



REPUBLIKA SLOVENIJA
ZAGOVORNIK NAČELA ENAKOSTI

ANNUAL REPORT 2022

OVERVIEW BY MINISTRIES AND OTHER INSTITUTIONS

PART THREE

Ljubljana, April 2023

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

Last year, the Advocate of the Principle of Equality successfully closed the first case of representation of a victim of discrimination in court. After three years of litigation, the representation of the party subject to discrimination based on age was completed with the court establishing the occurrence of discrimination and awarding the victim a compensation. In addition, the Slovenian equality body also prepared leaflets which draw attention to the inadmissibility of discrimination against both the elderly and young people.

When people reporting discrimination reach out to us, in most cases they already know that in order to establish discrimination, a personal ground that has led to the unjustifiable disadvantage must be given. In 2022, 440 individuals were provided with advisory assistance, out of which most referred to the personal ground of disability as the reason for discrimination.

In relation to this personal ground, the Advocate issued a special report last year on the accessibility of secondary schools for persons with reduced mobility. We found that in some regions no schools are available for them at all, while in other regions only one school is properly adjusted in terms of accessibility. We reminded that the year 2025 is the deadline by which the accessibility of all facilities in public use should be ensured pursuant to the Equalisation of Opportunities for Persons with Disabilities Act.

Last year again, the highest number of complaints received concerned the field of work and employment. Often the cases were associated with parenting, pregnancy and health status when awarding performance and Christmas bonus awards related to the companies' performance. Last year again, some successful companies reported that they had been unaware of discrimination, promising to eliminate it.

In order to move forward in ensuring equal treatment and equal opportunities in society, the Advocate's recommendations also play an important role. The recommendations are intended to eliminate discrimination, promote equal treatment and improve draft laws and regulations in force. Last year, the implementation of one of these recommendations eliminated long-standing discrimination in blood donation.

Better knowledge of the principles of equal treatment and equal opportunities is also strengthened by means of panel discussions and online discussions about our products. One such discussion took place on the occasion of the publication of our expert translation of the handbook on European anti-discrimination law by the EU Agency for Fundamental Rights (FRA). As the participating professors of the three faculties of law pointed out, examples from the handbook also make it easier to present legal concepts while teaching. The translation will be of assistance in the further development of Slovenian legal terminology.

A piece in the mosaic of improvements in the field of protection against discrimination in Slovenia was also added by obtaining European funds for the project "Face discrimination – creating a society of equal opportunities".

I would hereby like to thank all my colleagues for their professional and committed work. I would also like to thank all those who continue to support the functioning, activities and development of the Advocate of the Principle of Equality.

Miha Lobnik
ADVOCATE OF THE PRINCIPLE OF EQUALITY

Ljubljana, April 2023

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MINISTRIES AND OTHER INSTITUTIONS

Below, some of the results of the Advocate's work are presented in such a way that each chapter is dedicated to a particular Ministry includes those cases that fall within its competence. For each Ministry or other institution, the content is assigned in the respective subchapter:

1. Assessing the discriminativeness of regulations;
2. Recommendations by the Advocate to the Ministry;
3. Discrimination investigation;
4. Advisory, informing and support activities;
5. The Advocate's Cooperation with the Ministry.

The Ministries are listed in alphabetical order.

The case numbers are entered in colours indicating the relevant areas of social life:

Work and employment

- Access to employment, self-employment, and profession (including selection criteria and employment conditions, notwithstanding the type of activity or the level of the 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 organisation whose members perform a certain vocation, including benefits provided by such organisations;

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.

Other

- This area includes cases that cannot be categorised within any of the above categories and cases that address all areas simultaneously or consider the general area of protection against discrimination.

Review of the status of recommendations

The Advocate checked the status of the recommendations by inquiring with the addressees of the recommendations sent in January 2023. Based on the answers received, the Advocate defined the status of recommendations as taken into account or not taken into account as of the cut-off date of 31 January 2023.

Recommendation status as at 31 January 2023:

- Taken into account: ●
- Not taken into account: ●

Some of the recommendations to promote equal treatment are systemic and general in nature, aimed primarily at prevention and awareness-raising, and often sent to multiple addressees at the same time. In these cases, it is not possible to easily and unambiguously determine their status. In these cases, they are marked as:

- Systemic recommendation: ●

1 MINISTRY OF LABOUR, FAMILY, SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES (MLFSAEO)

- 1.1 Assessment of the discriminativeness of regulations
- 1.2 Recommendations by the Advocate to the MLFSAEO
- 1.3 Determining discriminatory practices
- 1.4 Advisory, informing and support activities
- 1.5 The Advocate's Cooperation with the MLFSAEO

1.1 Assessing the discriminativeness of regulations

! The Pension and Disability Insurance Act discriminates against those employees who perform jobs that cannot be successfully and professionally performed after a certain age.

The Pension and Disability Insurance Act (PDIA-2) discriminates against those employees who perform jobs that cannot be successfully and professionally performed after a certain age (e.g., police officers). The suspension of occupational insurance puts them at a disadvantage, compared to other employees, which is an unjustifiable consequence of their personal grounds of parenthood, gender, and disability. The Advocate proposed to the MLFAEO that PDIA-2 be amended to make sure that the suspension of occupational insurance for work that cannot be successfully and professionally performed after a certain age is removed from the law (050-2/2018/22).

! According to the Advocate, the Labour Market Regulation Act is discriminatory against certain foreigners

In the process of assessing the discriminativeness of the Labour Market Regulation Act (LMRA), the Advocate assessed that Article 8a of this Act leads to discriminatory treatment of certain foreigners. In order to remain in the register of unemployed persons, to which the entitlement to social rights is linked, they must pass an examination in basic knowledge of Slovene. For citizens of the European Union, Norway, Iceland, Liechtenstein and Switzerland, there is no time limit for fulfilling this condition. For third-country citizens, however, the deadline is 12 months. The Advocate considered that this distinction was based only on the personal ground of citizenship and that there was no justifiable reason for this. Moreover, the Advocate considered that this unjustifiably differentiated treatment particularly affects nationals of certain third countries. The MLFSAEO was recommended to eliminate the discriminatory regulation by amending the Act (050-24/2020/14).

! The regulation of the right to assistance and service allowance for minors who depend on care and assistance due to their disabilities is discriminatory.

The Advocate received a request for the assessment of discriminativeness of the regulation of the right to assistance and service allowance under the Pension and Disability Insurance Act (PDIA-2). The initiator stated that her association has been drawing attention to the discriminatory regulation of the right to assistance and service allowance for several years. Up to the age of 18, this right is granted only to blind and visually impaired children and adolescents. Children with special needs who, due to their disability, also depend on assistance to carry out most or all of their basic living needs and have similar or even greater difficulties, do not have the right to the allowance for assistance and care before the age of 18 because they are not blind or visually impaired. However, when these children reach the age of 18, this right is granted to them under the Social Inclusion of Disabled Persons Act. The initiator pointed out that in this way a privileged and disadvantaged group of children with special needs is being created. The Advocate assessed that the fifth paragraph of Article 100 of the PDIA-2 is discriminatory against all sighted minors who are insured through other insured persons or pensioners and who, like blind persons, need the assistance of another person to meet their basic living needs and could therefore be eligible for the assistance and service allowance. The Advocate addressed a recommendation to the competent authorities to eliminate the legal gap in the PDIA-2 and in the Parental Protection and Family Benefits Act which regulate the childcare allowance in such a way that other children with special needs similarly to the blind, would be eligible for the assistance and service allowance or appropriately increased childcare allowance (050-28/2020/24).

! According to the Advocate, the Social Inclusion of Disabled Persons Act is discriminatory against people with long-term mental illness.

The Social Inclusion of Disabled Persons Act namely stipulates that adults who are unable to pursue social security and participate in society due to disability and incapacity for work are entitled to disability compensation, regardless of their financial situation. However, this compensation for work is not granted to persons with working disabilities due to mental illnesses whose condition is permanent and is not expected to improve. According to the Social Inclusion of Disabled Persons Act, they cannot be granted the status of a disabled person. The Advocate assessed that such arrangement is discriminatory, as the situation of these persons is comparable to other persons who can be granted the status of a disabled person under the aforementioned Act. The Advocate recommended to the MLFSAEO to extend the applicability of paragraph 1 of Article 3 of the Social Inclusion of Disabled Persons Act in such a way that persons with a long-term mental illness who, due to their disability, cannot independently meet the majority or all of their living needs, pursue their livelihoods and participate in society on an equal basis without assistance will also be entitled to the status of a disabled person under this Act (050-29/2020/12).

According to the Advocate, the Pension and Disability Insurance Act, which requires the simultaneous fulfilment of the age and pension period conditions for obtaining the right to an old-age pension for citizens who started working before the age of 18, is not discriminatory.

The Advocate received a complaint in which two individuals refer to an alleged discriminatory arrangements in the retirement of citizens with completed vocational education. The Advocate assessed that the regulation referred to in Articles 27 and 28 of the Pension and Disability Insurance Act (PDIA-2) does not constitute discrimination. The regulation pursues the legitimate objective of ensuring the long-term sustainability of the pension system in order to ensure the exercise of the rights of insured persons who are only just entering insurance on the basis of the principle of intergenerational solidarity. Reducing the retirement age from 65

to 60 for those who have reached the retirement age of 40 before the age of 65 is already an adjustment for people who have joined the labour market early (050-22/2021/9).

According to the Advocate, the Pension and Disability Insurance Act is not discriminatory as regards the provisions on the eligibility of severe mental patients for assistance and service allowance.

Based on a proposal by an association, the Advocate assessed, in accordance with Article 38 of the PADA, whether the articles of the Pension and Disability Insurance Act (PDIA-2), which set the standards for entitlement to the assistance and service allowance, discriminate against severe psychiatric patients. Specifically, it is Article 101 (on the provision of basic life necessities), Article 102 (on establishing and determining the conditions of beneficiaries) and Article 103 (on the amount of the assistance and service allowance). In order to obtain more accurate information, the Advocate made a query with the Ministry of Labour, Family, Social Affairs and Equal Opportunities. The Ministry responded by channelling information provided with the help of the Pension and Disability Insurance Institute. Based on the clarifications provided by the Ministry, the Advocate found that severe mental patients as a group are not excluded from eligibility for either the higher nor the highest assistance and service allowance. However, eligibility depends on the professional assessment of the individual's medical condition (cognitive abilities). The Advocate cannot go into the details of such an assessment, as this exceeds its competencies set out by the PADA. Hence, the Advocate assessed that the provisions of PDIA-2 on the eligibility of severe psychiatric patients to assistance and service allowance are not discriminatory, as they do not limit the absolute eligibility of severe psychiatric patients to a certain amount of the assistance and service allowance (050-40/2021/8).

The requirement to increase the educational level for employment in the public sector is not discriminatory

The Advocate received a request for the assessment of discriminativeness of the Labour Market Regulation Act (LMRA), which in Article 189 requires that those who, at the time of the entry into force of the Act (1 January 2011) have the level of education 6/2, regardless of the length of service, within five years of the entry into force of the Act, must acquire the level 7 of education. On the other hand, those with a level of education 6, subject to 15 years of service, should only acquire the level of education 6/2. The Advocate found that the regulation stems from the transitional provision of Article 189, which was adopted to regulate the situation of employees who, after the entry into force of the amendment to the Act, did not have an adequate level of education to perform their work. Moreover, the Advocate found that the level of education required for a particular job is not a personal ground within the meaning of the PADA, since one can achieve the level of education required by participating in further education, and a sufficient period of time has been provided to this end. Therefore, for both categories of staff, the LMRA required that they increase their initial level of education by at least one level. Accordingly, it does not follow from Article 189 of the LMRA that any of the personal grounds protected under the PADA would be the reason for the alleged inferior treatment. In view of the above, the Advocate did not carry out a more detailed assessment of the discriminativeness of the respective Act (050-1/2022/2).

Determination of the higher living cost allowance was not discriminatory towards persons with disabilities

The Advocate received a request for the assessment of discriminativeness of the Act Determining Temporary Measures to Remedy the Consequences of Higher Living Costs of the Most Vulnerable Population Groups. The initiator argued that the categories of beneficiaries were defined too narrowly. The allowance was to be granted only to those persons with disabilities who are entitled to disability compensation, while other persons with disabilities are excluded even though their disability is recognised and confirmed in a decision on disability. The Advocate found that the circle of beneficiaries was selected according to the income status of the individual. As regards the assessment of discriminativeness, it is essential whether individual groups in comparable situations are treated equally or, if not, whether there are reasonable grounds for different regulation arising from the nature of the matter. It did not follow from the legislative material that the legislator, when regulating the circle of beneficiaries of the energy allowance, treated individuals who are in a comparable situation differently. Although some categories of persons with disabilities may have been excluded from the circle of beneficiaries under Article 3, this does not mean that such individuals are not entitled to the allowance in the form of financial social assistance or income support (under Article 2) and consequently to the higher living cost allowance. In view of the above, the Advocate did not carry out a more detailed assessment of the discriminativeness of the respective Act (050-16/2022/3).

