



REPUBLIC OF SLOVENIA
ADVOCATE OF THE PRINCIPLE OF EQUALITY

SUMMARY OF THE ANNUAL REPORT 2019

Ljubljana, April 2020

Foreword of the Head of the Institution, Advocate of the Principle of Equality

The Annual Report for 2019 was in preparation just before the coronavirus epidemic hit us and our lives changed a great deal. That is why this report speaks about the world as it was and in which the Advocate of the Principle of Equality addressed the issues of equal opportunities, equality and prevention of discrimination. Today, when we are concluding the Report for 2019, it has already become clear that the epidemic has brought us numerous new challenges and tasks.

The Report before you presents our investigations of discrimination prohibited by law, on the level of individual cases. At the same time, the Report also presents a broader, social, i.e. systemic approach of our operation. It thus shows the reader in several ways what challenges in the field of protection against discrimination were observed in Slovenia in 2019 and what solutions we proposed for them.

In the third year of operation of the independent body for protection against discrimination, the number of received complaints doubled, as well as our researches and related systemic solutions in the form of recommendations, proposals for special measures and special reports.

With the revised budget for 2019, we invested in development and stabilized working conditions. Unfortunately, even in the last quarter of 2019, we were again faced with unnecessary financial restrictions by the Ministry of Finance, which intervened in the already adopted budget and limited the use of already approved funds. Due to such obstruction of the work of an independent state body, the long-planned all-Slovenian public opinion poll on the prevalence of discrimination was not conducted in 2019. The practice of the Ministry of Finance contradicts the recommendations of the European Commission on standards for equality bodies from 2018 and the recommendations of the Council of Europe to combat racism and intolerance at the national level.

With co-workers who face people's problems daily, we are discovering just how much people need help and support when they feel neglected and excluded. The Report before you offers the most detailed and in-depth manner of speaking about discrimination in our country so far. Comprehensively, it presents the contribution of this institution to a fairer and more solidary society. On this occasion, I would especially like to thank the professional and dedicated team that co-created all this and all those who support the development and operation of the Advocate of the Principle of Equality.

2019 was a year of growth and development, but also a year of losses. Thus, for all the positive energy she shared with us, we gratefully remember our dear colleague Zdenka Jagarinec, who unfortunately left us forever at the end of 2019.

The world and society will no longer be what they were due to this year's crisis. However, even in this new reality, the Advocate of the Principle of Equality will continue to address individual cases of discrimination as well as systemic proposals to promote equality.

Miha Lobnik
Advocate of the Principle of Equality

In Ljubljana, April 2020

Content overview of the chapters of the Report

The annual report consists of four substantive parts, which are divided into 18 chapters. The first part contains basic information on the operation of the Advocate of the Principle of Equality (Advocate) in the past year, the second part presents work on individual cases, and the third part is dedicated to activities within the systemic part or protection against discrimination at the social level. There are two annexes in the last part; a translation of the European Commission against Racism and Intolerance Report on Slovenia and a review of the recommendations received from the UN Universal Periodic Review for Slovenia in 2019.

In the first chapter of the first part, the Report defines the legal bases for the establishment of the Advocate, a chronological overview of its establishment and operation in the previous year. Within the framework of this part, **the second chapter** also includes a tabular overview of implementing legally defined tasks and activities under Article 21 of the Protection against Discrimination Act, which the Advocate performed in 2019.

The second part of the Report presents contents in the field of exercising the powers of counselling, providing information and support as well as carrying out procedures for investigating discrimination. These contents can be found **from the third to the seventh chapter** and represent the work of the body at the level of individual cases.

The **third chapter** presents a general overview of the work of the Advocate in individual cases and includes, among other, a joint statistical report on the work of the body in carrying out the powers of counselling and providing support as well as discrimination investigation procedures.

Furthermore, the **fourth chapter** presents in more detail the work of the Advocate in the field of counselling and providing information and support to victims of discrimination. The results of counselling procedures and the selection of anonymised cases of counselling and providing information and support are presented.

The **fifth chapter** describes the work of the Advocate in the context of monitoring and representing clients before courts.

The **sixth chapter** describes the work of the Advocate in the field of preparing assessments of discriminatory character of regulations, which are a precondition for exercising the power of filing requests for the review of constitutionality and legality of regulations.

The **seventh chapter** focuses on the statistical and substantive presentation of the work of the Advocate in the field of discrimination investigation through the conduct of administrative proceedings in individual cases. The results of discrimination investigation procedures are presented, followed by a selection of anonymized cases of discrimination investigations. This chapter also describes those actions that do not correspond to the valid legal definition of discrimination in the sense of the Protection against Discrimination Act (PADA), and defines cases in which the Advocate cannot investigate discrimination in accordance with the law.

The Advocate also performed its tasks and activities of protection against discrimination at the systemic or social level, which is described in more detail in the third part of the Report, **from the eighth to the seventeenth chapter included.**

The **eighth chapter** presents the legal basis for the implementation of protection against discrimination and the promotion of equality at the systemic or social level as well as an overview of the contents by individual chapters.

The **ninth chapter** focuses on the presentation, the analysis of data and the information obtained by the Advocate from the following state bodies on the basis of written enquiries in order to monitor the state of discrimination in the country: the inspectorates, the Ombudsman, the Police, the Office of the State Prosecutor-General and the courts.

The **tenth chapter** presents the recommendations issued by the Advocate in 2019, which are one of its key tools in achieving the goal of eliminating or preventing discrimination at the systemic level. The recommendations are intended for legislators, government departments, local government and other entities.

In the **eleventh chapter**, the institute of special measures is presented in more detail, as under Article 21 of PADA, the Advocate has the power to propose the adoption of special measures to improve the situation of persons who have been found to be in a less favourable position due to certain personal circumstances. The addressees of the proposals for special measures are all public and private sector entities that are subject to the prohibition of discrimination under PADA.

The **twelfth chapter** is intended for the presentation of all research and analytical activities carried out by the Advocate in 2019 with the aim of gathering information and monitoring the general state of protection against discrimination in the country. Particular emphasis is placed on the lack of relevant research and data on equality, which have a significant impact on the quality of the preparation of measures for the protection against discrimination at the social level and on the monitoring of the effectiveness of the implementation of these measures.

The **thirteenth chapter** is an overview of all forms of cooperation with various entities in the public sector. A good part of the cooperation at the level of the state administration is related to the presentation of the work and powers of the Advocate at the presentation of the annual report on the work of the Advocate for 2018.

The **fourteenth chapter** presents the Advocate's activities in the field of civil society, as Article 15 of PADA obliges it to cooperate and consult in formulating solutions and proposals for achieving the aims of PADA, i.e. protection against discrimination and ensuring equal treatment. Through various forms of cooperation, the Advocate also indirectly performs other legally prescribed tasks, such as, for instance, raising awareness.

The **fifteenth chapter** aims at presenting the Advocate's cooperation with the representatives in the economy. In the framework of three field visits the Advocate carried out in 2019, working meetings with the representatives of the regional economy were also organized. The experience from these meetings shows that employers need clear and concise information on how to act preventively in order to ensure protection against discrimination. To provide this information, the Advocate conducted a research on diversity management at workplace and examples of good practice.

The **sixteenth chapter** presents the sets of the Advocate's awareness-raising activities, educational activities and activities of informing, with which it fulfils its legal power and task of raising awareness of the general public (Article 21 of PADA).

The **seventeenth chapter** provides an overview of all international activities carried out by the Advocate in 2019. The international cooperation of the Advocate of the Principle of Equality is determined in the ninth indent of Article 21 of PADA, and in addition, the Advocate's activities at the international level are significantly more extensive. They include cooperation within various multilateral organizations, exchange of information, international training as well as various forms of bilateral cooperation. The international activity of the Advocate influences the strengthening of the knowledge and skills of the Advocate's associates, which significantly contributes to the greater efficiency of the body in the implementation of its legal powers and tasks. It also contributes to the international reputation of the country as a whole.

The fourth part of the report contains the **eighteenth chapter**, where two current annexes are presented, namely; the translation of the European Commission against Racism and Intolerance Report on Slovenia, published on 5 June 2019, and the overview of the recommendations of the UN Universal Periodic Review (November 2019) together with the response of the Government of the Republic of Slovenia to them of 30 January 2020.

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1 STATUS AND OPERATION OF THE BODY

The Advocate of the Principle of Equality (The Advocate) is an independent state body established to ensure the exercise of the constitutional right to protection against discrimination. With this body, the Republic of Slovenia also ensures the proper implementation of the Charter of Fundamental Rights of the European Union (EU) and the European directives in the field of protection against discrimination.

Prior to the establishment of the Advocate, the protection against discrimination in Slovenia was ensured on the basis of the Implementation of the Principle of Equal Treatment Act (IPETA), but the regulation did not meet the requirements of the European equality directives, which led to the initiation of proceedings against the Republic of Slovenia for violation of the EU *acquis*.

The legal basis for the establishment of the Advocate is the Protection against Discrimination Act (PADA), which has been in force since 24 May 2016 and sets out in detail the powers and tasks of the body.

The Head of the Institution, the Advocate of the Principle of Equality, is elected by the National Assembly based on a proposal by the President of the Republic of Slovenia; the term of office of the Head is five years. On 26 October 2016, Miha Lobnik became the first Head of the independent state body.

Operation of the Advocate in 2019

Initially, until October 2017, the Advocate operated at the premises of the Ministry of Labour, Family, Social Affairs and Equal Opportunities (MLFSAEO) and had EUR 250,000 in budgetary resources at its disposal.

In May 2018, the MLFSAEO ceased to provide administrative and technical support to the newly established body, and so the Advocate established its own secretariat, head office, ensured independent implementation of budgetary, financial and personnel matters, and switched to independent information operations. Although in 2018 the Advocate would require EUR 1.1 million for the operation and implementation of legally prescribed tasks, only EUR 500,000 was allocated to the body in that year.

The Government provided the Advocate with the necessary amount of funds for the performance of the minimum scope of tasks determined by PADA for 2019, following the European Commission Recommendation on Standards for Equality Bodies. In the revised budget, it allocated the necessary EUR 1.1 million to the Advocate, but at the end of the year, it limited the spending rights, as a result of which the Advocate was not able to carry out some of the activities already planned for 2019. This is an inadmissible interference with the autonomous operation of an independent state body.

In 2019, the Advocate finalized the establishment of departments for the suitable organization of work and reinforced itself in terms of staff (20 employees). Computer and office equipment was updated, information operations and maintenance were carried out independently. The body also performed all obligations from administrative operations, handling of documentary material and other general operations. The body regulated the areas of occupational safety, occupational health promotion, risk register, integrity plan and avoidance of conflict of interests. Appropriate care was taken to comply with all other legal obligations of the body's operations.

In the third year of operation, the Advocate received twice as many discrimination complaints than the year before. It also doubled the number of recommendations, proposals for special measures and special reports. The Advocate performs all tasks specified by law, some of which to a very limited extent due to a lack of resources and staff.

2 OVERVIEW OF ACTIVITIES AND TASKS UNDER ARTICLE 21 OF PADA

The tasks of the Advocate of the Principle of Equality are precisely defined in Article 21 of PADA. In its operation, the Advocate performs all three key functions which, according to the recommendations of the European Commission and the Council of Europe, must be provided by European equality bodies:

- researches and monitors the state of discrimination in the country, makes recommendations and proposals for the adoption of special measures to the competent institutions, raises public awareness of protection against discrimination and exchanges information within the European Union;
- provides information, counselling and representation to victims of discrimination;
- accepts complaints and establishes the existence of discrimination.

Article 21 of PADA more accurately describes the tasks and powers of the Advocate – for that reason and for better transparency of the work done, the following paragraphs include brief explanation of the tasks carried out in the previous year.

1)

As part of the monitoring of the situation in the field of discrimination in Slovenia, the Advocate conducted 5 independent researches, studies and analyses in the last year: a research on good practices of diversity management and equality promotion in small and medium-sized companies in Slovenia; a study on deprivation of the right to vote for persons with intellectual and psychosocial disabilities; a study on the position of intersex persons in medical procedures; an analysis of the protection and accessibility of children's rights and an analysis of the situation of the deaf in higher education.

2)

In 2019, the Advocate prepared an annual report for 2018 and began preparing two special reports, which will be presented in 2020, namely: the Special Report on Deprivation of the Right to Vote for Persons with Intellectual and Psychosocial Disabilities and the Special Report on the Position of Intersex Persons in Medical Procedures.

Based on its own research, the received discrimination complaints, the enquiries with competent institutions and cooperation with non-governmental organizations, the Advocate issued 27 recommendations for the prevention and elimination of discrimination in 2019. Most of them were addressed to the ministries, however, the Advocate also issued recommendations to persons governed by private law.

3)

In 2019, the Advocate considered 134 discrimination complaints and closed 63 of them. Discrimination was found in ten cases, four of which will be statistically covered in 2020, as the proceedings are not yet fully completed (an administrative dispute is pending before the administrative court). In the discrimination investigation procedures, the Advocate issued 36 decisions and resolutions in the administrative procedure and reached four settlements within the procedure. The Advocate referred a total of nine cases to inspectorates and other bodies and submitted two proposals to instigate minor offence proceedings to the competent inspection service.

