- education – The project ‘Together for knowledge’ (*Skupaj za znanje*) is the main initiative in the field of education. It is implemented by the Centre for School and Outdoor Education (*Center šolskih in obšolskih dejavnosti*, CŠOD), a public institute, and is a multi-year project aimed at 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 education activities in three Multipurpose centres (*Večnamenski centri*) in Roma settlements targeting children who do not attend or do not regularly attend mainstream kindergartens; employment of Roma assistants who facilitate better integration of school children and act as a bridge between schools and Roma parents; provision of extra-school learning assistance to school children in seven Multipurpose centres and provision of out-of-class education activities. Since the start of the project in 2016 until the end of 2018, there were 73 pre-school children involved in the project activities carried out in the multipurpose centres (not counting those who are enrolled in primary education from September 2018), 666 school children and their parents, while 840 Roma children attended out-of-class activities. In 2018, 28 Roma assistants were present in 33 schools and 9 kindergartens across Slovenia. In the school year 2017/2018, they provided active and more frequent assistance to an average of 609 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. According to NPUR 2017–2021, the state measures include active employment policy (education and training – 176 males and 157 females included in this measure; employment incentives – 9 males and 8 females included; creation of jobs – 57 males and 72 females included; promoting self-employment – 1 Roma person included), labour market services (various workshops related to the access to labour market – 109 males and 116 females included) and services in the Career centres (e.g. career counselling, cooperation with employers in selecting job candidates – 1,501 males and 1,456 females included). In 2018, 271 Roma found a job, 145 of whom in public works and other employment programmes created by the Employment Service and 126 in the labour market proper. (Please note that the presented data only include persons self-identified as members of Roma community.)
- social protection – In 2018, there were four social protection programmes (*socialnovarstveni programi*) supported by the government and targeting the Roma. Social support programmes are programmes often carried out by NGOs supplementing the existing social protection services. 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 on yearly basis. Both assist the Roma with social inclusion.

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<sup>38</sup> Vlada Republike Slovenije (2019), [Šesto poročilo Vlade Republike Slovenije o položaju romske skupnosti v Sloveniji – Poročilo o uresničevanju obveznosti na podlagi Zakona o romski skupnosti v Republiki Sloveniji \(Uradni list RS, št. 33/07\): Priloga I – Uresničevanje ukrepov NPUR 2017–2021](#), Ljubljana, Vlada Republike Slovenije.

An important initiative is also the establishment of Multipurpose Roma Centres (*Večnamenski romski centri*, VNRC) in seven areas with the Roma population. These centres are aimed at prevention of Roma social exclusion, their social activation, integration and empowerment. They were set up in 2017 and continued their activities in 2018. The majority of activities are carried out in the form of workshops covering different topics (e.g. healthcare, family planning and underage marriages, the role of women in the family, financial literacy and safe use of IT devices). (Please note that these are not the same centres as those mentioned in the section on education.)

- housing – In 2018, the main focus was on the spatial regulation and provision of communal infrastructure in Žabjak-Brezje settlement, the largest Roma settlement in the country.
- awareness raising and fight against discrimination – In 2018, 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 include public servants who come in contact with members of the Roma community when exercising their competences and the police officers.

As regards public servants, one of the main purposes of this measure is to raise awareness of prejudices and stereotypes against Roma in a given environment and to confront civil servants with their own prejudices and stereotypes, as well as to find practical solutions to specific challenges in a particular environment. In 2018, the GPU delivered three training courses to public servants. There were 68 participants, including public servants with a local government, staff of social work centres and schools, as well as employees of the Financial Administration of the Republic of Slovenia (*Finančna uprava Republike Slovenije*, FURS).

In 2018, seven training courses involved police officers. These training courses are aimed at providing the police officers with the adequate knowledge as regards identification and understanding of the various forms of discrimination, understanding of specific characteristics including of multicultural communities, and with examples of good practice regarding the successful solution of problem situations in the field. In 2018, 142 police officers attended these courses.

- measures at local level – The Office of the Government of the Republic of Slovenia for National Minorities (*Urad Vlade Republike Slovenije za narodnosti*, UN), which monitors the situation of Roma in Slovenia and is the National Roma Contact Point, implemented the project ‘National platform for the Roma’ (*Nacionalna platforma za Rome*). The overall objective of the project was to encourage dialogue and cooperation between different stakeholders at local level and the UN, the latter providing expert assistance for dealing with concrete problems in the field. In particular, the project encouraged local governments to adopt local action plans and set up multidisciplinary teams to address actual issues more comprehensively. In 2018 a municipality prepared draft local action plan to address the situation of the Roma, while another set up a multidisciplinary team to support social inclusion of the Roma children and their parents. Apart from this, various discussions and consultations were organised within the project’s framework.

In November 2018, the first national evaluation of the implementation of a national programme aimed at Roma was produced. It covered the first year of the implementation of NPUR 2017–2021, from its adoption in May 2017 until 1 June 2018. It showed that NPUR 2017–2021 mostly included process indicators only, while outcome indicators were mostly missing, and that there was a notable lack of data on the situation of Roma in all fields of life which hardly provides for effective measurement of the impact of implemented measures. The evaluation found that, in spite of a variety of envisaged

measures, NPUR 2017–2021 lacked concrete strategic priorities and timeframes for the implementation of measures. It provided a variety of recommendations for programme refinement. It also recommended adoption of specific measures in the field of employment and housing, as laid down in the Protection against Discrimination Act.<sup>39</sup> Specific measures include incentive measures providing specific benefits or introducing special incentives for persons who are at a disadvantage in a particular area or particular environment and positive measures giving advantage to persons with a particular personal circumstance when the determined criteria and conditions are being equally met and which may, in particular, be applied when there is a clear disproportion between persons as regards the possibilities of exercising the rights or accessing goods, services or benefits.<sup>40</sup>

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<sup>39</sup> Mirovni inštitut (2018), [\*Letna evalvacija uresničevanja Nacionalnega programa ukrepov Vlade Republike Slovenije za Rome za obdobje 2017–2021: Končno poročilo o vmesnem vrednotenju \(obdobje od sprejema dokumenta dne 25.5.2017 do 1.6.2018\)\*](#), Ljubljana, Urad Vlade Republike Slovenije za narodnosti.

<sup>40</sup> Slovenia, [\*The Protection against discrimination act \(Zakon o varstvu pred diskriminacijo\)\*](#), 21 April 2016, and subsequent modifications.

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

### Unaccompanied children reaching the age of majority

Area of support	Description
<p><b>Residence permit</b></p> <p><i>Reception conditions Directive (article 6 and 7) and Qualification Directive (articles 24 and 31)</i></p>	<p>The expiry of residence permits or related documents is not age-dependant. They expire under the conditions laid down in the law and not because the child has reached 18 years of age.</p> <p>For example, an unaccompanied child, who is an asylum seeker, is issued an applicant identity card confirming their status and authorising their stay in the country pending the enforceability of a decision issued in the international protection procedure. The identity card is issued within three days from the lodging of the application and is valid for 120 days. After its expiry, a new identity card shall be issued. (Article 107 of the International Protection Act, IPA).<sup>41</sup></p> <p>If an unaccompanied child is granted the refugee status, they are served with a permanent residence permit (Article 92, paragraph 1 of IPA).</p> <p>Those who are granted subsidiary protection receive a temporary residence permit for the duration of such protection (Article 92, paragraph 2 of IPA). These residence permits do not expire when children reach 18 years of age.</p> <p>An unaccompanied child may also obtain a temporary residence permit under the Foreigners Act (hereinafter: FA).<sup>42</sup> Such permits may be issued for a variety of reasons set out in the law, including:</p> <ul style="list-style-type: none"> <li>• e.g. for study purposes (Article 44 of FA) or for work (e.g. Article 37 of FA; single permit) (broadly</li> </ul>

<sup>41</sup> Slovenia, [The International protection act](#) (*Zakon o mednarodni zaščiti*), 4 March 2016, and subsequent modifications.

<sup>42</sup> Slovenia, [The Foreigners act](#) (*Zakon o tujcih*), 15 June 2011, and subsequent modifications.

	<p>understood as regular immigration patterns);</p> <ul style="list-style-type: none"> <li>• if they are in irregular situation but have resided in the country based on a permission to stay for at least 24 months, and their removal would violate the principle of non-refoulement, or their removal from the country is not possible and their personal circumstances or other valid reasons justify their stay in the country (Article 51, paragraph 2 of FA);</li> <li>• if they are victims of trafficking in human beings irregularly residing in Slovenia, or are victims of illegal employment (any child who is in employment or works in Slovenia and resides irregularly) and are willing to participate in criminal proceedings, or, in the latter case, have lodged a complaint to enforce their rights from employment (Article 50, paragraph 4 of FA).</li> </ul> <p>All temporary residence permits remain valid during the period for which they have been issued. The fact that an unaccompanied child has reached 18 years of age does not affect their validity.</p>
<p><b>Guardianship (representative under Reception Conditions Directive Article 24.1)</b></p>	<p>The IPA provides for the appointment of a statutory representative (<i>zakoniti zastopnik</i>) to an unaccompanied child who applies for international protection. The statutory representative shall be authorised to provide for statutory representation of a child in the areas of health protection, education, property rights and benefits protection as well as in the asylum procedure (Article 16, paragraph 3). Based on this this law, an implementing act was adopted. According to this implementing act (Article 2, paragraph 4),<sup>43</sup> when an unaccompanied child seeking asylum needs representation in an area not covered by the IPA, they shall be assigned a guardian (<i>skrbnik</i>) under the law governing family relations, namely the Family Code (<i>Družinski zakonik</i>).<sup>44</sup> This law represents a <i>lex generalis</i>, governing issues of guardianship not stipulated in the IPA.</p> <p>As further laid down in the IPA, the social work centre immediately appoints a guardian (<i>skrbnik</i>) to an unaccompanied child under international protection in accordance with the regulations governing family relations (Article 100, paragraph 1 of IPA).</p>

<sup>43</sup> Slovenia, The Decree on the implementation of the statutory representation of unaccompanied children and the method of ensuring adequate accommodation, care and treatment of unaccompanied children outside the Asylum Centre or its branch (*Uredba o načinu izvajanja zakonitega zastopanja mladoletnikov brez spremstva ter načinu zagotavljanja ustrezne nastanitve, oskrbe in obravnave mladoletnikov brez spremstva zunaj azilnega doma ali njegove izpostave*), 6 July 2017.

<sup>44</sup> Slovenia, The Family code (*Družinski zakonik*), 21 March 2017, and subsequent modifications. The law has been applied since April 2019. In the past, the matter was regulated by the Law on marriage and family relations (Slovenia, The Law on marriage and family relations (*Zakon o zakonski zvezi in družinskih razmerjih*), 4 June 1976, and subsequent modifications).

	<p>According to the Family Code, which is relevant in both cases, guardianship of a child shall end when the child obtains the full capacity to contract, that is – when they reach 18 years of age (Articles 261 and 5 of the Family Code). The legislation itself does not include specific measures related to the transition to adulthood.</p>
<p><b>Accommodation</b> <i>Reception Conditions Directive</i> <b>Article 24.2</b></p>	<p>Unaccompanied children in an irregular situation are accommodated in the Aliens Centre (<i>Center za tujce</i>), a closed institution. They stay in the department for unaccompanied children or in the department for vulnerable groups. When they reach 18 years of age they are transferred to the department for adults. There was only one such case in 2019, and the former guardian for special case (<i>skrbnik za posebne primere</i>) assisted with the transfer.<sup>45</sup> Specific provisions concerning the transition to adulthood, however, are not laid down in the legislation. According to available data, 245 unaccompanied children were detained in the Aliens Centre in 2018 and 190 in the period from 1 January until 28 August 2019.<sup>46</sup></p> <p>Unaccompanied children seeking asylum may be accommodated in the asylum home (Article 82 of IPA) or in private dwellings (Article 83 of IPA). The same as other persons to whom international protection has been granted, unaccompanied children may stay in an integration house or other facilities of the Office of the Government of the Republic of Slovenia for the Support and Integration of Migrants (<i>Urad Vlade Republike Slovenije za oskrbo in integracijo migrantov</i>, UOIM) for 12 months. Under specific conditions, their accommodation in these facilities may be extended once for not more than six months (Article 93 of IPA). Unaccompanied children with international protection may also stay in private accommodation.</p> <p>In practice, however, both groups of unaccompanied children – asylum seekers and recipients of international protection – have been accommodated in student dormitories since 2016. Historically, the issue of accommodation of unaccompanied children was not a priority in Slovenia. During the mass arrival of refugees in 2015, there was a larger influx of unaccompanied children and the government, in 2016, adopted the decision to initiate a project of their accommodation in student dormitories where they could receive better care.<sup>47</sup> Initially, the unaccompanied children were accommodated in student dormitories in Nova Gorica and Postojna.<sup>48</sup> Upon completion of the project</p>

<sup>45</sup> Information was provided by the General Police Directorate (*Generalna policijska uprava*) upon request (email, 25 September 2019).