1.2 Recommendations by the Advocate to the MLFSAEO

Labour Market Regulation Act (LMRA, EPA 2547 - VIII) (addressed to the NA)

Recommendations (0709-29/2021/3):

1. Detailed analysis and clarification of all the purposes, objectives and, in particular, the effects of the new Article 13a on the changes of the definition of the so-called suitable employment. The proportionality of the proposed measure in relation to the rights of workers or the unemployed and within the framework of other functions of the state in regulating the labour market should be further clarified.
Status: **Not taken into account.**
2. With regard to the proposed amendment to the statutory provision extending the period of inclusion in the public works programme from up to two to a maximum of four years, the MLFSAEO should include in the explanation of the proposal an impact assessment on the situation of long-term unemployed persons included in the public works programme, in particular with regard to ensuring their equal opportunities in access to regular employment.
Status: **Not taken into account.**
3. The MLFSAEO should justify the proportionality of the proposed Article 9 which newly regulates that an appeal against the decision on the removal from the register of unemployed persons does not suspend enforcement.
Status: **Not taken into account.**
4. The MLFSAEO should abolish the provision of the applicable law which stipulates the requirement of entry-level knowledge of the Slovenian language, as it distinguishes between registered unemployed persons on the basis of their personal ground.
Status: **Not taken into account.**

5. The MLFSAEO should eliminate the distinction between persons based on the level of education attained in the eligibility for the employment incentive referred to in Article 66a of the same Act.

Status: **Not taken into account.**

Parental Protection and Family Benefits Act (PPFBA-1, EPA 2545 - VIII) (addressed to the NA)

Recommendations (0070-13/2021/4):

1. The MLFSAEO should provide justification of the provisions relating to the transposition of Directive (EU) 2019/1158, in particular in the part where alignment with the Directive is not strictly necessary.

Status: **Not taken into account.**

2. The MLFSAEO should carry out an analysis of the unjustified absences of (Roma) pupils, their alleged early school leaving, and the suspension of further education, as well as prepare an impact analysis of the proposed legal provisions on equality, equal opportunities, and equal treatment.

Status: **Not taken into account.**

Social Assistance Payments Act (SAPA, EPA 2546 - VIII) (addressed to the NA)

Recommendations (0070-1/2022/1):

1. The MLFSAEO should include a comprehensive impact assessment on equality, equal opportunities, and equal treatment in the framework of planning measures to tighten the eligibility requirements for receiving financial social assistance.

Status: **Not taken into account.**

2. The MLFSAEO should carry out a comprehensive impact assessment as regards equality, equal opportunities, and equal treatment in the framework of the planning of measures aimed at the Roma in particular.

Status: **Not taken into account.**

Family Code (NA, EPA 190 - IX) (addressed to the National Assembly)

Recommendation (001-8/2022/3):

1. The MLFSAEO should adopt the Draft Act amending the Family Code (FC-B).

Status: **Taken into account.**

Act on Accessibility of Products and Services for Persons with Disabilities (AAPSPD, EVA 2022-2611-0014)

Recommendations (0700-50/2022/1):

1. The MLFSAEO should change the title of the act to "Act on Access to Certain Products and Services".

Status: **Not taken into account.**

2. The Act should be in harmony with the obligations to ensure accessibility of products and services under EU law, the Convention on the Rights of Persons with Disabilities, the European Convention on Human Rights, the Equalisation of Opportunities for Persons with Disabilities Act, and the Protection against Discrimination Act.
Status: **Not taken into account.**
3. The MLFSAEO should provide a clear definition that the Access to Products and Services for Persons with Disabilities Act shall regulate consumer rights by linking them to other obligations already in force for providers to ensure the accessibility of products and services to final consumers and by ensuring equal treatment of consumers (non-discrimination), which includes the obligation for providers to provide consumers with reasonable accommodations in access to goods and services.
Status: **Not taken into account.**
4. The MLFSAEO should replace the term “disabled” with the term “persons/people with disabilities” and to include persons with functional limitations as eligible consumers of these products and services and to identify them accordingly.
Status: **Not taken into account.**
5. The MLFSAEO should abolish the proposed exemptions and additional transitional periods for the accessibility of those products and services vis-à-vis the final consumer.
Status: **Taken into account.**
6. The MLFSAEO should regulate in Article 22 of the Access to Products and Services for Persons with Disabilities Act all key criteria for eligible exemptions from accessibility requirements due to substantial product change or excessive burden.
Status: **Taken into account.**
7. The MLFSAEO should adopt a regulation on the minimum requirements for accessibility to all goods and services for the implementation of the paragraph 5 of Article 8 of the Equalisation of Opportunities for Persons with Disabilities Act.
Status: **Not taken into account.**
8. The MLFSAEO should ensure a clear regulation of the rights of consumers, their organisations, and associations to protection in cases of breaches of accessibility requirements by identifying the remedies available to them and allowing them to participate in judicial and administrative proceedings. The amount of the planned fines for minor offenses shall not be lower than that provided for in the Equalisation of Opportunities for Persons with Disabilities Act.
Status: **Not taken into account.**

Pension and Disability Insurance Act (PDIA-2)¹

Recommendation (050-28/2020/25):

1. The MLFSAEO should amend the Act as to enable all minor children with special needs who need the assistance of another or a third person to meet their basic living needs, or their parents or guardians, to be entitled to the assistance and service allowance or to an appropriately increased childcare allowance.
Status: **Not taken into account.**

¹Pension and Disability Insurance Act (Official Gazette of the Republic of Slovenia, No. 48/22 – official consolidated text).

Labour Market Regulation Act (LMRA)²

Recommendation (050-24/2020/15):

1. The MLFSAEO should amend the Act as to eliminate discrimination against third-country nationals in such a way that the obligation to participate in the course and take the Slovenian language exam at the entry-level (level A1) will also apply to third-country nationals or to all unemployed foreigners on the same terms as it applies to all other EU citizens.

Status: **Not taken into account.****Social Inclusion of Disabled Persons Act (SIDPA)³**

Recommendation (050-29/2020/13):

1. The MLFSAEO should amend the Act in the part regulating the circle of beneficiaries of the disability status, that is, to extend the applicability of paragraph 1 of Article 3 of the Social Inclusion of Disabled Persons Act in such a way that persons with a long-term mental illness who, due to their disability, cannot independently meet the majority or all of their living needs, pursue their livelihoods and participate in society on an equal basis without assistance will also be entitled to the status of persons with a long-term mental illness.

Status: **Not taken into account.****Pension and Disability Insurance Act (PDIA-2)⁴**

Recommendation (0700-14/2022/6):

1. The MLFSAEO should regulate the entitlement to the exemption from contributions in the case of sick leave of sole proprietors entitled to exemption during sick leave of up to 30 days, so that the compensation payer will also be exempted from contributions in the case of sick leave longer than 30 days.

Status: **Not taken into account.****Act on the Payment of Unpaid Disability Benefits (APUDB)⁵**

Recommendation (0702-212/2022/2):

1. The MLFSAEO should amend the Act in such a way as to ensure the right to disability benefit under the Act on Social Care of Persons with Mental and Physical Impairments to all beneficiaries starting from the age of majority.

Status: **Taken into account.**

²Labour Market Regulation Act (Official Gazette of the Republic of Slovenia, No. 80/10, 40/12 – Fiscal Balance Act, 21/13, 63/13, 100/13, 32/14 – Prevention of Undeclared Work and Employment Act-1, 47/15 – Employment, Self-employment and Work of Foreigners Act, 55/17, 75/19, 11/20 – dec. of the Constitutional Court, 189/20 – Municipal Costs Reduction Act, 54/21, 172/21 – Organisation and Work of the Police Act-G, 54/22 and 59/22 – dec. of the Constitutional Court).

³Social Inclusion of Disabled Persons Act (Official Gazette of the Republic of Slovenia, No. 30/18, 196/21 – Long Term Care Act and 206/21 – Act on Additional Measures to Stop Spreading and Mitigate, Control, Recover and Eliminate the Consequences of COVID-19).

⁴Pension and Disability Insurance Act (Official Gazette of the Republic of Slovenia, No. 48/22 – official consolidated text).

⁵Act on the Payment of Unpaid Disability Benefits (Official Gazette of the Republic of Slovenia, No. 202/21).

Pension and Disability Insurance Act (PDIA-2)⁶

Recommendation (050-2/2018/23):

1. The MLFSAEO should amend the Act in such a way as to remove the suspension of occupational insurance for work that cannot be successfully performed after a certain age from the eleventh paragraph of Article 200 in connection with the second paragraph of Article 211.

Status: **Not taken into account.**

1.3 Determining discriminatory practices

! Christmas bonuses which are linked to the employee's attendance at the workplace constitute discrimination on the grounds of health or pregnancy/parenting

In 2022, the Advocate found discrimination in the payment of business performance and Christmas bonus in several cases, when employers considered the absence from work due to health (sick leave) or parenting (maternity or paternity leave, leave for childcare) as a criterion for the method of calculating Christmas bonus. In these cases, employers reduced the payment for those employees who were on sick leave or parental leave. In some cases, the Advocate found either indirect or direct discrimination, depending on how the calculation criteria were set out. If the criteria referred directly to sick leave or parental leave, direct discrimination was identified. If they criteria were seemingly neutral in relation to the personal grounds of the employee and related to the absence in general, an indirect form of discrimination was determined. In one case, the company itself abolished the discriminatory regime during the procedure, and three cases are still pending before the Administrative Court. (Decisions No. [0700-12/2021/14](#) of 4 February 2022, [0700-13/2022/11](#) of 30 November 2022, [0700-62/2021/14](#) of 29 August 2022, [0700-5/2021/9](#) of 31 January 2022, [0700-26/2021/18](#) of 7 July 2022).

⁶Pension and Disability Insurance Act (PDIA-2) Official Gazette of the Republic of Slovenia, No. 96/12, 39/13, 46/13 - Implementation of the Republic of Slovenia Budget for 2013 and 2014 Act-A, 63/13 - Intervention Measures for the Labour Market and Parental Protection Act, 99/13 - Social Assistance Payments Act-C, 101/13 - Implementation of the Republic of Slovenia Budget for 2014 and 2015, 111/13 - Act Governing the Register of Insured Persons and Beneficiaries of Rights Provided under Pension and Disability Insurance-1, 44/14, 85/14 - Fiscal Balance Act-B, 95/14 - Intervention Measures for the Labour Market and Parental Protection Act-A, 97/14 - Act Governing the Register of Insured Persons and Beneficiaries of Rights Provided under Pension and Disability Insurance-1A, 95/14 - Implementation of the Republic of Slovenia Budget for 2014 and 2015-C, 95/14 - Act Regulating Measures Relating to Salaries and Other Labour Costs for 2015 and other Measures in the Public Sector and extraordinary adjustment of pensions, 95/14 - Fiscal Balance Act-C, 31/15 - Investment Funds and Management Companies Act-3, 90/15 - Intervention Measures for the Labour Market Act, 90/15 - Act Regulating Measures Relating to Salaries and Other Labour Costs for 2016 and other Measures in the Public Sector and extraordinary adjustment of pensions, 96/15 - Implementation of the Republic of Slovenia Budget for 2016 and 2017, 102/15, 42/16 - dec. of the Constitutional Court, 80/16 - Implementation of the Republic of Slovenia Budget for 2017 and 2018, 88/16 - Act Regulating Measures Relating to Salaries and Other Labour Costs for 2017 and other Measures in the Public Sector and extraordinary adjustment of pensions, 40/17, 23/17, 75/17 - Intervention Measures for the Labour Market Act-A, 65/17, 71/17 - Implementation of the Republic of Slovenia Budget for 2018 and 2019, 28/19, 75/19 - Implementation of the Republic of Slovenia Budget for 2021, 75/19 - Act Regulating Measures Relating to Salaries and Other Labour Costs for 2020 and 2021 and other Measures in the Public Sector and extraordinary adjustment of pensions 2021, 75/19, 36/20 - Fiscal Intervention Measures Act, 49/20 - Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy, 61/20 - Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy-A, 139/20 - Act Regulating Measures Relating to Salaries and Other Labour Costs 2021 and other Measures in the Public Sector and extraordinary adjustment of pensions-A, 139/20, 174/20 - Implementation of the Republic of Slovenia Budget for 2020 and 2021 Act, 189/20 - Municipal Costs Reduction Act, 15/21 - Additional Measures to Mitigate the Consequences of COVID-19 Act, 51/21, 74/21 - Implementation of the Republic of Slovenia Budget for 2020 and 2021 Act-A, 121/21.