4)

In 2019, the Advocate provided a total of 902 hours of counselling, in which it provided independent legal assistance to 139 people; of these, 112 instances of counselling were conducted by telephone and 140 were in writing or in person.

5)

In 2019, the Advocate performed the task of raising public awareness in several ways. The information on discrimination is available at the website www.zagovornik.si, where the contents are also available in easy reading. The Advocate published special leaflets in the language of the indigenous communities living in Slovenia (Italian and Hungarian) and in writing for the visually impaired (Braille). The current work of the Advocate is presented on social networks and with appearances of the Head of the Institution in the media. In 2019, the Advocate also conducted around 20 different workshops, presented the work of the body on official visits to local communities and participated in fair events related to a certain personal circumstance.

The Advocate also conducted 13 educational and 8 awareness-raising workshops for different publics, 4 field visits in different regions as well as organized or co-organized 12 events. In the scope of awareness-raising activities, the Advocate actively participated in three major fair events related to the personal circumstance of age (the elderly and children). In order to raise awareness, in 2019 the Advocate conducted four consultative dialogues with non-governmental organizations, participated in more than 35 professional consultations, conferences and other professional events and conducted more than 60 different forms of cooperation with representatives of civil society, economy, social partners and state institutions. It distributed more than 10,000 leaflets with basic information on discrimination, around 1,000 annual reports for 2018 in Slovene and about 200 reports in English.

6)

In 2019, the Advocate monitored the situation in the field of protection against discrimination through enquiries, which included 74 different legal entities. In order to monitor the general situation in the country in the field of protection against discrimination, the Advocate also conducted four structured dialogues with non-governmental organizations in 2019.

7)

In 2019, the Advocate issued two proposals for the adoption of special measures to improve the position of a group of persons with certain personal circumstances who are in a less favourable position, namely: the Initiative of the Advocate of the Principle of Equality for the adoption of special measures with a purpose of greater gender balance in the supervisory and management bodies of companies and the Recommendation on the adoption of special measures to improve the health of members of the Roma community. In 2019, the Advocate also performed an analysis of the responses received from ministries and governmental services on the implemented special measures. The data show that the ministries are relatively active in the implementation of measures for ensuring equality, but some measures do not always meet all the essential characteristics of special measures for ensuring equality under PADA.

8)

In 2019, the Advocate began representing the first client before the court in a proceeding involving discrimination.

9)

At the international level, the Advocate participated in 47 international professional consultations, conferences and other events in 2019. The Advocate also carried out 17 mutual exchanges of information on discrimination within the European Union and international organizations.

10)

In 2019, the Advocate considered 15 assessments of the discriminatory character of regulations and concluded 3 of them. In one of these cases, the Advocate assessed that the regulation was discriminatory, which was taken into account by the competent ministry and the regulation was amended accordingly.

3 OVERVIEW OF THE WORK OF THE ADVOCATE WITH INDIVIDUAL CASES

The basic act on the grounds of which the Advocate exercises its powers is the Protection against Discrimination Act (PADA), which defines the personal and material jurisdiction of the Advocate. Personal jurisdiction refers to the question of who can claim protection against discrimination. These are mainly natural persons or groups of persons. A legal person may claim protection against discrimination only if it is exposed to discrimination due to the personal circumstances of natural persons related to that legal person (paragraph 3 of Article 1 of PADA), for instance to its members, founders or management. Material jurisdiction refers to areas in which discrimination is prohibited in Slovenia.

The Protection against Discrimination Act (PADA) also defines the powers of the Advocate and individual forms of discrimination in relation to which the Advocate may take action (Articles 6–12). In addition to PADA, the Advocate still applies the Implementation of the Principle of Equal Treatment Act (IPETA), namely in cases received prior to 24 May 2016, when PADA entered into force. The Advocate conducts discrimination investigation procedures under the General Administrative Procedure Act (GAPA).

3.1 Key terms

Personal circumstances

Article 1 of PADA defines the purpose and content of the Act, which is to ensure protection against discrimination, based on specific personal circumstances. PADA mainly summarizes the personal circumstances stated in the Constitution of the Republic of Slovenia and in the Criminal Code (CC). These personal circumstances are: **gender, nationality, racial or ethnic origin, language, religion or belief, disability, age, sexual orientation, gender identity and gender expression, social status, property status, education or any other personal circumstance**. The Advocate has so far considered nationality (nationality of another EU Member State, nationality of a third country), pregnancy, parenthood, health status, place of birth, skin colour and place of residence as other personal circumstances.

Protection against discrimination is also provided by law to persons who are in any way (legally or factually) connected with a person with a certain personal circumstance, and to persons who are discriminated against on the grounds of being attributed a certain personal circumstance.

Areas of protection against discrimination

Article 2 of PADA defines, with examples, the areas of social life where, in accordance with the law of the European Union, equal treatment and prohibition of discrimination apply:

Work and employment

- conditions for obtaining employment, self-employment and profession (including selection criteria and employment conditions, notwithstanding the type of activity or the level of occupational hierarchy, including promotion);
- access to all forms and all levels of career orientation and counselling, vocational and professional education and training, further vocational training and retraining, including internship;
- employment and working conditions, including termination of employment contracts and wages;

Membership in workers' or employers' organisations

- membership and inclusion in workers' or employers' organisations or any organization whose members perform a certain vocation, including benefits provided by such organizations;

Social rights

- social protection, including social security;
- social benefits;

Health care

- health care;

Education

- education and schooling;

Market of goods and services

- access to goods and services available to the public, including housing facilities and supply thereof.

In addition to the areas of protection listed in Directives 2000/43/EC and 2000/78/EC, PADA also protects against discrimination in all other areas of social life, in the exercise of human rights and fundamental freedoms, in the exercise of rights and obligations and in other legal relations in the political, economic, social, cultural, civil or other fields.

Forms of discrimination

The forms of discrimination defined in the Protection against Discrimination Act (PADA) are:

- indirect discrimination (second paragraph of Article 6 of PADA),
- direct discrimination (first paragraph of Article 6 of PADA),
- harassment (first paragraph of Article 8 of PADA),
- sexual harassment (second paragraph of Article 8 of PADA),
- instructions on discrimination (Article 9 of PADA),
- inciting discrimination (first paragraph of Article 10 of PADA),
- public justification for neglecting or despising persons or groups of people due to personal circumstances (second paragraph of Article 10 of PADA),
- victimization (Article 11 of PADA).

PADA also defines severe forms of discrimination. Pursuant to the third paragraph of Article 39 of PADA, defining severe forms of discrimination is also relevant for determining the amount of compensation for non-pecuniary damage in judicial proceedings. The legislator also determined higher fines for violations in cases of severe forms of discrimination, which can be imposed by the competent inspectorates.

Severe forms of discrimination are:

- multiple discrimination (Article 12 of PADA),
- mass discrimination (Article 12 of PADA),
- persistent or repeated discrimination (Article 12 of PADA),
- discrimination with consequences that are difficult to remedy (Article 12 of PADA),
- discrimination directed at children (Article 12 of PADA),
- discrimination directed at other weak persons (Article 12 of PADA),
- delivering or disseminating racist, religious, national and sexually discriminatory appeals, inducing, abetting or inciting hatred and discrimination as well as broader public haranguing which promotes discrimination (first paragraph of Article 10 of PADA).

Powers of the Advocate

The Advocate's powers in investigation of individual cases are defined in Articles 33 to 44 of PADA and in Article 21 of PADA. They can be divided into the following areas:

- providing independent assistance to persons subject to discrimination when enforcing their rights regarding protection against discrimination in the form of counselling and legal assistance for clients in other administrative and judicial proceedings related to discrimination (indent 4 of Article 21 of PADA),
- procedure for investigating discrimination at the proposal of the person subject to discrimination (Article 33 of PADA),
- *ex officio* procedure for investigating discrimination (Article 34 of PADA),
- request for data and documents necessary for investigating discrimination (Article 37 of PADA),
- filing a request for a review of constitutionality and legality (Article 38 of PADA),
- representation of clients in judicial proceedings (paragraph 1 of Article 41 of PADA),
- accompanying clients in judicial proceedings (paragraph 4 of Article 41 of PADA),
- inspection supervision (paragraph 1 of Article 42 of PADA),
- referring cases to competent inspection services if the procedure before the Advocate would not be reasonable (paragraph 4 of Article 42 of PADA),
- referring cases to competent inspection services if the offender fails to comply with the Advocate's decision (Article 43 of PADA).

Until the end of 2019, the Advocate exercised the powers of: providing independent assistance to persons subject to discrimination; investigating discrimination at the proposal of the person subject to discrimination; investigating discrimination *ex officio*; requiring the submission of data necessary for investigating discrimination; representing clients in judicial proceedings; referring cases to competent inspection services and referring cases to competent inspection services for initiating offence proceedings.

In 2019, the Advocate assessed the possibility of discriminatory character of 15 regulations, but has not yet filed requests for the review of constitutionality and has not yet accompanied clients in court proceedings.

In 2019, based on the received discrimination complaints and *ex officio*, the Advocate carried out investigative administrative procedures.

3.2 Statistics of closed cases of counselling and discrimination investigation

74 cases were transferred from previous years to 2019, of which 55 cases were closed in 2019. In 2019, the Advocate received 200 new cases for consideration, of which 103 cases were closed in 2019. In 2019, a total of 274 cases were thus investigated. Of these, 158 cases were closed, while 116 unresolved cases were transferred to 2020 (19 received in the period 2012–2018 and 97 received in 2019).

Transfer of cases to 2019 from 2012–2018: <div style="text-align: right;">74</div>	+	Number of new cases received in 2019: <div style="text-align: right;">200</div>	=	Number of closed cases in 2019: <div style="text-align: right;">158</div>	+	Number of cases still under consideration on 31 December 2019: <div style="text-align: right;">116</div>
Counselling: 23 Investigation: 51		Counselling: 117 Investigation: 83		Counselling: 95 Investigation: 63		Counselling: 45 Investigation: 71

Alleged personal circumstances of discrimination in cases closed in 2019

The most frequently alleged personal circumstance of discrimination in cases closed in 2019 was gender (14 percent). This is followed by the sum of personal circumstances of nationality, race and ethnic origin (13 percent). The alleged personal circumstance of disability occurred in 11 percent of cases, followed by sexual orientation (5 percent), age (5 percent), religion or belief (4 percent), place of residence (3 percent), social status (2 percent), language (2 percent), nationality of another Member State (2 percent) and nationality of a third country (1 percent). The Advocate also considered one case of alleged discrimination based on gender identity and one case based on property status (1 case corresponds to approximately 1 percent).

In 2019, no discrimination complaints, requests for counselling or questions where discrimination was alleged based on gender expression or education were closed. In 16 percent of cases, other personal circumstances were alleged, such as health status, pregnancy and parenthood. In 20 percent of closed cases, a personal circumstance was not stated or could not be deduced from the description of the conduct. Compared to 2018, when the share of such cases was higher (53 percent), the share of cases without a personal circumstance decreased significantly. It can be observed from the stated that public awareness about a personal circumstance being an essential element for investigating discrimination and exercising the powers of the Advocate has increased.

Table: Alleged personal circumstances of discrimination in cases closed in 2019

Alleged personal circumstances of discrimination	Counselling, informing	Discrimination investigation	Counselling and investigation together	Percentage total (%)
1. Gender	6	18	24	14
2. Nationality	5	7	12	7
2.1 Racial or ethnic origin	5	6	11	6
2.2 Language	1	2	3	2
3. Religion or belief	1	5	6	4
4. Disability	10	9	19	11
5. Age	2	6	8	5
6. Sexual orientation	7	2	9	5
7. Gender identity	0	1	1	1
8. Gender expression	0	0	0	0
9. Social status	1	3	4	2
10. Property status	0	1	1	1
11. Education	0	0	0	0
12.1 Nationality of another EU Member State	2	1	3	2
12.2 Nationality of a third country	1	1	2	1
12.3 Place of residence	3	2	5	3
Other	16	12	28	16
No personal circumstance	31	4	35	20

Alleged areas of life where discrimination occurs in cases closed in 2019

In 2019, most cases were closed in the field of employment and work: 16 percent of cases related to the field of employment and working conditions, including termination of employment contracts and wages; 13 percent related to the area of conditions for obtaining employment, self-employment and profession, including selection criteria and employment conditions, notwithstanding the type of activity or the level of professional hierarchy, including promotion; 0.5 percent (one case) related to the field of access to all forms and all levels of career orientation and counselling, vocational and professional education and training, further vocational training and retraining, including internship. 20 percent of cases related to access to goods and services available to the public, including housing facilities and supply thereof. In the field of education, the Advocate closed 10 percent of cases. In the field of social protection, including social security and health care, it closed 9 percent of cases. This is followed by the area of access to social benefits (3 percent).

The Advocate did not consider any cases of membership and inclusion in workers' or employers' organizations or any organization whose members perform a certain vocation, including benefits provided by such organizations. 28 percent of cases related to other areas not explicitly mentioned in the law, including the operation of courts, the administrative operation of state bodies, the conditions of public tenders and the area of the media.

