Annual Report 2019

Summary

Ljubljana, April 2020
Miha Lobnik, Advocate of the Principle of Equality
The Annual Report for 2019 was drawn up just before the coronavirus epidemic, that led to some significant changes in our lives. Therefore, the report focuses on the world as it was before the epidemic where the Advocate of the Principle of Equality addressed the issues of equal opportunities, equality and tackling discrimination. However today, as we are concluding the Report for 2019, it is very clear that the epidemic has created numerous new challenges and tasks.

The presented Report provides an overview of our investigations of discrimination where we sought to determine, whether legally prohibited discrimination has occurred. At the same time, the Report also presents a broader, social, i.e. systemic approach that we consider in our operation. The challenges in the field of protection against discrimination as observed in Slovenia in 2019, are presented to the reader in several ways together with the proposed solutions.

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

According to the 2019 amending budget, we invested in further development and the stabilization of the working conditions. Unfortunately, additional unnecessary financial restriction by the Ministry of Finance occurred again the last quarter of 2019, which intervened in the already adopted budget and limited the use of originally approved funds. Due to the aforementioned interference with the operation of an independent state authority, the long-planned all-Slovenian public opinion poll on the prevalence of discrimination could not be conducted in 2019. The practice of the Ministry of Finance is contrary to the recommendations of the European Commission on standards for equality bodies from 2018 and the recommendations of the Council of Europe on combating racism and intolerance at the national level.

Together with our colleagues who daily encounter hardships of the affected people, we realize how serious is the need for help and support of the neglected and excluded members of society. The subject Report represents hitherto the most detailed and in-depth consideration of discrimination issues in our country. It is a comprehensive 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 working hard to compile the text and all those who continue to support the development and functioning 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 tackle individual cases of discrimination as well as adopt systemic proposals to promote equality.
Content overview of the chapters of the Report
The Annual Report consists of four substantive parts, which are further divided into 18 chapters. The first part contains basic introduction of the activities of the Advocate of the Principle of Equality (Advocate) in the past year, the second part covers the work dedicated to individual cases, and the third part focuses on activities within the systemic approach, respectively the protection against discrimination at the social level. The last part consists of two annexes; the translation of the European Commission against Racism and Intolerance Report on Slovenia and an overview of the recommendations from the UN Universal Periodic Review for Slovenia in 2019.

In the first chapter of the first part, the Report stipulates the legal bases for the establishment of the Advocate, presents a chronological overview of its formation and outlines its functioning in the previous year. The second chapter, which is also included in the first part, contains a tabular overview of the implementing of statutorily defined tasks and activities pursuant to Article 21 of the Protection Against Discrimination Act by the Advocate in 2019.

The second part of the Report covers various matters connected to the implementation of powers for advisory, informing and supporting as well as carrying out procedures related to discrimination investigation. The aforementioned issued are addressed from the third to the seventh chapter and represent the results of the equality body's effort at the level of individual cases.

The third chapter presents a general overview of Advocate’s involvement in individual cases and contains, among other, a joint statistical report on the functioning of the equality body in exercising its powers in the field of advisory activities and providing support in discrimination investigation procedures.

In addition to this, a more detailed description of the Advocate’s efforts in the field of advisory activities and providing information to support the victims of discrimination can be found in chapter four. The various outcomes of the advisory activities are presented together with a selection of anonymised cases where advisory, informing and support was provided.

The fifth chapter describes the activities of the Advocate in the context of monitoring and representation of parties before courts.

The sixth chapter presents the Advocate’s endeavour dedicated to preparing assessments of the discriminatory nature of regulations, which represent a precondition for initiating the procedure of assessment of constitutionality or legality of regulations.

The seventh chapter focuses on the statistical and substantive presentation of the Advocate's operation in the area discrimination investigation through the conduct of administrative proceedings in individual cases. First, the results of discrimination investigation procedures are presented, which is followed by a selection of anonymized cases of discrimination investigation. This chapter also describes specific actions that do not correspond to the applicable legal definition of discrimination pursuant to the Protection against Discrimination Act (PADA), and defines cases in which the Advocate is not competent for the discrimination investigation 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 further detail in the third part of the Report, from the eighth to the seventeenth chapter included.
The **eighth chapter** indicates the legal basis for the protection against discrimination implementation and the promotion of equality at the systemic or social level as well as an overview of the contents of individual chapters.

The **ninth chapter** focuses on the presentation and the analysis of data and the information obtained by the Advocate from the following state authorities on the basis of written enquiries with the purpose of monitoring the condition of discrimination in the country: the inspectors, the Ombudsman, the Police, the Supreme State Prosecutor’s Office and the courts.

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

In the **eleventh chapter**, the institute of special measures is presented in further detail, while pursuant to Article 21 of PADA, the Advocate has the power to propose the adoption of special measures to improve the situation of persons in a less favourable position based on particular personal grounds. 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 collecting information and monitoring the general condition of protection against discrimination in the country. Particular emphasis is placed on the lack of relevant research and equality data, which has 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** contains an overview of all forms of cooperation with various public sector entities. A significant portion of the cooperation at the state administration level is related to the presentation of the Advocate’s work and powers upon the presentation of the annual report on the Advocate’s work for 2018.

The **fourteenth chapter** presents the Advocate’s activities in the field of civil society, pursuant to Article 15 of PADA, which provides for cooperation and advisory activities related to elaborating solutions and proposals for achieving the aims from PADA, i.e. protection against discrimination and ensuring equal treatment. Through various forms of cooperation, the Advocate indirectly performs other statutory tasks as well, such as, for example, raising awareness.

The **fifteenth chapter** aims at presenting the Advocate’s cooperation with the business sector. In the framework of the Advocate’s three field visits carried out in 2019, working meetings with the representatives of the regional business actors were held. The experience from the latter indicates that employers need clear and concise information on specific preventive actions to ensure protection against discrimination. To provide the information, the Advocate conducted a research on diversity management at the workplace and examples of good practices.
The sixteenth chapter introduces the sets of the Advocate's awareness-raising activities, educational activities and activities of informing aimed at exercising its statutory power and performing the task of raising the general public awareness (see Article 21 of PADA).

The seventeenth chapter contains an overview of all international activities carried out by the Advocate in 2019. The ninth indent of Article 21 of PADA outlines the international activities of the Advocate of the Principle of Equality, which however 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 Advocate's international activity contributes to the strengthening of the Advocate's associates' knowledge and skills, which significantly enhances the efficiency of the equality body in the implementation of its statutory powers and tasks as well as contributes to the international reputation of the country as a whole.

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1 THE EQUALITY BODY STATUS AND FUNCTIONING
The Advocate of the Principle of Equality (the Advocate) is an independent state authority established to ensure the implementation of the constitutional right to protection against discrimination. With the help of the equality 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 governing the protection against discrimination.

Prior to the establishment of the Advocate, the protection against discrimination in Slovenia was ensured according to the Implementation of the Principle of Equal Treatment Act (IPE-TA), 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 infringement of EU law.

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

The Head of the Institution, the Advocate of the Principle of Equality, is elected by the National Assembly following 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 authority.

The functioning of the Advocate in 2019

At the beginning, until October 2017, the Advocate operated at the premises of the Ministry of Labour, Family, Social Affairs and Equal Opportunities (MLFSAE0) and had EUR 250,000 of budgetary resources at disposal.

In May 2018, the MLFSAE0 ceased to provide administrative and technical support to the newly established equality body, therefore the Advocate established its own secretariat, head office, ensured independent implementation of budgetary, financial and personnel matters, and transitioned to independent information operations. Although in 2018 the Advocate would require EUR 1.1 million for the functioning and implementation of statutory tasks, only EUR 500,000 was allocated to the equality body in that year.