<sup>46</sup> Human Rights Ombudsman (2019), [Information paper: UPR Pre-session for the 3rd cycle of the Universal Periodic Review of Slovenia](#), 11 October 2019.

<sup>47</sup> Legal-Informational Centre for Non-Governmental Organisations (2017), [EMN Focused study 2017: \(Member\) States' Approaches to Unaccompanied Minors Following Status Determination: Slovenia](#), Ministry of the Interior

<sup>48</sup> Slovenia, Government of the Republic of Slovenia (*Vlada Republike Slovenije*), Decision No. 21400-6/2016/8, 28 July 2016.

in 2017, the government decided to follow up until a systematic solution regarding their accommodation is not devised. It adopted a decision providing for the accommodation of all the children in the student dormitory in Postojna until the end of 2018.<sup>49</sup> With another decision adopted in 2018, the government further extended their stay in the student dormitory in Postojna through 2019.<sup>50</sup> In December 2019, the government decided to extend the children's stay in Postojna for yet another year, until a systematic solution is in place.<sup>51</sup>

Unaccompanied children may stay in the student dormitory until the end of a school year in which they have reached 18 years of age.<sup>52</sup> Young adults who are asylum seekers are transferred to the asylum home, while those under international protection are accommodated in private dwellings. Social workers employed with the asylum home provide support to asylum seekers, while integration advisors of the Office of the Government of the Republic of Slovenia for the Support and Integration of Migrants provide support to those under international protection. The same as other adults, young adults may receive assistance from NGOs contracted by the government to provide assistance to asylum seekers and persons under international protection, respectively.<sup>53</sup> In general, except for a few measures, the legislation does not set out systematic specific measures related to the transition to adulthood. An individual with international protection who lacks their own means of subsistence and whose accommodation is not ensured in some other manner, and who resided as an unaccompanied child in a specialised accommodation facility adapted for children (currently, the already mentioned student dormitory in Postojna) and became an adult in the meantime, shall have the right to financial assistance for accommodation in a private dwelling for two years after the expiry of the right to reside in such a facility (Article 97, paragraph 4 of IPA). All individuals under international protection who lack their own means of subsistence, whose accommodation is not ensured in some other manner, and no person is obliged to provide for them, and who have student status or attend adult education, are eligible for financial assistance for accommodation in private dwellings for three years after the acquisition of the status. This measure can be extended for the period of their schooling, but for no longer than until they reach 26 years of age (Article 97, paragraph 3 of IPA).

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<sup>49</sup> Slovenia, Government of the Republic of Slovenia (*Vlada Republike Slovenije*), Decision No. 007-235/2016/31, 24 July 2017.

<sup>50</sup> Slovenia, Government of the Republic of Slovenia (*Vlada Republike Slovenije*), Decision No. 21400-11/2018/5, 20 December 2018.

<sup>51</sup> Slovenia, Government of the Republic of Slovenia (*Vlada Republike Slovenije*) (2019), '55. redna seja Vlade Republike Slovenije', press release, 19 December 2019.

<sup>52</sup> Slovenia, Government of the Republic of Slovenia (*Vlada Republike Slovenije*), Decision No. 21400-11/2018/5, 20 December 2018.

<sup>53</sup> Information was provided by the Office of the Government of the Republic of Slovenia for the Support and Integration of Migrants (*Urad Vlade Republike Slovenije za oskrbo in integracijo migrantov*) upon request (email, 25 September 2019).

	<p>Children seeking asylum, including unaccompanied children, shall have the access to education in vocational and secondary schools under the same conditions as nationals (Article 88, paragraph 2 of IPA). The same holds as regards asylum seekers' access to higher, university and adult education (Article 88, paragraph 3 of IPA). The UOIM covers the costs of public transport for all asylum applicants included in the regular education system (Article 88, paragraph 5 of IPA). All individuals under international protection have access to all levels of education under the same conditions as nationals (Article 101, paragraph 1 of IPA). Among other things, they are entitled to state scholarships and accommodation in student dormitories under the same conditions as citizens (Article 101, paragraph 2 of IPA), while the UOIM covers the costs of the recognition and assessment of qualifications proven by foreign diplomas, certificates and other documents showing the formal education of persons under international protection (Article 101, paragraph 3).</p> <p>Children seeking asylum and beneficiaries of international protection, including unaccompanied children, are entitled to healthcare services under the same conditions as other children covered by mandatory health insurance as family members. Children aged 18 years or older included in education are entitled to the same extent of healthcare services until they leave school, to the same extent until they leave school, but not after reaching 26 years of age. (Article 86, paragraph 3 and Article 98, paragraph 2 of IPA).</p>
<p><b>Return</b> <i>Return Directive, Article 10</i></p>	<p>Under the FA, in the case of the removal of an unaccompanied child who resides irregularly in Slovenia, the police immediately inform a Social work centre (<i>center za socialno delo</i>). The centre shall immediately appoint a guardian for a special case (<i>skrbnik za poseben primer</i>). The police shall issue a decision on the return of the child when the guardian for a special case, after carefully examining all circumstances, establishes that this is in the best interest of the child (Article 82, paragraph 1 of FA). A child may not be deported to their country of origin or to a third country which is willing to accept them, until their reception is guaranteed there. Before deportation, it shall be satisfactorily established that they will be returned to a member of their family, a nominated guardian or adequate reception facilities in the country of return. Removal of a child in contravention of the relevant international treaties shall not be allowed (Article 82, paragraph 2 of FA).</p> <p>Upon the adoption of the new Foreigners Act in 2011, a protocol between the police and Social work centres on the cooperation in the implementation of assistance to unaccompanied children under the Foreigners act was adopted. According to the protocol, when the police apprehend an unaccompanied child who enters or resides in Slovenia</p>

	<p>illegally, they shall inform the competent local centre about the case. based on the obtained information and an interview with the child, the local centre shall appoint to the child the Social work centre in Postojna (<i>Center za socialno delo Postojna</i>) as a guardian for a special case.<sup>54</sup> The Aliens Centre is located in Postojna.</p> <p>A child is returned upon his or her consent, his or her parents' consent and, necessarily, upon the consent by the guardian for a special case, and after it was satisfactorily established in an interview with the child that this is in his or her best interest. The guardian for a special case must arrange the proper admission in the home country, usually by parents, relatives, and sometimes by representatives of the organisation in the receiving country. Since 2016 until September 2019, 18 have been returned to their countries, of whom four with the assistance of the International Organization for Migration (IOM).<sup>55</sup> This organisation is contracted by the government to implement the project 'Voluntary return of foreigners from the Republic of Slovenia and reintegration programmes in the country of return of foreigners' (<i>Prostovoljno vračanje tujcev iz Republike Slovenije in reintegracijski programi v državi vrnitve tujcev</i>), which includes assistance to foreigners with their return and producing an individual reintegration programme in the receiving country, the latter being particularly aimed at families, unaccompanied children and vulnerable groups.<sup>56</sup> In recent years, the police have not recorded cases of unaccompanied children reaching 18 years of age during the removal procedures.<sup>57</sup></p>
<b>Others</b>	<p>Under the Foreigners Act, the police may authorise, on the child's request or <i>ex officio</i>, the stay of an unaccompanied child who is a victim of trafficking and resides in the country in an irregular manner, or who is a victim of illegal employment, that is – any child who is in employment or works in Slovenia and resides in the country an irregular manner. They are allowed to stay in the country for 90 days to decide whether they are willing to participate in criminal proceedings, and in the case of victims of illegal employment, if they filed a lawsuit to</p>

<sup>54</sup> Slovenia, The Protocol between Social work centres and the police on the cooperation in the implementation of assistance to unaccompanied children on the basis of the Aliens act (*Protokol o sodelovanju med centri za socialno delo in Policijo pri izvajanju pomoči mladoletnikom brez spremstva po Zakonu o tujcih*), 16 August 2012.

<sup>55</sup> Information was provided by the General Police Directorate (*Generalna policijska uprava*) upon request (email, 25 September 2019).

<sup>56</sup> Slovenia, Ministry of the Interior (*Ministrstvo za notranje zadeve*), Javni razpis za izvedbo projekta "Prostovoljno vračanje tujcev iz Republike Slovenije in reintegracijski programi v državi vrnitve tujcev", št. 430-806/2018, 4 January 2019; Slovenia, Ministry of the Interior (*Ministrstvo za notranje zadeve*), Javni razpis za izvedbo projekta "Prostovoljno vračanje tujcev iz Republike Slovenije in reintegracijski programi v državi vrnitve tujcev", št. št. 430-483/2016, 16 November 2016.

<sup>57</sup> Information was provided by the General Police Directorate (*Generalna policijska uprava*) upon request (email, 25 September 2019).

	<p>enforce their rights from employment. The police may extend their stay in the country for 90 days for justified reasons. (Article 50, paragraph 1 of FA).</p> <p>The police may also issue a permission to stay to individuals, including unaccompanied children, who reside in Slovenia irregularly. This may be done for a variety of reasons, including:</p> <ul style="list-style-type: none"> <li>• their removal from the country would violate the principle of non-refoulement;</li> <li>• they do not have and cannot obtain a valid travel document from their country of citizenship;</li> <li>• for health reasons, that is – when a medical doctor does not recommend their immediate removal from the country;</li> <li>• a child attends primary school (permission issued until the completion of the school year);</li> <li>• a guardian for special case, assigned to an unaccompanied child, requests so (Article 73, paragraph 2 of FA) (Please note that, as of yet, the police has not recorded any case under the last mentioned provision.)<sup>58</sup></li> </ul> <p>Permission to stay may be issued for up to six month and may be further extended (Article 73, paragraph 2 of FA).</p> <p>In no situations mentioned above the authorisation/permission to stay becomes invalid because an unaccompanied child has reached 18 years of age.</p> <p>In 2018 and in the period from 1 January until 2 December 2019, the police did not issue permission to stay to any unaccompanied child.<sup>59</sup></p>
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<sup>58</sup> Information was provided by the General Police Directorate (*Generalna policijska uprava*) upon request (email, 25 September 2019).

<sup>59</sup> Information was provided by the General Police Directorate (*Generalna policijska uprava*) upon request (email, 2 December 2019).

## Chapter 5. Information society, data protection

### 1. Activities developed and launched by national data protection supervisory authorities (SAs) to implement and enforce the GDPR

A new Personal Data Protection Act (*Zakon o varstvu podatkov, ZVOP-2*), with the aim, among others, to implement the provisions of the GDPR, was already drafted in 2018.<sup>60</sup> A version of the draft underwent inter-ministerial coordination and public discussion in March 2019.<sup>61</sup> After this procedure, the draft received further revisions and the Ministry of Justice (*Ministrstvo za pravosodje, MP*) prepared a new version of the draft,<sup>62</sup> which is currently in the second cycle of inter-ministerial coordination.

In its last annual report, covering development in 2018, the Information Commissioner (*Informacijski pooblaščenec, IP*) highlighted the impacts the beginning of the application of the GDPR has had on its work and organisation. The IP's efforts were aimed at the awareness raising, reorganisation and capacity building of the institution in the light of the new legislation and a significant increase of the workload. Namely, in 2018, the number of inspection cases conducted by the IP increased by 57 % compared to the previous year.<sup>63</sup> The IP provides information on its telephone line, and the number of such calls increased by 62 %.<sup>64</sup>

The IP reports an increase in the use of resources compared to the previous years, due to, among others, employment of additional staff members for exercising the new powers in line with the GDPR.<sup>65</sup>

In preparation for the application of the GDPR, considerable efforts were directed at raising awareness among the general and the expert public. On the European Data Protection Day, on 26 January 2018, the IP in cooperation with the Chamber of Commerce and Industry of Slovenia (*Gospodarska zbornica Slovenije, GZS*) organised a public event about the changes brought by the GDPR. The IP also held 109 *pro bono* lectures on the GDPR for different public

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<sup>60</sup> Slovenia, The Draft Personal data protection act (*Predlog Zakona o varstvu osebnih podatkov, ZVOP-2*), 23 January 2018.