Table: Alleged areas of life in cases closed in 2019

Alleged area of discrimination	Counselling, Informing	Discrimination investigation	Counselling and investigation together	Percentage total (%)
1. Access to employment, self-employment and profession, including selection criteria and employment conditions, notwithstanding the type of activity or the level of professional hierarchy, including promotion.	7	11	18	13
2. Access to all forms and all levels of career orientation and counselling, vocational and professional education and training, further vocational training and retraining, including internship.	0	1	1	0,5
3. Employment and working conditions, including termination of employment contracts and wages.	18	5	23	16
4. Membership and inclusion in workers' or employers' organisations or any organisation whose members perform a certain vocation, including benefits provided by such organisations	0	0	0	0,5
5. Social protection, including social security and health care.	7	5	12	9
6. Social benefits.	4	0	4	3
7. Education.	6	8	14	10
8. Access to goods and services available to the public, including housing facilities and supply thereof.	12	16	28	20
9. Other	23	17	40	28

Alleged forms of discrimination in cases closed in 2019

The Protection against Discrimination Act (PADA) defines several different forms of discrimination. The most common alleged form of discrimination in cases closed in 2019 was direct discrimination at 72 percent. The second most common alleged form of discrimination was indirect discrimination (14 percent), followed by harassment (10 percent), incitement to discrimination (2 percent) and victimization (2 percent).

In 2019, the Advocate did not close any cases in the area of instruction to discriminate and sexual harassment.

Table: Alleged forms of discrimination in cases closed in 2019

Alleged forms of discrimination	Counselling, informing	Discrimination investigation	Counselling and investigation together	Percentage total (%)
Direct discrimination	53	44	97	72
Indirect discrimination	10	9	19	14
Harassment	8	5	13	10
Sexual harassment	0	0	0	0
Instruction to discriminate	0	0	0	0
Victimization	0	3	3	2
Incitement to discriminate or public justification for neglecting or despising	0	3	3	2
Of this:				
Mass	17	24	41	/
Multiple	3	9	12	/

4 COUNSELLING, INFORMING AND SUPPORT

The Advocate provides counselling and support to clients by telephone, in person, in writing or by e-mail. The counselling, informing and providing support to individuals first includes examining the situation of the person in a manner of defining the problem and determining whether the matter falls within the power of the Advocate. If the matter falls within the power of the Advocate – i.e. if a personal circumstance is given and the matter relates to the area of life falling under PADA, the Advocate advises the client, explains its powers, possibilities of action and tasks and finds the most appropriate way to act together with the client. However, if the client is already involved in other judicial or administrative proceedings and the question posed to the Advocate is related to discrimination, the Advocate advises the client on how to raise issues of discrimination in ongoing proceedings. The Advocate may also assist clients in writing complaints and other pieces of writing in proceedings before other state authorities if those proceedings are related to discrimination or could give rise to discrimination. When clients are dissatisfied with the results of the proceedings before other authorities or believe that they have been discriminated against in those proceedings, the Advocate informs them that they can challenge the results of these proceedings only with the legal means provided for in these proceedings. Namely, the Advocate does not act as a hierarchically superior body to other state authorities.

Statistics of counselling, informing and support

In 2019, the Advocate provided counselling, information and independent assistance to various persons subject to discrimination in 252 instances; of these, 112 cases of counselling were conducted by telephone and 140 in writing or person. In 2019, the Advocate provided a total of 902 hours of counselling, in the scope of which it provided independent legal assistance to 139 people. In the cases, the Advocate informed the clients of its powers and possibilities in cases of discrimination, advised them in the proceedings before other state authorities in relation to discrimination, and supported them with assistance in writing applications and letters related to protection against discrimination.

The Advocate can close the cases conducted as cases of counselling, informing and providing support in various ways. In the cases of questions and requests for counselling, support or assistance received, the client is given an oral or written answer or explanation. Some cases are also resolved in such a way that the Advocate achieves the resolution of the case through an enquiry with the offender.

Summary of anonymised cases in the field of counselling, informing and support

Among the clients to whom the Advocate provided counselling and support are:

- a client who was the victim of a racist attack at a sports event;
- clients who were subjected to poorer treatment in employment and work due to pregnancy, use of parental leave, nationality, religion, disability, health status and activity in workers' or employers' organizations;
- a client who, as a mother of a moderately physically disabled child and employed in the public sector, could not take the additional days of leave she would have had if she had worked in the private sector;
- two female clients, same-sex partners, who experienced difficulties in enrolling both of them in the child's birth certificate;
- a client who, as a national of another country who resides in Slovenia in a same-sex partnership, seeks to obtain Slovenian nationality;
- a client who sought to obtain the status of a personal assistant for her mother, who is over the age of 65, but the status was inaccessible to her due to her mother's age;
- a client who sought counsel from the Advocate with regards to the question of unequal treatment due to the education of certain civil servants classified in lower pay grades;
- a client who is a national and resident of another EU Member State and employed in Slovenia, but is not allowed to claim tax relief for family members;
- a client who, as an applicant for international protection, was not entitled to a reduced kindergarten fee;
- a client who detected discriminatory advertisements for renting an apartment.

5 ADVOCACY – REPRESENTATION IN JUDICIAL PROCEEDINGS

The power to represent and accompany victims in judicial proceedings initiated based on Article 39 of PADA is determined in Article 41 of PADA, which regulates the role of the Advocate and non-governmental organizations. This provision sets out the special conditions to be met by the Advocate for the representation of persons subject to discrimination in actions before the courts. The Act stipulates that only a person who is employed at the Advocate and has passed the state bar examination may perform procedural acts on behalf of the Advocate (paragraph 1 of Article 41 of PADA).

If the Advocate and the discriminated person do not agree on representation, the Advocate may only accompany the person in the proceedings, provided that the person consents to this. To enable the presence of the Advocate in judicial proceedings, an authorization is not required – it suffices that the person subject to discrimination states that a certain person employed at the Advocate is accompanying them and that they wish them to be present during the proceedings.

The first case of representing a client in court

In 2019, for the first time, the Advocate took over the representation of a client who filed an action in court for discrimination.

The action was filed on 3 October 2019 before the District Court in Ljubljana against the Slovenian Association of Cycling Judges, which no longer allowed the complainant to judge competitions due to reaching the age of 70. The defendant introduced a restriction in its statute on the activities of cycling judges to the age of 70, despite the complainant's warnings. In doing so, the defendant referred to the rules of the International Cycling Union, which contain the same restriction. Despite the call of the Advocate, which found discrimination during the investigative administrative procedure under PADA, the defendant did not amend the discriminatory statute.

In the action, the Advocate claimed direct discrimination on the grounds of age and demanded an end to discrimination (by amending the statute and issuing a license for a cycling judge), compensation for discrimination and publication of the judgment in the media. The key arguments put forward by the claimant in the action relate to the fact that the defendant did not demonstrate the legitimate aim of setting the age limit, nor did it show that such an age limit would be an appropriate and necessary means of pursuing the objectives. The claimant pointed out that the prohibition of discrimination on the grounds of age is a fundamental principle of the law of the European Union, according to the case law of the Court of Justice of the European Union. The claimant also stated that referring to the rules of the International Cycling Union was not appropriate, as the rules of an international non-governmental organization could not prevail over a national law as well as over the law of the European Union. In the case that the aim is to ensure that cycling judges are able to perform this function, the complainant stated that it would be much more appropriate to regulate the issue of assessing the ability to perform the function in a way of individually testing a person's ability. The proceedings before the court are ongoing, and the Advocate will continue with the representation of the client in this case in 2020.

6 ASSESSING THE DISCRIMINATORY CHARACTER OF REGULATIONS

The provision of Article 38 of the Protection against Discrimination Act (PADA) grants the Advocate the authority to file requests for the assessment of the constitutionality and legality of regulations before the Constitutional Court of the Republic of Slovenia. If the Advocate assesses that any law or other regulation is discriminatory, it may inform the proposer of the procedure for the assessment of constitutionality and legality or initiate the procedure for assessing the constitutionality or legality of a regulation or general act issued for the exercise of public authority.

The Advocate implements the provision by first assessing whether a regulation is discriminatory before deciding on the initiation of proceedings for the assessment of constitutionality or legality. This is an internal procedure at the Advocate, which does not take place in the manner of discrimination investigation under the administrative procedure, as the administrative procedure is not intended for the investigation of discrimination existing at the level of regulations.

Assessments of the discriminatory character are conducted by the Advocate on its own initiative or at the initiative of a client. Only based on the prepared assessment of the discriminatory character of a regulation, does the Advocate decide to submit a request for the assessment of constitutionality and legality to the Constitutional Court of the Republic of Slovenia.

In 2019, the Advocate carried out 15 assessments of the discriminatory nature of regulations, of which 3 cases were closed, and the remaining 12 cases were transferred to 2020 for further consideration. In one case, the Advocate assessed that the regulation was discriminatory and made a recommendation for a legislative change to the competent ministry, while in two closed cases the Advocate assessed that the regulation was not discriminatory and consequently did not decide to file a request for the assessment of constitutionality and legality.

The cases closed by the Advocate were related to the following subjects:

- The Advocate addressed the question of whether the age limit of 32 years for subsidizing monthly public transport tickets for students is in line with the prohibition of discrimination. The Advocate assessed that the restriction was inconsistent with the prohibition of discrimination, as it did not meet the proportionality test. The Advocate recommended to the competent ministry that the law be amended accordingly. The law was amended accordingly.
- The Advocate considered the question of whether the proposal for the amendments to the Pension and Disability Insurance Act, announced by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (MLFSAEO) on 16 July 2019, constitutes possible discrimination against men compared to women. The Advocate assessed that the proposed legislative amendment does not violate the prohibition of discrimination.
- The Advocate considered the question of whether the requirement for the knowledge of the Slovenian language for taking the professional exam for physiotherapy students constitutes discrimination on the grounds of language. The Advocate assessed that the legal requirement pursuing patient protection and the proper performance of the explanatory duty does not violate the prohibition of discrimination.

The cases still under consideration relate to the following topics:

- Access to biomedical assisted procreation procedures for single women;
- Access to consumer credit;
- Extraordinary naturalization for unaccompanied minor foreigners;
- Suspension of the obligation to pay occupational pension insurance premiums;
- Exemption from payment of court fees for foreigners;
- Conditions for professional heads of driving schools;
- Conditions for exercising the right to personal assistance (2 cases);
- Receiving a disability pension;
- Consideration of maintenance obligations in assessing creditworthiness;
- Same-sex marriage.

7 DISCRIMINATION INVESTIGATION – INDIVIDUAL CASES

Discrimination investigation is conducted according to the administrative procedure based on the received proposals for investigating discrimination received by the Advocate from the clients (pursuant to Article 33 of PADA) and in proceedings initiated *ex officio* (Article 34 of PADA). The Advocate first examines each discrimination complaint submitted by the client to determine whether the burden of proof has been met. This means examining:

- whether there are facts that justify the presumption that the prohibition of discrimination has been violated;
- whether the personal circumstance that led to the unfavourable treatment is stated;
- whether the treatment giving rise to the discrimination complaint is of such a nature as to infringe rights, freedoms, benefits or legal benefits; and
- whether there is a causal link between the personal circumstance and the unfavourable treatment.

The Advocate also examines whether all the essential components of the complaint set out in Article 36 of PADA have been submitted. If the burden of proof is not met or if the essential elements of the complaint are missing, the client is asked to supplement it in accordance with the rules governing the general administrative procedure. Upon the receipt of a complete complaint in which the burden of proof is met, pursuant to Article 37 of PADA, the Advocate verifies the allegations with the alleged offender or other entities from which it may request the submission of those information and documents strictly necessary in accordance with the principle of proportionality to investigate an individual case of discrimination. The state authorities, local communities, holders of public authority and legal and natural persons provide the Advocate, free of charge, at its request, with all the information, including personal, and documents, which the Advocate urgently requires to determine whether discrimination exists in the case under consideration.

The Advocate has no legally defined mechanisms or sanctions for cases where alleged offenders or other entities fail to respond to requests for information. It follows from the practice that the subjects called upon to produce information and answers in most cases responsively participate in the procedure. When they fail to do so, the Advocate can only call upon them again to respond and ultimately adopt a decision based on the available facts and documentation. The nature of the discrimination investigation procedure, in which the rule of reversal of the burden of proof is essential, encourages the persons liable to participate in the procedure, as in the event the complainant meets the burden of production, the burden of proof falls upon the persons liable, who must prove that they did not discriminate. If the persons liable fail to use the opportunity to present proof to establish that the complainant was not discriminated against, the consequences of the procedure for persons liable could be unfavourable.

It also must be repeated that the complaints received by the Advocate when the Principle of Equal Treatment Act (IPETA) was still in effect were considered under this Act. Therefore, in 2019, the Advocate also conducted informal procedures and issued opinions in accordance with Articles 12 to 16 of IPETA, and not only procedures under PADA and GAPA.

7.1 Procedures initiated *ex officio*

In the event that the Advocate initiates the procedure for investigating discrimination *ex officio* in accordance with Article 34 of PADA, the establishment of facts and collection of evidence of the existence of discrimination is conducted in the same manner, namely in accordance with Article 37 of PADA and in accordance with GAPA.

In 2019, the Advocate **conducted 16 procedures, which were initiated *ex officio***. Of these, **7 procedures were resolved** in 2019.