! Restrictions in employment for persons wearing a headscarf for religious reasons

The Advocate was approached by individuals who wear a headscarf for religious reasons. They stated that they were prevented from working in health care. In two cases, the Advocate proposed that the employer change the practice and enabled individuals to work with the headscarf. The employer accepted the proposal. In the third case, the individual withdrew her complaint and as a result the Advocate closed the proceeding with a decision to suspend the proceeding (0700-51/2021, 0700-33 /2021, 0700-5/2022).

! Asking about family planning at a job interview represents discriminatory conduct

The school inspectorate informed the Advocate that in the inspection supervision of the procedure for selecting the principal of a high school, possible discrimination was detected in the conduct of the school council, when selecting the new principal. The inspectorate found that the school council asked one of the candidates if she was planning to have another child in the selection process. Another candidate has been selected as the principal. In the discrimination investigation procedure, the Advocate confirmed that the council really asked the candidate the question about planning a family. With this question, the representatives of the school interfered with the candidate's right not to be asked questions concerning the personal ground of parenthood in the employment procedure. The prohibition to ask such questions is expressly stated in Article 28 of the Employment Relationships Act, which stipulates that the employer may not request information from the candidate about their family or marital status, pregnancy, family planning and other data if they are not directly related to the employment relationship. Importantly, it is forbidden to ask the question about family and child planning, as it is inevitably related to the personal grounds of the candidate for employment. The Advocate submitted a proposal to the competent Inspectorate for Education and Sports for the implementation of inspection and minor offence proceedings. At the beginning of 2023, the Inspectorate informed the Advocate that the matter had become obsolete (Decision No. 0700-7/2022 of 19 July 2022).

! Discriminatory job advertisement in the public sector

The Advocate was acquainted with a job advertisement, which set a certain age of candidates as an eligibility criterion. On the same day, the advertisement was changed to no longer contain the age requirement. In the commentary, it was stated that the change was the result of a notification of the inadmissibility of age restrictions on candidates. Considering the above (that is, the awareness of the violator of the unlawful conduct and of the immediate elimination of the violation), the Advocate did not initiate the discrimination investigation proceeding, but reminded the offender of due course and of the constitutional and legal provisions making such an advertisement legally inadmissible (0700-30/2022).

Allegedly discriminatory job advertisement

On the basis of an anonymous complaint and a complaint submitted by a third party, the Advocate addressed ex officio an allegedly discriminatory advertisement for the position of receptionist – administrator (m/f), published on the website of a dental company. Among the characteristics that the company expected from the candidate for the position, neatness and a pleasant physical appearance was listed. In the complaint, both complainants considered the pleasant physical appearance condition to refer to a particular physical appearance of an individual as a condition for employment at the workplace. In the procedure, the Advocate checked whether the physical appearance in the case of the disputed advertisement represents a personal ground under the PADA or whether it is primarily the matter of free choice of the individual. Physical appearance could represent a personal ground according to the PADA, namely a set of several personal characteristics, conditions or characteristics of an

individual, such as gender, race or ethnic origin, age, disability... These characteristics are congenital or acquired. Most of them cannot be easily changed by the individual or are significantly related to their identity or self-image. Part of the acquired personal characteristics, however, can certainly be adapted to the requirements of the workplace – especially orderliness or neatness. This part of the physical appearance is not considered by the Advocate as a personal ground within the meaning of the PADA, but as a matter of an individual's free choice or a characteristic that an individual can influence. Due to the lack of essential elements of discrimination, the Advocate stopped the ex officio discrimination investigation procedure by a decision (0700-25/2022/9).

1.4 Advisory, informing and support activities

! Determination of criteria for the payment of Christmas bonus

The Advocate provided advisory in several cases regarding the criteria for determining the amount of business performance bonus. The clients were informed that several decisions were issued on the subject. The Advocate invited them to report the alleged discrimination and to substantiate the allegations with as much evidence as possible. In 2022, the Advocate initiated a number of cases of discrimination investigation linked to Christmas bonuses (0702-307/2021, 0702-308/2021, 0702-309/2021, 0702-311/2021, 0702-315/2021, 0702-316/2021, 0702-319/2021, 0702-1/2022, 0702-4/2022, 0702-6/2022, 0702-10/2022, 0702-24/2022, 0702-67/2022, 0702-69/2022).

! Termination of the employment contract of a pregnant worker

The Advocate was contacted by a pregnant worker who expects the termination of her employment contract for an indefinite period of time, as during the temporary lay-off due to the impact of the epidemic, the employer abolished her workplace. She stated that she was aware of the fact that the employer was not allowed to dismiss her one month after the expiry of maternity leave. She also explained that the employer has put out a fixed-term job for which she is eligible. The Advocate presented to the client the framework of protection under labour law. The client was informed that if according to their opinion, the termination of the employment contract was not justified, they can file a lawsuit against the termination of the employer within 30 days from being served the termination before the competent labour court. The Advocate called on the client to contact the Advocate again if additional assistance is needed (0702-300/2021).

! The issue of unavailability of media content for the sensory impaired

The Advocate was approached by a client who alleged discrimination in the access of persons with sensory impairments to media content. It bothered her that the broadcast, which was intended for the deaf, was not subtitled or translated into the Slovenian sign language. The Advocate explained to the client that the relevant area in the Slovenian legal order is insufficiently regulated, but a recommendation for improving the situation regarding the accessibility of media content has already been issued. The client was also informed about a new regulation under the Audiovisual Media Services Act, which requires media service providers to adopt a plan to improve the accessibility of content by the end of 2022 (0702-26/2022).

! Termination of employment due to pregnancy

The Advocate was approached by a client regarding the unlawful termination of the employment contract due to pregnancy. The Advocate informed the client about the labour law framework relating to dismissal, emphasizing in particular Article 115 of the ERA-1, which provides special protection to pregnant workers, workers breastfeeding a child younger than 1 year as well as parents during parental leave. During this time and in the aforementioned cases, the employer may not perform any actions that are necessary for the termination of the employment contract or for the employment of a new employee. The Advocate referred to one of the judgments of the Supreme Court. He further explained to the client that the equality body can advise them as regards the termination of the employment contract within the scope its competence in terms of compliance with antidiscrimination regulations, while other issues fall within the competence of the labour inspectorate. The client was further invited substantiate her statements, however the client did not decide to continue the proceeding (0702-105/2022).

! Comments from superiors regarding pregnancy

The Advocate was approached by a client with the question of whether the comments of her future boss regarding her pregnancy can be considered discriminatory. The Advocate explained to the client the framework of the protection against discrimination in employment relationships based on pregnancy, maternity and parenthood. The client was further explained that her case could be a question of discrimination in the form of harassment. The client was explained both the subjective and the objective component, which must be given in order for the Advocate to confirm this form of discrimination in a discrimination proceeding. The client did not choose to initiate the procedure (0702-114/2022).

! Alleged discrimination on the grounds of maternity and care for a child with a disability

The Advocate was approached by a client who claimed that they suffered discrimination on the grounds of gender at the workplace. At the time of returning to work after maternity leave, the client submitted an application to the employer for part-time work due to the care of a newborn who needs special care. A client's colleague was supposed to check with employees in other departments whether they could reject such request and predicted that they will try to "trick" the client by setting a working schedule in shifts. The Advocate explained to the client that on the basis of their allegations, it can be concluded that the said unauthorized employee harasses her at the workplace, but that at the same time it cannot be concluded from the presented facts that the management or employer discriminates against her. The Advocate therefore advised the client to inform the superior person with whom they agreed on the possibility of performing part-time work about their distress, and to inform the company's management about the conduct of their colleague, who shows elements of harassment at the workplace. At the same time they can notify the employer of the duty to ensure of safe working conditions for the employees, which stems both from the Employment Relationships Act and the Protection against Discrimination Act (0702-125/2022).

! Alleged gender discrimination in promotion at work

The Advocate was approached by a client who alleged discrimination in promotion to a higher position because she is a woman. She explained that the management first recognized her as a suitable candidate for a senior position and prepared a training plan for her. In the end, the contract was not signed, on the contrary, she was removed from her new job because she was recognized as an unsuitable candidate. The post was occupied by a man. The Advocate explained to the client that in order to initiate the discrimination investigation procedure, letters,

documents or other evidence that would show that the cancellation of the promotion was influenced by the personal ground of gender are needed. The client failed to respond to the Advocate's call (0702-144/2022).

! Discrimination on the grounds of singleness

The Advocate was approached by a client regarding the treatment of a single person at the workplace. In the case of an employer that is considered a family-friendly company, employees with a family should have priority in taking annual leave. Single employees are not be able to take annual leave during school holidays, while during the summer holidays they have a limited choice in terms of selecting leave dates. The client also indicated other examples of the employer's restrictions on the use of leave, which do not apply to employees who have a family. The Advocate explained to the client that in its case, discrimination could occur if due to the employer's prioritisation of people with children, they were left without an equal right to use the annual leave. The Advocate invited them to submit a complaint which the client did not do (0702-167/2022).

! Discrimination based on trade union activity

The Advocate received a public letter from a trade union on discrimination and harassment of employees in one of the industries and violations of their trade union rights. The letter described the behaviour of employers who made access to employment contracts, labour rights, promotions and other benefits conditional on leaving or not joining the trade union. In the reply to the trade union, the Advocate stated that trade union freedom is protected by Article 76 of the Constitution, the International Labour Organization Convention No. 98, the European Convention for the Protection of Human Rights and Fundamental Freedoms as well as the Labour Relations Act. In view of the above, trade union membership is explicitly recognized as a protected personal ground even under the PADA, and discrimination based on trade union membership or trade union activity is prohibited. In the explanation, the Advocate pointed out that the employer is obliged to ensure protection against discrimination and provide a work environment without harassment, which is one of the forms of discrimination. The trade union was invited to submit a complaint in specific cases of suspicion of discrimination and presented with the course of proceedings before the Advocate. The Union did not respond to the Advocate's advisory (0702-182/2022).

State aid to the mother of severely disabled children

The Advocate was approached by the mother of two severely physically disabled children with cerebral palsy. The children need special and constant care, so she receives a partial payment for lost income under the Parental Protection and Family Benefits Act. This benefit is lower than the minimum wage. At the time of the adoption of the Personal Assistance Act (PAA), as part of the public debate, she proposed that personal assistance should also be provided for parents who care for two or more children with special needs who require special care and protection. The client was not satisfied with the offer of home assistance from one of the institutions. The Advocate addressed a special query to the MLFSAEO regarding this specific case. On the basis of the reply received, it was explained to the client that the most appropriate form of assistance to her family is home assistance. It was also suggested to the client that they could supplement home assistance with other possible services, e.g., by voluntary organisations. The Advocate also proposed to approach the contractor within the public social security network of training institutes and to arrange for the day-to-day care of the twins. In this way, she could be actively integrated into the labour market, and children would benefit from wider socialization (0702-54/2021).

Suspicion of unequal treatment of the father in the guardianship of minor children

The Advocate was approached by the father of two minor children, who, in the event of their enrolment in a school, alleged discrimination on the ground of gender by several institutions. Both the kindergarten and later two schools, as well as the social work center and the health center, were supposed to act biased, as in the process of enrolment in school, they consulted only with their mother, and not (sufficiently) with him as their father. The father of the children claimed that he could not get rid of the feeling that also in his case there was a general discrimination against fathers compared to mothers. The Advocate explained to the client that the presentation of the situation did not show any facts justifying the presumption that the said institutions had discriminated against him as a parent of the children. The Advocate assessed that the client had generalized the conduct of institutions to soon based on the presumption of general discrimination against fathers, while presenting insufficient data that could confirm such a presumption. Regarding individual institutions and the conduct of their employees, which may in some cases be professionally inadequate, the Advocate has no competence (0702-255/2021).