The Government provided the Advocate with the necessary amount of funds for the performance of the minimum scope of tasks provided for by PADA for the year 2019, following the European Commission Recommendation on Standards for Equality Bodies. In the revised budget, the necessary EUR 1.1 million was indeed allocated to the Advocate, however at the end of the year, the entitlement to the use of the funds was limited which lead to the inability to carry out some of the activities planned for 2019. This action represented an inadmissible interference with the autonomous operation of the independent state authority.
In 2019, the formation of departments for appropriate organization of tasks was finalized and the capacity of the institution of the Advocate in terms of staff was enlarged (namely to 20 employees). The computer and office equipment were updated, IT operations and maintenance were carried out independently. The equality body also performed all tasks related to administrative operation, management of documentary materials and other general tasks. The areas of occupational safety, occupational health promotion, risk register, integrity plan and avoidance of conflict of interests were also regulated in the period under consideration. The necessary arrangements were made to ensure compliance with all other legal obligations regarding the equality body’s operations.

In the third year of operation, the Advocate received twice as many discrimination complaints compared to the previous year. At the same time, the number of recommendations, proposals for special measures and special reports issued by the Advocate also doubled. The institution of the Advocate performs all its statutory tasks, some of which are implemented to a very limited extent due to the lack of financial resources and staff shortage.

On the sideline of the high-level conference to mark the 25th Anniversary of the Council of Europe’s European Commission against Racism and Intolerance (ECRI) held in Paris in September 2019, the Advocate of the Principle of Equality Miha Lobnik met with Council of Europe Commissioner for Human Rights Dunja Mijatović and presented her the Annual Report of the Slovenian equality body for the year 2018.
2 OVERVIEW OF ACTIVITIES AND TASKS UNDER ARTICLE 21 OF PADA
Article 21 of PADA precisely outlines the duties of the Advocate of the Principle of Equality. In accordance with the latter, the Advocate’s operation consists of three main functions which need to be provided by all European equality bodies according to the recommendations of the European Commission and the Council of Europe, namely:

- researching and monitoring discrimination in the country, providing recommendations and proposals for the adoption of special measures to the competent institutions, raising public awareness of protection against discrimination and exchanging information within the European Union;
- providing information, advisory and representation activities to help victims of discrimination;
- accepting complaints and determining the incidence of discrimination.

Article 21 of PADA more accurately describes the tasks and powers of the Advocate. With the purpose of more detailed overview of the work performed and better transparency, the following paragraphs provide a brief explanation of the tasks carried out in the previous year.

1. As part of the discrimination monitoring activities in Slovenia, the Advocate conducted 5 independent researches, studies and analyses in the past year: a research on good practices of diversity management and equality promotion in small and medium-sized companies in Slovenia; a study on the disenfranchisement of persons with intellectual and psychosocial disabilities; a study on the position of intersex people 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 compiled an Annual Report for 2018 and started to prepare two special reports, which are to be presented in 2020, namely: The Special Report on the Disenfranchisement of Persons with Intellectual and Psychosocial Disabilities and the Special Report on the Position of Intersex People in Medical Procedures.

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

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

4. In 2019, the Advocate provided a total of 902 hours of advisory activities, consisting of independent legal assistance to 139 people; of which 112 cases were carried out by telephone and 140 in writing or in person.
5. In 2019, the Advocate implemented the task of raising public awareness in several ways. Information on discrimination is available at the website www.zagovornik.si, where the contents are also adjusted for easier readability. The Advocate issued special leaflets in the language of the autochthonous national communities living in Slovenia (Italian and Hungarian) as well as in Braille for the visually impaired. The current work of the Advocate is published on social networks and receives coverage in media with the appearances of the Head of the Institution in the media. In 2019, the Advocate conducted around 20 different workshops, introduced the work of the equality body during official visits to local communities and participated in trade fair events related to a certain personal ground.

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

6. In 2019, the Advocate monitored the situation regarding protection against discrimination through enquiries, which concerned 74 different legal subjects. In order to monitor the general situation in the country in terms of protection against discrimination, the Advocate also conducted four structured dialogues with non-governmental organizations representatives in 2019.

7. In 2019, the Advocate issued two proposals for the adoption of special measures aimed at the improvement of the position of a group of persons with a particular personal grounds who are in a less favourable position, namely: the Recommendation by the Advocate of the Principle of Equality with a view to adopting special measures for achieving 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 the Roma community members. In 2019, the Advocate also performed an analysis of the responses of ministries and governmental services regarding the implemented special measures. The data shows that the ministries are relatively active in the implementation of measures for ensuring equality, however some measures do not necessarily meet all the essential characteristics of special measures for ensuring equality under PADA.

8. In 2019, the Advocate represented a party before the court in a proceeding where discrimination was the subject matter for the first time ever.

9. At the international level, the Advocate participated in 47 international professional consultations, conferences and other events in 2019. The Advocate also participated in 17 exchanges of information on discrimination between stakeholders within the European Union and other international organizations.
10. Last but not least, the Advocate considered 15 assessments of the discriminatory character of regulations from which 3 were concluded in 2019. In one of the cases, the Advocate found that the regulation was indeed discriminatory, which was taken into consideration by the competent ministry and the regulation was amended accordingly.
3 OVERVIEW OF THE ADVOCATE’S WORK IN INDIVIDUAL CASES
The basic ground for the exercising of the Advocate’s powers is the Protection against Discrimination Act (PADA) stipulating the Advocate’s personal and material jurisdiction. Personal jurisdiction refers to persons who are eligible to claim protection against discrimination. These are predominantly natural persons or groups of persons. A legal entity may claim protection against discrimination only if affected by discrimination for reasons connected to personal grounds of natural persons related to that legal entity (paragraph 3 of Article 1 of PADA), e.g. members, founders or managers. Material jurisdiction refers to the subject areas where discrimination is prohibited in Slovenia.

The Protection against Discrimination Act (PADA) also specifies the Advocate’s powers and particular forms of discrimination in respect of which the Advocate is entitled to take action (Articles 6–12). In addition to PADA, the Advocate’s operation is partially still subject to 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 discrimination investigation procedures conducted by the Advocate are governed by the General Administrative Procedure Act (GAPA).
3.1 Key terms

Personal grounds

Article 1 of PADA stipulates the purpose and content of the Act, which is to ensure protection against discrimination, based on specific personal grounds. Primarily, PADA summarizes the personal grounds listed in the Constitution of the Republic of Slovenia and in the Criminal Code (CC). These personal grounds 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 ground. The Advocate has so far considered citizenship (citizenship of another EU Member State, citizenship of a third country), pregnancy, parenthood, health status, place of birth, skin colour and place of residence as other personal grounds.

Furthermore, the law also ensures protection against discrimination to persons who are in any way (in law or in fact) connected with a person with a certain personal ground, and to persons who are subject to discrimination on the grounds of being attributed a particular personal ground.

Areas of protection against discrimination

Article 2 of PADA outlines, with examples, the areas of social life where, pursuant to the law of the European Union, equal treatment and prohibition of discrimination shall 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;

Goods and services market
• 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 ensures protection 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 areas.

Forms of discrimination

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

• indirect discrimination (paragraph 2 of Article 6 of PADA),
• direct discrimination (paragraph 1 of Article 6 of PADA),
• harassment (paragraph 1 of Article 8 of PADA),
• sexual harassment (paragraph 2 of Article 8 of PADA),
• instructions to discriminate (Article 9 of PADA),
• incitement to discrimination (paragraph 1 of Article 10 of PADA),
• public justification for neglecting or despising persons or groups of people due to personal grounds (paragraph 2 of Article 10 of PADA),
• victimization (Article 11 of PADA).

PADA also stipulates severe forms of discrimination. Pursuant to paragraph 3 of Article 39 of PADA, the establishing of severe forms of discrimination is also relevant to determine the amount of compensation for non-pecuniary damage in judicial proceedings. In cases of offences involving severe discrimination, the legislator provides for higher fines, 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 harrassing which promotes discrimination (paragraph 1 of Article 10 of PADA).
3.2 The Advocate’s powers

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 advisory and legal assistance for parties in other administrative and judicial proceedings related to discrimination (indent 4 of Article 21 of PADA),
- procedure for investigating discrimination based on a complaint lodged by a 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 parties in judicial proceedings (paragraph 1 of Article 41 of PADA),
- accompanying parties 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 implemented the following powers: providing independent assistance to persons subject to discrimination; investigating discrimination following a complaint lodged by a person subject to discrimination; investigating discrimination *ex officio*; requiring the submission of data necessary for investigating discrimination; representing parties in judicial proceedings; referring cases to competent inspection services and referring cases to competent inspection services for initiating offence proceedings.