<sup>61</sup> Slovenia, Ministry of Justice (*Ministrstvo za pravosodje*), 'Predlog novega Zakona o varstvu osebnih podatkov', press release, 14 August 2019.

<sup>62</sup> Slovenia, The Draft Personal data protection act (*Predlog Zakona o varstvu osebnih podatkov, ZVOP-2*), 14 August 2019.

<sup>63</sup> Informacijski pooblaščenec (2019), [Letno poročilo Informacijskega pooblaščenca za leto 2018](#), Ljubljana, Informacijski pooblaščenec, p. 63.

<sup>64</sup> Informacijski pooblaščenec (2019), [Letno poročilo Informacijskega pooblaščenca za leto 2018](#), Ljubljana, Informacijski pooblaščenec, p. 94.

<sup>65</sup> Informacijski pooblaščenec (2019), [Letno poročilo Informacijskega pooblaščenca za leto 2018](#), Ljubljana, Informacijski pooblaščenec, p. 18.

and private institutions, associations and chambers, at conferences and seminars.<sup>66</sup> The IP further issued a general opinion on the processing of members' personal data in line with the GDPR, as a response to an increased number of inquiries from NGOs.<sup>67</sup>

Since the new Personal Data Protection Act, as explained above, has not been adopted yet, there are numerous challenges and uncertainties in practice. For example, the IP cannot yet impose administrative fines in accordance with the GDPR.<sup>68</sup>

Since the application of the GDPR, the Supreme Court of the Republic of Slovenia (*Vrhovno sodišče Republike Slovenije*) and other national courts are conducting necessary activities to adapt their internal acts and documents to the requirement of the regulation. The president of the Supreme Court issued an instruction on the detection and communication of security events related to personal data protection. The Supreme Court proposed to the Judicial Training Centre at the Ministry of Justice (*Center za izobraževanje v pravosodju*, CIP) to organise personal data protection training courses for judicial staff. They intend to organise additional activities and adjustments after the adoption of the new Personal Data Protection Act (*Zakon o varstvu podatkov*, ZVOP-2).<sup>69</sup>

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<sup>66</sup> Informacijski pooblaščenec (2019), [Letno poročilo Informacijskega pooblaščenca za leto 2018](#), Ljubljana, Informacijski pooblaščenec, foreword.

<sup>67</sup> Slovenia, Information Commissioner (2018), [General opinion on personal data processing in associations](#) (*Splošno mnenje glede obdelave osebnih podatkov v društvih*), Ljubljana, 15 March 2018.

<sup>68</sup> Informacijski pooblaščenec (2019), [Letno poročilo Informacijskega pooblaščenca za leto 2018](#), Ljubljana, Informacijski pooblaščenec, p. 70.

<sup>69</sup> Information was provided by the Supreme Court of the Republic of Slovenia (*Vrhovno sodišče Republike Slovenije*), upon request (email, 25 September 2019).

## 2. Artificial intelligence and big data

MS	Actor*	Type*	Description	Are Ethical concerns mentioned? (yes/no)	Are Human Rights issues mentioned? (yes/no)	Reference
SI	Parliamentary	National Acts	Declaration on the activities of the Republic of Slovenia in the institutions of the European Union for the period January 2019–June 2020. The aim of the Declaration is to set fundamental political directions and priority strategic questions. In the field of telecommunications, information society and cybersecurity, Slovenia supports all the specific goals of the Digital Europe Programme, including boosting AI capacities.	No	No	Slovenia, Declaration on the activities of the Republic of Slovenia in the institutions of the European Union for the period January 2019–June 2020 ( <i>Deklaracija o usmeritvah za delovanje Republike Slovenije v institucijah Evropske unije v obdobju januar 2019–junij 2020</i> ), 8 March 2019.
SI	Government	Other Projects	Plan of the use of the 470–790 MHz frequency band in Slovenia. The Government adopted the plan for the implementation of 5G technology that will, among other, be the basis for the use of the internet of things.	No	No	Slovenia, Government Plan of the use of the 470–790 MHz frequency band in Slovenia ( <i>Načrt uporabe frekvenčnega pasu 470 – 790 Mhz v Republiki Sloveniji</i> ), 23 March 2019.
SI	Government	Other Projects	The Government of the Republic of Slovenia adopted a Decision to	No	No	Slovenia, Government of the Republic of Slovenia ( <i>Vlada Republike Slovenije</i> ) (2019), ‘Vlada sprejela sklep o

			<p>propose the establishment of the “International AI Research Centre”. The Slovenian government has announced plans, with official backing from UNESCO, to set up Europe’s first international artificial intelligence (AI) research centre.</p> <p>The Department of Intelligent Systems at the Jožef Stefan Institute (JSI) (<i>Institut Jožef Štefan, Odsek za inteligentne sisteme</i>) in Ljubljana will be converted into a centre that focuses on the governance and policies surrounding AI.</p> <p>The centre will promote and combine solutions and strategies for reaching the goals of the UN 2030 Agenda for Sustainable Development, with particular emphasis on several goals set out in the UN Agenda, including gender equality (5), decent work and economic growth (8), reduced inequalities (10) and peace, justice and strong institutions (16).</p>			<p>nameri za ustanovitev “Mednarodnega raziskovalnega centra za umetno inteligenco”, press release, 28 March 2019.</p> <p>Slovenia, Ministry of Education, Science and Sport (Ministrstvo za izobraževanje, znanost in šport), Information on the proposal of the Ministry of Education, Science and Sport to establish the International AI Research Centre under the Auspices of UNESCO, IRCAI (<i>Informacija o predlogu Ministrstva za izobraževanje, znanost in šport za ustanovitev Mednarodnega raziskovalnega centra za umetno inteligenco pod okriljem UNESCO</i>), 14 March 2019.</p>
SI		Other Projects	The Information Commissioner ( <i>Informacijski pooblaščenec, IP</i> ) has been active in the International	Not clear	Not clear	Information was provided by the Information Commissioner ( <i>Informacijski pooblaščenec</i> ) upon request (email, 20 September 2019). The International Working

			Working Group on Data Protection in Telecommunications (IWGDPT). In April 2019, the IP hosted the group's 65th meeting. During the meeting the working group adopted a working paper 'Privacy Risks with Smart Devices for Children', related to the internet of things.			Group on Data Protection in Telecommunications (2019), Privacy Risks with Smart Devices for Children (Working paper), Bled, International Working Group on Data Protection in Telecommunications. For the paper, see the group's website at <a href="https://www.datenschutz-berlin.de/infothek-und-service/veroeffentlichungen/working-paper/">https://www.datenschutz-berlin.de/infothek-und-service/veroeffentlichungen/working-paper/</a> .
SI	NGO	Other Projects	The Peace Institute filed a complaint to the Information Commissioner asking it to launch investigations into the behavioural advertising industry. The complaints point out that real-time bidding and Google's Authorized Buyers advertising system may broadcast the personal data of users to hundreds if not thousands of companies. The complainant believes that advertising through real-time bidding works is against the GDPR. Similar complaints were filed with respective national data protection offices in BE/FR, BG, CZ, DE, HU, EE, IE/UK, N and PL.	Yes	Yes	The Peace Institute, '#StopSpyingOnUs: Skupine za človekove in digitalne pravice v 9-ih državah EU vložile pritožbe zaradi nezakonite metode spletnega oglaševanja', press release, 6 June 2019.
SI	Government	Other projects	On 28 October 2019, Slovenia, in co-sponsorship with CoE and UNESCO, organised a side event to	Yes	Yes	Slovenia, Ministry of Justice ( <i>Ministrstvo za pravosodje</i> ) (2019), 'Državni sekretar Gregor Stroj in vodil stranski dogodek "Umetna inteligenca: tehnologija v službi

			<p>the 74th Session of the United Nations General Assembly entitled ‘Artificial Intelligence: Technology to serve humankind, setting legal standards’. The goal of the event was to discuss opportunities and challenges related to AI, with special emphasis on legal and ethical questions concerning the current and future use of AI in societies, and to identify possible solutions for the standardisation and regulation of the technology. State Secretary at the Ministry of Justice, who hosted the event, underlined the risks posed by AI for democracy, human rights and fundamental freedoms.</p>			<p>človeštva; vzpostavljanje pravnih standardov” v okviru 74. zasedanja Generalne skupščine Združenih narodov’, press release, 29 October 2019.</p>
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\*For the actors, please pick from the following suggestions:

- Government/ Parliamentary
- DPA
- NGO/Other Non Profit
- Academia
- Domestic Courts
- Business
- Independent State Institution
- Other

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

- National Draft Acts / Adopted Acts
- report/study
- other projects

### **3. Data retention**

Desk research revealed no developments in the field. As described above, the priority of the Ministry of Justice is the adoption of the new Personal Data Protection Act (*Zakon o varstvu podatkov, ZVOP-2*).

# Chapter 6. Rights of the child

## 1. Procedural safeguards for children who are suspects in criminal proceedings

<b>Legislative changes</b>	<p>Draft Liability of Minors for Criminal Offences Act<sup>70</sup></p> <p>The need to adopt a special law governing procedural rules for children who are suspects in criminal proceedings has been present in Slovenia for over a decade. Currently three different laws that are being used for processing minor suspects: Criminal Code (<i>Kazenski zakonik</i>),<sup>71</sup> Criminal Procedure Act (<i>Zakon o kazenskem postopku</i>)<sup>72</sup> and Enforcement of Criminal Sanctions Act (<i>Zakon o izvrševanju kazenskih sankcij</i>).<sup>73</sup> A special law that would comprehensively address the processing of minors in criminal proceedings was announced at the adoption of the 2008 criminal Code. Since, drafts were prepared in 2011 and 2015 but were not adopted. The current draft was sent to public discussion on 25 April 2019. Later on, the Ministry of Justice (<i>Ministrstvo za pravosodje</i>, MP) worked on the new version of the draft law and made it available for public discussion on 24 December 2019.</p> <p>The main principles of the draft are support and education of minors, strengthened individual treatment of minors, stronger focus on alternative options of treatment and consistent respect of procedural guarantees. When preparing this draft law, the provisions of the Directive 2016/800 on procedural safeguards for children were also considered and the Liability of Minors for Criminal offences Act, when adopted, is to be the transposition measure for the directive.<sup>74</sup> As such, the draft law includes provisions regarding the right to a lawyer, limitation of deprivation of liberty, specific treatment in the case of deprivation of liberty, right to protection of privacy, right to be accompanied by the holder of parental responsibility during the proceedings and right to individual assessment in line with the provisions of the directive.<sup>75</sup></p>
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<sup>70</sup> Slovenia, [The Draft Liability of minors for criminal offences act](#) (*Predlog Zakona o obravnavanju mladoletnih storilcev kaznivih dejanj*), 19 April 2019.

<sup>71</sup> Slovenia, The Criminal code (*Kazenski zakonik*), 20 May 2008 and subsequent modifications.

<sup>72</sup> Slovenia, The Criminal procedure act (*Zakon o kazenskem postopku*), 29 September 1994 and subsequent modifications.

<sup>73</sup> Slovenia, The Enforcement of criminal sanctions act (*Zakon o izvrševanju kazenskih sankcij*), 23 February 2000 and subsequent modifications.

<sup>74</sup> Slovenia, [The Draft Liability of minors for criminal offences act](#) (*Predlog Zakona o obravnavanju mladoletnih storilcev kaznivih dejanj*), 19 April 2019, p.2.

<sup>75</sup> Slovenia, [The Draft Liability of minors for criminal offences act](#) (*Predlog Zakona o obravnavanju mladoletnih storilcev kaznivih dejanj*), 19 April 2019, p.13.