Alleged unprofessional treatment of a resident of a residential community

The Advocate was approached by a social worker on behalf of a person using a wheelchair. She sent the request for help of the person concerned to the Advocate because the institution wants to evict them from the apartment. The explanation of the institution shows the user to be a difficult person who does not cooperate with professional workers in finding solutions. The institution assessed that the person is not suitable for living in a residential community, so at the end of last year they excluded them from their programme. The user was found suitable alternative accommodation with an elevator and adequate accessibility, but refused to relocate. A court proceeding for eviction was initiated against them, which has not yet been completed. The social worker describes the conduct of the institution as professionally inappropriate. The Advocate explained to the social worker that no potential discrimination could be recognized in the case, rather it is an issue of professionalism of the conduct by the institution, which is primarily the responsibility of the Social Inspection and the Social Chamber of Slovenia (0702-285/2021).

Right to partial salary compensation due to physical impairment/disability

The Advocate received a letter from an individual who explained that they live with a 100 % physical impairment. He is employed part-time and receives a "disability pension allowance" for the "remaining half", in fact it is a partial wage compensation. If he retires in ten years, he will receive the total amount of EUR 700 per month according to the calculation of the old-age pension. While in the case of an immediate full disability pension, which according to his opinion he qualifies for, he would receive the total amount of EUR 1,000 of disability pension for the rest of his life. He considers that an "anomaly in the methodology of calculating disability or old-age pensions" exists according to the applicable Pension and Disability Insurance Act (PDIA-2). The Advocate sent an inquiry to the Institution for Disability and Pension Insurance and found that the individual actually achieved a change in his situation through rehabilitation – a different category of disability. Potential discrimination cannot, however, be based on a comparison of persons in different situations – such as, on the one hand, persons in employment with disabilities and, on the other hand, persons with disabilities who are incapacitated. On the basis of the reply by the Institution for Disability and Pension Insurance, he explained to the client that the right to partial compensation does not constitute a partial disability pension. A person with a disability who is employed part-time and receives partial compensation for the "remaining half" is not partially retired on grounds of disability (0702-304/2021).

Privileged treatment of women with children under three years of age is not discrimination

The Advocate received a request for an opinion on the discriminativeness of the termination of the employment contract. The individual stated that they were dismissed for business reasons, although they have a child less than three years old. He pointed out that the collective agreement protects only mothers who have children up to the age of three from termination of employment. He asked if in this case discrimination on the basis of gender occurred. The Advocate explained to the client that labour and social protection regulations have a number of provisions that place mothers in a more favourable position or provide them with special protection. Such provisions governing special protection do not necessarily constitute discrimination against men, but confer certain advantages on women, while the benefits must be reasonably justified and must not go beyond what is justified by the reason for which they are given. The Constitutional Court also took the view that it is permissible to differentiate on the basis of gender, which serves to establish actual equality between men and women where there are otherwise objective biological or functional differences between them. The Advocate explained to the client that special protection of mothers with young children is justified, as long as studies and analyses confirm the actual gap between men and women in childcare (0702-5/2022).

The issue of how to calculate the income of family members in the assessment of entitlement to rights from public funds

In a letter to the Advocate, a client presented the problematic character of the statutory method of calculating the incomes of family members (especially partners) in the decision-making procedures of social work centres on entitlement to certain rights from public funds, in particular to social welfare benefits, such as financial social assistance and income support, and covering contributions for compulsory and complementary health insurance. On the basis of their own case, the client presented the situation of permanently unemployed persons with disabilities who are married or in a partnership and compared it with the situation of permanently unemployed persons with disabilities who are single. The Advocate explained that the issue brought up by the client is not a question of discrimination, as the client compares two groups of persons who are not in comparable situations. Based on the diversity between them the differentiated treatment by social work centres is justified (0702-60/2022).

Suspicion of irregularities in the procedure of obtaining the opinion of occupational, transport and sports medicine regarding the classification in the category of disabled persons

The Advocate was approached by a client who alleged discrimination due to disability by the Pension and Disability Insurance Institute and a doctor specializing in occupational, transport and sports medicine. After a car accident in which she suffered certain injuries, she was classified by the Pension and Disability Insurance Institute into the third disability category, and she was granted the right to work in another workplace with restrictions and part-time work. The client disagreed with this decision and with the opinion of the doctor, which was the basis for the decision, and challenged it with legal remedies. The Advocate explained to the client that the decision of the Pension and Disability Insurance Institute regarding the category of disability and reasons for it, and what restrictions and working hours are applied, does not in itself constitute discrimination on the ground of disability (0702-70/2022).

Alleged differences in salary based on age

The Advocate was approached by a client regarding an alleged discrimination in relation to the difference in basic salaries of workers, although according to the systematization, they work at the same workplace. The Advocate explained to the client that provisions on the amount of salary are a negotiable category when concluding employment contracts in the private sector, so the difference in salary does not necessarily represent discrimination. The Advocate called on the client to supplement the complaint if convinced that the difference in salaries is a result of unequal treatment based on one of their personal grounds. The client failed to supplement the complaint (0702-120/2022).

Alleged discrimination in the payment of business performance bonus linked to the annual work assessment

The Advocate was approached by a client, who stated that the payment of the business performance award in the company depends on the assessment of the employee's work. However, due to part-time working hours, a client who is partially disabled cannot receive a higher grading than "good". The Advocate explained to the client the difference between the business performance and work performance award and made the client aware of their position, namely that an employee working part-time is not entitled to the full amount of business performance award of the company, but (at most) to half of the amount. As a result, in accordance with Article 4 of the PADA and the first paragraph of Article 6 of the PADA, the Advocate found that unequal treatment of part-time workers compared to full-time workers does not constitute (direct) discrimination, as these are two different categories or two different situations of workers depending on the scope of working time based on the employment contract (0702-161/2022).

Continuing to work as a teacher after a long illness

The Advocate was approached by a client whom the employer prevented from returning to work as a teacher after a long-term illness (a person with category III blindness), which was her job before the illness. After examining the case, the Advocate confirmed the employer's finding that a person with disabilities in the given circumstances needs certain working accommodations, which however cannot be determined by the employer itself, but by a qualified institution. For this purpose, however, the status of a person with a disability must be clearly demonstrated, or the permanent consequences of the physical impairment or illness must be established by a decision of a competent authority. Only on such basis certain rights will be granted to such person, which the employer will have to respect. Hence, the Advocate advised the client to initiate the procedure for obtaining such status or decision of the competent authority in order to clarify its situation (not only regarding rights related to the employment relationship, but also other rights to which persons with disabilities are entitled) (0702-171/2022).

Eligibility for the annual pensioners' supplement for a partially employed person

The Advocate was approached by a client who claimed to be in a disadvantaged situation as Pension and Disability Insurance Institute did not pay her the annual supplement that all pensioners are entitled to. Due to her illness, the client is employed part-time and partially retired on grounds of disability. She expressed the opinion that she should be entitled to the annual supplement, albeit in part. As a result, she believes that she suffered discrimination as her right to something that should belong to her has been violated. The Advocate explained to the client that her situation is not the same as that of pensioners, since in fact, she is not partially retired. Her working capacity is reduced due to a chronic illness (or disability), and as a result she is entitled to a partial compensation. This benefit is granted to the insured person

in accordance with the Pension and Disability Insurance Act (PDIA-2) in proportion to their work inactivity from the amount of disability pension that the insured person would be entitled to on the day of becoming incapacitated. However, this benefit does not have the nature of a partial retirement pension, nor does it replace a pension, but has the character of a salary compensation (as the Constitutional Court has already explained in one of its decisions). Therefore, since the client is not actually "partially retired", they are not in a comparable situation with persons who are actually retired (also partially). Since the situations are not comparable, the customer's ineligibility for the annual supplement does not constitute discrimination (0702-226/2022).

1.5 The Advocate's Cooperation with the MLFSAEO

Meeting of the Head of the Advocate of the Principle of Equality, Miha Lobnik, with State Secretary, Simon Maljevac



At a meeting with the State Secretary at the MLFSAEO, Simon Maljevac, the Head of the Advocate of the Principle of Equality, Miha Lobnik, reiterated his recommendation to the Ministry that the Government should establish a government body responsible for the planning and implementation of anti-discrimination policies.

On 19 July 2022, the Head of the Advocate of the Principle of Equality, Miha Lobnik, presented the Annual Report for 2021 to the State Secretary, Simon Maljevac. During the presentation of the work, they also addressed the previous recommendations by the Advocate aimed at the improvement of protection against discrimination and current challenges in this field.

Miha Lobnik informed the State Secretary about the recommendation that the Government should designate or establish a government body responsible for the planning and implementation of anti-discrimination policies and involved in the implementation of strategies at European level.

At the meeting, the Head of the Advocate presented the conclusion resulting from the discrimination assessment that solidarity aid at the birth of a child is discriminatory, as it is unjustifiably limited only to persons with permanent residence in Slovenia. He pointed out the discrimination of different groups of children with disabilities in childcare allowances arising from the Pension and Disability Insurance Act. Moreover, he drew attention to the need to ensure accessibility of media content for people with disabilities, as minimum standards in this area should have been adopted by 2011.

The State Secretary Simon Maljevac explained that the Ministry is aware of the challenges in the field of protection against discrimination and that some of these matters have already been addressed.

THE ADVOCATE HIGHLIGHTS**Article 66 of the Constitution of the Republic of Slovenia
(Security of Employment)**

The state shall create opportunities for employment and work, and shall ensure the protection of both by law.

Expert Council on Gender Equality (ECGE)

At the initiative of the MLFSAEO, the Advocate proposed a representative in the ECGE, a consultative body of the Minister for Labour, Family, Social Affairs and Equal Opportunities, which will participate in the development of policies to foster equality in society. On 15 December 2022, the ECGE held its first meeting. At the meeting, the report of the National Conference on Prevention and Response to Violence against Women in Slovenia was discussed. Additionally, the participants got acquainted with the draft Resolution on the National Programme for the Prevention of Domestic Violence and Violence against Women, key projects by the Ministry, and discussed initiatives for measures aimed at preventing violence against women and domestic violence.

Inter-ministerial workgroup to monitor the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

The Inter-ministerial workgroup did not meet in 2022.

Cases of discrimination considered – Labour Inspectorate of the Republic of Slovenia

In its reply, the Labour Inspectorate of the Republic of Slovenia stressed that records or databases are not kept by the cases considered, but by the established violations of the provisions of labour law, which applies also to violations of the prohibition of discrimination. Moreover, the Labour Inspectorate does not keep any records with regard to personal grounds that led to discrimination.

In 2022, the Labour Inspectorate recorded 14 cases of violations of the principle of non-discrimination (under Article 6 of ERA-1 and in one case also a violation under the PADA). In all cases, the violations of the principle of non-discriminations affected employed workers.

13 cases concerned remuneration from an employment relationship paid to workers in varying amounts or timescales. In one case, however, discriminatory behaviour related to a different amount of annual leave granted.

In eight cases, workers were paid a salary or holiday bonus in different amounts or at different times. One case pertained to the personal ground of disability.

The Labour Inspectorate addressed three cases of violations of Article 6 of ERA-1 and the PADA regarding the assessment of the amount of the business performance bonus or part of the salary. The personal grounds of workers were health status, parenting and disability.

In the cases of established violations of the prohibition of discrimination, the inspectors took the following measures:

- Issued a warning based on Article 33 of the Inspection Act (in four cases);
- Issued a recorded warning based on Article 53 of the Minor Offences Act (in four cases);
- Issued a decision establishing minor offense with a caution based on Article 21 of the Minor Offences Act (in five cases); and
- in one case, the inspector initiated a minor offense proceeding at the end of 2022, which, however, was not completed by the date of this Report.

In 2022, the Advocate referred six cases of identified discrimination to the Labour Inspectorate. In one case of violation, the minor offence procedure was not initiated by the Inspectorate, as the company amended the contested policy appropriately in the meantime, and in five cases the decision of the inspectorate has not yet been taken.

Table: Overview of the data made available by the Labour Inspectorate regarding the addressed cases of discrimination – comparison between 2017, 2018, 2019, 2020, 2021 and 2022*

Inspection service	Complaints received 2017	Cases of identified discrimination 2017	Complaints received 2018	Cases of identified discrimination 2018	Complaints received 2019	Cases of identified discrimination 2019	Complaints received 2020	Cases of identified discrimination 2020	Complaints received 2021	Cases of identified discrimination 2021	Complaints received 2022	Identified cases of discrimination 2022
Labour Inspectorate	/	11	/	17	/	16	/	12	/	31	/	14

*When the inspectorates responded by stating no complaints were received, the number 0 was given.

If no information is available or the inspectorate has not responded, the field is marked with a slash (/).