Of the 16 procedures initiated *ex officio*, the Advocate initiated 11 of them on the basis of an anonymous complaint, question or complaint from a third party (who is not a victim of discrimination), and in five cases the Advocate started the procedure on its own initiative. In 3 cases, when the complaint was submitted by an anonymous person or a third party, the Advocate did not initiate the procedure *ex officio*.

The cases closed by the Advocate in 2019 related to the following topics:

- Advertising free entrance exclusively for women at a sports event; discrimination on the grounds of gender was found;
- Condition of Slovenian nationality for singers at the Eurovision Song Contest; discrimination on the grounds of nationality was not found;
- Failure to implement the decision of the Constitutional Court on the financing of private schools without a concession; discrimination on the grounds of the choice of school and religion was not found;
- Changes in the standards for transferring immobile residents of a home for the elderly from one seated location to another; discrimination on the grounds of disability was not found;
- Access to electricity under more favourable conditions for members of workers' or employers' organizations; discrimination was not found;
- Treatment of a transgender person in a health institution; discrimination on the grounds of gender identity was not found;
- Refusal to bury victims of war and post-war massacres of the Roma ethnicity; discrimination on the grounds of race was not found.

7.2 Statistics of discrimination investigation procedures in individual cases

In 2019, the Advocate considered 134 discrimination complaints. Of these, 63 were closed and 71 are still under consideration. In discrimination investigation procedures, the Advocate issued 36 decisions and resolutions in the administrative procedure and reached 4 settlements within the procedure. Other outcomes of the procedure most often included: referral to the inspection service, suspension of the procedure, informal resolution of the case, written explanation, transfer to the system department, unresponsive client. The Advocate referred 9 cases to inspectorates and other bodies, and submitted 2 proposals to instigate minor offence proceedings to the competent inspection service.

Discrimination was found in 10 cases concluded by the Advocate by issuing a decision, in 8 cases discrimination was not found, and in 6 cases a negative decision was issued.

Table: Results of procedures before the Advocate for individual discrimination investigation cases closed in 2019

Results of procedures before the Advocate	Number	Percentage (%)
Decision – declaratory – discrimination is found	6	9
Decision – declaratory – discrimination is not found	8	13
Decision – negative – it is not a question of discrimination	6	9
Decision to stay the proceedings	2	3
Decision on rejection on procedural grounds	1	2
Referral to the inspection service	1	2
Informal resolution of the case	3	5
Advice – written explanation	21	33
Unresponsive client	9	14
Assessment of discriminatory character	1	2
Opinions	4	6
Transfer to the system department	1	2
TOTAL	63	100

7.3 Presentation of anonymized cases in the field of discrimination investigation

The Advocate found, inter alia, discrimination in the following cases:

- The conditions of a public tender for researchers at the beginning of a career were discriminatory on the grounds of personal circumstances of pregnancy or parenthood. The tender was aimed at the younger generation of researchers, who are in a period when they are starting a family and the terms of the tender, which do not allow extending the funding period in case of suspension of work on the project during absence, may be discriminatory on the grounds of parenthood or pregnancy and also on the grounds of gender; only women are pregnant, and at the same time, according to publicly available data, it is still mostly women who decide to take parental leave.
- The treatment of a dark-skinned foreigner by the security service in a grocery shop was discriminatory. Based on all the evidence gathered, the Advocate assessed that the personal circumstance of the complainant's race was an important reason for the security service to decide to take measures against the complainant under the Private Security Act, thus meeting signs of direct discrimination on the grounds of race.
- The conditions of the public tender for co-financing the programs of activities of the Roma community organizations (Roma Association) in 2019 were discriminatory on the grounds of the intersection of race and place of residence. According to one of the criteria for awarding points, five additional points were awarded to an organization registered in the municipality that has a Roma councillor. This criterion is not met by organizations based in areas where the Roma community is not considered indigenous.

- The comments of the users on one of the web portals, which promoted hatred and intolerance towards the Roma, represent unequal treatment in the form of inciting discrimination, which is prohibited by PADA. The Advocate identified the portal operator as the offender, as he did not withdraw the comments despite the Advocate's calls. The Advocate also relied on the judgment of the European Court of Human Rights *Delfi AS v. Estonia* and the Mass Media Act, which determines the obligation to withdraw comments at issue.
- The Advocate received a proposal for consideration from the complainant who entered into a contract with an advertising agency. In the contract, the signatories agreed on the creation of an advertising message to be placed on the vehicle of a public transport operator for a fixed period of two months. The advertising message was placed on the vehicle, but was removed prematurely, due to the public outrage that the vehicle was equipped with otherwise neutral advertisements of an organization that opposes abortion. The Advocate found that the early removal of the advertisement from the vehicle constituted discrimination against the complainant on the grounds of personal circumstance of religion or belief.
- The Advocate received a discrimination complaint from a person living with HIV against a healthcare institution in which the health care professionals behaved in a way as to disclose his HIV status and insult his dignity. The Advocate found that the healthcare institution had violated the prohibition of discrimination.
- The Advocate received an anonymous discrimination complaint to address discrimination occurring in a private company. The company determined the criteria for entitlement to payment to employees for the company's business performance in such a way that the percentage of the business performance bonus is reduced according to a predetermined scale in cases of absence due to all health reasons, maternity leave, paternity leave and unpaid leave. The company pursued the objective of reducing the absence of employees from work, which can be a completely legitimate objective, but the Advocate assessed that the means to achieve this objective were not appropriate and necessary. As a result, the Advocate found discrimination on the grounds of parenthood, gender and health status.
- The Advocate received an anonymous discrimination complaint to address the alleged direct discrimination on the grounds of gender, which allegedly occurred in relation to the conditions for participation in an all-day recreational event. The complainant stated in the complaint that, according to the announcements about the event, admission was free only for women upon registration. The company pursued an otherwise legitimate objective through advertisements, i.e. to increase participation in the event, but the means chosen were not appropriate and not necessary to achieve the objective. As a result, the Advocate found discrimination on the grounds of gender.

8 PROTECTION AGAINST DISCRIMINATION AT THE SOCIAL LEVEL

Under PADA, the Advocate performs the tasks and powers of protection against discrimination also at the social level, i.e. at the level of the position of social groups and social relations in connection with the regulation of social subsystems.

In this regard, the Advocate issues a annual report and special reports, which are intended to shed light on individual, thematically rounded issues related to discrimination or its individual aspects.

As state authorities, local communities, self-governing national communities and holders of public authorisations are obliged to ensure equal treatment of persons with different personal circumstances under PADA, the Advocate also performs analyses of these measures, as this falls within its power and task of monitoring the general state of protection against discrimination in the country.

The provisions of PADA, based on which the Advocate provides protection against discrimination at the social level, are highlighted below.

In accordance with **Article 21 of PADA**, the Advocate has the following powers and tasks that fall within the scope of protection against discrimination at the social level, namely:

- “ - conducting independent research on the position of people in certain personal circumstances, particularly gender, nationality, racial or ethnic origin, religion or belief, disability, age, sexual orientation and other issues regarding discrimination of people with certain personal circumstances;
- publishing independent reports and making recommendations to state authorities, local communities, holders of public authorisations, employers, business entities and other bodies regarding the established situation of people in certain personal circumstances, i.e. relating to preventing or eliminating discrimination and adopting special and other measures to eliminate discrimination;
- raising the awareness of the general public on discrimination and measures to prevent it;
- monitoring the general situation in the Republic of Slovenia in the field of protection against discrimination and the situation of people in certain personal circumstances;
- proposing the adoption of special measures to improve the situation of people who are in a less favourable position due to certain personal circumstances;
- ensuring the exchange of available information on discrimination with bodies of the European Union;
- conducting other tasks determined by this Act.”

In accordance with the **first indent of Article 22 of PADA**: “In regular annual or special reports, the Advocate shall report to the National Assembly of the Republic of Slovenia about their work and findings on the existence of discrimination involving individual groups of people in certain personal circumstances.”

Pursuant to **Article 15 of PADA**: “When forming solutions and proposals to attain the objective of this Act, the Government of the Republic of Slovenia (hereinafter the Government) and other state authorities shall cooperate with social partners and associations, institutions or private bodies (hereinafter: non-governmental organisations), which work in the field of equal treatment, protection of human rights and fundamental freedoms, protection of vulnerable groups against discrimination, and legal or social assistance for people subject to discrimination.” Therefore, the Advocate, as a state body, pays special attention to dialogue with civil society organizations.

Pursuant to **Article 16 of PADA**, in addition to competent inspection services, the Advocate has the power and task to “... collect anonymised data on the number of discrimination cases discussed according to individual personal circumstances, forms of discrimination and individual fields from Article 2 of this Act. The inspection services shall submit these data to the Advocate once a year.” The purpose of such data collection is, as follows from the second indent of the same article of PADA, also “monitoring, planning and managing the non-discriminatory policy.”

Monitoring the general situation, as follows from **Articles 16 and 21 of PADA**, is not the Advocate's aim in itself, but a method of work. It is a series of activities performed by the Advocate with the aim of collecting, acquiring information and knowledge, the purpose of which is to achieve the deepest possible understanding of discrimination at the social level, including its various manifestations, causes and origins and social processes that generate discrimination. At the same time, monitoring also includes the collection of information on society's responses to discrimination, on the regulations and practices of social subsystems regarding protection against discrimination and on changes in the value system in society.

9 DATA ON DISCRIMINATION INVESTIGATIONS – OTHER STATE AUTHORITIES

Pursuant to the Protection against Discrimination Act (PADA), the Advocate of the Principle of Equality (the Advocate) monitors the state of discrimination in Slovenia in several ways, including through monitoring the practice of other bodies. Article 16 of PADA explicitly requires the Advocate and the competent inspection services to collect anonymised data on the number of discrimination cases discussed according to individual personal circumstances, forms of discrimination and individual fields. The inspection services are obliged to provide these data to the Advocate once a year. These data are collected and used for the purposes of monitoring, planning and managing the non-discriminatory policy and for scientific and research purposes. In this light, the Advocate also addressed a request for data on reported discrimination in 2019, broken down in the same way, to other bodies responsible for protection against discrimination: the Police, the Office of the State Prosecutor-General, all courts and the Ombudsman.

The Advocate notes that the police and inspectorates use different systems of logging and recording discrimination cases. This is a problem of the absence of a unified structured overview of data, broken down according to the criteria set by PADA: according to personal circumstances, areas and forms of discrimination. **It is necessary to systematically harmonize and unify the manner of recordkeeping for investigated discrimination cases.** The information on reported discrimination to individual authorities presented below is therefore not sufficiently comparable due to differences in the way data are collected and broken down.

The Advocate requested information from **25 inspection bodies**. Of the 18 total responses received, 13 bodies did not investigate any cases in 2019 (same as in the previous year). Discrimination cases were investigated by five inspectorates, two more than in 2017 and 2018. In total, the inspectorates reported on **34 cases of complaints and 17 cases where discrimination was found**. Most discrimination complaints were recorded in the field of employment and work (where the volume of reports is mostly not recorded; only found violations are recorded), followed by the areas of access to goods, services and education. In the field of education, the number of detected complaints decreased significantly, while the number of complaints in the field of employment and work, in defence and in the field of access to goods and services has increased. In individual cases, the inspectorates found discrimination on the grounds of pregnancy, maternity, parenthood, age, disability, health status, family status, nationality and other. A closer look at the practice shows the differences in recording approaches. The Labour Inspectorate of the Republic of Slovenia does not keep records or databases by cases under consideration, but by the established violations of the provisions of labour law. It also does not keep records and statistics by personal circumstances that have led to discrimination. **Violations of the prohibition of discrimination in employment and work were recorded in a total of 16 cases.** Most violations were found with private sector employers. Two cases concerned discrimination against candidates for employment, and the other 15 recorded cases involved discrimination during the time of the employment relationship. Discrimination was found, among other things, on the grounds of disability, nationality (deprivation of foreigners), health status, and in one case on the grounds of several personal circumstances simultaneously: pregnancy, maternity, parenthood, age, disability, health or family status. The Defence Inspectorate investigated five cases of discrimination complaints in connection with the implementation of sectoral legislation in the Slovenian Army, among other things, due to unequal treatment of a woman in deployment and the status of a soldier over 45 years of age; discrimination was found only in one case. The Inspectorate of the Republic of Slovenia for Education and Sport investigated the reported cases on its own based on the sectoral legislation and no longer referred them to the Advocate as in the previous years.

The complaints concerned, inter alia, direct discrimination against students on the grounds of nationality, disability and personal characteristics, while the Advocate noted suspicions of harassment and justification for neglecting or despising persons or groups of people due to personal circumstances. The Market Inspectorate of the Republic of Slovenia exercises control over access to goods and services available to the public only on the basis of received complaints, i.e. not *ex officio*. In 2019, there were known cases of suspected discrimination in the conditions of service provision and in the refusal of services, inter alia due to financial status, nationality (refusal to open a bank account for a foreigner) and place of residence. The Health Inspectorate of the Republic of Slovenia investigated one complaint.

The Ombudsman investigated 70 relevant cases in this period. Among the cases considered, those cases prevailed in which the Ombudsman's power was not given or there were no conditions for a substantive assessment for other reasons. The Ombudsman found discrimination in ten cases, in four on the grounds of disability, four cases were related to the Roma community or its members and two to nationality (foreigners). The Ombudsman also deals with a number of cases in which discrimination is alleged in decision-making procedures for the care and upbringing of children with maintenance and contacts.