In 2019, the Advocate considered 15 regulations, with regard to the possibility of a discriminatory character of the latter. However, no requests for the constitutionality review were filed and the Advocate has not yet accompanied parties in court proceedings.

Based on the received discrimination complaints and *ex officio*, the Advocate carried out several investigative administrative procedures in 2019.
3.3 Statistics of completed advisory and discrimination investigation cases

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

Alleged personal grounds of discrimination in cases completed in 2019

The most frequently alleged personal ground of discrimination in cases completed in 2019 was gender (14 percent). This is followed by the total number of personal grounds of nationality, race and ethnic origin (13 percent). The alleged personal ground 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), citizenship of another Member State (2 percent) and citizenship 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 procedure was completed regarding complaints, requests for advisory or questions, where discrimination based on gender expression or education was alleged.

In 16 percent of cases, other personal grounds were alleged, such as health status, pregnancy, and parenthood.
In 20 percent of completed cases, a personal ground was not stated or could not be clearly distinguished 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 ground decreased significantly. It is very clear from the foregoing, that public awareness about a personal ground being an essential element for investigating discrimination and exercising the Advocate’s powers has increased.

Table: Alleged personal grounds of discrimination in cases completed in 2019

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<td>1</td>
<td>5</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>4. Disability</td>
<td>10</td>
<td>9</td>
<td>19</td>
<td>11</td>
</tr>
<tr>
<td>5. Age</td>
<td>2</td>
<td>6</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>6. Sexual orientation</td>
<td>7</td>
<td>2</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>7. Gender identity</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>8. Gender expression</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>9. Social status</td>
<td>1</td>
<td>3</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>10. Property status</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>11. Education</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>12.1 Citizenship of another EU Member State</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>12.2 Citizenship of a third country</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>12.3 Place of residence</td>
<td>3</td>
<td>2</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Other</td>
<td>16</td>
<td>12</td>
<td>28</td>
<td>16</td>
</tr>
<tr>
<td>No personal ground</td>
<td>31</td>
<td>4</td>
<td>35</td>
<td>20</td>
</tr>
</tbody>
</table>
Alleged areas of life with discrimination occurrence in cases completed in 2019

In 2019, most cases were completed in the field of employment and work: 16 percent of cases concerned the field of employment and working conditions, including the termination of employment contracts and wages; 13 percent related to the area of conditions for access to employment, self-employment and profession, including the 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 completed 10 percent of cases. In the field of social protection, including social security and health care, 9 percent of cases were closed. 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 ACT, including the operation of courts, the administrative operation of state authorities, the conditions of public tenders and the area of the media.

<table>
<thead>
<tr>
<th>Alleged area of discrimination</th>
<th>Advisory, Informing</th>
<th>Discrimination investigation</th>
<th>Advisory and investigation together</th>
<th>Percentage total (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Access to employment, self-employment and profession, including the selection criteria and employment conditions, notwithstanding the type of activity or the level of professional hierarchy, including promotion.</td>
<td>7</td>
<td>11</td>
<td>18</td>
<td>13</td>
</tr>
<tr>
<td>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.</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0.5</td>
</tr>
<tr>
<td>3. Employment and working conditions, including termination of employment contracts and wages.</td>
<td>18</td>
<td>5</td>
<td>23</td>
<td>16</td>
</tr>
</tbody>
</table>
### Alleged area of discrimination

<table>
<thead>
<tr>
<th>Alleged area of discrimination</th>
<th>Advisory, Informing</th>
<th>Discrimination investigation</th>
<th>Advisory and investigation together</th>
<th>Percentage total (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Membership and inclusion in workers’ or employers’ organisations or any organisation whose members perform a certain vocation, including benefits provided by such organisations.</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.5</td>
</tr>
<tr>
<td>5. Social protection, including social security and health care.</td>
<td>7</td>
<td>5</td>
<td>12</td>
<td>9</td>
</tr>
<tr>
<td>6. Social benefits.</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>7. Education.</td>
<td>6</td>
<td>8</td>
<td>14</td>
<td>10</td>
</tr>
<tr>
<td>8. Access to goods and services available to the public, including housing facilities and supply thereof.</td>
<td>12</td>
<td>16</td>
<td>28</td>
<td>20</td>
</tr>
<tr>
<td>9. Other.</td>
<td>23</td>
<td>17</td>
<td>40</td>
<td>28</td>
</tr>
</tbody>
</table>
Alleged forms of discrimination in cases completed in 2019

The Protection against Discrimination Act (PADA) defines several different forms of discrimination. The most frequently alleged form of discrimination in cases completed in 2019 was direct discrimination, namely in 72 percent of cases. 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 complete any cases in respect of instructions to discriminate and sexual harassment.

Table: Alleged forms of discrimination in cases completed in 2019

<table>
<thead>
<tr>
<th>Alleged forms of discrimination</th>
<th>Advisory, informing</th>
<th>Discrimination investigation</th>
<th>Advisory and investigation together</th>
<th>Percentage total (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct discrimination</td>
<td>53</td>
<td>44</td>
<td>97</td>
<td>72</td>
</tr>
<tr>
<td>Indirect discrimination</td>
<td>10</td>
<td>9</td>
<td>19</td>
<td>14</td>
</tr>
<tr>
<td>Harassment</td>
<td>8</td>
<td>5</td>
<td>13</td>
<td>10</td>
</tr>
<tr>
<td>Sexual harassment</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Instructions to discriminate</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Victimization</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Incitement to discrimination or public justification for neglecting or despising</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>

Of this:

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mass</td>
<td>17</td>
<td>24</td>
<td>41</td>
<td>/</td>
</tr>
<tr>
<td>Multiple</td>
<td>3</td>
<td>9</td>
<td>12</td>
<td>/</td>
</tr>
</tbody>
</table>
4 ADVISORY, INFORMING AND SUPPORT ACTIVITIES
The Advocate provides advisory and support to parties by telephone, in person, in writing or by e-mail. The advisory activities, informing and providing support to individuals first includes examining the situation of the person in a manner of defining the problem and establishing 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 ground is given and the matter relates to the area of life governed by PADA, the Advocate advises the party, explains their powers, possibilities of action and tasks and together with the party finds the most appropriate way for action. However, if the party is already involved in other judicial or administrative proceedings and the question posed to the Advocate is related to discrimination, the Advocate advises the party on how to raise issues related to discrimination in ongoing proceedings. The Advocate may also assist parties 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 parties are dissatisfied with the results of the proceedings before other authorities or believe that they were subject to discrimination in those proceedings, the Advocate provides the information that contesting the outcome of these proceedings in only possible by legal means provided for within the considered proceedings. Namely, the Advocate is not authorized to act as a hierarchically superior body to other state authorities.

The Advocate actively monitors the field of institutional care of the elderly. Ms Violeta Potočnik Kranjc, director of the Velenje Adult Care Home, presented to the Advocate the functioning of the Home and emphasised that in spite of serious financial difficulties the Home is striving to provide good care for its residents.
4.1 Statistics of advisory, informing and support activities

In 2019, the Advocate provided advisory, information and independent assistance to various persons subject to discrimination in 252 cases; of these, in 112 cases advisory assistance was provided by telephone and in 140 cases in writing or in person. In 2019, the Advocate devoted a total of 902 hours to advisory activities, in the scope of which independent legal assistance was provided to 139 people. In the cases, the Advocate informed the clients of their powers and opportunities for action in cases of discrimination, provided advisory in relation to proceedings before other state authorities as per discrimination, and offered support and assistance in writing applications and letters related to the protection against discrimination.

There are several possible outcomes of cases involving the Advocate in terms of advisory, informing and support activities. If a question or a request for advisory assistance or support is received, the party may be given an oral or written answer or explanatory note. Some cases are also resolved with an enquiry with the offender which enables the Advocate to achieve resolution of the case.
4.2 Summary of anonymised cases in the field of advisory, informing and support activities

The following profiles of clients were subject of the Advocates advisory and support activities:

- 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 been entitled to 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 residing in Slovenia and being in a same-sex partnership, seeks to obtain the 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 advisory 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 noted discriminatory advertisements for renting an apartment.
5 ADVOCACY – REPRESENTATION IN JUDICIAL PROCEEDINGS
The power to represent and accompany victims in judicial proceedings initiated on the basis of Article 39 of PADA is defined in Article 41 of PADA, where the role of the Advocate and non-governmental organizations is stipulated. 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 with 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 thereto. 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 with 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, the Advocate took over the representation of a client who filed an action in court for discrimination for the first time ever.