2 MINISTRY OF FINANCE (MF)

- 2.1 Assessment of the discriminativeness of regulations
- 2.2 Recommendations by the Advocate to the MF
- 2.3 Determining discriminatory practices
- 2.4 Advisory, informing and support activities
- 2.5 The Advocate's Cooperation with the MF

2.1 Assessing the discriminativeness of regulations

According to the Advocate, the taxation of severance pay of persons related to employers is not discriminatory

The Personal Income Tax Act (PITA) stipulates that severance pay upon termination of the employment contract up to the amount of ten average monthly salaries is not subject to taxation, which does not apply to severance pay paid to employees who are related to the employer. At the inquiry of the Advocate, the Ministry of Finance (MF) explained that such regulation stems from the basic principles of taxation of related parties. The MF considers that although this objective can be achieved without a specific anti-abuse rule, however in such cases, the factual situation is difficult to prove in the tax procedure. According to the Advocate, these provisions are not discriminatory. In order to establish discrimination, it must first be confirmed that the less favourable treatment regime puts people with certain personal grounds at a disadvantage. The status of a related person is not a personal ground within the meaning of the PADA. Related persons include certain family members of the employer who are employed by the employer, as well as other legal and natural persons, who are subject to capital or ownership control by the employer. In addition, the Advocate assessed that workers, who are related persons, are not in a comparable situation with workers who are not related to their employer within the meaning of family or control function. They may therefore be subject to different rules on the taxation of severance pay (050-4/2022/12).

2.2 Recommendations by the Advocate to the MF

In 2022, the Advocate did not issue any recommendations within the field of competence of the MF.

2.3 Determining discriminatory practices

In 2022, the Advocate did not issue any decisions dealing with discrimination investigation within the field of competence of the MF.

2.4 Advisory, informing and support activities

In 2022, the Advocate did not handle any cases of advisory within the field of competence of the MF.

2.5 The Advocate's Cooperation with the MF

In 2022, the Advocate was not engaged in direct cooperation with the MF.

3 MINISTRY OF ECONOMIC DEVELOPMENT AND TECHNOLOGY (MEDT)

- 3.1 Assessment of the discriminativeness of regulations
- 3.2 Recommendations by the Advocate to the MEDT
- 3.3 Determining discriminatory practices
- 3.4 Advisory, informing and support activities
- 3.5 The Advocate's Cooperation with the MEDT

3.1 Assessing the discriminativeness of regulations

Conditioning some discounts upon the use of a mobile application is not discriminatory

The Advocate of the Principle of Equality found that a trading company did not discriminate against customers based on their personal grounds of age, disability and financial situation, when the entitlement to certain discounts was tied to the use of a special application for smartphones. According to the Advocate, the applied way of doing business is appropriate and the only possible for adjusting the offer to the individual consumer, which is a legitimate goal of the trading company (Decision No. [0700-28/2022/12](#) of 17 November 2022).

3.2 Recommendations by the Advocate to the MEDT

Consumer Protection Act (CPA-1, EPA 180 - IX) (addressed to the National Assembly)

Recommendations ([0700-40/2022/1](#)):

1. The MEDT should include a clearer provision prohibiting discrimination against consumers in the draft act.
Status: **Not taken into account.**
2. The MEDT should include in the Act obligations to ensure accessibility in communication for consumers with disabilities in appropriate languages and scripts.
Status: **Not taken into account.**
3. The MEDT should include in the Act a prohibition of any advertising that encourages inequality or intolerance and hatred.
Status: **Not taken into account.**

3.3 Determining discriminatory practices

! Public transport operator discriminates on the basis of religion or belief – repeated procedure

Based on a complaint, the Advocate initiated discrimination investigation proceedings in 2019 in which it was found that a particular institute was discriminated against by the Ljubljana public transport in terms of a unilateral suspension of their advertising campaign. The advertisements in buses in which the institute informed the public about their counselling services, was

removed prematurely by the public transport company only because some bus users expressed their disagreement on social network that advertisements of an institute, which, among other things, opposes the right to induced abortion, are allowed on buses. As the Advocate noted, the content of the advertisement was not disputed by the public transport company at the beginning of the advertising campaign. The removal was the result of controversies, which began later, and which problematised the belief and commitment of the institute as the advertiser. Hence, the Advocate found that the public transport company discriminated against the institute by the early removal of the advertisements on the basis of the personal ground of religion and belief, which is the basis for the activity of this institute. The public transport company disagreed with the Advocate's finding and filed an action with the Administrative Court. At the end of 2021, the Court upheld the action and returned the case to the Advocate for reconsideration. In the repeated proceeding, the Advocate, in accordance with the instructions by the Court, obtained additional information from the parties to the proceedings and again confirmed the occurrence of discrimination. But again, the alleged violator filed an action against the Advocate's decision from the repeated proceeding with the Administrative Court. The proceeding is still pending (Decision No. 0700-2/2019/98 of 16 June 2022).

! The arrangement of granting free ski passes to students by the municipality is discriminatory

As one of the criteria for obtaining a free ski pass for students who have permanent residence in the municipality, the Municipality of Kranjska Gora laid down the date of registration of permanent residence in the municipality. Due to this criterion, not all students with permanent residence in the municipality were entitled to a free ski pass. The Advocate found that this differentiation was unjustified and that some students were discriminated against on the basis of the personal ground of the place of residence on the day of registration of their residence in the municipality. The Advocate submitted a proposal to the Market Inspectorate for the initiation of an inspection and minor offence proceedings. The minor offence proceeding is still ongoing. The alleged infringer brought an action before the Administrative Court against the Advocate's decision. The procedure is still ongoing (Decision No. 0700-53/2020/15 of 11 April 2022)

! The Advocate found discrimination against the Roma in catering services

The Advocate of the Principle of Equality found that three guests were discriminated against in a catering establishment in the area of Murska Sobota on the basis of their personal grounds of nationality or ethnic origin. The waitress informed them they will not be served because they were Roma. The duly authorised lawyer of the catering establishment explained to the Advocate only that the waitress refused to serve the guests because she was convinced that one of them was involved in a physical attack on her and a fight in the days prior to their visit to the establishment. The Advocate made an inquiry with the local police administration and learned that none of the three unserved guests were in the bar at the time of the said fight. The Advocate thus concluded that by refusing to serve the three guests solely because they are Roma, the catering establishment violated the prohibition of discrimination in the field of offering goods and services to the public, based on the personal ground of nationality or ethnic origin (Decision No. 0700-8/2022/48 of 19 December 2022).

In this case, no discrimination was established in opening a bank account

A Slovenian citizen of Chinese descent born in Austria filed a complaint with the Advocate. Since his birthplace is not in Slovenia, he had problems opening a bank account with one of the banks as part of a digital package that the bank offered to their future clients. In the proceedings, the Advocate investigated whether the bank discriminated against the applicant

based on his place of birth. In the proceedings, the Advocate found that the bank's terms and conditions as such are not discriminatory. However, the conduct of the bank's staff communicating with the complainant was questionable. Initially, the branch employees failed to open a bank account as part of the digital package. Finally, following the complainant's clarification, it turned out that the most likely reason for this was the digital nature of the banking package itself. In addition, the bank argued that the applicant's place of birth had no effect on the problems, and on the other hand, that this particular personal ground represented a risk factor, the assessment of which the bank had to carry out due to the obligations imposed by the Prevention of Money Laundering and Terrorist Financing Act. Since the complainant, after a persistent effort, managed to conclude a contractual relationship at the bank's branch office for the opening of the desired bank account, he withdrew the complaint, and the Advocate closed the procedure with a decision on its suspension (0700-26/2022/18).

3.4 Advisory, informing and support activities

! Cheaper benefit card for local residents

The Advocate was approached by the Municipality of Kranjska Gora, which set a different price of the Benefit Card for visiting the sports complex for local residents and for the rest of the visitors. The municipality was concerned about the introduction of such a price list in terms of protection against discrimination. The Advocate explained to the municipality that such a benefit may constitute discrimination against residents of other municipalities, unless consistent with the proportionality test. The legitimate objective of such a measure must be given and the measure taken must be an appropriate, necessary and proportionate in terms of achieving the legitimate objective. The Advocate welcomed the proactive actions of the municipality and issued a non-binding advised to reconsider whether such a measure would be proportionate (0702-14/2022) in terms of the envisaged significant difference in the prices of the benefit card.

! Refusal to publish an advertisement with LGBTIQ+ content on public transport

The Advocate received a note from the Association, which seeks to empower LGBTIQ+ individuals and communities. Representatives of the association stated that in order to advertise on buses, they sent an advertisement to the advertising provider with which they had previously cooperated, which the company rejected due to the risk of causing a more pronounced polarization among public transport users. The Advocate suggested to the Association that if they still want to cooperate with the respective advertising provider, they should amend the advertisement in such a way that the content will comply with the general terms and conditions of this advertising company. However, if they consider that the company acted in a discriminatory manner, they can submit a complaint. Namely, the PADA also provides for the protection of associations and other legal entities from discrimination if the personal grounds that could be the basis for discrimination relate in substance to these legal entities. The Association did not submit a complaint (0702-22/2022).

! Language in citizens' dealings in areas where the Italian and Hungarian national communities live

The Advocate was approached by an individual who wished to open a fiduciary current account at a bank in Izola. He said that as a member of the Italian minority in Slovenia, he had difficulties in communicating with employees. He asked the staff member for help in filling out the form in the Slovenian language. They answered that being a Slovenian citizen he should deal with the form on his own. The Advocate pointed out as part of an advisory procedure that in areas where the indigenous Italian or Hungarian national communities live, companies must also

operate in the minority language. The client was invited to submit a complaint. Since the client is a member of a national minority, the Advocate informed them that they can submit applications in the Italian language even outside the bilingual area, whereby the authority outside this area operates exclusively in the Slovenian language, but must, at its own expense, translate the client's applications and enable them to follow the procedure with the help an interpreter if an oral hearing takes place (0702-71/2022).

! Refusal to open a personal account for student work can represent discrimination

The Advocate was approached by a client regarding the possibility of opening a personal account for student work, although they are still waiting for the approval of the extension of their student visa. The Advocate informed the client that the bank may not reject the request to open a basic payment account. The Payment Services, Services for Issuing Electronic Money and Payment Systems Act stipulates that a bank may not differentiate a consumer legally residing in the EU based on their personal grounds (0702-92/2022).

! Refusal to open a personal bank account for a citizen of a foreign country can represent discrimination

The Advocate was approached by a client, who claimed that several banks in Slovenia rejected her request to open a personal bank account due to citizenship. She is a foreigner but has permanent residence in Slovenia and is employed based on an employment contract for an indefinite period of time. The Advocate advised the client to lodge a complaint. In the complaint facts should be presented and demonstrated as to justify the presumption that a particular bank has violated the prohibition of discrimination. The presented conduct of the bank should show that the refusal to open a bank account was based on the client's citizenship. This can be demonstrated by certain documents, electronic communication or written statements of staff members, and in the case of oral communication, by indicating potential witnesses. The sole reason of the client's citizenship cannot be a basis for the bank's refusal to open a bank account regardless of whether it is a basic payment or a personal bank account (0702-169/2022).

Is excluding men from activities aimed at promoting women's participation in entrepreneurship discrimination?

The Advocate received a letter from an individual alleging discrimination against men in connection with free counselling for female entrepreneurs, lectures for female entrepreneurs and a project to connect female professionals. In the letter it was stated that there was no need to exclude men in this area. The Advocate replied to the client that, after the preliminary assessment, such activities fill the gender gap, which is particularly pronounced in the field of entrepreneurship. The individual failed to respond to the Advocate's clarification (0702-63/2022).

Renting a real estate property to a person without children

The Advocate received a letter asking whether the publication on the web portal for real estate, which states that the real estate is rented only to a person without children, is discriminatory. The Advocate explained to the client that the lessor may not discriminate in the process of selecting the lessee based on personal grounds, such as parenting (0702-102/2022).

Age requirement when crediting persons for the purpose of constructing a solar power plant

The Advocate received a note from a client who forwarded an inquiry to two companies regarding the construction of a solar power plant, and the companies replied that the age of

the borrower or guarantor at the time of repayment period should not exceed 75 years. The client considers this condition to be discriminatory on the basis of age. The Advocate informed the client about a similar case in which possible discrimination was discussed when one of the banks refused to grant a cash loan due to failure to comply with the age requirement. In the proceedings, the Advocate found that by adopting a Credit Policy according to which, the age limit of 75 years as the maximum age of the borrower at the maturity of consumer credit, the bank did not violate the prohibition of discrimination. However, the Advocate called on the client to submit a complaint if still convinced that discrimination occurred (0702-94/2022 and 0702-302/2022).