In the work of the **Police**, the Advocate monitors detected cases of suspected violations in the form of special minor offences and criminal offences. According to Article 20 of the Protection of Public Order Act (PPOA), the commitment of other minor offenses with the intention of inciting national, racial, sexual, ethnic, religious, political or sexual-orientation based intolerance is defined as a special minor offence of incitement to intolerance. In 2019, the police imposed measures in 53 cases of minor offences under Article 20 of PPOA, which is in seven cases more than in 2018. Most violations of Article 20 of PPOA were committed in connection with Article 6 of PPOA (violent or reckless behaviour). The number of violations in connection with Article 12 of PPOA (damaging an official sign, mark or decision) decreased, while the number of cases under Article 13 (writing on buildings) and Article 15 (destroying national symbols) of PPOA increased. Article 131 of the Criminal Code (CC) defines the criminal offense as a violation of the right to equality committed by whomever due to a personal circumstance that deprives or restrains another person of any human right or liberty or grants another person a special privilege or advantage on the basis of such discrimination. In 2019, the police dealt with nine such criminal offences. Of these, it filed four criminal charges and five reports with the prosecution. Article 297 of CC defines the criminal offense of public incitement to hatred, violence or intolerance, which is committed by whomever publicly provokes or stirs up hatred, violence or intolerance. In 2019, the police dealt with thirty-nine such criminal offences. Of these, the police filed sixteen criminal charges and twenty-three reports with the prosecution.

The Office of the State Prosecutor-General (OSPG) submitted data on the prosecution of criminal offenses under Article 297 of CC and under Article 131 of CC. OSPG only keeps data on the committed criminal offence in the register, but never records the motive that led the offender to commit the criminal offence, except when the motive constitutes an aggravating circumstance and a legal element of the criminal offence. As is known, CC generally does not know the so-called hate crime. Thus, OSPG was not able to provide data broken down by circumstances, forms and areas of discrimination. However, it provided the data on thirty-six received criminal complaints, adopted conclusions (24 dismissed complaints, 2 filed indictments) and judgements issued (2 decisions of punitive order and 3 decisions of rejection) for the said criminal offence. The trends are particularly interesting regarding the criminal offence of public incitement to hatred, violence or intolerance. The statistics for the last eleven years initially show an increase in the number of criminal charges filed for this offence from 2008 to 2012, when the number of cases dealt with was the highest (83 criminal complaints, 13 decisions of convictions). This is followed by a significant decline in the period 2013–2019. The trend can be attributed to changes in the legislation (CC) and the law enforcement policies related to the interpretation of legislation.

In 2013, the Office of the **State Prosecutor-General** adopted a legal position in principle, according to which “hate” speech is punishable in all forms of execution only if such conduct results in threats or disturbances of public order and peace, i.e. objective possibility as well as the likelihood of a breach of public order and peace. The interpretation, and thus the direction, clearly lead to a more restrictive law enforcement policy. The number of filed criminal complaints decreased significantly, as did the number of completed criminal proceedings, the number of decisions of convictions and punitive orders. In 2019, at the request of the Office of the State Prosecutor-General for the protection of legality, the Supreme Court issued Judgment no. I Ips 65803/2012, with which it took a different position on the interpretation of the conditions and methods of committing this criminal offence, namely that for cases committed using threats, insults or affronts, the assessment of the condition of violation of public order is not necessary, nor is it essential for other cases that there is a concrete threat to public order and peace.

The Advocate examined the data on the final **court** judgments based on Article 14 of the Constitution of the Republic of Slovenia, PADA, IPETA, Articles 6, 6a, 27 and 133 of the Employment Relationships Act, Article 6 of the Equalization of Opportunities for Persons with Disabilities Act and Article 3 of the Religious Freedom Act (RFA). The Advocate first collected the data on case law by inspecting the database of the Supreme Court of the Republic of Slovenia. In this way, the Advocate identified 42 relevant judgments in this period, 16 of which showed a certain personal circumstance, and the rest showed that the complainants claimed discrimination without defining a personal circumstance and fulfilling other elements of the burden of proof. The Advocate also asked all 66 courts directly for the data on anonymised final judgments. The Advocate received 55 responses from the courts, of which 11 courts stated that they had investigated discrimination cases in 2019. The remaining answers of the courts show that they did not investigate cases of discrimination or simply cannot obtain such data because the courts do not keep records on cases in the registers by the exposed criteria (legal basis, personal circumstances, area of social life and form of discrimination). The number of identified judgments is significantly higher compared to 2018 (when nine judgments were identified).

10 RECOMMENDATIONS BY THE ADVOCATE

The Advocate issues recommendations to state authorities, local communities and other legal entities when it wants to warn them that their law, regulation or measure, which is being prepared or is already being implemented, could have or already has a discriminatory effect due to unequal treatment. The Advocate proposes to the addressed legal entities to eliminate potentially discriminatory provisions, conditions, criteria or situations before a legal act or certain measure enters into force (in this case with the aim of preventing discrimination) or when they are already in force (in this case with the aim of eliminating discrimination).

The Advocate also uses recommendations in cases when, based on the monitoring of the situation, it perceives the actual inequality of a certain group of people, united by one or more specially protected personal circumstances. The Advocate then recommends the implementation of special measures to ensure equality or other measures to eliminate discrimination.

The recommendations follow the Advocate's previous activities, such as completed discrimination investigation procedures, findings from own analyses and research of others, monitoring of the general situation in the field of protection against discrimination, cooperation with partners or international cooperation.

The recommendations, when taken into account by the addressees, have a broad social impact, as they have a systemic influence on a larger number of individuals or social groups at the same time. The symbolic value of the positive changes that such a systematic elimination or prevention of discrimination brings is not negligible as well.

In 2019, the Advocate issued 27 recommendations. Of these, it issued **16 recommendations in relation to legislation** (9 recommendations for proposed laws and 7 recommendations for existing laws and regulations) and **11 recommendations on other measures** (6 recommendations to eliminate identified discriminatory practices and 5 recommendations to promote equal treatment).

In 2019, the Advocate **issued recommendations on the following proposals for the acts:**

- Personal Data Protection Act;
- Act on the Intervention for Children and Teenagers with Emotional and Conduct Disorders and Problems;
- Labour Market Regulation Act;
- Housing Act;
- Mass Media Act;
- Criminal Code;
- Council for Persons with Disabilities of the Republic of Slovenia Act;
- Equal Opportunities for Women and Men Act;
- Road Transport Act.

In 2019, the Advocate **issued recommendations regarding the provisions contained in the applicable legislation and other regulations regarding:**

- exemption from paying contributions by sole traders;
- regulation of police uniforms;
- institutional care for the elderly;
- acquiring the status of a family helper;
- subsidizing student transportation;
- the agreement between the Republic of Slovenia and the Republic of Croatia regarding the avoidance of double taxation;
- the criteria for entitlement to exemption from the annual motor vehicle tax.

In 2019, the Advocate **issued recommendations based on the discrimination investigation procedure in relation to the following individual cases:**

- an inclusive invitation to events in public kindergartens (for all parents and all family relationships);
- discrimination in the field of employment;
- hate speech on a web portal;
- co-financing of activity programs of the Roma community organizations;
- job advertisement;
- hate speech on the Pomurec.com web portal.

In 2019, the Advocate **issued recommendations to promote equal treatment in the following cases:**

- participation in the EU High Level Group on Non-Discrimination, Equality and Diversity and on the establishment of a contact point for the coordination of government anti-discrimination policies;
- work position in the Slovenian Army;
- projects in the field of equal opportunities for women and men;
- Safe Room project (for illicit drug users);
- Eurovision Song Contest.

Of all the recommendations, 22 were addressed to ministries and 5 to other private or public law entities. The most frequently addressed personal circumstances were gender and nationality/ethnicity (in five cases), followed by age and place of residence/residency (in four cases); in two cases, disability and health status were addressed, and in one case parenthood, sexual orientation and nationality.

The recommendations issued by the Advocate in 2019 were taken into account in 8 cases and partially taken into account in 1 case, while they have not yet been taken into account in 16 cases. Most of the recommendations, as many as 5 out of 6, were taken into account in the framework of recommendations by which the Advocate drew attention to the elimination of irregularities and/or adoption of appropriate measures to prevent further discrimination after the implementation of the discrimination investigation procedure.

Full recommendations are available on the Advocate's website www.zagovornik.si.

11 SPECIAL AND OTHER MEASURES FOR PROMOTING EQUAL TREATMENT AND ELIMINATING DISCRIMINATION

According to PADA, the Advocate has the task and power to propose the adoption of special measures for eliminating discrimination to all stakeholders in the public and private sectors who are liable for protection against discrimination (Article 2 of PADA). In its independent reports, the Advocate reports or also makes recommendations for the adoption of special and other measures to eliminate discrimination.

Special measures to ensure equality (Article 17 of PADA) are temporary measures "... whose objective is to ensure the realisation of the right to equal treatment, equal opportunity or actual equality and participation in the fields of social lives of people."

PADA defines two types of special measures:

- **Incentive special measures** providing special benefits or introducing special incentives for groups in less favourable positions.
- **Positive action** giving advantage to people in certain personal circumstances, which can be used especially in the case of evident disproportion in the possibilities of accessing the enforcement of rights, goods, services or benefits.

Article 18 of PADA requires state authorities, self-governing local communities, holders of public authorisations, employers, educational institutions, businesses and other entities to adopt special measures.

11.1 Proposals by the Advocate for the adoption of special measures

In 2019, the Advocate prepared **two proposals for the adoption of special measures**, namely:

- **For greater gender balance in the supervisory and management bodies of companies.** In the public debate on the Proposed Act Amending the Companies Act (CA), prepared by the Ministry of Economic Development and Technology (MEDT), the Advocate proposed the adoption of special measures. Namely, for the MEDT to enable the introduction of new, advanced and inclusive practices in the appointment of members to the supervisory and management bodies of companies. The Advocate suggested following the legislation, which sets a threshold of at least 40 percent for the elimination of under-representation. Such an obligation should be binding for public interest entities. The Advocate proposed a three-year transitional period, with the special measure remaining in force for 10 years.
- **For the improvement of the health status of members of the Roma community.** Based on the research of the National Institute of Public Health, the Advocate proposed the following to the Ministry of Health (MoH): conducting a research on the causes and factors of impact on poorer health indicators of the Roma community (if necessary), involvement of the Roma community and other stakeholders in the preparation of special measures to improve the health status of members of the Roma community, monitoring the effectiveness of implementation and appointing a coordinator for this purpose at the ministry level.

11.2 Overview of the implementation of special and other measures in ministries and governmental services

Pursuant to Article 14 of PADA, state authorities, local communities, self-governing national communities and holders of public authorisations are obliged to create conditions for equal treatment of all people, regardless of any personal circumstances, by raising awareness and monitoring their situation and taking measures of a normative and policy nature. In doing so, a special obligation is imposed on ministries and governmental services, which are obliged to prepare proposals for measures within their powers in their field of work.

The Advocate designed a special questionnaire for the purpose of obtaining more accurate data. Respondents were asked to report on three sets of measures implemented in 2019:

- **measures of a normative and policy nature**, intended for groups of people with a certain personal circumstance or the general public;
- **special measures to ensure equality**;
- **measures aimed at employees** within each body.

11.3 Analysis of the responses of ministries and governmental services regarding policy and normative measures

Pursuant to Article 14 of PADA, the key activity of ministries and governmental services is the planning and implementation of measures of policy and normative nature in the field of protection against discrimination and promotion of equality, including raising awareness and monitoring the situation of people with certain personal circumstances in relevant areas of social life. Normative measures include e.g. laws, statutory instruments, other legal regulations, resolutions and declarations. The policy measures include, for instance, executive actions, projects, public tenders, calls, strategies, action plans, awareness-raising activities, researches and studies.

After the substantive review, the Advocate analysed the respondents' answers by assessing the integrity of overlapping of personal circumstances and areas with measures implemented by ministries and governmental services. In doing so, the Advocate focused on:

- the personal circumstances addressed in the most reported measures;
- the areas in which the most personal circumstances were addressed with the reported measures;
- the most common intersections of personal circumstances and areas addressed by the reported measures.

With regard to individual personal circumstances, the respondents most often reported on measures addressing **personal circumstances of race/nationality/ethnic origin/language** (35 measures), health status (30 measures) and age (29 measures). The most frequently addressed personal circumstance is also at the second most common intersection, namely in the **field of education** (10 measures at the intersection). Measures at this intersection were implemented by the Ministry of Education, Science and Sport (MESS) (8) and the Ministry of Public Administration (MoPA) (2).

The second most frequently addressed personal circumstance, the **health status** (30 measures), is also at the third most common intersection, namely in the **field of health care** (9 measures at the intersection). The measures at this intersection were implemented by the Ministry of Health (MoH) (8) and MoPA (1). The third most frequently addressed personal circumstance is **age** (29 measures), which is at the same time at the most common **intersection, the field of “other.”** The Ministry of Public Administration (MoPA) reported on the most measures from this intersection (10).