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, stating that discrimination was found during the investigative administrative procedure under PADA, the defendant did not amend the discriminatory statute.

In the action, the Advocate contended that direct discrimination took place on the grounds of age and demanded the discriminatory approach to end (by amending the statute and issuing a license for the cycling judge), compensation for the 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 showed that such an age limit would be an appropriate and necessary mean for the pursuing of particular 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 nor over the law of the European Union. Regarding the aim to ensure that cycling judges are able to perform their function, the complainant stated that it would be much more appropriate to regulate the issue of assessing the ability to perform the function by individually testing a person's ability. The proceedings before the court are pending, and the Advocate will continue to represent the client in the case also 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 power to file requests for the review of the constitutionality and legality of regulations before the Constitutional Court of the Republic of Slovenia. If found that any law or other regulation is discriminatory, the Advocate may inform thereof the procedure proposer for the assessment of constitutionality and legality or initiate the procedure for the review 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 the proceeding 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 party. 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 completed, and the remaining 12 cases were carried over to 2020 for further consideration. In one case, the Advocate assessed that the regulation was discriminatory and a recommendation was issued for a legislative change to the competent ministry, while in two completed cases the Advocate assessed that the regulation was not discriminatory and consequently did not decide to file a request for the review of constitutionality and legality.

The cases completed 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 act be amended accordingly. The act 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 (MLFSAEON) 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 biomedically-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 in accordance with the administrative procedure based on the complaints received by the Advocate from the parties (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 parties to determine whether the burden of allegation 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 ground 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 interests; and
- whether there is a causal link between the personal ground 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 allegation is not met or if the essential elements of the complaint are missing, the party is asked to supplement it in accordance with the regulations governing the general administrative procedure. Upon the receipt of a complete complaint in which the burden of allegation is met, pursuant to Article 37 of PADA, the Advocate verifies the allegations with the alleged offender or other entities from which the submission of the information and documents strictly necessary in accordance with the principle of proportionality may be requested to investigate the particular case of discrimination. The state authorities, local communities, holders of public authority and legal and natural persons provide the Advocate upon request and free of charge, with all the information, including personal data, and documents, which are urgently needed by the Advocate to establish the occurrence of discrimination in the case under consideration.

The Advocate has no statutory mechanisms or sanctions for cases where alleged offenders or other entities fail to respond to requests for information. However, practice shows that the subjects called upon to provide information and answers in most cases respond responsibly 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 allegation, the burden of proof falls upon the persons liable, who must prove that the absence of discrimination. If the persons liable fail to use the opportunity to present proof to support the fact that the complainant was not subject to discrimination, the consequences of the procedure could be unfavourable for the persons liable.

It must be repeated that the complaints received by the Advocate when the Implementation of the Principle of Equal Treatment Act (IPETA) was still in force were considered under this Act. Therefore, in 2019, the Advocate also conducted informal procedures and issued opinions pursuant to Articles 12 to 16 of IPETA, and not only procedures under PADA and GAPA.
7.1 Procedures initiated *ex officio*

If the Advocate initiates the procedure for investigating discrimination *ex officio* in accordance with Article 34 of PADA, the fact-finding and collection of evidence of the occurrence of discrimination is conducted in the same manner, i.e. in accordance with Article 37 of PADA and 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 on the basis of an anonymous complaint, question or complaint from a third party (who was 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 completed by the Advocate in 2019 were related to the following subjects:

- Advertising free entrance exclusively for women at a sports event; discrimination on the grounds of gender was found;
- Condition of Slovenian citizenship 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 primary schools without a concession; discrimination on the grounds of the selection of school and religion was not found;
- Changes in the standards for transferring immobile residents of a home for the elderly from one seated position 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.
In 2019, the Advocate considered 134 discrimination complaints. Of these, 63 were completed and 71 are still under consideration. In discrimination investigation procedures, the Advocate issued 36 decisions in the administrative procedure and reached 4 settlements within the procedure. Other outcomes of the procedure predominantly included: referral to the inspection service, suspension of the procedure, informal resolution of the case, written explanation, transfer to the system department, unresponsive party. The Advocate referred 9 cases to inspectorates and other authorities, and submitted 2 proposals to instigate minor offence proceedings to the competent inspection service.

Discrimination was found in 10 cases which were completed by the Advocate in the form of a decision, in 8 cases discrimination was not found, and in 6 cases a negative decision was issued.

### 7.2 Statistics of discrimination investigation procedures in individual cases

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

Discrimination was found in 10 cases which were completed by the Advocate in the form of a decision, in 8 cases discrimination was not found, and in 6 cases a negative decision was issued.

### Tabela: Izidi postopkov pred Zagovornikom za zadeve ugotavljanja diskriminacije, zaključene v letu 2019

<table>
<thead>
<tr>
<th>Results of procedures before the Advocate</th>
<th>Number</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decision – declaratory – discrimination is found</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>Decision – declaratory – discrimination is not found</td>
<td>8</td>
<td>13</td>
</tr>
<tr>
<td>Decision – negative – not a matter of discrimination</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>Decision to terminate the proceedings</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Decision on dismissal on procedural grounds</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Referral to the inspection service</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Informal resolution of the case</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Advice – written explanation</td>
<td>21</td>
<td>33</td>
</tr>
<tr>
<td>Unresponsive party</td>
<td>9</td>
<td>14</td>
</tr>
<tr>
<td>Assessment of discriminatory character</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Opinions</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Transfer to the systemic department</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>63</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>
7.3 Presentation of anonymized cases in the area 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 their career were discriminatory on personal grounds of pregnancy or parenthood. The tender was aimed at the younger generation of researchers, who are in a period of starting a family and the terms of the tender, which did not allow extending the funding period in case of suspension from 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 collected, the Advocate assessed that the personal ground 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 corresponding to the characteristics of direct discrimination on the grounds of race.

- The conditions of the public tender for co-financing the programs of activities of 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 they did not remove the comments despite the Advocate’s calls. The Advocate also referred to the judgment of the European Court of Human Rights Delfi AS v. Estonia and the Mass Media Act, which determines the obligation to withdraw controversial comments.

- The Advocate received a discrimination complaint from a 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 ground 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 their HIV status and insult their 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’s criteria for the employee’s entitlement to payment for the company’s business performance was specified in such a way that the percentage of the business performance bonus is reduced according to a pre-determined 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 also exercises its tasks and powers of protection against discrimination at the social level, i.e. at the level of the social groups’ position and social relations in connection with the arrangement and regulation of social subsystems.

In this regard, the Advocate issues an Annual Report and special reports, which are intended to shed light on individual, thematically focused issues related to discrimination or its individual aspects.

As state authorities, local communities, self-governing national communities and holders of public powers are responsible for the ensuring of equal treatment of persons with different personal grounds under PADA, the Advocate also performs analyses of these measures within the power and responsibility of monitoring the general situation in terms of protection against discrimination in the country.

The provisions of PADA, which represent the basis for the Advocate’s activities as per protection against discrimination at the social level, are highlighted below.

Pursuant to Article 21 of PADA, the Advocate has the following powers and responsibilities that fall within the framework of protection against discrimination at the social level, namely:

- conducting independent research on the position of persons with particular personal grounds, especially gender, nationality, racial or ethnic origin, religion or belief, disability, age, sexual orientation and other issues related to discrimination of people with certain personal grounds;
- publishing independent reports and giving recommendations to state authorities, local communities, holders of public powers, employers, business entities and other subjects as per establishing the situation of persons with particular personal grounds, i.e. in connection to preventing or eliminating discrimination and adopting special and other measures to eliminate discrimination;
- raising the awareness of the general public on discrimination and the measures to prevent it;
- monitoring the general situation in the Republic of Slovenia in the area of protection against discrimination and the situation of people with certain personal grounds;
- proposing the adoption of special measures to improve the situation of people who are in a less favourable position due to certain personal grounds;
- ensuring the exchange of available information on discrimination with authorities of the European Union;
- conducting other tasks stemming from 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 grounds.”