3.5 The Advocate's Cooperation with the MEDT

Cases of discrimination considered – Market Inspectorate of the Republic of Slovenia

According to the provisions of PADA, the Market Inspectorate supervises access to goods and services available to the public. Supervision is carried out solely based on received complaints.

In 2022, the Inspectorate dealt with six cases in the field of discrimination, namely in relation to the personal grounds of gender (two cases) and citizenship (one case). In three cases, there were no specific personal circumstances (DCP condition, civil law case falling within the competence of a Court, mobbing).

Of the six cases, the Inspectorate found no discrimination under the PADA in four cases.

Of the six cases, the Inspectorate conducted minor offense proceedings upon a proposal by the Advocate in two cases. In one case, a reprimand was issued (citizenship), and in the other, a fine was imposed (gender).

In 2022, the Advocate referred three cases of identified discrimination to the Market Inspectorate. One case has become obsolete, in the second case a reprimand was issued by the Inspectorate, and in the third case, the decision is still yet to be taken.

Table: Overview of the data made available by the Market Inspectorate regarding the addressed cases of discrimination – comparison between 2017, 2018, 2019, 2020, 2021 and 2022*

	Inspection service	Complaints received 2017	Cases of identified discrimination 2017	Complaints received 2018	Cases of identified discrimination 2018	Complaints received 2019	Cases of identified discrimination 2019	Complaints received 2020	Cases of identified discrimination 2020	Complaints received 2021	Cases of identified discrimination 2021	Complaints received 2022	Identified cases of discrimination 2022
	Market Inspectorate	7	4	3	2	6	0	6	2	8	4	6	2

*When the inspectorates responded by stating no complaints were received, the number 0 was given.

If no information is available or the inspectorate has not responded, the field is marked with a slash (/).

4 MINISTRY OF INFRASTRUCTURE (MoI)

- 4.1 Assessment of the discriminativeness of regulations
- 4.2 Recommendations by the Advocate to the MoI
- 4.3 Determining discriminatory practices
- 4.4 Advisory, informing and support activities
- 4.5 The Advocate's Cooperation with the MoI

4.1 Assessing the discriminativeness of regulations

! According to the Advocate's assessment, the solidarity allowance for the elimination of the consequences of energy poverty from April 2022 does not comply with Article 18 of the PADA

The Advocate assessed that the Act Determining Emergency Measures to Mitigate the Consequences of the Impact of High Energy Commodity Prices, on the basis of which the beneficiaries received EUR 150 of a one-off solidarity allowance for mitigating the consequences of energy poverty in April 2022, does not comply with the provisions on special measures under Article 18 of the PADA. The assessment pointed out that when taking measures aimed at eliminating the less favourable situation of persons with a particular personal ground compared to others who do not have that personal circumstance, it is necessary to adequately justify why someone is receiving privileged treatment. For the assessed act, such justifications were not given, hence the funds were granted to persons who had no need for such aid while not all who based on the personal ground of property status and energy poverty needed them. The Government was recommended to justify the categories of beneficiaries of allowances when granting similar benefits in the future through analyses ([050-10/2022/6](#) – assessment, [050-7/2022](#), [050-8/2022](#)).

4.2 Recommendations by the Advocate to the MoI

Act Determining Emergency Measures to Mitigate the Consequences of the Impact of High Energy Commodity Prices⁷ (addressed to the Government)

Recommendation ([050-10/2022/7](#)):

1. The MoI should amend the Act as to justify the categories of allowance beneficiaries through analyses and to take into account their financial situation and actual inability to satisfy their basic energy needs when defining the categories of beneficiaries in the adoption of measures to eliminate the consequences of energy poverty.

Status: **Not taken into account.**

⁷Act Determining Emergency Measures to Mitigate the Consequences of the Impact of High Energy Commodity Prices (Official Gazette of the Republic of Slovenia, No. 29/22). The recommendation was addressed to the Government of the Republic of Slovenia.

4.3 Determining discriminatory practices

! A bank discriminated against the client because of their Cuban citizenship.

Nova kreditna banka Maribor closed the client's personal bank account only because she is a Cuban citizen. As a result, the Advocate found discrimination based on the personal ground of citizenship in access to services. The Advocate submitted a proposal to the Market Inspectorate for the initiation of an inspection and minor offence proceedings. The Market Inspectorate informed the Advocate that the matter had become obsolete. The Bank brought an action against the Advocate's decision before the Administrative Court. The procedure is still ongoing (Decision No. [0700-2/2021/37](#) of 9 March 2022).

! A Syrian citizen living and working in Slovenia has been discriminated against on the basis of their citizenship in the use of financial services

The Advocate was approached by a user of the services of a financial company who claimed that the company discriminated against them. After using the company's services for a year, he was informed that the business relationship with him would be terminated. The financial company explained that the reason was due to being a citizen of a country with a high risk of money laundering or terrorist financing. The Advocate found that financial undertakings only need to exercise greater control over the conduct of clients at higher risk of illicit business. However, no regulation allows them to automatically disable the use of the services by customers solely because of their personal grounds, such as their citizenship. Hence, the Advocate concluded that the company discriminated against the user in the case concerned. The Advocate submitted a proposal to the Market Inspectorate for the initiation of an inspection and minor offence proceedings. The Market Inspectorate informed the Advocate that a warning was issued to the company as a result of the minor offence proceedings (Decision No. [0700-27/2021/21](#) of 9 March 2022).

! The Advocate found discrimination against people with reduced mobility in the case of a new construction

The Advocate found that the Directorate for Infrastructure violated the prohibition of discrimination when upgrading the Grosuplje railway station. As part of the renovation of the railway station, an underpass was built that does not allow people with reduced mobility unhindered access. The Equalization of Opportunities for Persons with Disabilities Act (in EOPDA)⁰⁰ stipulates that discrimination on the grounds of disability in the accessibility to the use of public facilities is prohibited and that public facilities that are being built or reconstructed must be adapted accordingly (Decision No. [0700-29/2022/17](#) of 24 October 2022).

4.4 Advisory, informing and support activities

In 2022, the Advocate did not handle any cases of advisory within the field of competence of the Mol.

4.5 Cooperation of the Advocate with the Mol

In 2022, the Advocate was not engaged in direct cooperation with the Mol.

5 MINISTRY OF EDUCATION, SCIENCE AND SPORT (MESS)

- 5.1 Assessment of the discriminativeness of regulations
- 5.2 Recommendations by the Advocate to the MESS
- 5.3 Determining discriminatory practices
- 5.4 Advisory, informing and support activities
- 5.5 The Advocate's Cooperation with the MESS

5.1 Assessing the discriminativeness of regulations

! The enrolment in music schools is discriminatory against children with special needs

According to the Advocate, the Music Schools Act is discriminatory, as it lacks the provision that children with special needs, who wish to enrol in music school, should be entitled to appropriate accommodations as regards entrance exams. It is only when such adjustments are introduced that these children will be made equal with their peers without disabilities. The Advocate recommended to the Ministry of Education, Science and Sport to eliminate discrimination by amending the legislation ([050-38/2021/18](#)).

! According to the Advocate, the Higher Education Act is discriminatory in the part that stipulates as one of the conditions for admission to subsidized student residence Slovenian citizenship

In the process of assessing the discriminativeness of the Higher Education Act (HEA), the Advocate found direct discrimination based on the personal ground of citizenship in access to subsidized housing of students. The Advocate assessed that the condition of citizenship for admission to one of the forms of subsidized student residence is disproportionate and exclusionary, and thus could indirectly interfere with the right to equal educational opportunities, which is a fundamental human right at both the level of binding international legal acts and the Constitution. The Advocate recommended that the Ministry of Education should prepare an amendment to the Higher Education Act in such a way that all students with permanent residence in Slovenia, regardless of their citizenship, will be eligible for subsidized residence ([050-15/2022/9](#)).

Free kindergarten for second child is not discrimination

The Advocate received a request for the assessment of discriminativeness of the amendment to the Kindergarten Act (KA-G), whereby the state once again granted the right to free kindergarten for a second child when the second child is in kindergarten at the same time as the first child. The proposer asked whether the regulation is not discriminatory against parents who have several children, who however are not in kindergarten at the same time. The personal ground would be the ability of parents to have a second child within a certain period of time after the first. The Advocate found that one of the principles of the Act is "the principle of improving the financial accessibility of kindergartens for parents". When assessing the regulation, a comparison between a family that has one child included in kindergarten at a certain time and a family that has two children included in kindergarten at the same time has to be made. According to the Advocate, such two families are not in a comparable situation, since the first family would have to pay the kindergarten fee for two children at the same time for several years, which would significantly burden the family budget during all this time. The

Advocate found that the proposer compares two legal situations that are not comparable in essential elements, hence the issue does not fall within the scope of protection against discrimination. In view of the above, the Advocate did not carry out a more detailed assessment of the discriminativeness of the respective Act (050-3/2022/3).

5.2 Recommendations by the Advocate to the MESS

Resolution on National Programme of Higher Education 2030 (NPHE, EPA 2421-VIII) (addressed to the NA)

Recommendations (0070-19/2021/4):

1. The MESS should monitor the effective provision of equal opportunities for students with different personal grounds, with a view to effectively plan and implement incentives to ensure equal access and realisation of the right of all to education and obtaining the highest attainable education.
Status: **Not taken into account.**
2. The Ministry of the Interior should ensure the spatial and communication accessibility of all educational institutions, including the establishment of a database on the accessibility of these facilities.
Status: **Not taken into account.**
3. The MESS should introduce special, dedicated scholarships for students with special needs that would be available under the existing scholarship system.
Status: **Not taken into account.**
4. The MESS should promote the training and awareness-raising of teaching staff in the field of human rights exercise and protection against discrimination for the benefit of students with special needs.
Status: **Not taken into account.**

Music Schools Act (MSA)⁸

Recommendation (050-38/2021/19):

1. The MESS should supplement the Act as to add a provision on appropriate accommodations for children with special needs in the enrolment in music schools in the chapter regulating enrolment (Chapter III of the respective act).
Status: **Not taken into account.**

⁸Music Schools Act (Official Gazette of the Republic of Slovenia, No. 81/06 – official consolidated text).

Higher Education Act (HEA)⁹

Recommendation (050-15/2022/10):

1. The MESS was recommended to amend the Act as to remove the condition of Slovenian citizenship from the conditions for admission to subsidized student residence in the chapter regulating subsidised student residence. At the same time, the Ministry should also prepare appropriate amendments to the relevant by-laws.
Status: **Not taken into account.**

Accessibility of Secondary Schools for Persons with Reduced Mobility¹⁰

Recommendations (0709-18/2022/1):

1. The MESS should provide for a methodological and professional analysis of the current physical accessibility of secondary schools; The analysis must be independent, carried out in the field by qualified experts, and periodically updated to ensure that the data are always accurate, credible, and complete.
Status: **Not taken into account.**
2. The MESS should make publicly available the results of the analysis on the accessibility of secondary schools and include it in the lists of secondary schools and in the call for enrolment in secondary schools and students' homes.
Status: **Not taken into account.**
3. The MESS should inform secondary schools and their management in a targeted manner about the importance of ensuring accessibility and their legal obligations in the area of the protection of the rights of persons with disabilities and to provide them with all necessary professional assistance in planning the full physical accessibility of schools.
Status: **Taken into account.**
4. Schools should prepare accessibility improvement plans in which needs should be documented and classified according to the complexity of the adjustment implementation, and the necessary financial resources and time needed should be identified as well. In doing so, they should receive all the necessary professional support on the part of the Ministry.
Status: **Not taken into account.**

⁹Higher Education Act (Official Gazette of the RS, No. 32/12 – official consolidated text, 40/12 – Fiscal Balance Act, 57/12 – Act Amending the Road Transport Act, 109/12, 85/14, 75/16, 61/17 – Act Regulating the Position of Students, 65/17, 175/20 – Act Determining the Intervention Measures to Mitigate the Consequences of the Second Wave of COVID-19 Epidemic and 57/21 – Decision of the Constitutional Court, 54/22 – Student Status Act-1 and 100/22 – Professional and Academic Titles Act).