<p><b>Policy developments</b></p>	<p>Resolution on the National Programme for the Prevention and Suppression of Crime 2019–2023<sup>76</sup></p> <p>The resolution identifies juvenile delinquency and peer violence as the most common forms of juvenile criminality. The resolution identifies as risk factors for peer violence relationships, upbringing, communication, values in the child’s family, personality structure, self-esteem, children’s emotional literacy, empathy, behavioural patterns, ability of conflict resolution, group dynamics in the classroom and environment, relationships of domination and subjugation, the roles played by children, tolerance of violence within school districts and in society, the impacts of the broader social environment, and the impact of socio-economic factors on learning performance.</p> <p>Goals and strategies of the resolution are mostly focused on child victims of crimes. However, one of the strategies/programmes is directed towards identifying peer violence and implementing preventive measures. As a key measure to achieve this goal, the resolution proposes setting up a system for identifying the first signs of peer violence. The responsible authority for this (permanent) activity is the police with the cooperation of other stakeholders.</p> <p>General guidelines for forensic work in the field of psychology<sup>77</sup></p> <p>The Chamber of Clinical Psychologists of Slovenia (Zbornica kliničnih psihologov Slovenije) published these guidelines for providing objective and relevant data about the psychological characteristics and interpersonal relationships of persons reviewed by the clinical psychologists at the request of courts. The document includes guidelines on the clinical psychology of children, their psychological and social characteristics, signs of abuse, ability to participate in procedures, psychological characteristics of children who are suspects, etc.</p> <p>Desk research and consultation with stakeholders did not identify other guidance or training of law enforcement officers, training of judges, or developing indicators to monitor the situation of child suspects and improve data collection.</p>
<p><b>Other measures or initiatives</b></p>	<p>Desk research and consultation with stakeholders did not identify activities to promote alternatives to detention; community involvement or general initiatives related to the dissemination and information about the entering into force of the Directive.</p>

<sup>76</sup> Slovenia, [The Resolution on the national programme for the prevention and suppression of crime 2019–2023](#) (*Resolucija o nacionalnem programu preprečevanja in zatiranja kriminalitete za obdobje 2019–2023*), 20 June 2019.

<sup>77</sup> Zbornica kliničnih psihologov Slovenije (2019), *Splošne smernice za opravljanje sodnoizvedenskega dela na področju psihologije*, Ljubljana, Zbornica kliničnih psihologov Slovenije.

## 2. Legal and policy measures or initiatives developed about child internet safety

The Resolution on the National Programme for the Prevention and Suppression of Crime 2019–2023 mentions the abuse of internet as a specific form of peer violence and as means for committing cybercrimes that include sexual abuse of children.<sup>78</sup> The resolution states that the prevention and detection of all forms of gender-based violence is an overarching task of the state, requiring the coordinated action of all competent authorities. The goals and strategies of the resolution are, among other things, focused on informing the citizens of risks existing in cyberspace and increase the responsibility of individuals for their personal safety. The resolution states that it is important to maintain existing national programmes for awareness-raising and education, to advance them and include new target groups. Furthermore, cybersafety information should be systematically included in the curriculum, particularly in the primary and secondary school curricula.

The existing national programmes for awareness-raising and education about cybersafety are also included in the Digital Slovenia 2020 – Strategy for Information Society Development until 2020 (*Digitalna Slovenija 2020 – Strategija razvoja informacijske družbe do leta 2020*).<sup>79</sup> Concerning measures for child internet safety, the strategy mentions the ongoing programmes within the Centre for Safer Internet (*Center za varnejši internet*), run by a consortium consisting of the Faculty of Social Sciences University of Ljubljana (*Fakulteta za družbene vede Univerze v Ljubljani*), the Academic and Research Network of Slovenia (*Akademsko in raziskovalna mreža Slovenije, ARNES*), Slovenian Association of Friends of Youth (*Zveza prijateljev mladine Slovenije, ZPMS*) and Institute MISSS, funded by the European Commission and the Ministry of Education, Science and Sport (*Ministrstvo za izobraževanje, znanost in šport, MIZŠ*). These programmes are:

- SAFE.SI – national focal point for raising awareness of children and teenagers about the safe use of the internet and mobile devices;<sup>80</sup>
- TOM hotline for children and youth that also advises them on the safe use of the internet and mobile devices;<sup>81</sup>
- Web Eye (Spletno oko) is an online entry point that, in partnership with the police, the prosecution, the Human Rights Ombudsman, internet providers and other interested governmental and non-governmental organisations, allows anonymous reports of illegal materials of child sexual abuse and online hate speech and raises awareness of illegal online content.<sup>82</sup>

No legal, policy or measures or initiatives developed concerning the adoption of the Audiovisual Media Services Directive (Directive (EU) 2018/1808) could be identified. The Audiovisual Media

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<sup>78</sup> Slovenia, [The Resolution on the national programme for the prevention and suppression of crime 2019–2023 \(Resolucija o nacionalnem programu preprečevanja in zatiranja kriminalitete za obdobje 2019–2023\)](#), 20 June 2019.

<sup>79</sup> Slovenia, [Digital Slovenia 2020 – Strategy for Information Society Development until 2020 \(Digitalna Slovenija 2020 – Strategija razvoja informacijske družbe do leta 2020\)](#), 2016.

<sup>80</sup> For more information, see the project webpage on <https://otroci.safe.si/>.

<sup>81</sup> For more information, see the project webpage on [www.e-tom.si/category teme/varna-raba-interneta-teme/](http://www.e-tom.si/category teme/varna-raba-interneta-teme/).

<sup>82</sup> For more information, see the project webpage on [www.spletno-okoi.si/](http://www.spletno-okoi.si/).

Services Act,<sup>83</sup> transposing the Audiovisual Media Services Directive 2010/13/EU contains provisions on the protection of children and youth in relation to television programmes and audiovisual media services on demand.

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<sup>83</sup> Slovenia, The Audiovisual media services act (*Zakon o avdiovizualnih medijskih storitvah*), 19 October 2011, and subsequent modifications.

# Chapter 7. Access to justice including crime victims

## 1. Victims' Rights Directive

On 26 March 2019, the Act Amending the Criminal Procedure Act (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku*, ZKP-N) was adopted.<sup>84</sup> One of the main goals of the adopted amendments was to transpose the Victim's Rights Directive. The amendments became applicable on 20 October 2019. Some of the provisions of the amended act introduce new rights that were not available to victims before, and some rights are further elaborated and extended to the victims of crime. The new provisions of relating to the victims include:

- right to translation and interpretation (Article 1 of ZKP-N, amending Article 8 of ZKP): victims have the right to translation and interpretation; the provision now stipulates the essential documents that must be translated upon the victims request: summons, decisions to dismiss a criminal complaint, decisions to reject or refuse a request for an investigation, decisions to suspend proceedings, decisions to dismiss an indictment, judgments and instructions on the right to take over or to continue the prosecution;
- police, prosecution offices, courts and other state authorities as well as experts, interpreters and settlers have to treat the victims carefully and considerately, with regard to their age, health, vulnerability or other similar circumstances (Article 2 of ZKP-N, adding a new Article 18a to ZKP);
- right to be accompanied by a person of trust during the pre-trial and trial procedure is granted also to other crime victims, who are not minors or victims of violence, at least in cases where the severity or the nature of the offence, the victim's personal circumstances or the level of endangerment so requires (unless the accompaniment is against the interests of the procedure or the victim) (Article 13 of ZKP-N amending Article 65 of ZKP). The body conducting the pre-trial and trial criminal procedure must enable the victim to avoid unwanted contact with the suspect or the accused, unless the contact is indispensable for the successful conduct of pre-trial or trial procedure;
- upon the first contact, the competent authority in pre-trial or criminal proceedings must inform the victim about the manner of providing information on: free medical, psychological and other assistance and support; assistance and measures under the law governing the prevention of domestic violence; protective and other measures for ensuring personal security under this law and the law governing the protection of witnesses; the rights referred to in Article 65 of this Act and the right to free legal aid under the law governing free legal aid; the possibilities for compensation for damages under this Act and the law governing compensation to victims of crime; payment and reimbursement of the costs of proceedings of the victim; the right to interpretation and translation; the contact person of the competent authority with whom he / she can communicate in his / her case; any other rights or benefits that may be relevant to the injured party (Article 14 of ZKP-N, adding a new Article 65a to ZKP);
- the victim has the right to receive a written receipt that they made a criminal report (Article 34 of ZKP-N, adding a new Article 147a to ZKP);
- a minor who is unable to understand the importance of the right not to testify due to age and mental development is not allowed to be heard as a witness unless requested by the

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<sup>84</sup> Slovenia, [The Act amending the Criminal procedure act](#) (*Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku*, ZKP-N), 26 March 2019.

- defendant himself or if the court considers that it is in the victim's best interests (Article 75 of ZKP-N amending Article 236 of ZKP);
- the deadline for the victim's decision regarding subsidiary prosecution is extended from eight to thirty days; it also provides effective information to the injured party on the possibility of initiating or taking over subsidiary prosecution (Article 10 of ZKP-N amending Article 60 of ZKP);
  - the definition of a victim/injured party is extended, so that it includes certain family members of a victim who died due to the criminal offence; a definition of a victim with special protection needs is added: a victim, whose personal or property right were significantly violated by a crime, because of his or her personal characteristics or vulnerability, because of the nature, gravity or circumstances of the crime or because of the behaviour of the accused or injured person in the pre-criminal or criminal proceedings (Article 32 of ZKP-N amending Article 144 of ZKP);
  - Article 31 of ZKP-N, adding a new Article 143č to ZKP, provides for the individual assessment which is performed by the competent body in the pre-trial and trial criminal procedure. Individual assessment is used as a basis for the decision if and to what extent the victim would benefit from special protection measures as provided by the law. It is considered that minor victims always need special protection;
  - the direct examination of persons under the age of 15 who were victims of sex offences, neglect and maltreatment of a child, human trafficking and enslavement is not allowed at the main hearing. In these cases, the court must decide to read the record of the previous hearing of those persons. If necessary, the court shall do the same with respect to other minor victims and to the victim with special protection needs (Article 95 of ZKP-N amending Article 331 of ZKP);
  - when the victim's age is not certain and there is a likelihood of them being a minor, the victim is assumed a minor (Article 13 of ZKP-N amending Article 65 of ZKP).

On 5 May 2019, the Ministry of Justice set up a special working group to prepare measures for effective implementation of the new provisions of the Criminal Procedure Act transposing the Victim's Rights Directive.<sup>85</sup> Within the working group, representatives of the Ministry of Justice, Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*, MDDSZEM), Association of social work centres of Slovenia (*Skupnost centrov za socialno delo Slovenije*, SCSD), Administration of the Republic of Slovenia for the Execution of Criminal Sanctions (*Uprava Republike Slovenije za izvrševanje kazenskih sankcij*), Supreme Court, Office of the State Prosecutor General of the Republic of Slovenia (*Vrhovno državno tožilstvo Republike Slovenije*, VDTRS), Ministry of the Interior (*Ministrstvo za notranje zadeve*, MNZ) and police are preparing coordinated solutions regarding the implementation of victims' rights, particularly the right to information, performing and adjusting individual assessments, receipts that a criminal complaint was lodged and information on the state of the proceedings. After the amendments of the law become applicable, the working group will monitor its implementation in practice.

On 20 October 2019, the amendment of the Criminal Procedure Act transposing the Victim's Rights Directive became applicable. The special working group set up by the Ministry of Justice prepared and issued online information informing the public of the victims' rights. A leaflet in six languages (Slovenian, Hungarian, English, Croatian, Italian and German) on the victims' rights was also produced.<sup>86</sup>

<sup>85</sup> Information was provided by the Ministry of Justice of the Republic of Slovenia (*Ministrstvo za pravosodje*), upon request (email, 7 October 2019).

<sup>86</sup> For more information, see the government webpage on [www.gov.si teme/pravice-zrtev-kaznivih-dejanj/](http://www.gov.si teme/pravice-zrtev-kaznivih-dejanj/).