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, institu-
tions 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 authority, pays special attention to the dialogue with civil society organizations.

Pursuant to Article 16 of PADA, the Advocate has, alongside the competent inspection services, the power and responsibility to “… collect anonymised data on the number of discrimination cases discussed according to individual personal grounds, 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 also “monitoring, planning and managing the non-discriminatory policy,” as follows from the second indent of the same article of PADA.

Monitoring the general situation, as follows from Articles 16 and 21 of PADA, is not the Advocate's inherent objective, but a method of work. It includes a series of activities performed by the Advocate with the objective of collecting, acquiring information and knowledge, with the purpose to achieve the deepest possible understanding of discrimination at the social level, including its various manifestations, causes and origins as well as 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 the monitoring of practice of other state authorities. Article 16 of PADA explicitly requires the Advocate and the competent inspection services to collect anonymised data on the number of considered discrimination cases classified according to individual personal grounds, forms of discrimination and individual subject areas. The inspection services are required to annually introduce the data to the Advocate. The data is 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 submitted a request for the accordingly classified data on reported discrimination in 2019, which were reported to the following competent authorities for the 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 the discrimination cases. The problem is therefore the absence of a unified structured overview of data, classified according to the criteria set by PADA: according to personal grounds, areas and forms of discrimination. It is necessary to systematically harmonize and unify the manner of recording investigated discrimination cases. The information on reported discrimination to individual authorities presented below is therefore not sufficiently comparable due to differences in the collecting and classifying of the data.

The Advocate requested information from 25 inspection authorities. Of the 18 total responses received, 13 authorities 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 filed in the area 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 recorded complaints decreased significantly, while the number of complaints in the field of employment and work, in national 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 individual 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 grounds 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, inter alia, on the grounds of disability, nationality (deprivation of foreigners), health status, and in one case on the grounds of several personal grounds 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 independently 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 attempts to justify neglecting or despising persons or groups of people due to personal grounds. The Market Inspectorate of the Republic of Slovenia exercises control over access to goods and services available to the public only based on complaints received, i.e. not ex officio. In 2019, cases emerged 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, in the overwhelming majority of cases the Ombudsman had no competence or there were no conditions for a substantive assessment for other reasons. The Ombudsman found discrimination in ten cases, four were associated with the grounds of disability, four cases were related to the Roma community or its members and two concerned nationality (foreigners). The Ombudsman also addresses a number of cases in which discrimination is alleged in decision-making procedures for the care and upbringing of children concerning 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 commission 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 an increase of seven compared to 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 of a violation of the right to equality, which is committed by whomever that due to a personal ground 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 addressed nine criminal offences of this kind. In relation to the latter, four criminal charges and five reports with the prosecution were charged by the police. Article 297 of CC defines the criminal offense of public incitement to hatred, violence or intolerance, which is committed by whomever that publicly provokes or stirs up hatred, violence or intolerance. In 2019, the police considered thirty-nine criminal offences of this character. 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 merely keeps a record of the data on the committed criminal offence, not including 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. The CC generally does not recognize the concept of a so-called hate crime. Thus, OSPG was not able to provide data disaggregated by grounds, forms and areas of discrimination. However, data was provided regarding 36 received criminal complaints in connection to Article 297, 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 offense. 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 opinion, according to which “hate speech” is punishable in all forms of commission only if such conduct results in threats or disturbances of public order and peace, i.e. in an 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 an appeal on a point of law, the Supreme Court issued Judgment no. I Ips 65803/2012, where a different position was taken on the interpretation of the conditions and methods of committing the stated criminal offence, namely, that in cases involving the use of threats, insults or affronts, the assessment of the condition of violation of public order is not necessary, nor is it essential in other cases that there be a concrete threat to public order and peace.

The Advocate examined the data on final court judgments which refer to 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 concerning the case law by searching the database of the Supreme Court of the Republic of Slovenia. The Advocate thereby identified 42 relevant judgments in this period, 16 of which showed a certain personal ground, the rest showed that the complainants claimed discrimination without defining a personal ground and fulfilling other elements of the burden of allegation. The Advocate also requested data on anonymised final judgements directly from all 66 courts. The Advocate received 55 responses from the courts, of which 11 courts indicated that they investigated discrimination cases in 2019. The remaining replies of the courts show the absence of cases investigation with elements of discrimination or the inability to obtain such data as the courts do not keep records on cases in the registers according to the said criteria (legal basis, personal grounds, 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 aimed at pointing out that an act, regulation or measure, which is being drafted 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 particular legal act or certain measure enters into force (in this case with the aim of preventing discrimination) or when already in force (in this case with the aim of eliminating discrimination).

Additionally, the Advocate makes use of recommendations in cases when, based on the monitoring of the situation, an actual inequality of a certain group of people, characterized by one or more specially protected personal grounds, is perceived. The Advocate then recommends the implementation of special measures to ensure equality or other measures to eliminate discrimination.

The recommendations are linked to the Advocate’s prior activities e.g. the completed discrimination investigation procedures, findings from own analyses and research carried out by other subjects, 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 simultaneous systemic influence on a larger number of individuals or social groups. The symbolic value of the positive changes brought by such a systematic elimination or prevention of discrimination is also not negligible.

In 2019, the Advocate issued 27 recommendations. Of these, 16 recommendations were related to legislation (9 recommendations regarding proposed laws and 7 recommendations directed at existing laws and regulations) and 11 recommendations referred to other measures (6 recommendations aimed at eliminating identified discriminatory practices and 5 recommendations intended for the promotion of equal treatment).

In 2019, the Advocate issued recommendations regarding the following legislative proposals:

- 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 (recommendation was partially implemented);
- Road Transport Act (recommendation was implemented).
In 2019, the Advocate issued recommendations regarding the provisions of the following legislation and other regulations in force, in respect of:

- exemption from paying contributions by sole traders;
- regulation of police uniforms;
- institutional care for the elderly;
- acquiring the status of a family assistant;
- subsidizing student transportation (recommendation was implemented);
- 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) (recommendation was implemented);
- discrimination in the field of employment (recommendation was implemented);
- hate speech on a web portal (recommendation was implemented);
- co-financing of activity programs of the Roma community organizations;
- job advertisement (recommendation was implemented);
- hate speech on a web portal (recommendation was implemented).

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 (recommendation was implemented).

Of all the recommendations, 22 were addressed to ministries and 5 to other private entities or bodies governed by public law. The most frequently addressed personal grounds 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 not yet implemented in 16 cases. Most of the recommendations, as many as 5 out of 6, were taken into account in the context of
recommendations by which the Advocate drew attention to the elimination of irregularities and/or adoption of appropriate measures to prevent further discrimination following the discrimination investigation procedure.

Full recommendations are available on the Advocate’s website www.zagovornik.si.
11 SPECIAL AND OTHER MEASURES FOR THE PROMOTION OF EQUAL TREATMENT AND ELIMINATION OF 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 sector who are responsible for protection against discrimination (Article 2 of PADA). In the issued independent reports, the Advocate reports on or 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 measures giving advantage to people with certain personal grounds, which are applicable especially in cases of evident disproportion regarding 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 authority, employers, educational institutions, businesses and other entities to adopt the said special measures.
In 2019, the Advocate drew up two proposals for the adoption of special measures, namely:

- For greater gender balance in supervisory and management bodies of companies. In the public debate on the Proposed Act Amending the Companies Act (CA), drafted by the Ministry of Economic Development and Technology (MEDT), the Advocate proposed the adoption of special measures. Namely, it was recommended to 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 taking recourse to legislation that 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 research made by the National Institute of Public Health, the Advocate proposed the following measures to the Ministry of Health (MoH): conducting a research study on the causes and factors of 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 of such measures 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 government departments

Pursuant to Article 14 of PADA, state authorities, local communities, self-governing national communities and holders of public authority are responsible for creating conditions for equal treatment of all people, regardless of any personal grounds, by raising awareness, monitoring the situation and taking measures of a normative and policy nature. In doing so, a special responsibility is imposed on ministries and government services to prepare appropriate proposals for measures within their powers and in their sphere of operation.