¹⁰Within the framework of the special report of the Advocate Accessibility of Secondary Schools for Persons with Reduced Mobility. Available at: https://zagovornik.si/wp-content/uploads/2022/07/Pespecialno-porocilo_Accessibility-srednih-sol-za-gibalno-ovirane.pdf

5. The MESS should prepare an investment plan aimed at systematic investment planning. It should be prepared on the basis of an analysis of the spatial accessibility of secondary schools and the collected accessibility improvement plans made by secondary schools. In the process, a transitional solution would be to give priority to those secondary schools which require the least investment and are suitable from the geographical point of view and in terms of the number of programmes implemented (the so-called temporary network of fully accessible schools).
Status: **Not taken into account.**
6. The MESS should prepare an additional separate call aimed exclusively at financing the improvement of the accessibility of secondary schools.
Status: **Not taken into account.**
7. The MESS should actively seek to use of European funds to improve the spatial accessibility of secondary schools, in cooperation with the Government Office for Development and Cohesion Policy and other Ministries at all levels in terms of planning and implementation.
Status: **Not taken into account.**

5.3 Determining discriminatory practices

The Advocate did not find any discrimination in the treatment of a primary school pupil with an individualized programme

The Advocate received a complaint in which the applicant alleged discrimination against their child at school as regards the implementation of primary school education. In the complaint and the submitted enclosures, the complainant explained that their son has the status of a triple special needs pupil, attending education in line with an individualized program (hereinafter: IP). Their son has a speech and language disorder, above-average intelligence and recorded artistic talent, and his IP is prepared on the basis of the decision on the placement by the Institute for Education and the act on talent identification. The complainant alleged indirect discrimination by the teacher, who allegedly improperly implemented the accommodations related to language understanding by the child. In the specific case, the Advocate found that the alleged inadequate treatment of the child in regular classes, more specifically in the internal differentiation of classes, does not constitute direct discrimination under the PADA. In Slovenia, there is no regulation that would regulate in a binding manner specific measures for the treatment of talented students and unify the system of addressing talented students at all primary schools. In the current situation, different schools adapt the methods of working with talented students in various ways. Moreover, the Advocate failed to recognize the causal link between the alleged personal ground of race and disability and the conduct of the teacher ([0700-39/2021/6](#)).

The issue of ensuring interpreters for deaf and hard of hearing students who are included in the regular secondary education program

The Advocate conducted a discrimination investigation procedure regarding the situation of deaf students of Ljubljana secondary schools, who, due to a special set of circumstances at the beginning of the school year 2021/2022, were for a certain period left without interpreters for the Slovenian sign language (SSL). The Advocate conducted the proceedings ex officio on the basis of information obtained from the media. In order to clarify the matter, the Advocate turned to the Ministry of Education, Science and Sport (MESS), the Institute for the Deaf and Hard of Hearing Ljubljana and the Institute of the Association of Slovenian Sign Language Interpreters (Association of Interpreters). During the procedure based on the collected data, the Advocate found that secondary schools have successfully remedied the situation in which

due to the lack of interpreters of the SSL, the implementation of appropriate accommodations for their deaf students was jeopardized. The students were provided with interpreters, who were granted an appropriate payment (at the applicable tariff and in the hope that the Ministry of Education would reimburse them for the costs). Thus, all four schools ensured further prevention of indirect discrimination against six students, who would otherwise be disadvantaged compared to their peers in the educational process due to the lack of SSL interpreters and due to their deafness. As a result of the finding that discrimination against the deaf students of Ljubljana secondary schools was prevented, the Advocate issued a decision suspending the discrimination investigation proceeding (Decision No. [0700-56/2021/13](#) of 18 February 2022).

Exclusion of foreign students in access to lectures could represent a discriminatory conduct

The Advocate received a complaint from a third party for alleged discrimination against foreign students regarding their access to live lectures at one of the faculties. At the beginning of 2022, the management of the faculty sent instructions to professors and students, according to which foreign students are sent to follow lectures remotely, and domestic students were able to follow lectures live in lecture halls. After examining the case, the Advocate found that foreign students were treated unequally compared to domestic students. The faculty explained that the measures were taken rapidly due to information about a more infectious version of the new coronavirus disease. The measures were taken with the best intentions to protect students and employees. However, the representatives of the faculty guaranteed that such messages will no longer occur, as it is in their interest to act as an equal and united community of students and employees. The contested measure was in force for ten days, until the end of the winter semester, and is no longer in force. It was designed as a request or recommendation, explaining that no one was checked when entering the faculty, except for the DCP condition. No one was asked at the door if a person was coming back from abroad and everyone was free to come to lectures. Therefore, as the measure was in force for a short time and is no longer in force, and since the faculty is aware of the inadequacy of the notification and ensures that such notifications will no longer occur, the Advocate decided that the implementation of a discrimination investigation procedure is not reasonable ([0700-6/2022/6](#)).

5.4 Advisory, informing and support activities

! Reasonable adaptation of nutrition in kindergarten for religious reasons

The Advocate was approached by a client regarding the nutrition of her daughter in kindergarten. Because of her religion, she does not want her daughter to eat certain types of meat, gelatine and margarine. The kindergarten has accepted reasonable adjustments, but occasionally it happens that all constituents of a meal contain meat. Because of this, her daughter cannot eat anything and remains hungry. The Advocate replied to the client that in the case of her daughter, the possibility of indirect discrimination against the child due to religion is perceived in terms of provision of nutrition in kindergarten. The client was advised to seek an agreement with the management of the kindergarten on a reasonable accommodation, on the basis of which a solution could be found. If the kindergarten failed to respond to her proposal or was not willing to reach an agreement, the Advocate advised the client to submit a complaint with the equality body. The client did not indicate whether an appropriate solution was found, however no complaint was received from this client ([0702-297/2021](#)).

! The question of the special title of doctors who graduated in third countries

The Advocate received a letter from an individual explaining the situation of doctors who graduated in non-EU countries. In addition to the professional title, the country of their education should be stated which should remain so until the end of their professional career even if they have passed the specialization and specialist exam in Slovenia. Doctors who were granted the recognition of education in the period 2011–2014 should be treated in the same way. The Advocate asked the competent ministries for clarification and found that Article 19 of the Draft Act Amending the Assessment and Recognition of Education Act was amended in the inter-ministerial coordination and provided only for the stating of the original professional title in accordance with the regulations of the country of education without specifying the country itself. This would resolve the problem brought up by an individual who approached the Advocate that could otherwise be regarded as indirect discrimination on the basis of the personal ground of education or citizenship. The procedure for adopting this amendment is still ongoing, so the Advocate is monitoring the situation ([0702-8/2022](#)).

Critical response of the principal due to the participation of the teacher in the education on LGBTIQ+ topics

The Advocate received a message from an individual in which she stated that she works at one of the elementary schools as a companion of a student with special needs. She said that the class teacher of the student she is accompanying applied for education on LGBTIQ+ topics in school, which was why she was harshly criticized by the principal, who said that she did not allow for such topics in school. The Advocate explained that cases where she feels threatened by the views of the headmistress in such an environment, may represent harassment. In this case, the sender must warn the alleged infringer of her discomfort and call on her to cease such statements or actions. The Advocate also optionally explained to the sender that due to the ban on participation in the education, the class teacher may also turn to the Advocate ([0702-185/2022](#)).

Teaching assistance to immigrant pupils

The Advocate was approached by a volunteer who provides learning assistance to immigrant pupils. She stated that for two years now she has been asking institutions and non-governmental organizations to consider teaching assistance to these pupils. The Advocate explained that teaching assistance can be a special measure to ensure equality and is in a spirit of support for integration. Namely, for most immigrant pupils, specific assistance measures are needed to enable their effective integration into the existing education system. The client was advised to connect with others already working in this area in order to seek advice on how to achieve policy and dialogue changes. Regarding the engagement of a specific elementary school, the Advocate recommended that they cooperate with the school's counselling service ([0702-289/2021](#)).

Poor grades in college due to nationality and religion

The Advocate was approached by a client who alleged discrimination in the assessment of knowledge at the faculty. A poorer grade was allegedly given due to her personal grounds of nationality and religion. The Advocate explained to the client what actions can be taken and invited her to submit a complaint with evidence, that the poorer grade was the result of her nationality and religion. The client failed to respond to the Advocate's clarification ([0702-3/2022](#)).

Alleged irregularities in the education of a child with special needs

The Advocate was approached by a client who alleged several irregularities regarding the education of their child with special needs. After examining the case, the Advocate advised the client on three issues. The first part of the response concerned the conduct of proceedings before other state authorities, with which the Advocate is not supposed to interfere. The second part related to the non-observance of the desire for home schooling and the insistence on continuing schooling in primary school, in relation to which the Advocate explained to the client the legislation stipulating that the possibility of home schooling is not without limitation. The third part of the response concerned inadequate accommodation of the educational process to the needs of the child in primary school. The Advocate advised the client to lodge a complaint with the Inspectorate for Education and Sports ([0702-129/2022](#)) as regards the possible violations.

5.5 The Advocate's Cooperation with the MESS

Meeting of the Head of the Advocate of the Principle of Equality, Miha Lobnik, with the Minister of Education, Science and Sport, Dr. Igor Papič.

On 25 August 2022, the Head of the Advocate of the Principle of Equality, Miha Lobnik, presented to the Minister of Education, Science and Sport, Dr. Igor Papič the functioning of the equality body and the Annual Report for 2021. The Advocate presented to the Minister the matter of discrimination when researchers were not able to extend the research project during parental leave at the beginning of their careers. Particular attention was given to the special report on the situation of the deaf in the education system, in which the Advocate drew attention to a great disparity in the level of education achieved by the deaf compared to the rest of the population, and the special report on accessibility of schools for persons with reduced mobility.

The Advocate also made a recommendation to the Minister that the Ministry should carry out an analysis of the causes of unjustified absences of Roma pupils from classes and take measures to ensure equal opportunities and equal treatment for them as well. They also touched upon the conditions for enrolment in music schools, as the Advocate assessed that the Music School Act is discriminatory, as no appropriate accommodations as regards entrance exams are envisaged for children with special needs who would like to enrol in a music school.

The Minister asserted that the Ministry would endeavour to eliminate the identified discrimination in the field of education.



The Head of the Advocate of the Principle of Equality, Miha Lobnik, presented to the Minister of Education, Science and Sport, Dr. Igor Papič the Special Report on accessibility of schools for persons with reduced mobility. He pointed out that by the end of 2025, schools must also be adapted to ensure accessibility to all those with reduced mobility.

Cases of discrimination considered – Inspectorate of the Republic of Slovenia for Education and Sport

Similar to the previous years, the Inspectorate for Education notes in 2022 that in the field of education, complainants accuse educational institutions of discrimination in cases of correction measures, pupil and student assessment, granting the status of athletes or artists, cooperation with parents and in cases of communication in the school premises.

The complaints received also relate to the field of employment, which does not fall within the competence of school inspection, the non-selection of a candidate is referred to as discriminatory choice. In addition, the Inspectorate was informed about the questions asked when interviewing candidates, which could lead to unequal treatment in the decision-making process of filling vacancies.

The Inspectorate for Education received 21 complaints of alleged discrimination related to justifying neglect or contempt of persons or groups due to individual personal grounds. All cases of alleged but unconfirmed discrimination are related to various forms of direct discrimination based on other personal grounds. However, the Inspectorate for Education and Sport found no violations pertaining to discrimination. The Inspectorate for Education and Sport addressed the complaints in light of the applicable school regulations and associated rights and obligations of students and professionals as well as cooperation with parents. It was pointed out that the school legislation also sets out appropriate practices to be followed on school grounds.

The Inspectorate assessed that, in one case, the unequal treatment of candidates in the procedure for appointing the Principal could constitute a violation of the PADA. Hence, the Inspectorate referred the matter to the Advocate for further examination.

In 2022, the Advocate referred two cases to the Inspectorate for Education and Sport for additional misdemeanour proceedings. In one case, the inspectorate declared itself incompetent and the other case became obsolete.

Table: Overview of the data made available by the Inspectorate for Education and Sport regarding the addressed cases of discrimination – comparison between 2017, 2018, 2019, 2020, 2021 and 2022*

Inspection service	Complaints received 2017	Cases of identified discrimination 2017	Complaints received 2018	Cases of identified discrimination 2018	Complaints received 2019	Cases of identified discrimination 2019	Complaints received 2020	Cases of identified discrimination 2020	Complaints received 2021	Cases of identified discrimination 2021	Complaints received 2022	Identified cases of discrimination 2022
Inspectorate for Education and Sport	9	/	16	2	6	/	10	0	16	0	21	0

*When the inspectorates responded by stating no complaints were received, the number 0 was given. If no information is available or the inspectorate has not responded, the field is marked with a slash (/).