The implementation of generic support services for all victims of crime was also missing. On 25 April 2019, the National Assembly of the Republic of Slovenia (*Državni zbor Republike Slovenije*) adopted the Act amending Social Assistance Act (*Zakon o spremembah in dopolnitvah Zakona o socialnem varstvu, ZSV-I*).<sup>87</sup> The amendment introduced a new provision on the support for victims of crime, which includes professional support and professional counselling to the person to whom harm was directly caused by crime (Article 14a of ZSV). Under this amendment, professional support includes identification of distress, providing information and guidance. Professional support and professional counselling are carried out to enable the victim of crime to have adequate psychological, social and financial improvement of the situation resulting from crime. Support to victims of crime is provided by centres for social work. Altogether, there are 16 centres for social work (*centri za socialno delo*) with 63 units (*enote*) operating in Slovenia, covering the entire national territory.<sup>88</sup>

Non-governmental organisations, the Peace Institute (*Mirovni inštitut*) and Association for Nonviolent Communication (*Društvo za nenasilno komunikacijo*), carried out the project ‘VICATIS – Victim-centred Approach to Improving Support Service’, dedicated to improved implementation of the Victims’ Rights Directive (2017–2019). In March 2019, project website was launched intended for victims of crime, informing them of their rights under the Victim’s Rights Directive and the national law.<sup>89</sup>

## 2. Violence against women

In 2019, the Ministry of Labour, Family, Social Affairs and Equal Opportunities began drafting the Resolution of National Programme of Family Violence Prevention and Violence against Women 2020–2025.<sup>90</sup> To prepare the strategic document, an interministerial working group consisting of representatives of key departments and other bodies was set up at the Minister’s decision. Representatives of the relevant non-governmental organisations were also included. The resolution seeks to highlight key areas where shortcomings and weak functioning of the prevention of violence against women and domestic violence were noted, and to identify goals and measures to improve them. Measures to implement the provisions of the Istanbul Convention will also be included. The measures will be largely implemented within the policies of the ministry. To a certain extent, these measures will also concern other areas that are within the competencies of other ministries, government offices, local communities and other stakeholders. Ministries will integrate the measures of this resolution into their programmes and activities.

Key objectives of the resolution include:

- high-quality, diverse and widely available assistance and protection programs for victims of domestic violence and violence against women;
- improved protection, treatment and status of victims of such a type of violence;
- highly skilled professionals dealing with domestic violence and violence against women;

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<sup>87</sup> Slovenia, [The Act amending Social assistance act](#) (*Zakon o spremembah in dopolnitvah Zakona o socialnem varstvu, ZSV-I*), 25 April 2019.

<sup>88</sup> For more information, please see the website of the Slovenian social work centres at [www.csd-slovenije.si/](http://www.csd-slovenije.si/).

<sup>89</sup> Peace Institute (2019), ‘Nova VICATIS spletna stran’, press release, 22 March 2019. For more information, see also project webpage on <http://vicatis.eu/si/>.

<sup>90</sup> Information was provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*) upon request (email, 2 October 2019).

- increased awareness in the society on the issues listed above and zero tolerance for such violence;
- improved regulations in the field of prevention of domestic violence and against women;
- provision of quality data on domestic violence and violence against women;
- improved prevention of domestic violence and violence against women.

All the set goals are in line with the basic European guidelines in the field of prevention and treatment of domestic violence and violence against women. Indicators for monitoring the implementation of the resolution will also be set out, as well as indicators for the implementers of individual actions, whose duty will also include the monitoring of the implementation of the resolution.

In January 2019, a judgement of the Higher Court in Koper (*Višje sodišče v Kopru*) sparked a public discussion on the existing definition of rape, as set out in Article 170 of the Criminal Code.<sup>91</sup> The case concerned a man who had sexual intercourse with a family friend against her will, after she fell asleep under the influence of alcohol. The proceedings regarding the incident took place in 2017 when the Higher Court in Koper upheld the appeal of the defendant and changed the conviction of the court of first instance from rape (Article 170 of the Criminal Code) to sexual abuse of a defenceless person (Article 172 of the Criminal Code). In its decision, the Higher Court in Koper claimed that the incident could not be qualified as rape if the perpetrator used force only after sexual intercourse was already initiated or with the purpose to conclude the act. In this case, the defendant used force only when the sleeping victim woke up. The victim claimed that the perpetrator started to undress her while she was sleeping, but the intercourse only took place after she woke up and after she began to push him away. The media did not report on the case until January 2019. Their reporting sparked public criticism of the court's decision and public discussion on the need to redefine the existing qualification of rape, as currently laid down in the Criminal Code. A group of NGOs addressed a request to the Ministry of Justice to redefine rape in line with the model "yes means yes".<sup>92</sup> The calls for change were repeated in March 2019 at the protests on the International Women's Day.<sup>93</sup> On 25 November 2019, Faculty of Social Work of the University of Ljubljana (*Univerza v Ljubljani, Fakulteta za socialno delo*) and Association for Nonviolent Communication organised expert consultations 'Only yes means yes – troubles in the field of preventing sexual violence' (*Samo ja pomeni ja – zagate na področju preprečevanja in ustavljanja spolnega nasilja*). The Minister of Justice participated at the event, expressing their support for the implementation of the 'yes means yes' model in the next amendments of the Criminal Code. The Ministry obtained a thorough analysis of the current definition of rape showing that this definition excludes certain cases (e.g. when the perpetrator uses the element of surprise or when the victim is rejecting sexual acts but is not physically resisting). The minister announced that these gaps should be addressed in future amendments of the Criminal Code.<sup>94</sup>

<sup>91</sup> Slovenia, Higher Court in Koper (*Višje sodišče v Kopru*), II Kp 46668/2015, 7 July 2017.

<sup>92</sup> Amnesty International Slovenia (2019), '[Spolnost brez privolitve je posilstvo](#)', press release, 15 January 2015.

<sup>93</sup> J., Sa. (2019), '[Protest ob dnevu žensk: Ni dovolj, da nasilje zavračamo zgolj na načelni ravni](#)', MMC RTV SLO, 8 March 2019.

<sup>94</sup> Dnevnik (2019), '[Katičeva za uveljavitev modela DA je DA pri spolnem odnosu v spremembah kazenskega zakonika](#)', 25 November 2019.

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

## 1. CRPD policy & legal developments

The law regulating personal assistance was adopted on 17 February 2017 and entered into force on 1 January 2019.<sup>95</sup> According to the act, beneficiaries are persons between 18 and 65 years old that need at least 30 hours of personal assistance per week. According to some criticisms, not enough staff is available for the implementation of the act, and not all necessary implementing regulations have been adopted.

On 27 June 2019, the Ministry of Labour, Family, Social Affairs and Equal Opportunities prepared an amendment to the Personal Assistance Act and sent it into public discussion. On July 11, the ministry removed the amendment from the public discussion.<sup>96</sup> Before the decision, the ministry received several comments. One of the stakeholders commenting the draft law stated that it was not sensible to amend the law only six months after its implementation, without thorough analysis.

## 2. CRPD monitoring at national level

On 10 May 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*), which stalled further developments. The ministry promised to cooperate with the commission in future steps of drafting the law.<sup>97</sup>

Table: Structures set up for the implementation and monitoring of the CRPD

EUMS	Focal points within government for matters relating to the implementation of the CRPD – Article 33 (1)	Coordination mechanism – Article 33 (1)	Framework to promote, protect and monitor implementation of the CRPD – Article 33 (2)
SI	Ministry of Labour, Family, Social Affairs and Equal Opportunities, Directorate of Disability, Veterans and Victims of War ( <i>Ministrstvo za delo, družino, socialne zadeve in enake možnosti, Direktorat za invalide, vojne veterane in žrtve vojnega nasilja</i> )		<a href="#">Council for Persons with Disabilities of the Republic of Slovenia</a> ( <i>Svet za invalide Republike Slovenije</i> )

<sup>95</sup> Slovenia, The Personal assistance act (*Zakon o osebni asistenci*), 27 February 2017.

<sup>96</sup> STA (2019), 'Predlog sprememb zakona o osebni asistenci umaknjen iz javne razprave', 11 July 2019.

<sup>97</sup> Information was provided by the the Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo ua delo, družino, socialne zadeve in enake možnosti*) upon request (email, 2 October 2019).

## Annex 1 – Promising Practices

Thematic area	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one example of a rights awareness campaign held in your country in 2019 relevant to equality and non-discrimination, preferably one conducted by a national equality body. Where no such campaign was held, please provide an example of a promising practice implemented in 2019 in your country (this could include innovative initiatives at local level) to combat discrimination on any one of the following grounds: religion or belief, disability, age, sexual orientation, gender identity or sex characteristics. Where relevant, always highlight any relevance or reference to multiple discrimination.
Title (original language)	Za vse/ 4All
Title (EN)	For all/ 4all
Organisation (original language)	Združenje izvajalcev zaposlitvene rehabilitacije v Republiki Sloveniji (project coordinator); Slovenska filantropija; Vozim, Zavod za inovativno izobraževanje;
Organisation (EN)	Association of Vocational Rehabilitation Providers of the Republic of Slovenia; Slovene Philanthropy; Vozim, Institute for Innovative Education
Government / Civil society	Members of the first mentioned organisation include a public body, civil society organisations and companies providing vocational rehabilitation to persons with disabilities. The last two organisations are civil society organisations.
Funding body	European Social Fund (80%); national budget (20%)
Reference (incl. url, where available)	<a href="https://za-vse.eu/en/about-the-project/">https://za-vse.eu/en/about-the-project/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	February 2019 – March 2020
Type of initiative	Awareness raising
Main target group	NGOs focusing on vulnerable groups
Indicate level of implementation: Local/Regional/National	Local/ National
Brief description (max. 1000 chars)	The project key objectives include raising awareness of NGOs on the importance of equality and of strengthening equality, improving the understanding of discrimination, raising awareness on how to prevent discrimination as well as raising awareness on the protection of groups most vulnerable to discrimination in Slovenia (e.g. persons with disabilities, the Roma, same-sex individuals, refugees). To this end, the project is, among other things, composed of workshops dealing with discrimination of vulnerable groups, the applicable legislation and procedural rights in the field of protection against discrimination, as well as experiential workshops on how persons with disabilities experience the world and their immediate environment. It also includes training courses on standards regarding access for persons with disabilities to built environment and IT. The project also employs a media campaign focusing on positive stories on individuals from vulnerable groups being successfully included into the mainstream society.
Highlight any element of the actions that is transferable (max. 500 chars)	All project elements seem to be transferable.
Give reasons why you consider the practice as	The project lasts a full year, a considerable period of time for an awareness raising project. With 217,442.5 EUR, it is also relatively well-funded.

sustainable (as opposed to 'one off activities')	Apart from the media campaign, it includes a variety of activities implemented across the country, so over the course of its implementation it can have a durable impact on its target groups.
Give reasons why you consider the practice as having concrete measurable impact	Please see above.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The elements of the project are fairly easily transferable to other settings. Being an awareness raising project of considerable length, it is perhaps the project duration that could be harder to replicate in other settings.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	N/A
Explain, if applicable, how the practice provides for review and assessment.	The project partners produce reports on the implantation of the project.

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

Local/Regional/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, the hotline referred 35 cases to the police for further investigation in 2018 and 25 cases in 2017.
Highlight any element of the actions that is transferable (max. 500 chars)	Similar initiatives already exist in several EU Member States. However, elements that could be transferrable include: - introducing on-line platform enabling reporting of instances of hate speech; - evaluation of incidents and reporting of relevant incidents to the police.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The initiative is already more than a decade old. Among other things, it is also a part of a larger network (i.e. INHOPE) which is financed 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 transferrable to other settings and/or Member States?	Such practices already exist in Member States. Slovenian experiences, however, could be shared with similar actors abroad for possible refinement.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	Please see below.
Explain, if applicable, how the practice provides for review and assessment.	The initiative is open to public scrutiny. The project team publishes regular annual reports on its work. The project advisory board counts among its members various stakeholders, including representatives of the Office of the State Prosecutor General of the Republic of Slovenia, the General Police Directorate, as well as media and other organisations.