The Advocate structured 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 particular personal ground or the general public;
- **special measures to ensure equality**;
- **measures aimed at the employees** of a particular authority.
11.3 Analysis of the responses of ministries and government departments regarding policy and normative measures

Pursuant to Article 14 of PADA, the key activity of ministries and government departments is the planning and implementation of measures of a policy and normative nature in the field of protection against discrimination and promotion of equality, which includes raising awareness and monitoring the situation of people with certain personal grounds in relevant areas of social life. Normative measures include e.g. acts, executive acts, other legal regulations, resolutions and declarations. Policy measures include, e.g. executive actions, projects, public tenders, calls, strategies, action plans, awareness-raising activities, researches and studies.

After substantive review, the Advocate analysed the respondents’ replies by assessing the comprehensiveness of overlapping of personal grounds and areas with measures implemented by ministries and government services. In doing so, the Advocate focused on:

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

With regard to individual personal grounds, the respondents most commonly reported on measures addressing personal grounds of race/nationality/ethnic origin/language (35 measures), health status (30 measures) and age (29 measures). The most frequently addressed personal ground 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 ground, 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 also 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 the following:

- Several respondents cited the existing constitutional prohibition of discrimination and legal protection against discrimination (PADA) as a measure. **Compliance with regulations does not constitute a measure within the meaning of Article 14 of PADA.** The Advocate notes that such assumptions represent an insufficient understanding of the tasks of ministries and government departments, 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 government department.

- Some respondents reported on measures that they had indeed planned and designed, but due to the nature of their adoption, the procedures were not (yet) implemented. These cases include a particular activity of the respondent, but the (expected) effects of the measure remain uncertain.

- Some respondents (MoPA, MoC) reported on measures connected to ensuring effective bilingualism in relation to the Hungarian and Italian autochthonous national communities. These measures fall within the broader field of minority protection and derive from the responsibility of ministries under national, European or international non-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 ministries have otherwise acted in this area.
11.4 Analysis of the responses of ministries and government departments referring to special measures

Only four ministries reported on the adoption of special measures, namely the Ministry of Labour, Family, Social Affairs and Equal Opportunities (MLFSASEO), the Ministry of Infrastructure (MoI), the Ministry of Agriculture, Forestry and Food (MAFF) and the Ministry of Health (MoH). Following a substantive review, the Advocate highlights the following findings and explanations: Comprehension of the concept of special measures on the side of the competent authorities in accordance with PADA remains incomplete, as some measures do not meet the statutorily required conditions for special measures. At the same time, some respondents, who duly reported on special measures within the Advocate’s last year’s enquiry, did not mention any of them in this year’s enquiry.

The Advocate notes that the absence of a central coordination point for protection against discrimination at the government (policy-making) level all the more calls for knowledge-building 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 underuse of special measures can also be attributed to a significant lack of equality data, from which it is possible to establish de facto inequality of certain social groups in accessing their rights.
11.5 Analysis of the responses of ministries and government departments regarding measures aimed at employees

After substantive review of measures aimed at employees, the Advocate highlights the following general findings and explanations. Some respondents mentioned solely the implementation of activities, which in fact are not linked to the situation of persons with certain personal grounds, but are indeed mandatory pursuant to existing employment legislation.

Some respondents include among the measures also employee trainings dedicated to preventing and addressing mobbing. The Advocate points out several significant divergences between mobbing and harassment (representing an individual form of discrimination).

Some respondents explicitly report on the fulfilment of the disability employment quota pursuant the Vocational Rehabilitation and Employment of the Disabled Persons Act. None of the respondents refer to the special measures to ensure equality in the employment policy. In addition, most respondents virtually do not report on education and training of their employees on protection against discrimination.
12 THE ADVOCATE’S RESEARCH AND ANALYTICAL ACTIVITIES
In accordance with PADA, the Advocate’s powers and tasks also include conducting independent research (the first indent of Article 21 of PADA) on the situation of people with certain personal grounds and other issues related to discrimination. Through research and analytical work, the Advocate obtains equality data. This data reveals actual inequalities among different social groups and represents an essential tool for effective protection against discrimination and promotion of equality as well as for identifying trends in the given areas, especially for:

- identifying and proving indirect discrimination;
- monitoring and supervising the exercise of human rights and fundamental freedoms from the viewpoint of equality;
- designing and implementing public policies for the 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 complexity, 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 using 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 aimed at tackling the private sector challenges, perceived during the Advocate’s field visits. The research shows that in recent years, the Slovenian supportive environment has encouraged and implemented several 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 acknowledged areas in the business sector. However, there is a lack of systematic collection of good practices in the areas of personal grounds 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 an Obstacle to Achieving the Goal of a Decent Life for All” and “Reducing and Eliminating Discrimination Based on Ethnic Origin, Race or Religion”. These are extensive scientific research projects that address still unexplored areas in Slovenia and will also include the preparation of recommendations to relevant stakeholders for the implementation of appropriate measures.

• The Advocate planned to conduct two public opinion polls, namely on the perception and experience of the general public with hate speech and on the perception and experience of discrimination. The latter would be a repetition of the Advocate’s 2017 research, which the EU Agency for Fundamental Rights included among good practices of equality data collection. As the Ministry of Finance intervened in the Advocate’s independence at the end of 2019 by not granting the consent to the use of funds already reserved for this purpose in the Advocate’s budget, the aforementioned surveys could not be conducted.

• Together with the Contact Point for the Promotion of Equal Treatment of EU Workers (EURES), the Advocate participated in the conceptual 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.

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1 Following the declaration of the Covid-19 epidemic, the Ministry of Finance demanded that 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.
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:

- **Disenfranchisement of persons with intellectual and psychosocial disabilities:** The Advocate examined the situation of a group of 2,035 people who are not allowed to vote for disenfranchisement due to their disabilities in accordance with applicable legislation in a non-contentious judicial proceeding. The current national regulation on the disenfranchisement in Slovenia opposes the prohibition of direct discrimination on the grounds of disability. After examining the means available to protect the right to vote for people with intellectual and psychosocial disabilities, the Advocate concluded that the protection of the right to vote is provided in theory but is practically unattainable. Even for those who otherwise have the right to vote, voting is practically unattainable or they cannot exercise their right with equal efficiency and in an informed manner. Besides the people with intellectual disabilities, the elderly with dementia, people with mental health disorders, people with temporary cognitive impairments, e.g. due to the use of drugs, and others are also included. It is, therefore, necessary to regulate supportive decision-making services, ensure full access to electoral procedures and materials as well as inform and empower the stated voters. With a special report, the Advocate primarily pursues to open the discussion on this subject in the National Assembly as well as among the general public.

- **The position of intersex people 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 ground of sexual characteristics. 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, inter alia, the unfamiliarity of stakeholders with cases of medical treatment of intersex people; ambiguity and inconsistency of non-urgent medical interventions in the sex characteristics of intersex people and reliance on subjective judgment of “social acceptability” as a criterion for deciding on medically non-essential gender assignment 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 substantive areas:

- Protection and accessibility of children’s rights: Children are the subject of protection against discrimination, which requires special attention and care, with PADA also explicitly recognizing discrimination against children as a severe form of discrimination. The Slovenian legislation, which regulates the legal or procedural capacity of persons, limits the possibility of an independent direct involvement of children as parties in administrative and other proceedings, including 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 of the legal regulation. Other than with 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). The great fragmentation of the children’s rights arrangements and the status of children in many pieces of regulations also represents a significant problem. Given such content and manner of legal regulation, their own legal status is certainly the least comprehensible particularly to children.

- The position of the deaf in higher education: Data on the educational structure of the deaf in Slovenia shows that only one percent of the deaf attain 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 indecisiveness and inefficiency in the elimination of the discrimination and the consequences thereof. In the analysis, the Advocate established that until recently, the deaf in Slovenia were subjected to attempts at linguistic assimilation. Although this area is regulated by the 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 particularly in the field of higher education.
12.4 Enquiries

One of the foundations of the Advocate’s research and analytical activity are enquiries with 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 authorities, and 18 as part of the collection of data on measures taken by ministries and government departments in 2019, aiming at protection against discrimination and promotion of equality.