In this context, the Advocate also notes and highlights:

- Several respondents cited the existing constitutional prohibition of discrimination and legal protection against discrimination (PADA) as a measure. **Compliance with regulations does not constitute measures within the meaning of Article 14 of PADA.** The Advocate assesses that such answers represent a lack of understanding of the tasks of ministries and governmental services, which should be addressed through appropriate education and training of employees.
- Some respondents do not **distinguish between measures aimed at employees and measures representing the public policy of a ministry or governmental service.**
- Some respondents reported on measures that they had in fact planned and designed, but due to the **nature of their adoption, the procedures were not (yet) implemented.** These cases include a certain activity of the respondent, but the (expected) effects of the measure are still uncertain.
- Some respondents (MoPA, MoC) reported on measures connected to **ensuring effective bilingualism in relation to the indigenous Hungarian and Italian national communities.** These measures fall within the broader field of protection of minorities and do not arise from the obligations of ministries under national, European or international anti-discrimination law.
- **None of the reported measures addresses incitement to discrimination** (Article 10 of PADA) as a special form of discrimination, which is in a broader context classified in the field of hate speech. It should be emphasized that the competent departments have otherwise acted in this area.

11.4 Analysis of the responses of ministries and governmental services regarding special measures

Only four ministries reported on the adoption of special measures, namely the Ministry of Labour, Family, Social Affairs and Equal Opportunities (MLFSAEO), the Ministry of Infrastructure (MoI), the Ministry of Agriculture, Forestry and Food (MAFF) and the Ministry of Health (MoH). After a substantive review, the Advocate highlights the following findings and explanations.

Understanding of the concept of special measures on the part of the task holders in accordance with PADA **remains incomplete**, as some measures do not meet the legally prescribed conditions of special measures. At the same time, some respondents, who duly reported on special measures during the Advocate's enquiry in the last year, did not even mention them in this year's enquiry.

The Advocate notes that **the absence of a central coordination point for protection against discrimination at the governmental (policy) level** all the more requires knowledge and training of employees in this field, which would ensure systematic and comprehensive addressing of non-discrimination and equality promotion in public policies.

The Advocate assesses that the non-application of special measures can also be attributed to a great **lack of data on equality, on the basis of which it is possible to establish a *de facto* unequal position of certain social groups in accessing their rights.**

11.5 Analysis of the responses of ministries and governmental services regarding measures for employees in these bodies

After a substantive review of measures for employees, the Advocate highlights the following general findings and explanations. Some respondents mentioned only **the implementation of activities** as measures, which in fact do relate to the position of persons with certain personal circumstances, **but are already determined as mandatory by the employment legislation.**

Some respondents cited employee training in the field of preventing and addressing mobbing among measures. The Advocate points out that there are **important differences between mobbing and harassment** (as an independent form of discrimination).

Some respondents explicitly report on the **fulfilment of the employment quota for the disabled persons** in accordance with the Vocational Rehabilitation and Employment of the Disabled Persons Act. None of the respondents **use special measures to ensure equality in their employment policy.** In addition, most respondents virtually do not report about **education and training in the field of protection against discrimination.**

12 RESEARCH AND ANALYTICAL ACTIVITIES OF THE ADVOCATE

In accordance with PADA, the powers and tasks of the Advocate also include conducting independent research (the first indent of Article 21 of PADA) on the situation of people in certain personal circumstances and other issues related to discrimination. Through research and analytical work, the Advocate also obtains **equality data**. These data reveal actual inequalities between different social groups and are essential for effective protection against discrimination and promotion of equality as well as for identifying trends in these areas, and especially for:

- identifying and proving indirect discrimination;
- monitoring and supervising the exercise of human rights and fundamental freedoms from the point of view of equality;
- designing and implementing public policies for protection against discrimination and;
- adopting, implementing and evaluating special measures for ensuring equality.

The Advocate carries out its research and analytical activities at several levels of difficulty, namely at the levels of research, studies and analyses.

12.1 Research

Through **research**, it is possible to gain a complex insight into a certain social problem or phenomenon with scientific tools. In 2019, the Advocate performed the following activities at the level of research:

- In cooperation with Šentprima – the Institute for Rehabilitation and Education, the Advocate conducted a **Research on Good Practices of Diversity Management and Equality Promotion in Small and Medium-Sized Companies in Slovenia**, which was created in response to the perceived needs during the cooperation with the private sector during the Advocate's field visits. The research shows that in recent years, the Slovenian supportive environment has encouraged and implemented quite a few good practices and measures in the field of gender equality and balance, disability, LGBTI +, in the field of work-life balance or support of parenthood and the elderly. The field of gender equality and balance is one of the most recognized areas in the economy. However, there is a lack of systematic collection of good practices in the areas of personal circumstances of nationality, race or ethnic origin, language, religion or belief, social status, property status and education.
- In cooperation with the Slovenian Public Research Agency, the Advocate completed all co-financing procedures for the **two two-year targeted research projects** entitled "Structural Discrimination as the Obstacle in Achieving the Goal of Life in Dignity for All" and "Reducing and Eliminating Discrimination Based on Ethnic Origin, Race or Religion".¹ These are extensive scientific research projects that address unexplored areas in Slovenia and will also include the preparation of relevant recommendations to relevant stakeholders for the implementation of appropriate measures.

¹ Following the declaration of the Covid-19 epidemic, the Ministry of Finance demanded that the state authorities, including the Advocate, return 30 percent of the adopted budget for the purpose of material expenditures. This intervention in the Advocate's budget in 2020 prevents the co-financing of targeted research projects already undertaken by contracts.

- The Advocate planned to conduct **two public opinion polls**, namely on the perception and experience of the public with **hate speech** and on the **perception and experience of discrimination**. The latter would be a repeat of the Advocate's 2017 research, which the EU Agency for Fundamental Rights ranked among good practices of collecting equality data. As the Ministry of Finance intervened in the Advocate's independence at the end of 2019 and did not give its consent for the rights to use the funds already reserved for this purpose in the Advocate's budget, the latter was unable to conduct the aforementioned two surveys.
- With the Contact Point for the Promotion of Equal Treatment of EU Workers (EURES), the Advocate **participated in the content design of the research on the integration of workers from other EU Member States in Slovenia**.
- The Advocate started the preparation of a **systematic review of the existing research on discrimination**, using a diagnostic mapping tool developed by the EU High Level Group on Non-Discrimination, Diversity and Equality.

12.2 Studies

With the help of **studies**, the Advocate acquires a more in-depth and comprehensive view of the current situation in a specific, thematically rounded area of protection against discrimination. The studies are generally concluded with the preparation of a special report.

In 2019, the Advocate conducted two studies in the following areas:

- **Deprivation of the right to vote for persons with intellectual and psychosocial disabilities:** The Advocate examined the situation of a group of 2,035 people who are not allowed to vote in elections because they were deprived of the right to vote in accordance with applicable legislation in a non-contentious proceeding due to their disabilities. The current national regulation of deprivation of the right to vote in Slovenia opposes the prohibition of direct discrimination on the grounds of disability. After examining the available ways to protect the right to vote for people with intellectual and psychosocial disabilities, the Advocate concludes that the protection of the right to vote is provided theoretically at best, but not practically. Even for those who otherwise have the right to vote, the latter is practically unattainable or they cannot exercise it equally efficiently and in an informed manner. In addition to people with intellectual disabilities, these include the elderly with dementia, people with mental health disorders, people with temporary cognitive impairments, e.g. due to the use of drugs, and others. It is, therefore, necessary to regulate supportive decision-making services, ensure full access to electoral procedures and materials as well as inform and empower these voters. With a special report, the Advocate primarily seeks to open the subject discussion in the National Assembly as well as in the general public.
- **The position of intersex persons in medical procedures:** At the initiative of a group of non-governmental organizations, the Advocate examined the position of intersex persons in medical procedures on suspicion of human rights violations or unequal treatment due to a personal circumstance of sexual sign. For the purposes of the study, the Advocate sent 31 written enquiries to key healthcare institutions and competent state authorities. The results of the enquiry indicate, among other things, the unfamiliarity of stakeholders with cases of medical treatment of intersex persons; ambiguity and inconsistency of non-urgent medical interventions in the sexual signs of intersex persons and reliance on subjective judgment of "social acceptability" as a criterion for deciding on medically non-essential sex adjustment operations.

12.3 Analyses

With the help of **analyses**, the Advocate examines and identifies key characteristics of either a less extensive or a more specific issue related to discrimination. In 2019, the Advocate performed two analyses in the following content areas:

- **Protection and accessibility of children's rights:** children are the subject of protection against discrimination, which requires special attention and care, and PADA also explicitly recognizes discrimination against children as a severe form of discrimination. Slovenian legislation, which regulates the business or procedural capacity of clients, limits the possibility of an independent direct appearance of children as clients in administrative and other procedures, including in the discrimination investigation procedure before the Advocate. The preliminary results of the analysis show that important issues in the field of children's rights are insufficiently regulated also in terms of requirements for clarity, certainty and accuracy in legal regulation. Apart from a complex legal interpretation, it is often difficult to clearly define the content or scope of children's rights (and at the same time the limits of the rights of parents or guardians). There is also a problem of great fragmentation in the regulation of children's rights and the position of children in many laws. Given such content and manner of legal regulation, their own legal position is certainly the least understandable especially to children.
- **The position of the deaf in higher education:** the data on the educational structure of the deaf in Slovenia, which show that only one percent of the deaf have higher or university education, compared to 23.7% of the total population in the country. This is a consequence of historical structural and systemic (institutionalized) discrimination as well as indecision and inefficiency in its elimination and elimination of its consequences. In the analysis, the Advocate determined that until recently, the deaf in Slovenia were subjected to attempts at linguistic assimilation. Although this area is regulated by law today, the violation of the right to use Slovenian sign language is not taken seriously enough. With regards to the exercise of the right to education and training, there is, therefore, a suspicion of a violation of the prohibition of discrimination. Efforts for gradual bilingualism in education have intensified in recent years, but these policies are lacking primarily in the field of higher education.

12.4 Enquiries

One of the foundations of the Advocate's research and analytical activity are **enquiries** with the relevant stakeholders. In 2019, the Advocate conducted a total of 120 written enquiries. Of these, 53 inquiries were made as part of the collection of data on cases of discrimination from other state bodies, and 18 as part of the collection of data on measures taken by ministries and governmental services in 2019 in the field of protection against discrimination and promotion of equality.

In addition, the Advocate conducted 49 additional written enquiries in the following substantive areas:

- the existence of a pay gap due to gender, age and employment status in the public sector;
- the position of intersex people in medical procedures;
- the deprivation of persons with intellectual and psychosocial disabilities of their voting right;
- the issues of equal treatment in the field of environment, space and housing policy;
- the operation of multi-purpose Roma centres;
- the safety at school and in the field of education;
- ensuring the right to use Slovenian sign language in healthcare.

13 THE ADVOCATE'S COOPERATION AT THE STATE LEVEL

In 2019, the Advocate strengthened the cooperation with all stakeholders, all branches of government and with independent bodies at the state level. In doing so, it often pursued several different objectives or performed tasks and powers under PADA, especially regarding the monitoring of the general state of protection against discrimination, which requires mutual exchange of information (Article 21 of PADA) and raising public awareness of discrimination (Article 21 of PADA).

All meetings of the Head of the Institution, the Advocate of the Principle of Equality, Miha Lobnik, were of a working nature (e.g. with ministers, state secretaries, heads of other independent state bodies). They were mostly related to the presentation of the Annual Report of the Advocate for the previous year and were intended for the exchange of information on current common topics, for instance on cases of detected systemic discrimination, comments or needs regarding the upgrading of legislation, the provision of working conditions for the operation of the body, etc. As an independent state body, the Advocate actively cooperates in monitoring of the situation in the area of protection against discrimination, especially in the state's reports on meeting the international obligations in the field of human rights. It also participates in various more or less formalized forms of cooperation, e.g. in the work of interdepartmental workgroups, in different councils, while some forms of cooperation are also completely project or thematic in nature. Among the forms of cooperation, there are also cases of the Advocate's participation in some more important public events of an individual body, which were related to the tasks and powers of the Advocate.

The presentation of the Annual Report on the work of the Advocate to the public is the central and legally determined process of the Advocate every year. In May 2019, the Head of the Institution, Miha Lobnik, submitted the Annual Report for 2018 to the **President of the National Assembly of the Republic of Slovenia**. He also expressed satisfaction with the institutional development of the body and pointed out that the process of setting up the institution since its establishment in 2016 had shown shortcomings of the PADA. In June 2019, the Report was discussed by the members of the National Assembly's Committee on Labour, Family, Social Affairs and Disability and the members of the National Assembly's Commission for Petitions, Human Rights and Equal Opportunities.

The Head of the Institution also delivered the Annual Report for 2018 to the **President of the National Council of the Republic of Slovenia** and presented it to the members of the Commission for Social Welfare, Labour, Health and the Disabled and to the councillors at the 19th session of the National Council.

The Head of the Institution also submitted the Annual Report for 2018 to the **President of the Republic of Slovenia**. In November 2019, he attended the President's reception on the occasion of World Children's Day and the 30th anniversary of the Convention on the Rights of the Child.