Thematic area	<b>ROMA INTEGRATION</b>  Please provide one example of promising practice in relation to addressing a Roma/Travellers segregation at either national, regional or local. These could be (not limited to) in the area of segregation in education, residential segregation, segregation in healthcare services or in employment.
Title (original language)	Skupaj za znanje
Title (EN)	Together for knowledge
Organisation (original language)	Center šolskih in občinskih dejavnosti (CŠOD)
Organisation (EN)	Centre for School and Outdoor Education
Government / Civil society	Public institute
Funding body	EU funds (85 %), Ministry of Education, Science and Sport (15 %)
Reference (incl. url, where available)	<a href="http://www.skupajzaznanje.si/">www.skupajzaznanje.si/</a>

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2016–2021
Type of initiative	Roma education project
Main target group	Roma pre-school and school children and their parents
Indicate level of implementation: Local/Regional/National	Local/ National
Brief description (max. 1000 chars)	The project entitled Together for knowledge (Skupaj za znanje) is the main initiative in the field of education targeting the Roma. It is implemented by the Centre for School and Outdoor Education (Center šolskih in obšolskih dejavnosti), a public institute, and is a multi-year project aimed at 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 education activities in three Multipurpose centres (Večnamenski centri) in Roma settlements targeting children who do not attend or do not regularly attend mainstream kindergartens; employment of Roma assistants who facilitate better integration of school children and act as a bridge between schools and Roma parents; provision of extra-school learning assistance to school children in seven Multipurpose centres and provision of out-of-class education activities. Since the commencement of the project in 2016 until the end of 2018, there were 76 pre-school children involved in the project activities carried out in the multipurpose centres (not counting those who are enrolled in primary education from September 2018), 666 Roma school children and their parents, while 840 Roma children attended out-of-class activities. In 2018, 28 Roma assistants were present in 33 schools and 9 kindergartens across Slovenia. In the school year 2017/2018, they provided active and more frequent assistance to an average 609 children per month.
Highlight any element of the actions that is transferable (max. 500 chars)	All project elements seem to be transferable.
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	The practice is a multi-year project with stable financing.
Give reasons why you consider the practice as having concrete measurable impact	The effect of the initiative can be seen in the number of children involved with the project, as well as in the fact that the project was adapted to better meet the children’s needs. Instead of narrowly focusing on the school curriculum, the project team observed the actual needs in the field and focused on basic reading, writing and mathematics skills. Roma assistants are already an established bridge between schools and the Roma children and their parents, providing for the children’s better integration in the school environment.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	Elements of this practice have already been implemented in other environments. An important property of this practice is that different initiatives have been incorporated in a single comprehensive project, but this should not necessarily be an obstacle as regards the project’s transfer to other environments.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the	The organisation implementing the project submits a report on project activities to the responsible ministry. It also employs an evaluation team which, among other things, asks Roma parents about their experience with the project activities. The project team adapts project activities based on the situation in the field. For example, since 2017, rather than on learning assistance which pays attention to the school curriculum the project activities has involved assistance to the children with obtaining and strengthening basic reading, writing and mathematics skills.

practice.	
Explain, if applicable, how the practice provides for review and assessment.	Please see above.

Thematic area	<b>Asylum, visas, migration borders and integration</b> Please provide a promising practice on the support provided to unaccompanied children when reaching majority.
Title or short description of promising practice in original language and in English	No promising practice has been identified for this thematic area.

Thematic area	<b>INFORMATION SOCIETY, DATA PROTECTION</b> Please provide one example of a promising practice in relation to one of the topic addressed in this Chapter
Title (original language)	RAPID.SI
Title (EN)	RAPID.SI (Raising Awareness on Data Protection and the GDPR in Slovenia)
Organisation (original language)	Informacijski pooblaščenec
Organisation (EN)	Information Commissioner
Government / Civil society	Data protection authority
Funding body	European Union, Rights, Equality and Citizenship Programme 2014-2020
Reference (incl. url, where available)	Information Commissioner <a href="https://upravljavec.si/informacije-o-projektu-rapid-si/">https://upravljavec.si/informacije-o-projektu-rapid-si/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2018–2019
Type of initiative	Education and awareness raising
Main target group	Small and medium-sized businesses, individuals, public
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The main purpose of the project is to educate and raise awareness, in particular, of small and medium-sized enterprises and individuals on the reform of the legislative framework in the field of personal data protection. The RAPID.SI is aiming to introduce the General Data Protection Regulation and the Personal Data Protection Act to the target groups, to provide them with information and useful tools helping to translate legal requirements into practice, and to educate individuals about the fundamental right to privacy, empowering them to exercise their rights under the law. Project activities include: setting up two new project websites -

	<p>www.upravljavec.si (for companies) and www.tiodlocas.si (for general public and individuals); electronic newsletter for small and medium-sized enterprises (<a href="https://upravljavec.si/e-novice/prijava/">https://upravljavec.si/e-novice/prijava/</a>); 20 free of charge lectures for companies at eight locations in Slovenia; operation of a toll-free business advisory hotline (080 2900); cooperation with the Consumers Association of Slovenia and the preparation of a special periodical in their magazine, as well as other communication activities; issuing a special brochure (<a href="https://www.zps.si/index.php/osebni-podatki/9685-nova-brosura-ti-odlocas-o-svojih-osebni-podatkih">https://www.zps.si/index.php/osebni-podatki/9685-nova-brosura-ti-odlocas-o-svojih-osebni-podatkih</a>); privacy sweeps, preliminary procedures, which effectively address systemic problems in certain sectors. In the latter activity, based on findings, either from inspection procedures, public announcements or other sources, and systemic problems observed in a particular sector, IP urges duty holders to fulfil their obligations or remedy the shortcomings, and provides them with the necessary information, explanations or materials (such as guidelines, samples, etc.) that may assist them in ensuring compliance.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	All of the described elements of the project are easily transferable, as they mostly involve awareness raising activities about the GDPR.
Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)	The project is implemented over the course of two years. Outputs (websites, brochures) produced during the course of the project shall be available to target groups even after its completion. If the privacy sweeps are successful, it can be expected that the IP will continue to perform them as they will help the IP to work more on the prevention activities and to unburden its inspection division.
Give reasons why you consider the practice as having concrete measurable impact	The awareness raising activities together with the sweeping procedures can have an impact which can be measured in the coming years with the number and development of cases and complaints before the IP.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	All of the described elements of the project are easily transferable, as they mostly involve awareness raising activities about the GDPR.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	Not applicable.
Explain, if applicable, how the practice provides for review and assessment.	Not applicable.

Thematic area	<b>RIGHTS OF THE CHILD</b> Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter.
Title (original language)	9. Posvet e-zlorabe otrok
Title (EN)	Ninth Consultations on the topic of child abuse on the Internet
Organisation (original language)	Spletno oko, Center za varnejši internet, Uprava kriminalistične policije Generalne policijske uprave in Združenje za informatiko in telekomunikacije pri Gospodarski zbornici Slovenije
Organisation (EN)	Web Eye, the Safer Internet Centre of Slovenia, the Criminal Police Directorate of General Police Department and the Association for Informatics and Telecommunications at the Chamber of Commerce of Slovenia
Government / Civil society	Mixed
Funding body	Ministry of Public Administration, Faculty of Social Sciences of the University of Ljubljana, European Union
Reference (incl. url, where available)	The programme of the consultations is available at: <a href="http://www.fdv.uni-lj.si/docs/default-source/2019/spletno-oko-posvet-2019-agenda.pdf?sfvrsn=0">www.fdv.uni-lj.si/docs/default-source/2019/spletno-oko-posvet-2019-agenda.pdf?sfvrsn=0</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	17 September 2019
Type of initiative	Public consultation
Main target group	Police, prosecutor's offices, courts, social services, NGOs, education and industry
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	At the consultation, numerous national and international speakers presented the newest developments in the field and provided valuable experience from their practice (e.g. forensic interviews, protection of children, risks for young people and challenges for prevention, how to react when your child faces abuse online, etc.). The speakers come from various fields (psychology, social work, law, academia) as well as the participants, and this provides a good opportunity to network and share experience.
Highlight any element of the actions that is transferable (max. 500 chars)	All of the described elements of the project are easily transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The 2019 event was already ninth consultations that was held by the organisers. Each year the programme evolves and brings lectures that present the new findings, new knowledge and developments.
Give reasons why you consider the practice as having concrete measurable impact	The event is attended by over 200 participants and always receives a large interest from the media who report extensively on the event, speakers and their contributions, which adds to the relevance of the consultations as it serves as an opportunity to inform and raise awareness among the general public.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	As a public consultations involving large numbers of participants from different professions and expertise, who share the interest / work on the same topic but from a different perspective, the approach may be transferred to other topics and/or Member States.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the	N/A

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

Thematic area	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b>  Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter
Title (original language)	Odklikni - ustavimo spletno nasilje in nadlegovanje žensk in deklet
Title (EN)	Cyber Violence and Harassment against Women and Girls (CYBERVAW)
Organisation (original language)	Fakulteta za družbene vede Univerze v Ljubljani
Organisation (EN)	Faculty of Social Sciences, University of Ljubljana
Government / Civil society	Academic
Funding body	Cofounded by: Faculty of Social Sciences, University of Ljubljana; Directorate-General for Justice and Consumers of the European Commission, and coordinated by the Ministry of Labour, Family, Social Affairs and Equal Opportunities
Reference (incl. url, where available)	<a href="http://odklikni.enakostpolov.si/">http://odklikni.enakostpolov.si/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2017 - 2019
Type of initiative	Raising awareness of cyber violence, sexual stereotypes and sexism online / improving general knowledge for preventing cyber violence / development of a mobile application for recognising cyber violence
Main target group	Youth
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The main goal of the project is combating cyber violence and harassment against women and girls by means of raising general awareness of cyber violence and its negative consequences. This is done by running a media campaign, educational workshops, publicising guidebooks for different audiences and age groups, organising events for primary school pupils, international events, exchanges of good practices and by developing a mobile application for recognising cyber violence "Odklikni". The application consists of current articles and educational videos on privacy protection on the internet, types and forms of cyber violence, tips on how to behave and communicate online and general information on risks regarding social media. It further includes specific advice on how to act in cases of cyber violence such as identity theft, abuse of personal information, hacking into e-mail and web accounts, "sextortion" as well as general online harassment. There are also quizzes available to check the user's online awareness. The mobile application was released on 5 September 2018.  In May 2019, the project organised two training events (one in Ljubljana and one in Maribor) for teachers, school counsellors, social workers and

	representatives of NGOs working with youth. The aim was capacity building and to increase protection from online violence against women and girls, presentation of most common forms of online violence, considering stereotypes and sexism in the society.
Highlight any element of the actions that is transferable (max. 500 chars)	All listed elements are transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Regarding the nature and aims of the project – combating cyber violence, it can be considered sustainable since there is no indication of cyber violence disappearing from the society. The current timespan of the project is two years; it can be extended in the future.
Give reasons why you consider the practice as having concrete measurable impact	The number and type of activities of this project can be measured, the number of participants reached can be measured, as well as the number of downloads of the mobile application “Odklikni”.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The project is not focused on any particularities of Slovenian society or legal system.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	N/A
Explain, if applicable, how the practice provides for review and assessment.	N/A

Thematic area	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
Title (original language)	Prehod mladih
Title (EN)	Youth transition
Organisation (original language)	Združenje izvajalcev zaposlitvene rehabilitacije v Republiki Sloveniji
Organisation (EN)	Association of Vocational Rehabilitation Providers of the Republic of Slovenia
Government / Civil society	Members of the organisation include a public body, civil society organisations and companies providing vocational rehabilitation to persons with disabilities.
Funding body	Republic of Slovenia, Ministry of Labour, Family, Social Affairs and Equal Opportunities; European Commission, European Social Fund
Reference (incl. url, where available)	<a href="https://prehodmladih.si/en/">https://prehodmladih.si/en/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	January 2018 – December 2021
Type of initiative	Education, training, networking

Main target group	Young people with special needs (younger than 29 years of age) from one of the following categories: children with intellectual disabilities, blind or visually impaired children, deaf or hearing impaired children, children with speech impairment, children with physical disabilities, chronically ill children, children with autistic spectrum disorders, or children with emotional or behavioural deficit/disorders for whom major problems are anticipated during their transition to the labour market and during their employment.
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The project aims at offering professional help to young people with special needs to facilitate their transition to higher level of education and/or labour market.</p> <p>The main objective of the project is to influence to the greater social inclusion of young people with special needs and to contribute to the creation of a single supportive environment as an interface between school and the labour market for the empowered entry of the target group into the labour market.</p> <p>The key goals of the project are as follows:</p> <ul style="list-style-type: none"> <li>- expanding the competences of individuals from the target group and fit them to the needs of the labour market,</li> <li>- enhancing the social inclusion of individuals from the target group,</li> <li>- encouraging professionals in educational institutions, as well as parents and caregivers, to take immediate action with individuals from the target group,</li> <li>- establishing a unified employment network for the transition from school to the labour market.</li> </ul> <p>The project also enables cooperation of the youth with special needs and their families with education experts, employers and other support organisations. The project helps young people with preparing an employment plan, writing CVs, how to present the employers their special needs, etc.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	All listed elements are transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The practice is a multi-year project with stable financing. One of the goals of the project is to establish a unified employment network for the transition from school to the labour market, which, if successful, offers sustainable benefits to young people with special needs.
Give reasons why you consider the practice as having concrete measurable impact	The project aims to involve 2,100 young people with special needs. The effect of the initiative can be seen in the number of children involved with the project, as well as their transition to the labour market.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The activities and the design of the project are not specific to the Slovenian social or legal environment.