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

- existence of a gender-, age- and employment status-based pay gap in the public sector;
- position of intersex people in medical procedures;
- disenfranchisement of persons with intellectual and psychosocial disabilities;
- equal treatment in the field of environment, space and housing policy;
- operation of multi-purpose Roma centres;
- 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’s cooperation with all stakeholders, all branches of government and independent authorities at the state level was enhanced. In that regard, several objectives or tasks and powers under PADA were pursued, especially in reference to the monitoring of the general state of protection against discrimination, which requires mutual exchange of information (Article 21 of PADA) and raising public awareness about 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 authorities). The main topic was mostly the presentation of the Advocate’s Annual Report for the previous year and the exchange of information on current common topics, e.g. on cases of detected systemic discrimination, comments or needs regarding the improvement of legislation, the provision of working conditions for the operation of the equality body, etc. As an independent state authority, the Advocate actively participates in monitoring the protection against discrimination trends, especially in the state’s reports on meeting international obligations regarding human rights protection. Various more or less formalized forms of cooperation are worth mentioning, e.g. the participation in the work of interdepartmental workgroups, in different councils, while some forms of cooperation are fully project oriented or thematic in nature. The Advocate’s cooperation also included participation in some events of greater importance organized by particular authorities and linked to the tasks and powers of the Advocate.

The presentation of the Advocate’s work to the general public in the framework of the Annual Report represents a central and statutory process on an annual basis. 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 equality body and pointed out that the process of setting up the institution since its establishment in 2016 had exposed particular gaps in 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 submitted the Annual Report for 2018 to the President of the National Council of the Republic of Slovenia and presented the document to the members of the Commission for Social Welfare, Labour, Health and Persons with Disabilities as well as the councillors at the 19th plenary 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.
The President of the Republic of Slovenia Borut Pahor was among the first to get the update on the progress made in the development of the Advocate of the Principle of Equality in 2018.

At the end of 2019, in the framework of cooperation with the Government of the Republic of Slovenia and the state administration, 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. Throughout the year, he met with several ministers and introduced them to several important systemic issues in their sphere 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 cooperation with public authorities took place:

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

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 commitments in the field of human rights for the UN, OECD, CoE and other bodies as well as for the internal needs of the field analysis. The Advocate participated in substantive discussions within the Government Office for the Development and European Cohesion Policy (e.g. regarding the preparation of a Voluntary National Review of Sustainable Development Goals according to the Sustainable Development Agenda 2030).
Representatives of the Advocate met with the management of the Office of the Government 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 hosted by the Office of the Government for National Minorities in the framework of the Strengthening of the National Consultation Process in Slovenia project through the continuation and upgrading of the work of the National Platform for Roma. Cooperation was also maintained with the Police.

In the framework of the Advocate’s cooperation with other independent state authorities, 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 statutory 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 Slovenian MEPs. In the framework of the three field visits in 2019, the Advocate also met with numerous mayors of the visited regions (Šaleška dolina, Koroška and Goriška regions).

During the working visits in the Koroška region, the Advocate of the Principle of Equality Miha Lobnik also visited the local training, work and institutional care centre in Črna na Koroškem. He thanked the staff of the centre for their work with the most vulnerable.
14 THE ADVOCATE’S COOPERATION WITH CIVIL SOCIETY
PADA requires the Advocate to cooperate with civil society organizations operating in the field of equal treatment, protection of human rights and fundamental freedoms, protection against discrimination of vulnerable groups or legal, social and other assistance to discriminated persons. These organizations represent a valuable source of information for the Advocate given that 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 thus represent the Advocate’s strategic partners in implementing the tasks under PADA, i.e. the monitoring of the situation referring to protection against discrimination in the country and developing solutions and proposals for the implementation of measures for preventing and eliminating discrimination.

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

• structured dialogues;
• consultative meetings and working meetings;
• participating in events in their domain 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. The Advocate is thereby systematically acquainted with the key challenges in the field of discrimination faced by members of civil society organizations involved in the structured dialogue and the target groups which are the beneficiaries of the carried-out activities. While the Advocate always sends an invitation for a structured dialogue to all key civil society organizations in a particular field, responses vary. In 2019, the Advocate conducted structured dialogues:

- **With organizations of members of the former Yugoslavian nations and ethnic communities.** 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 specifically pointed out the problem of the absence of regulation of the collective status and (cultural) rights of communities of members of the former Yugoslavian nations and ethnic communities in the Slovenian legal system and the feeling of their neglect that arises therefrom.

- **With registered churches and religious communities:** The meeting was attended by 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 in 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 children's meals in an educational institution. Through the discrimination investigation procedure, the parents and the management of the institution approached a possible solution based on the envisaged agreement through the mediation provided by the Advocate.

- **In the field of children's rights:** Out 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, Roma children, children of migrants and children with special needs. They also pointed out the lack of teachers' competences in dealing 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 indications, NGOs that provide advocacy in this area are 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 Dawn Collective which is active in the field of gender equality awareness-raising. 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 phase, the Advocate’s associates conducted an in-depth expert interview with 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 ground of gender at the social level.
14.2 Consultative and working meetings with representatives of civil society organizations

In 2019, the Advocate hosted *nine consultative and working meetings with civil society organizations*. The latter served the Advocate to open up current issues related to protection against discrimination, which are perceived by the interlocutors directly in the relevant field and to identify opportunities for further cooperation and support for the activities of individual civil society organizations. In 2019, the Advocate held such meetings in the following substantive areas:

- **Raising awareness of the general public about discrimination:** In a consultative role, the Advocate hosted several meetings in the framework of 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 meeting 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 targeting 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 Read format, which was also tested by people with intellectual disabilities.

- **The critical issue of inequality in relation to the Roma community:** The Advocate hosted representatives of the Roma Association of Slovenia, the Anglunipe Roma Society and Amnesty International Slovenia at several working meetings. Among the subjects discussed at the meetings were, inter alia, the need for a concrete change in legislation, the existing problems and discrimination in the primary education system and hate speech against the Roma.

- **Protection of the rights of intersex people in medical procedures:** In separate meetings, the Advocate met with several Slovenian non-governmental organizations for the promotion of LGBTI+ rights and with a representative of the international non-governmental organization Organisation Intersex International Europe. The subject of the meetings was the experience of cooperation among organizations advocating for the rights of intersex people and the medical profession. The importance of the treatment of intersex people with regard to protecting their human rights (human rights-based approach) was emphasized at the meeting.
• **Disenfranchisement of 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 the disenfranchise-ment of persons with intellectual and psychosocial disabilities. The interlocutors also presented the experience of persons deprived of their legal capacity or with extended parental rights.

In 2019, the Head of the Advocate of the Principle of Equality and his associates also attended 21 events organized by civil society organizations, where they often participated as active speakers. These events covered the following substantial areas:

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

In 2019, the Advocate among other things supported with letters of support nine project proposals, whereby civil society organizations applied for national and European financial resources in public tenders.
15 THE ADVOCATE’S COOPERATION WITH THE BUSINESS SECTOR
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 in the field of work and employment. In 2019, the Advocate thus strengthened the cooperation activities with the private sector. Thereby, the Advocate tried to emphasize that in tackling discrimination, it is not only the detection and investigation of discrimination that are crucial but, above all, prevention of the occurrence of discrimination. Awareness of the obligations and opportunities provided by non-discrimination legislation is the first step towards an inclusive work environment and the reduction of business risks due to breaches of the prohibition of discrimination.

In 2019, the Advocate mainly cooperated with the business sector in the framework of three regional field visits. There, the Advocate conducted conversations with representatives of business associations and companies. With practical legal advice, the Advocate presented the topic of prevention of discrimination in the workplace to representatives of companies as an opportunity and not merely as an obligation.

In the past 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 included a useful and practical summary of measures for improving diversity management in 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 on Business and Human Rights, which is aimed at preventing discrimination and promoting equal opportunities in the workplace.