In the framework of cooperation with the Government of the Republic of Slovenia and the state administration, at the end of 2019, the Head of the Institution met with the State Secretary in the Office of the Prime Minister and with the head of the project group for coordinating preparations and implementation of the Slovenian Presidency of the Council of the EU 2021. In the course of the year, he met with several ministers and introduced them to some important systemic issues in their field of work. He met with the Heads of MLFSAEO, MESS, MoI, MoJ and MFA. The Advocate also met and discussed the current systemic issues with the high representatives of the MoPA, MoD and MESP.

In 2019, regular forms of cooperation with ministries also took place:

- in the Interdepartmental Commission for Human Rights,
- in the Contact Group for the National Action Plan for Human Rights in the Economy,
- in the Expert Council for Gender Equality, operating at the MLFSAEO and
- in the Council of the Ombudsman.

At the request of individual ministries, in particular the MLFSAEO and the MFA, the Advocate participated in the preparation and **completion of questionnaires and data collection** for the purpose of preparing Slovenia's reports on the implementation of various international obligations in the field of human rights for the UN, OECD, CoE and other bodies as well as for the internal needs of the analysis of the situation in this area. The Advocate participated in some substantive discussions within the Government Office of the RS for the Development and European Cohesion Policy (e.g. regarding the preparation of a national voluntary review of sustainable development goals according to the Sustainable Development Agenda until 2030). The representatives of the Advocate met with the management of the Office of the Government of the Republic of Slovenia for the Support and Integration of Migrants at the Asylum Home in Ljubljana (with the emphasis on exercising children's rights in procedures for obtaining international protection status, especially unaccompanied minors). In 2019, the representatives of the Advocate attended six events of the Office of the Government of the Republic of Slovenia for Nationalities, which were carried out within the project Strengthening of the National Consultation Process in Slovenia through the continuation and upgrading of the work of the National Platform for Roma. Cooperation also took place with the Police.

In the framework of the Advocate's cooperation with other independent state bodies, the Head of the Institution also met and discussed common topics and cooperation with the President and the Secretary General of the **Constitutional Court of the Republic of Slovenia**. He also hosted the Head of the **Ombudsman** and called for the strengthening of cooperation between the two institutions. The Head of the Institution, the Advocate of the Principle of Equality, also hosted the Head of the **Information Commissioner**, with whom he discussed the issue of the legal basis for the systematic and periodic collection of equality data necessary for the purposes of monitoring, implementing and evaluating public anti-discrimination policies.

The Advocate also cooperated with the Public Research Agency of the Republic of Slovenia, with RTV Slovenia and hosted a working meeting with MEPs from Slovenia. As part of the three field visits in 2019, the Advocate also met with **numerous mayors of the visited regions (Šaleška dolina, Koroška and Goriška regions)**.

14 THE ADVOCATE'S COOPERATION WITH CIVIL SOCIETY

PADA requires the Advocate to cooperate with civil society organizations working in the field of equal treatment, protection of human rights and fundamental freedoms, protection against discrimination of vulnerable groups or legal or social and other assistance to discriminated persons. For the Advocate, these organizations represent a valuable source of information, as within their area of work they perceive key problems and needs in the field, both at the systemic and individual levels. They draw attention to current issues related to equal treatment, and therefore represent strategic partners for the Advocate in performing its tasks determined by PADA, namely of monitoring the situation in the field of protection against discrimination in the state and in formulating solutions and proposals for implementing measures for preventing and eliminating discrimination.

The Advocate cooperates with civil society organizations in various ways through:

- structured dialogues;
- consultative meetings and working meetings;
- by participating in events organized by them and
- with letters of support for their projects.

14.1 Structured dialogue with non-governmental organizations

In 2019, the Advocate organized **four thematic structured dialogues**. In this manner, the Advocate is systematically acquainted with the key challenges in the field of discrimination faced by members of the civil society organizations involved in the structured dialogue and the target groups for which these organizations carry out activities. The Advocate always sends an invitation to a structured dialogue to all key civil society organizations from a particular field, and responses to invitations vary. In 2019, the Advocate conducted structured dialogues:

- **With organizations of members of the nations and nationalities of the former Yugoslavia.** The meeting was attended by the representatives of the associations of Montenegrin, Croatian and Macedonian societies in Slovenia and the representatives of the Association of Cultural Societies of Ethnic Groups from the Former Yugoslavia in Slovenia (EXYUMAK). At the meeting, the interlocutors pointed out especially the problem of the absence of regulation of the collective position and (cultural) rights of communities of members of nations and nationalities of the former Yugoslavia in the Slovenian legal order and the feeling of their neglect that arises from this.
- **With registered churches and religious communities:** The meeting was attended by the representatives of 11 of the 54 invited churches and religious communities. The interlocutors highlighted a number of challenges, including the need for non-discriminatory treatment of small religious communities by public institutions, the issue of providing spiritual care in the army and prisons, the feeling of discrimination in everyday life and the need to provide school meals that are in line with the religious beliefs of the students. As a result of the structured dialogue consultation, a concrete proposal was submitted to the Advocate to address the discrimination regarding the meals of children in an educational institution. Through the discrimination investigation procedure, the parents and the management of the institution approached a possible settlement based on the envisaged agreement through the mediation of the Advocate.

- **In the field of children's rights:** Of 20 invited NGOs working in this field, 8 took part in the structured dialogue consultation. Their representatives highlighted the unequal situation of children living in poverty, the Roma children, the children of migrants and the children with special needs. They also pointed out the lack of competences of teachers to deal with discrimination and the systematic disregard of the issue by schools and relevant ministries. They also highlighted the problem of peer violence in terms of harassment as a form of discrimination. According to their testimony, NGOs that provide advocacy in this area are financially underfunded.
- **In the field of gender equality:** Due to the large number of stakeholders and diverse content emphases, the Advocate decided to hold several separate structured dialogue consultations. The introductory round of the consultations was attended by the Red Dawns collective, active in the field of gender equality awareness. The meeting highlighted the need for a holistic approach to eliminating sexism and violence against women. Some cross-cutting discrimination issues were also raised. In the second case, the Advocate's associates conducted an in-depth expert interview with the representatives of the academic sphere, namely in the field of social sciences and in the light of dealing with discrimination against persons with a personal circumstance of gender at the social level.

14.2 Consultative meetings and working meetings with representatives of civil society organizations

In 2019, the Advocate hosted **nine consultative meetings and working meetings with civil society organizations**. At such working meetings, the Advocate opens up current issues related to protection against discrimination, which are perceived by the interlocutors directly in the field, and also identifies opportunities for further cooperation and support for the activities of individual civil society organizations. In 2019, the Advocate held such meetings in the following content areas:

- **Raising awareness of the general public about discrimination:** In a consultative role, the Advocate hosted several meetings within the project "Za vse/4ALL", implemented by the Association of Vocational Rehabilitation Providers in the Republic of Slovenia in partnership with the VOZIM Institute and the Slovenian Philanthropy. The aim of the project is to implement a comprehensive awareness campaign on discrimination, with the target group being non-governmental organizations. In a consultation with the Terminology Section of the Slovenian Sociological Society, the Advocate raised the issue of the difference between the sociological and legal understanding of the concept of discrimination and its impact on the design and direction of awareness-raising activities and communication strategies.
- **In order to get closer to its users, the Advocate, in cooperation with a representative disability organization for persons with intellectual disabilities, the Sožitje Association,** prepared selected information on the Advocate's work and on how to report discrimination in easy reading, which was also tested by people with intellectual disabilities.
- **The pressing situation of inequality of the Roma community:** The advocate hosted representatives of the Roma Association of Slovenia, the Anglunipe Roma Society and the Amnesty International Slovenia at several working meetings. Among the subjects discussed at the meetings were, among other, the need for a radical change of legislation, problems and discrimination in the primary education system and hate speech against the Roma.

- **Protection of the rights of intersex persons in medical procedures:** In separate meetings, the Advocate met with a group of Slovenian non-governmental organizations for the rights of LGBTI+ persons and with a representative of the international non-governmental organization Organisation Intersex International Europe. The subject of the meetings was the experience of cooperation between organizations advocating for the rights of intersex people and the medical profession. The meetings emphasized the importance of the treatment of intersex people from the point of view of protecting their human rights (human rights based approach).
- **Deprivation of the right to vote for persons with disabilities:** At a meeting with the Sonček Association – Association of Cerebral Palsy Societies of Slovenia, the Advocate exchanged information regarding the efforts to eliminate the consequences of deprivations of the right to vote for persons with intellectual and psychosocial disabilities. The interlocutors also presented to the Advocate the experience of persons deprived of legal capacity or with extended parental rights.

In 2019, the Head of the Institution, the Advocate of the Principle of Equality, and his associates also attended **21 events organized by civil society organizations**, and many of them also participated as active speakers. These events covered the following content areas:

- children's rights and social inclusion of young people;
- prejudice and exclusion of the elderly (ageism);
- hate speech online and fake news;
- reconciling professional and private life;
- the rights of intersex people;
- ceremonial events marking international days;
- fight against antiziganism.

In addition to the above-mentioned, in 2019, with **letters of support, the Advocate supported nine project proposals** with which civil society organizations applied for national and European financial resources in public tenders.

15 THE ADVOCATE'S COOPERATION WITH THE ECONOMY

The Advocate's research on the perception of discrimination conducted in 2017 showed that as many as half of the respondents who experienced discrimination did so precisely in the field of **work and employment**. In 2019, the Advocate thus **strengthened cooperation activities with the private economic sector**. In doing so, the Advocate tried to emphasize that in the protection against discrimination, it is not only the detection and investigation of discrimination that are crucial but, above all, the prevention of the occurrence of discrimination. Knowing the obligations and opportunities provided by anti-discrimination legislation is the first step towards an inclusive work environment and the decrease of business risks due to breaches of the prohibition of discrimination.

In 2019, the Advocate cooperated with the economy mainly in the framework of **three regional field visits**. On this occasion, the Advocate also prepared conversations with representatives of economic associations and companies. With practical legal advice, the Advocate presented the **prevention of discrimination in the workplace** to representatives of companies also as an opportunity and not merely as an obligation.

In the last year, the Advocate conducted a **Research on Good Practices of Diversity Management and Equality Promotion in Small and Medium-Sized Companies in Slovenia**, which also includes a useful and practical summary of measures for improving diversity management for companies.

The Head of the Institution, Miha Lobnik, attended the **Forum on Responsible Business Conduct and Human Rights in the Economy**, organized by the Ministry of Foreign Affairs on 31 May 2019 in cooperation with the Chamber of Commerce and Industry of Slovenia. The Forum was prepared within the framework of the **National Action Plan for the Respect of Human Rights in the Economy**, the priority of which is to prevent discrimination and promote equal opportunities in the workplace.

In order to monitor the trends and novelties regarding the human rights situation in the economy, the Advocate also attended the **Bled Strategic Forum** entitled (Re)sources of (in)stability from 2 to 3 September 2019.

16 RAISING AWARENESS, EDUCATING AND INFORMING

In order to raise awareness, educate and inform the general and selected target publics, the Advocate carried out a number of activities in 2019. According to their content and objectives, these activities correspond to the statutory provision of the fifth indent of Article 21 of PADA, which defines **the raising of awareness of the general public about discrimination** and **measures** for its prevention as one of the tasks and powers of the Advocate.

In order to raise awareness, the Advocate carried out **four field-working visits**, in the framework of which interviews and consultations with several different target publics were conducted, namely the visits of:

- Šaleška dolina;
- Koroška region;
- Goriška region;
- the Roma settlement of Brezje – Žabjak.

As part of the awareness-raising activities, the Advocate actively participated in **three major fair events** related to the personal circumstances of age (i.e. the elderly and children) and parenthood:

- Days of Intergenerational Coexistence, from 14 to 16 May 2019 at the Ljubljana Exhibition and Convention Centre;
- Children's Bazaar, 14 and 15 September 2019 at the Exhibition and Convention Centre and
- Festival for the Third Period of Life, from 1 to 3 October 2019 at the Cankar Hall.

The Advocate also joined the **information campaign** Day for Changes – Let's Speak up about Discrimination!, which was organized by the Slovenian Philanthropy on 6 April 2019 and took place for the tenth time throughout Slovenia.

The Advocate also aims at **improving its own accessibility**, especially communicational, as part of the legal task of raising awareness. It can only reach special publics, such as people with disabilities or vulnerable groups (children, pregnant women), by providing these groups with accessible and understandable or adapted content and messages.

In 2019, the Advocate published its basic **information leaflet** in the languages of indigenous national communities – Hungarian and Italian as well as in Braille. In the framework of protection against discrimination, the Advocate issued a **special information leaflet** in the electronic form **on the rights of children, pregnant women and parents** or families.

Easy reading is a standard term for a special form of writing texts (information), which are, in addition to the text in a special form and with carefully checked content, also accompanied by pictorial material. Easy reading materials ensure that the content is understandable to everyone, including people with intellectual and psychosocial disabilities, people with mental health disorders, the elderly as well as people who are only learning the Slovenian language (children, foreigners). The Advocate prepared in easy reading:

- a basic presentation of the body and its legal powers and tasks,
- a form for filing a discrimination complaint and
- instructions for filling in the form.

In 2019, the Advocate received several invitations **to participate in events and campaigns** prepared by either other state bodies or public institutions or civil society organizations. The Advocate attended **five** such events or public events.