<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 is implemented with the participation of local and regional partners. The project locally organises round tables and consultations, involving professionals in the field of health, education, social welfare, employers and beneficiaries, to provide the opportunity to cooperate, discuss needs and seek solutions.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>Please, see above.</p>

## Annex 2 – Case law

Thematic area	<p><b>EQUALITY AND NON-DISCRIMINATION</b></p> <p>Please provide one high court decision addressing discrimination on any one of the following grounds: gender identity, religion or belief, disability, age, or sexual orientation. Where relevant, always highlight any relevance or reference to multiple discrimination in the case you report</p>
Decision date	13 March 2019
Reference details	Higher Labour and Social Court (Višje delovno in socialno sodišče) Judgment Pdp 909/2018 ECLI:SI:VDSS:2019:PDP.909.2018
Key facts of the case (max. 500 chars)	The defendant terminated employment contracts to 15 workers with disability, the plaintiffs, for business reasons. The employer based its choice of surplus employee on the assessment of their skills and work performance. The court of first instance found in the defendant's favour, establishing that work performance-related criteria for deciding on surplus staff could not be discriminatory. The plaintiffs appealed this decision. The higher court found in their favour and quashed the first instance judgment. It found that the criteria for selecting surplus employees discriminated against the plaintiffs.
Main reasoning/argumentation (max. 500 chars)	The Higher Labour and Social Court found that apparently neutral criteria (workers' possession of multiple skills and their job performance) established by the employer for selecting surplus employees failed to account for reduced work capacity of the plaintiffs. According to the defendant, the broader actual competence was assessed, including as regards work operations not indicated in the employment contracts of workers with disability. The court thus established that the case involved indirect discrimination on the ground of disability. Such discrimination occurs when an individual worker with a disability or a group of persons with disability are formally guaranteed equal treatment, but they, as individuals or as a group, effectively face a less favourable actual position.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The court interpreted Art. 6, para. 3 of the Employment Relationships Act providing for the prohibition of indirect discrimination, including on the ground of disability. <sup>98</sup>
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The court established that the plaintiffs' employment contracts had not been terminated. It ordered the defendant to return the plaintiffs to work, while taking into account their work capacity (e.g. giving them lighter manufacturing manual jobs or other adequate jobs), recognise their years of service during illegal termination of employment, register them with the pension insurance, and pay them back salaries with interests.
Key quotation in original language and translated into English with reference details (max. 500 chars)	Jedro, 2. odstavek Kriterija polivalentnosti (dejanske usposobljenosti za delo) in delovne uspešnosti sta sicer na videz nevtralna, saj upoštevata usposobljenost in prizadevnost delavca pri delu in nista neločljivo povezana z invalidnostjo, v bistvu pa sta diskriminatorna. Gre za to, da je pri tožnikih kot delavcih invalidih podana le preostala delovna zmožnost, zaradi katere so zmožni opravljati določeno delo s časovnimi oziroma fizičnimi omejitvami. Zato se

<sup>98</sup> Slovenia, Employment Relationships Act (*Zakon o delovnih razmerjih*, ZDR-1), 5 March 2013, and subsequent modifications.

	<p>že v izhodišču ne morejo enako usposobiti za različne delovne operacije kot drugi delavci, pri čemer se je po navedbah tožene stranke ocenjevala širša dejanska usposobljenost oziroma sposobnost, torej tudi delovne operacije, ki niso navedene v pogodbah o zaposlitvi delavcev invalidov.</p> <p>Abstract, para. 2</p> <p>The criteria of multiple skills (actual competence for work) and work performance are seemingly neutral, since they take into account the skills and commitment of the worker at work, and are not inherently linked with disability, but, in fact, they are discriminatory. The point is that the plaintiffs, who are workers with disability, have only residual work capacity, which makes them able to perform certain work involving time or physical limits. Therefore, it is clear from the start that they cannot be trained for different work operations in the same manner as other workers, while, according to the defendant, the broader actual competence or ability was assessed, including as regards work operations not indicated in the employment contracts of workers with disability.</p>
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Thematic area	<p><b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b></p> <p>Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive, the Framework Decision on racism and xenophobia, or relevant to addressing racism, xenophobia and other forms of intolerance more generally.</p>
Decision date	4 July 2019
Reference details	<p>Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije)</p> <p>Judgment I Ips 65803/2012</p> <p>ECLI:SI:VSR:2019:I.IPS.65803.2012</p>
Key facts of the case (max. 500 chars)	<p>The case dates back to 2011. An individual posted a comment on a radio website, under an article about the Roma. The post said, “A couple of sticks of ammonal, a couple of M75 bombs, a couple of AK-47, I think, there is no other way. Or that other variant, one at a time, could also do, to make them think. Radio people, I have a song request, please; (...), where have all the Gypsies gone. Thanks.” (Please note that the name of radio station and the singer’s name referred to in the post have been omitted from the quote.)</p> <p>After the court of first instance had sentenced the defendant with suspended imprisonment, the case was brought before the High Court in Ljubljana. The latter court established that the defendant’s conduct was punishable under provisions relevant at the time of the incident. As the Criminal Code stipulates that courts observe amended provisions if more lenient on the defendant than provisions valid at the time of the offence, the court found in the defendant’s favour and acquitted them.<sup>99</sup> It established that an act was only a criminal offence when conducted in such a manner that, given concrete circumstances, it threatened or disturbed public order or peace. It</p>

<sup>99</sup> The case was tried by the Higher Court, and later observed by the Supreme Court, under amended Art. 297, para.1 of the Criminal Code prohibiting public incitement to hatred, violence or intolerance. It reads as follows: “Whoever publicly provokes or stirs up hatred, violence or intolerance based on national, ethnic, racial or religious affiliation, sex, skin colour, origin, financial condition, education, social status, political or other belief, disability, sexual orientation or any other personal circumstance, and the conduct is carried out in a manner likely to endanger or disturb public order and peace, or with the use of threats, abuses or insults, shall be punished by imprisonment of up to two years.” Slovenia, Criminal Code (*Kazenski zakonik*, KZ-1), 20 May 2008, and subsequent modifications.

	<p>should manifest itself in immediate danger, affecting physical or mental integrity of individuals, or, among other things, obstructing exercise of rights and duties of people and public bodies. In the court's opinion, acts amounting to criminal offences should be of such a nature that only timely cessation of hate speech or timely intervention by competent authorities, participants or bystanders prevented violation of public peace and order. The state prosecutor challenged the court's decision by lodging a request for the protection of legality, and the case reached the Supreme Court of the Republic of Slovenia.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The Supreme Court established that the language interpretation of the relevant provisions undoubtedly showed that criminal offence of inciting to hatred, violence or intolerance had two alternative forms, namely conducts likely to threaten or disturb public order and peace and conducts involving threats, abuses or insults. The court further clarified that the relevant provisions protected public peace and order, but also human dignity, and are aimed at preventing discrimination against less privileged and vulnerable groups, based on stereotypes. In the court's opinion, both forms bore equal weight, were equal in intensity, and one form did not subsume the other. The Supreme Court thus concluded that the second instance court incorrectly applied the law when acquitting the defendant.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Supreme Court clarified the meaning of Art. 297, para. 1 of the Criminal Code providing for prohibition of actions involving public incitement to hatred, violence or intolerance. This is an important interpretation, as instances of offensive speech are by far more common in Slovenia, compared to acts of physical and related violence. It is further important because the provision interpreted by the Supreme Court was adopted for the implementation of the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Supreme Court concluded that the second instance court incorrectly applied the law when acquitting the defendant. When the Supreme Court sees a request for the protection of legality and finds against the defendant, it only determines in its judgment that the law was violated by the decision of the lower court but does not change the judgment issued by a higher court (višje sodišče), since the latter is final.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>9. (...) Glede na to, da je določba namenjena preprečevanju diskriminacije deprivilegiranih, ranljivih družbenih skupin, ki temelji predvsem na predsodkih, je treba zakonsko besedilo razlagati tako, da je storitev dejanja z uporabo groženj, zmerjanja ali žalitev z vidika ogrožanja varovanih dobrin enakovredna dejanjem, ki so storjena na način, s katerimi se lahko ogrozi ali moti javni red in mir. (...)</p> <p>9. (...) Given that the provision is intended to prevent discrimination against disadvantaged, vulnerable social groups, based primarily on prejudice, the statutory text, as regards threat to protected values, should be interpreted such that the actions conducted with the use of threats, abuses or insults are equivalent to the actions conducted in manner that could endanger or disturb public order and peace. (...)</p>

Thematic area	<b>ROMA INTEGRATION</b>
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	Please provide the most relevant high court decision addressing violations of fundamental rights of Roma in the context of education, employment, health, housing, etc. In particular, focus on cases where discrimination or segregation (not limited to segregation in education or housing) are addressed.
	No case law has been identified for this thematic area.

Thematic area	<b>INFORMATION SOCIETY, DATA PROTECTION</b> Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter
Decision date	5 March 2019
Reference details	Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije) Decision No. I Up 168/2017
Key facts of the case (max. 500 chars)	The court of first instance rejected the plaintiff's action, claiming that the defendant (Financial Administration of the Republic of Slovenia, FURS) violated the plaintiff's constitutional right to protection of personal data pursuant to Article 38 of the Constitution of the Republic of Slovenia and to privacy by obtaining traffic data in the plaintiff's bank account for the period from 1 January 2006 to 31 December 2011. According to the plaintiff, by making a request to the plaintiff's bank, FURS obtained personal data as per the Personal Data Protection Act (hereinafter ZVOP-1), information that represents bank secrecy as per the Banking Act (hereinafter referred to as ZBan-1) and information that represents fiscal secrecy within the meaning of the Tax Procedure Act (hereinafter ZDavP-2). By this request to the plaintiff's bank, FURS obtained traffic information in the plaintiff's bank account, despite the fact that the plaintiff was not a party to the tax procedure. The FURS did not obtain this information for the purposes of taxing the plaintiff, nor was it necessary to conduct proceedings against another taxpayer against whom the tax procedure was actually pursued, or for the purposes of assessing tax or collecting tax. The defendant did not have a legal basis for such conduct, with the correct interpretation of Article 39 of the ZDavP-2, and therefore obtained the information of the plaintiff illegally.
Main reasoning/argumentation (max. 500 chars)	The Supreme Court held that the acquisition of the personal data of the plaintiff was lawful and justified for the purpose of tax collection under and pursuant to Article 39 of the ZDavP-2. It is irrelevant that the proceedings were not conducted against the plaintiff, since the defendant duly substantiated the need to obtain the personal data provided for another procedure which it conducted within its jurisdiction. In doing so, the Supreme Court recalls that in obtaining personal data of both the taxpayer and third parties (related), the defendant is obliged to respect the fundamental principle of personal data protection. However, it is also apparent from the findings that the defendant also obtained information on the turnover in the complainant's transaction account for 2011, for which the DIN proceedings against another person were not conducted. The defendant for that year failed to show that it needed the information obtained for any purpose referred to in Article 39 of the ZDavP-2.

Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The case clarified how the tax authority needs to justify the need to obtain data in tax procedures. When collecting personal data of both the taxpayer and third parties (related), the tax authority is obliged to respect the fundamental principle of personal data protection - the principle of proportionality, according to which only those personal data can be processed, that are appropriate (to achieve the aim) and that are not (in quantity) excessive. The tax authority is obliged to observe this legal and constitutional principle both in the selection of the persons whose personal data it wishes to access and the extent of their coverage.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	As a result, the decision of the court of first instance was reversed, the Supreme Court found the violation of the plaintiff's constitutional right to personal data protection.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“V primeru, da so bili pridobljeni osebni podatki določene fizične osebe, je davčni organ vezan na ZVOP-1. Na davčnemu organu je dokazno breme, da razumno utemelji potrebo po pridobitvi podatkov za namen iz 39. člena ZDavP-2, torej da dokaže, da je bila pridobitev teh podatkov potrebna za opravljanje njegovih nalog, med katere sodi tudi davčni inšpekcijski nadzor, v razmerju do določenega davčnega zavezanca.”</p> <p>“In the event that the personal data of a particular natural person were obtained, the tax authority is bound to the ZVOP-1. The tax authority has the burden of proof to reasonably justify the need to obtain data for the purpose referred to in Article 39 of the ZDavP-2, i.e. to prove that the acquisition of such data was necessary for the performance of its tasks, which include tax inspection, in a proportion to a particular taxpayer.”</p>

Thematic area	<b>RIGHTS OF THE CHILD</b>
	Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter.
Decision date	12 June 2019
Reference details	Higher Court in Ljubljana (Višje sodišče v Ljubljani) Decision No. II Kp 54038/2016
Key facts of the case (max. 500 chars)	The Juvenile Court Unit of the Kranj District Court stayed the criminal proceedings against a minor. The State Prosecutor appealed against the decision, alleging violations of the provisions of criminal procedure, proposing that her appeal be upheld and that the security measure of mandatory psychiatric treatment is imposed against the minor defendant. The defendant's lawyer replied to the appeal, proposing that the prosecutor's appeal is denied.
Main reasoning/argumentation (max. 500 chars)	The court of second instance finds that the prosecutor's appeal that the security measure of mandatory psychiatric treatment is imposed against the minor as an autonomous measure is unfounded. After completing the preparatory procedure pursuant to Article 491 of the Criminal Procedure Act, the Public Prosecutor filed a motion for the imposition of a security measure of compulsory psychiatric treatment and care at the institution, even though these provisions refer to a “defendant”, i.e. an adult. Article 72 of the Criminal Code clearly states that a perpetrator who was a minor at the time of committing the crime may be imposed only educational measures and, exceptionally, a fine or juvenile imprisonment and, with these penalties, as an accompanying measure, the prohibition of driving a motor vehicle or expelling an alien from the country. Against minor defendant safety measures

	(except for the prohibition to pursue their profession) may be imposed, if they have been sanctioned with an educational measure, a fine or juvenile imprisonment. Therefore, the Prosecutor would have to file a petition to impose an educational measure. (Another) state prosecutor, who was present at the session, remedied this error by agreeing to the imposition of a transfer to a training institute under Article 81 of the Criminal Code, which is intended for minors with mental or physical impairments. Therefore, the Prosecutor's repeated motion submitted on the basis of Article 491 of the Criminal Procedure Act is unfounded.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The case clarifies which measures and sanctions (and in what combination) may be imposed against children that are suspects in criminal procedures. Sanctions and measures that may be imposed against them differ from the ones applicable to adult defendants.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Higher Court denied the appeal of the Prosecutor and confirmed the decision of the court of the first instance.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“Državna tožilka je zoper Mladoletnika po končanem pripravljalnem postopku na podlagi 491. člena ZKP vložila predlog za izrek varnostnega ukrepa obveznega psihiatričnega zdravljenja in varstva v zavodu, čeprav se te določbe nanašajo na "obdolženca", torej na polnoletne osebe. V 72. členu KZ je jasno določeno, da se storilcu, ki je bil ob storitvi kaznivega dejanja mladoleten, smejo izreči le vzgojni ukrepi, izjemoma pa tudi denarna kazen ali mladoletniški zapor, ob teh kaznih pa kot stranski kazni tudi prepoved vožnje motornega vozila ali izgona tujca iz države. Mladoletnim storilcem kaznivih dejanj se lahko izrečejo tudi varnostni ukrepi, razen prepovedi opravljanja poklica, če jim je izrečen vzgojni ukrep, denarna kazen ali mladoletniški zapor. Zoper Mladoletnika bi torej državna tožilka morala vložiti predlog za izrek vzgojnega ukrepa oddaje v zavod za usposabljanje.“</p> <p>“After completing the preparatory procedure pursuant to Article 491 of the Criminal Procedure Act, the Public Prosecutor filed a motion for the imposition of a security measure of compulsory psychiatric treatment and care at the institution, although these provisions refer to the "accused", i.e. to adults. Article 72 of the Criminal Code clearly stipulates that an offender, who was a minor at the time of committing the crime, may be imposed only educational measures and, exceptionally, a fine or juvenile imprisonment and, with these penalties, a prohibition on driving a motor vehicle or expulsion of a foreigner from the country. Juvenile offenders may also be ordered to take precautionary measures, except for the prohibition to pursue their profession, if they have been given an educational measure, a fine or juvenile detention.”</p>

Thematic area	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide the most relevant high court decisions in relation to one of the topic ad-dressed in this Chapter..
Decision date	7 July 2017 (The judgement was passed in 2017, however it received a lot of media and public attention in January 2019, which lead to public – general and expert – discussion on the definition of rape in the Criminal Code)
Reference details	Higher Court in Koper (Višje sodišče v Kopru) Judgement No. II Kp 46668/2015
Key facts of the case (max. 500 chars)	The prosecution accused the defendant of forcing the victim to have sexual intercourse by using force and also abusing her condition, for which she could not resist, when she fell asleep under the influence of alcohol, and he took off her pants and underwear and began sexual intercourse, with which he did not stop despite her waking up during this time and starting to push him away, but he covered and closed her mouth with his hand, with the force of his body he kept her under him until he completed the sexual intercourse. The court of first instance found him guilty of rape (Article 170(1) of the Criminal Code).
Main reasoning/argumentation (max. 500 chars)	The Higher Court ruled that the court of first instance violated the material law by qualifying the offence as rape. The indictment actually contains only the allegation that the defendant had sexual intercourse with the injured party by abusing her condition which made her unable to resist. This is quite clear from the statement that when she fell asleep due to drunkenness, the injured party took off her pants and started having sexual intercourse with her. It is true that this description is followed by the statement that he did not stop the relationship despite the fact that the injured party woke up and started to shake him off, but at the time he concealed and closed his mouth with his hand and kept her under him until he concluded the sexual intercourse. In this part of the act, therefore, the accused was supposed to have used physical force against the injured party, but such a description does not correspond to the statutory signs of rape, which will be given when the perpetrator compels another to engage in sexual intercourse by using force. The use of force must therefore be directed against the victim for sexual intercourse, and the crime of rape will be completed, according to the case-law, when the male sexual organ begins to penetrate the sexual organ of the injured person. This means that when the perpetrator uses force only after the sexual intercourse has already taken place, or to conclude the sexual act, as in the present case, then the crime of rape is not committed.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	In this case the court interprets Article 170(1) of the Criminal Code. The court finds that in accordance with the legal definition and the existing case-law, an act cannot be qualified as rape if the force was used only after the sexual intercourse began or if used with the purpose do conclude the sexual act.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Higher Court ruled that the court of first instance violated the material law by qualifying the offence as rape, (partly) upheld the appeal of the defendant and found him guilty under the provisions of Article 172(1) of the Criminal Code - Sexual Abuse of a Defenceless Person.
Key quotation in original language and translated into English with reference details (max. 500 chars)	“Kadar storilec uporabi silo šele po tistem, ko že pride do spolnega odnosa oziroma, da spolni odnos dokonča, kot je to v obravnavani zadevi, potem kaznivo dejanje posilstva ni podano. Za tak primer gre nedvomno tudi v dani situaciji, ko že obtožba navaja, da je obtoženec z oškodovanko pričel spolno občevati, silo zoper njo pa uporabil šele po tistem, ko se je zbudila in ga z rokami pričela odrivati.“

	<p>“If the perpetrator uses force only after sexual intercourse already occurs or to complete the sexual intercourse, as in the present case, then the crime of rape is not committed. Such is undoubtedly the case in the given situation where even the prosecution states that the defendant began to have sexual intercourse with the injured party and used force against her only after she woke up and began to push him of with her hands.”</p>
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Thematic area	<p><b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b></p> <p>Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.</p>
Decision date	23 May 2019
Reference details	Constitutional Court of the Republic of Slovenia (Ustavno sodišče Republike Slovenije) U-I-477/18, Up-93/18
Key facts of the case (max. 500 chars)	<p>In the non-litigation procedure, the trial court granted G. University's Psychiatric Clinic motion for admission of the complainant to the secure section of the social welfare institution without consent, and decided that the applicant be admitted and detained in the protected section of Social welfare institution D. for the period of one year. The first-instance decision was appealed by the complainant and the Social Welfare Institute D., who warned that the complainant could only be placed in the corridor of the protected ward, that such accommodation was inappropriate for a person with mental health problems and could not provide him with safe and adequate housing conditions. The High Court rejected both appeals and upheld the first-instance order. The appellant appealed against the second-instance decision. The Supreme Court dismissed the review as inadmissible. It explained that the Act Amending the Civil Procedure Act (Official Gazette of the RS, No. 10/17 - hereinafter ZPP-E) abolished the two-tier review procedure. Since its entry into force, a review can only be filed if it has previously been allowed by the Supreme Court. In accordance with Article 124 of the ZPP-E, such regulation also extends to non-litigation procedures, which explicitly state that revision is possible. In these cases, the parties are also required, in accordance with Article 367b of the Code of Civil Procedure (Official Gazette RS, No. 73/07 - Official Consolidated Text, 45/08 and 10/17 - ZPP), to file a motion to allow the revision. The revision lodged in this case by the appellant through his proxy is thus not allowed. The Supreme Court therefore dismissed it.</p>
Main reasoning/argumentation (max. 500 chars)	<p>The reviewed statutory regulation, which (1) disregards the requirement of a clear and precise determination of the conditions of detention that are such that they dispel any doubt regarding the appropriateness of the institution that will execute the measure involving the deprivation of liberty, taking into account the constitutional requirements and the requirements of the ECHR regarding the detention of persons with mental disorders, and which (2) during the ordering of the measures by courts excludes the possibility of the courts assessing the appropriateness of the concrete institution in which the measures are to be executed and thus even tolerates that by ordering such measures additional burdens are imposed on a detained person apart from the strictly necessary limitation of his or her personal</p>

	liberty, despite the obvious shortcomings in the phase of the execution of the measure, is also inconsistent with the right of such persons determined by the first paragraph of Article 21 of the Constitution.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	In conformity with the constitutional requirement that the judicial branch of power is the only branch of power that has the right to order a deprivation of liberty that is more than temporary, the legislature left to the courts the decision-making in each individual case as to the constitutional admissibility of the commitment of a person to a secure ward of a social care institution without consent, and thereby imposed on the court the obligation to determine the concrete social care institutions that will execute the ordered measures. However, the constitutional requirement that the courts must decide on the admissibility of such measure loses its purpose if the law excludes the requirement that the courts must decide on the admissibility of ordering such measure in each individual case, proceeding from the requirements of the principle of proportionality.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Constitutional Court found the Mental Health Act in conflict with the Constitution of the Republic of Slovenia.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“Ko gre za zakonsko urejanje ukrepa, ki pomeni poseg v pravico do osebne svobode osebe zaradi njene duševne motnje, ne zadošča, da zakonodajalec izvrševanje ukrepa konkretizira le s sklicevanjem na varstveni cilj, temveč mora z določitvijo pogojev izvršitve ukrepa stremeti tudi k uresničitvi terapevtskega cilja ukrepa.”</p> <p>“When the statutory regulation of a measure that entails an interference with the right to personal freedom of a person due to his or her mental disorder is at issue, it is not sufficient for the legislature to concretise the execution of the measure by merely referring to the protective objective of the measure, as it must also strive, by determining the conditions for the execution of the measure, to attain the therapeutic objective of such measure.”</p>