In order to follow the trends and recent developments regarding the human rights situation in business, the Advocate also attended the Bled Strategic Forum entitled (Re)sources of (in)stability which took place from 2 to 3 September 2019.
16 AWARENESS-RAISING, EDUCATING AND INFORMING
In order to raise awareness, educate and inform the general public and selected target audiences, the Advocate carried out a number of activities in 2019. In terms of content and objectives, these activities correspond to the statutory provision of the fifth indent of Article 21 of PADA, which places the raising of awareness of the general public about discrimination and measures for its prevention among the Advocate’s tasks and powers.

To raise awareness, the Advocate carried out four on-site working visits which included interviews and consultations with several different target audiences. The Advocate visited:

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

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

- Intergenerational Coexistence Days, 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
- Third Life Period Festival, 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 organized by the Slovenian Philanthropy on 6 April 2019 and taking place for the tenth time throughout Slovenia.

The Advocate also aims at improving its own accessibility, especially in terms of communication, as part of the statutory task of raising awareness. Special audiences, such as people with disabilities or vulnerable groups (children, pregnant women) can only be reached by providing them with accessible and comprehensible or adapted content and messages.

In 2019, the Advocate published a basic information leaflet in the languages of the autochthonous 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 Read is a standard term for a special format of writing texts (information), which are, in addition to the text in a special form and with carefully reviewed content, also accompanied by visual material. Easy Read materials ensure that the content is comprehensible for everyone, including people with intellectual and psychosocial disabilities, people with mental health problems, the elderly as well as people who are only starting to learn the Slovenian language (children, foreigners). The Advocate prepared the following materials in Easy Read format:

- a basic presentation of the equality body and its statutory powers and tasks,
- a form for filing a discrimination complaint and
- instructions for completion of the form.

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

Human rights education is the foundation for the respect of the latter. This also applies to the field of protection against discrimination. For this purpose, the Advocate educates and generally raises public awareness on discrimination and preventive measures. The education covers all activities carried out by the Advocate by means of standard forms of education (e.g. lectures, workshops) in order to convey key messages about the equality body’s work and powers and the method of protection against discrimination and the promotion of equality to certain target audiences. These events are either organized by the Advocate or have the form of participation in events hosted by other stakeholders. In 2019, thirteen such educational activities in which the Advocate’s associates performed educational (and indirect awareness-raising) activities aimed at certain target audiences, were carried out.
With regards to informing, which the Advocate considers as a necessary and integral part of all awareness-raising activities, significant progress was made in 2019 in the field of media visibility, both in terms of appearances in traditional media and on social media.

In terms of content, the questions of journalists were mostly related to:
- work performed by the Advocate (decision-making in individual cases, advisory, 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 stations, most of which were linked to:
- cases of established discrimination;
- cases of alleged discriminatory conduct based on personal grounds;
- 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
- powers and work of the equality body.

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

In 2019, the Advocate published the information intended for the general public on its website www.zagovornik.si and on Facebook and Twitter.

The Head of the European Commission’s Representation in Slovenia Zoran Stančič congratulated the Advocate of the Principle of Equality Miha Lobnik for establishing the equality body in Slovenia and for the work that the institution has completed so far.
17 THE ADVOCATE’S INTERNATIONAL COOPERATION
In 2019, the Advocate’s activities at the international level included the statutory exchange of available information on discrimination with EU institutions 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 bilateral international activities, the Advocate participated in and hosted 6 meetings with representatives of foreign embassies in Slovenia and with equality bodies from other European countries.

International cooperation enables the Advocate to achieve higher level of visibility and integration in the wider international space. In this way, the professional competences of the equality body are strengthened especially with reference to non-discrimination law as well as the formulation of policies for the protection against discrimination and promotion of equality.

The Advocate attended 15 meetings in the framework of the European Network of Equality Bodies – Equinet, which comprises 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 working groups 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.

Within the European Commission (EC), the field of protection against discrimination 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 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 FRA, EC and the Finnish Presidency of the Council of the EU.
The Head of the Institution, Miha Lobnik, attended the annual session of the General Assembly of Equinet in Brussels, where he was elected as member of the Executive Board for the term of office 2019–2021.

Election of Miha Lobnik, the Head of the Advocate of the principle of Equality, to the Equinet Executive Board is a confirmation of progress made by the Republic of Slovenia with the institutionalization of protection against discrimination.

In 2019, the Advocate participated in three sessions of two platforms coordinated by the Council of Europe (CoE) in partnership with 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 said 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 European Commission against Racism and Intolerance at the CoE 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 Equality Commission for Northern Ireland Evelyn Collins and the Equinet Executive Board member Valérie Fontaine from the French equality body.
On the initiative of an associate of the United Nations High Commissioner for Refugees (UNHCR), Riikka Peltonen Quijano, who is in charge of the situation in Slovenia, the Advocate facilitated a common working meeting.

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 took place. In the framework of the Equinet Working Group for Equality Law, the Advocate received 11 requests for information on how particular areas are regulated in Slovenia. In addition, the Advocate responded to six other more extensive international queries or surveys from various international organizations; twice from 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 been joined by eight equality bodies from Albania, Bosnia and Herzegovina, Montenegro, Croatia, Northern Macedonia and Serbia so far. In the declaration, participating institutions undertook to cooperate in compliance 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 at the Fourth Regional Conference of Equality Bodies in South-Eastern Europe.

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

In terms of 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 at the University of Ljubljana, the Advocate participated at the round table “30 years of the Convention on the Rights of the Child”. The Head of the Advocate met with the Ambassador of the
United Kingdom of Great Britain and Northern Ireland in Ljubljana. With a substantive contribution, an 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.
The Annual Report for 2019 also contains two annexes, namely: the European Commission against Racism and Intolerance Report on Slovenia (fifth monitoring cycle) and the decision of the Government of the Republic of Slovenia on 157 recommendations received by the Republic of Slovenia in the interactive dialogue phase of the Universal Periodic Review that took place on 12 November 2019 in Geneva.
18.1 European Commission against Racism and Intolerance Report on Slovenia (fifth monitoring cycle) – Summary

The European Commission against Racism and Intolerance (ECRI) adopted a new report on the situation in Slovenia in 2019 (fifth monitoring cycle). ECRI is the Council of Europe’s specialized human rights monitoring body, focusing on the situation in Member States regarding 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 on fighting xenophobia, anti-Semitism and intolerance. In the context of its activities, 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 from April 2018 with the purposes of preparing the last report on Slovenia, the ECRI delegation also met with the Head of the Advocate. The report on Slovenia was adopted on 3 April 2019 and published on 5 June 2019.

ECRI’s report notes that Slovenia has made progress in many areas of combating racism and intolerance, but some outstanding issues, such as the impunity gap 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’s legal basis is in line with 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, ECRI emphasizes that some unresolved issues are of concern, including inconsistencies and ambiguities in PADA, in particular regarding the Advocate’s powers and competences in relation to other institutions such as the inspection services.

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

Full ECRI report on Slovenia (fifth monitoring cycle) in English
https://rm.coe.int/fifth-report-on-slovenia/168094cb00
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 in the interactive dialogue phase of 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 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 gives countries the opportunity to address – in 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:

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

The review procedure is administrated by 47 member states of the UN Human Rights Council, which operate within a special UPR Working Group, but any UN Member State can participate in the review or interactive dialogue with the country under review. Such 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 therein. Upon the conclusion of the review, the UPR Working Group 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”, which in effect means that the country under review 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 much room for improvement. Slovenia received a total of 215 recommendations for the improvement of its human rights situation, of which 58 were accepted immediately and 157 were decided upon after subsequent consideration. Of the 157 recommendations, Slovenia accepted another 124 and “took note of” 33. Of all 215 recommendations, Slovenia therefore accepted 182 at the end of the process and “took note of” 33.

Numerous recommendations relate to the protection against discrimination of persons or groups of people with a certain personal ground based on which discrimination is prohibited under Slovenian and international law. These recommendations address, for example, issues of gender equality, unequal status of persons 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 for the adoption of normative, policy and special measures.

Report of the UPR Working Group on Slovenia (third monitoring cycle)  
https://undocs.org/A/HRC/43/15

Addendum - Slovenia’s views on the recommendations received  
https://undocs.org/en/A/HRC/43/15/Add.1

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