Education in the field of human rights is the foundation for their respect. This also applies to the field of protection against discrimination. For this purpose, the Advocate educates and generally raises public awareness of discrimination and measures to prevent it. This education covers all activities carried out by the Advocate in the manner of standard forms of education (e.g. lectures, workshops), in order to convey key messages about its work and powers and the method of protection against discrimination and the promotion of equality to certain target publics. These are events organized by the Advocate itself, or it participated in events of other stakeholders. **In 2019, thirteen such educational activities**, in which the Advocate's associates educated (and indirectly raised awareness of) certain target publics, **were carried out**.

With regards to **informing**, which the Advocate understands as a necessary and integral part of all awareness-raising activities, in 2019, significant progress was made in the **field of media**, both in terms of appearing in traditional media and on social networks.

In terms of content, the questions of journalists were mostly related to:

- work performed by the Advocate (decision-making in individual cases, counselling, systemic recommendations and filing of the first action) and
- socially relevant events (attack on the Tiffany Club, taxi service refusing to transport migrants, etc.).

In 2019, the Advocate of the Principle of Equality sent **19 press releases to the media**, and the Head of the Institution, Miha Lobnik, made **39 statements for various radio and television media**, most of which were in content related to:

- cases of discrimination found;
- cases of alleged discriminatory conduct on the grounds of personal circumstances;
- international days;
- filing the first action by the Advocate with the District Court in Ljubljana due to discrimination on the grounds of age;
- field visits and
- power and work of the body.

In October 2019, for better and up-to-date informing of the media, the Advocate started publishing a special electronic review of its work (Newsletter), and began publishing an electronic review of news about its operation (eNews) for interested individuals.

In 2019, the Advocate published the information for the general public on the **website www.zagovornik.si** and on the social networks **Facebook** and **Twitter**.

17 THE ADVOCATE'S INTERNATIONAL COOPERATION

In 2019, the activities of the Advocate at the international level included the statutory exchange of available information on discrimination with EU bodies as well as other forms of cooperation. In the same year, the Advocate attended 47 international professional consultations, conferences and other events. As part of the bilateral international activities, the Advocate participated in and hosted 6 meetings with the embassies of other countries in Slovenia and with related equality bodies from other European countries.

International cooperation enables the Advocate greater recognisability and integration into the wider international space. In this way, it also strengthens the professional competences of the body in the field of development of anti-discrimination law as well as the formulation of policies for protection against discrimination and promotion of equality.

The Advocate attended 15 meetings in the framework of the European Network of Equality Bodies – Equinet, which unites 47 national equality bodies from 37 European countries. The aim of the meetings is mutual learning based on good practices and challenges faced by equality bodies in fulfilling their mandates at the national level. The Advocate actively participated in workgroups for:

- policy making,
- equality law,
- gender equality,
- communication strategies,
- research and data collection and
- freedom of movement.

The Advocate also attended several seminars and other international events under the auspices of Equinet.

The Head of the Institution, Miha Lobnik, attended the annual session of the General Assembly of Equinet in Brussels, where he was elected to the Executive Board for the term of office 2019–2021.

The field of protection against discrimination within the European Commission (EC) is covered by the Directorate-General for Justice and Consumers. In 2019, the Advocate attended two meetings of the High Level Group on Non-Discrimination, Equality and Diversity at the EC. As a representative of the national equality body, the Advocate participated in the HLG as a secondary member, as this group is primarily intended for cooperation between representatives of national governments or policy-making bodies. The Advocate also participated in four international activities under the auspices of the EC, organized by the EC and partners as well as the Finnish Presidency of the Council of the EU. He also met with the Head of the EC Representation in Slovenia, Dr. Zoran Stančič.

The European Union Fundamental Rights Agency (FRA) is responsible for providing independent assistance and expertise in the field of fundamental rights to the EU institutions and Member States. The Agency organizes annual conferences on fundamental rights, attended by hundreds of experts and other stakeholders. The Advocate attended a conference organized by the FRA, the EC and the Finnish Presidency of the Council of the EU.

In 2019, the Advocate participated in three sessions of two platforms coordinated by the Council of Europe (CoE) in partnership with the FRA, Equinet and the European Network of National Human Rights Institutions (ENNHRI). The first is the Operational Platform for Roma Equality (OPRE) and the second is the Cooperation Platform on Social and Economic Rights (CPSER). The meetings are attended by representatives of these organizations and experts from national equality bodies and national human rights institutions. The Advocate also attended three conferences organized by the CoE Anti-Discrimination Department, the CoE Commission on Combating Racism and Intolerance and the Sexual Orientation and Gender Identity Unit (SOGI) at the CoE. On the side line of the high level conference, the Head of the Institution, Miha Lobnik, met with CoE Commissioner for Human Rights, Dunja Mijatović, the Executive Director of the Northern Ireland Equality Commission Evelyn Collins and the Equinet Executive Committee member Valérie Fontaine from the French equality body.

On the side-line of the Bled Strategic Forum, the Head of the Institution, Miha Lobnik, also met with United Nations High Commissioner for Human Rights, Michelle Bachelet.

At the working meeting, at her initiative, he met with Riikka Peltonen Quijano, a representative of the United Nations High Commissioner for Refugees (UNHCR) in charge of monitoring the situation in Slovenia.

The Advocate also actively participates in the exchange of opinions and information with other international organizations. In 2019, a total of 17 mutual exchanges of information in the field of discrimination were carried out. Within the Equinet Workgroup for Equality Law, the Advocate received 11 requests for information on the manner in which certain areas are regulated in Slovenia. In addition, the Advocate responded to six other more extensive international enquiries or surveys from various international organizations; twice from the FRA (contribution to the third EU Minorities and Discrimination Survey) (EU MIDIS III) and the national contribution to the FRA Annual Report for 2020), twice from the UN (contribution to the special report of the UN Independent Expert on Sexual Orientation and Gender Identity (SOGI) and the contribution to the enquiry on the subject of new and emerging technologies related to human rights), and twice from Equinet (contribution in relation to the role of equality bodies in public discourse on artificial intelligence, algorithmic decision-making and discrimination, and the contribution to the triple enquiry regarding the implementation of the Racial Equality Directive, the Employment Equality Directive, the EC Recommendation on Standards for Equality Bodies and the substantive highlights of strategic documents in the field of equality and non-discrimination to be prepared by the new EC).

In 2019, the Advocate submitted a formal request to join the Declaration on the Cooperation of Equality Bodies in South-Eastern Europe, which has so far been joined by eight equality bodies from Albania, Bosnia and Herzegovina, Montenegro, Croatia, Northern Macedonia and Serbia. In the declaration, the participating institutions undertook to cooperate in accordance with the principles of mutual respect, coordination, partnership, equality, joint planning, harmonization of their activities and constant mutual dialogue. **The Head of the Institution, Miha Lobnik, participated in the Fourth Regional Conference of Equality Bodies in South-Eastern Europe.**

In 2019, the Head of the Institution and his professional associates also participated in and actively cooperated in 12 other international events that took place outside the framework of the above-mentioned multilateral organizations.

In the framework of the bilateral cooperation, the Advocate hosted or attended 6 events in 2019. The Head of the Institution, Miha Lobnik, hosted a meeting with the Ambassadors of the EU Member States in the Republic of Slovenia and the Head of the EC Representation in Slovenia. The meeting was attended by ambassadors and other diplomatic representatives of Austria, Belgium, Bulgaria, France, Greece, Croatia, Ireland, Italy, Germany, the Netherlands and Poland as well as a representative of the EC Representation in Slovenia. He also hosted a delegation of the Human Rights Committee of the Parliament of Montenegro. As a partner in the project of the Italian Embassy in Slovenia and the Faculty of Law of the University of Ljubljana, he participated in the implementation of the round table "30 years of the Convention on the Rights of the Child." The Head of the Institution, the Advocate of the Principle of Equality, met with the Ambassador of the United Kingdom of Great Britain and Northern Ireland in Ljubljana. With a substantive contribution, the associate of the Advocate participated in the conference of the Brussels Office of the Austrian Federal Chamber of Labour (AK Europa) at the Permanent Representation of the Republic of Austria to the EU in Brussels.

18 ANNEXES

The 2019 Annual Report also contains two annexes, namely: the European Commission against Racism and Intolerance Report on Slovenia (fifth phase of monitoring) and the decision of the Government of the Republic of Slovenia on 157 recommendations received by the Republic of Slovenia at the interactive dialogue within the Universal Periodic Review of the Situation of Human Rights on 12 November 2019 in Geneva. The following are summaries of both documents.

18.1 European Commission against Racism and Intolerance Report on Slovenia (fifth phase of monitoring) – summary

The European Commission against Racism and Intolerance (ECRI) issued a new report on Slovenia in 2019 (fifth phase of monitoring). The ECRI is the Council of Europe's specialized human rights monitoring body in the Member States, focusing on the issues of combating racism, discrimination on the grounds of race, ethnic or national origin, colour of skin, nationality, religion or language as well as of fighting xenophobia, anti-Semitism and intolerance. As part of its activities, the ECRI monitors individual countries, analysing the situation in the normative and practical areas and making specific recommendations regarding the identified problems in the field of racism, intolerance and discrimination. As part of the field visit carried out by the ECRI delegation in April 2018 for the purposes of preparing the last report in Slovenia, it also met with the Head of the Institute, the Advocate of the Principle of Equality. The report on Slovenia was adopted on 3 April 2019 and published on 5 June 2019.

The ECRI's report notes that Slovenia has made progress in many areas of combating racism and intolerance, but some outstanding issues, such as the gap in the field of impunity for hate speech, nevertheless remain a matter of concern. Among other things, the report points out that PADA provides adequate protection against racism and racial discrimination in all areas of everyday life. The report also notes that the Advocate represents an institution whose legal basis is in line with the ECRI's recommendations on standards for national equality bodies. The report also highlights the detailed regulation of hate speech – i.e. incitement to discrimination within the meaning of PADA. Notwithstanding this positive development, the ECRI emphasizes that some unresolved issues are of concern, including inconsistencies and ambiguities in PADA, in particular regarding the powers and authorizations of the Advocate in relation to other institutions, such as inspection services.

The findings of the ECRI concerning individual substantive areas of combating racism, discrimination and intolerance in Slovenia served the Advocate in 2019 as an important basis for identifying shortcomings in the protection against discrimination in the country and as a reasonable starting point for monitoring the situation and preparation of more detailed recommendations to state authorities for systemic improvements. The selected findings of the ECRI were taken into account by the Advocate in the preparation of a number of recommendations presented in this year's Annual Report of the Advocate.

18.2 Summary of the UN Universal Periodic Review and the decision of the Government of the Republic of Slovenia on 157 recommendations received by Slovenia at the interactive dialogue within the Universal Periodic Review of the Situation of Human Rights on 12 November 2019 in Geneva

The Universal Periodic Review (UPR) is a unique transnational monitoring mechanism for monitoring the exercise of human rights and fundamental freedoms, in which all UN Member States participate. The UPR represents a special procedure under the auspices of the UN Human Rights Council and offers countries the opportunity to address – in a dialogue with the country under review – key areas of protection and promotion of human rights in that country.

The review of each country is based on three sets of documentation:

- the national report of the country under review;
- the UN system information, which includes reports of the so-called special procedures, reports of UN treaty bodies on human rights and other information of UN bodies;
- the information from external stakeholders, including national human rights institutions and civil society organizations.

The review process is managed by 47 member states of the UN Human Rights Council, which operate within a special UPR Workgroup, but any UN Member State can participate in the review or interactive dialogue with the country under review. Such a dialogue is an essential part of the review, in which the participating countries give their views on the progress of the country under review and make potential recommendations for improving the state of protection and promotion of human rights. Upon the conclusion of the review, the UPR Workgroup prepares a final document summarizing the content of the review and listing the recommendations received by the country under review. As a rule, the country under review must decide on the recommendations by the next session of the UN Human Rights Council. An individual recommendation can be accepted or “taken note of” by the country, which in effect means that the country rejects it.

On 12 November 2019, Slovenia participated in the third cycle of the UPR; the first two took place in 2010 and 2014. During the review, in an interactive dialogue with Slovenia, the participating countries recognized progress in some areas of human rights, and many highlighted the establishment of the Advocate as an important step forward.

However, the dialogue also highlighted areas where there is still plenty of room for improvement. Slovenia received a total of 215 recommendations for the improvement of the human rights situation, of which 58 were accepted immediately and 157 were decided upon after subsequent consideration. Of these 157 recommendations, Slovenia accepted another 124 and “took note of” 33 of them. Of all 215 recommendations, Slovenia accepted 182 at the end of the process and “took note of” 33 of them.

Numerous recommendations relate to protection against discrimination of persons or groups of people with a certain personal circumstance, on the grounds of which discrimination is prohibited under Slovenian and international law. These recommendations address, for example, issues of gender equality, unequal status of people with disabilities, the elderly, the Roma and other ethnic groups, migrants, LGBT and intersex people. In relation to these groups, the Advocate has in the past made recommendations regarding the adoption of normative, policy and special measures.

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Summary of the Annual Report of the Advocate of the Principle of Equality for 2019

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The grammatical gender used in the report refers to any gender.

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