6 MINISTRY OF PUBLIC ADMINISTRATION (MPA)

- 6.1 Assessment of the discriminativeness of regulations
- 6.2 Recommendations by the Advocate to the MPA
- 6.3 Determining discriminatory practices
- 6.4 Advisory, informing and support activities
- 6.5 The Advocate's Cooperation with the MPA

6.1 Assessing the discriminativeness of regulations

! According to the Advocate, the possibility of disenfranchisement of persons with intellectual and psychosocial disabilities is discriminatory.

The Advocate of the Principle of Equality assessed that Article 7 of the National Assembly Elections Act is discriminatory against persons with intellectual and psychosocial disabilities. According to the Advocate, the regulation unduly allows for the disenfranchisement of persons with these personal grounds. It provides for the possibility of depriving voters of their right to vote, based on an expert assessment of their ability to understand the purpose, meaning and impact of elections, while for other citizens the assessment of their abilities is not envisaged. The Advocate assessed that such differential treatment is not justified, and that this arrangement cannot be considered as an exception to the prohibition of discrimination. This measure is neither an appropriate nor the only possible and proportionate way of achieving the legitimacy of elections and preventing abuses in voting. Hence, the Advocate recommended to the Ministry of Public Administration the elimination of discrimination by amending the Act (050-2/2022/12).

According to the Advocate, the National Assembly Election Act is not discriminatory as regards the regulation of elections for expatriates when stipulating that the costs of sending the ballot shall be borne by themselves.

By regulating the arrangement of casting votes by correspondence, the state has enabled the general right to vote to the widest possible circle of eligible voters. By means of this exception from the statutory principle of personal voting, the state has further increased the legitimacy of elections. The situation of voters living abroad who vote by correspondence and voters living in Slovenia who vote by correspondence are comparable, however the legislator has not introduced reimbursement of postal costs for either group. The situation of the voters is regulated in the same way in both cases. The Advocate further noted that the cost of voting by correspondence from abroad could be higher than the cost of voting by correspondence from Slovenia due to greater distances, and that voters with a poorer financial situation have more difficulties to pay compared to wealthier voters, however both groups are living outside Slovenia, so financial status cannot be considered as a relevant personal ground in this case. Since people live outside of Slovenia for various reasons, the Advocate cannot, in the present case, consider the place of residence as a personal ground on the basis of which discrimination would occur due to the obligation to pay the cost of sending electoral material. In view of all the above, the Advocate assessed that the fact that in accordance with the National Assembly Election Act (NAEA) the costs of sending electoral material in the event of voting by correspondence from abroad are borne by the voter is not discriminatory (050-9/2022/9).

6.2 Recommendations by the Advocate to the MPA

National Assembly Election Act (NAEA, EPA 2587 - VIII) (addressed to the National Assembly)

Recommendations (0070-2/2022/1):

1. The MPA should prepare a comprehensive assessment of the effects on equality, equal opportunities, and equal treatment based on a strict proportionality test in relation to the proposed restriction of the right to stand in the election due to a criminal record, and the statutory solutions should be adjusted to these findings, if necessary.
Status: **Not taken into account.**
2. The MPA should supplement the text by deleting the second and third paragraphs of the current Article 7 of the National Assembly Election Act; namely, the right to vote in the elections for the National Assembly should be available to all adult citizens, including all people who have been deprived of their legal capacity, over whom parental rights were extended or who were placed under guardianship.
Status: **Not taken into account.**

National Council Act (NCA, EPA 113 - IX) (addressed to the National Assembly)

Recommendations (0070-13/2022/1):

1. The second paragraph of Article 2 should be removed, which would legalize the possibility of judicial deprivation of the right to vote and right to stand in the election to the National Assembly to people with intellectual and psychosocial disabilities.
Status: **Not taken into account.**
2. The MPA should establish a system of supportive decision-making for people with mental health problems, people with intellectual and psychosocial disabilities, and for people with other forms of disabilities that may hinder their full and equal enjoyment of the right to vote.
Status: **Not taken into account.**

National Assembly Election Act (NAEA)¹¹

Recommendation (050-2/2022/13):

1. The MPA should amend Article 7 in such a way that its second and third paragraphs are deleted in the part relating to the active right to vote – the right to vote, and supplement the transitional provisions in such a way as to eliminate the effects of the deprivation of the right to vote of people with intellectual and psychosocial disabilities in other laws.
Status: **Not taken into account.**

¹¹National Assembly Election Act (Official Gazette of the Republic of Slovenia, No. 109/06 – official consolidated text, 54/07 – dec. of the Constitutional Court, 23/17 and 29/21).

Procedures for legal gender recognition for transgender people¹²

Recommendation (0709-14/2021/310):

1. The MPA should prepare and submit an amendment of the Decree on administrative operations, in such a way that the procedure for changing one's name can be arranged at any administrative unit in Slovenia.
Status: **Taken into account.**

6.3 Determining discriminatory practices

! The Advocate found discrimination against a civil servant in the form of victimisation or retaliation

The Advocate addressed a case when the employer issued a written warning to the civil servant before a regular termination of the employment contract on the ground of fault. The discrimination investigation was carried out at the initiative of a staff member who claimed that the measure was imposed on her because she draws attention to discrimination. In her free time, she pointed out in one of the interviews she gave as the president of the cultural organization of a certain national community in Slovenia that in Slovenia, this national community is exposed to structural ethnical discrimination. In the discrimination investigation procedure, the Advocate found that the employee was subject to the negative consequences by her employer precisely because of her statements, in which she drew attention to discrimination. The conclusion was reached following the explanation of the warning before the regular termination of employment. The Advocate also explained that in order to establish victimization, the actual existence of discrimination to which the victimized person drew attention does not have to be previously established. Namely, the PADA ensures protection of individuals from retaliation for actions against discrimination even when acting bona fide and based on facts that give reasons to believe that the exposed discrimination indeed exists. Following the procedure, the Advocate proposed to the Labour Inspectorate the initiation of an inspection and minor offence proceedings. The Advocate has not yet received any response by the Inspectorate (Decision No. **0700-38/2021/24** of 31 January 2022).

Special treatment of third-country citizens under the Foreigners Act

The Advocate received a complaint from a non-governmental organization regarding the conduct of administrative units that refused to enable the conclusion of marriage between a Slovenian citizen and a third-country national, as the latter did not have a passport. At another administrative unit, the couple managed to enter into marriage. After the marriage, however, the competent administrative unit refused to accept the application for a temporary residence permit for a foreign citizen as a spouse of a Slovenian citizen, as he did not have a passport. Following the submission of the application by post, the application was accepted but the issuing of the permit was refused for two reasons. One was a ban on foreign nationals from entering the Schengen area, and the other was allegedly a suspicion that the spouses were engaged in a fictitious marriage. The spouses appealed to the Ministry of the Interior against the negative decision. And they also lodged a complaint with the Advocate. In the present case, the Advocate did not establish facts that would justify the presumption of a violation of the prohibition of discrimination against a foreign national by the respective administrative unit.

¹²Based on the special report of the Advocate The Situation of Intersex People in Medical Procedures for Gender Identity Confirmation and Legal Recognition of Gender in Slovenia Available at: https://www.zagovornik.si/wp-content/uploads/2022/01/PP_Polozaj-transspolnih-ljudi-v-postopkih-medicinske-potrditve-spolne-identitete-in-pravnog-priznanja-spola-v-Sloveniji.pdf

Specific treatment under the Foreigners Act cannot constitute discrimination, since differentiated treatment of persons in different (unparalleled) situations does not constitute discrimination, but such different treatment is justified. The correctness or incorrectness of the decision of the administrative unit will be assessed by the Ministry. In view of the above, the Advocate did not initiate an ex officio discrimination investigation procedure in the specific case. (Proposal not to initiate ex officio proceedings No. [0700-32/2022/3](#) of 18 August 2022).

6.4 Advisory, informing and support activities

! Allegedly disadvantaged treatment when entering into marriages with foreigners can represent discrimination

The Advocate was approached by an authorized representative of several persons with the status of foreigners due to their problems when approaching administrative units in order to enter into marriage and submit an application for a residence permit as family members of a Slovenian citizen. In the first part of the reply, the Advocate explained to the authorized representative that the equality body can not interfere with the decision-making procedures of administrative units in the field of regulating the status of foreigners or supervise these procedures. The client was advised on the case-law which might be helpful in drawing up an appeal. In the second part of the response, the Advocate called on the client to supplement the complaint as possible discrimination was identified in the statements regarding the applications for a residence permit. Based on the amended proposal, the Advocate initiated a discrimination investigation procedure ([0702-108/2022](#)).

! Discrimination at the Administrative Unit in the process of name change

The Advocate was approached by a client who wanted to change their name at the Administrative Unit. The staff member of the Administrative Unit rejected this stating that the client must first change their gender and then their name. Pursuant to the Personal Name Act, the name can be changed by any citizen who has full legal capacity. The only reservation is if the individual was convicted of a criminal offence for which the perpetrator is prosecuted ex officio until the sentence is carried out or until the probation period or legal consequences of the conviction last. The Advocate advised the client to submit a request for the name change, as the administrative authority is obliged to decide on the request by a decision against which a legal remedy is possible. He advised the client to contact the Advocate again in the event of repeated difficulties, who would advise them in exercising their rights within this procedure. The client did not contact the Advocate again ([0702-139/2022](#)).

Request for assistance in obtaining a disabled parking card

The Advocate received a request to arrange the acquisition of a disabled parking card. The client submitted a correspondence with the competent administrative unit, which indicated that the administrative unit was willing to find a solution, but this did not happen. The Advocate proposed to the client to re-submit a request to the administrative unit, in which they should also refer to the Equalisation of Opportunities for Persons with Disabilities Act, according to which public services or facilities in public use must also be accessible to persons with disabilities. On the basis of this, the administrative unit is obliged to take the steps necessary to ensure accessibility to the client and to be able to file the necessary documentation for the arrangement of disabled parking card. The Advocate invited the client to inform them if the administrative unit refuses to do so ([0702-46/2022](#)).

Question on the appropriate addressing of parties in gender recognition proceedings

The Advocate was approached by an employee of the Administrative Unit with a request for an opinion on the most appropriate treatment of parties in the proceedings for changing the specific markers on personal identity documents (gender labels and personal identification numbers). The Advocate suggested to the sender that, in cases where they are aware of the information and it is clear which pronouns the person uses for themselves and with which pronouns they wish to be addressed, this preference be respected in written and oral proceedings, regardless of which gender was attributed to the party to the proceedings at birth. Another, more neutral option in written communication is to use a neutral form, either using a *slash* or using an *underscore* making the adjectives gender neutral (0702-77/2022).

Issue of discrimination against a third-country national by an administrative unit

The Advocate was approached by an NGO advisor who brought up the case of a Moroccan citizen who is a former asylum seeker and married to a Slovenian citizen. More than two years ago, he applied to the administrative unit for a residence permit for a family member of a Slovenian citizen, but he still did not receive any reply. Since he cannot obtain a work permit without a residence permit and thus get a job legally, he cannot financially support his family. The Advocate explained to the advisor that the presentation of the case does not show what is the reason for the conduct of the administrative unit. Therefore, it is also difficult to justify the presumption of a breach of the prohibition of discrimination, as there are no established facts showing a possible reason that would confirm such a presumption. Simultaneously, the Advocate pointed out that in the event of the so-called silence of an authority, there is a special complaint procedure provided for by the General Administrative Procedure Act. Therefore, the Advocate proposed to the NGO advisor that the Moroccan citizen should do proceed in the aforementioned manner (0702-133/2022).

6.5 The Advocate's Cooperation with the MPA

Meeting of the Head of the Advocate of the Principle of Equality, Miha Lobnik with the Minister of Public Administration, Sanja Ajanović Hovnik

On 24 August 2022, the Head of the Advocate of the Principle of Equality, Miha Lobnik, presented the Annual Report for 2021 to the Minister of Public Administration, Sanja Ajanović Hovnik. At the meeting, they discussed the need to collect equality data, which is necessary for monitoring the situation in the field of discrimination and planning measures to eliminate and prevent it.

The Advocate also presented to the Minister the findings from a special report on the situation of intersex people in the procedures of medical gender identity confirmation and legal recognition of gender in Slovenia. Based on the findings of this special report, a recommendation was made in 2021, that the Ministry should provide public officials in administrative units with training on the appropriate treatment of intersex persons.

They also discussed the Advocate's assessment that the National Assembly Election Act is discriminatory, as it deprives persons with certain disabilities of the right to vote only based on their disabilities. The Minister Sanja Ajanović Hovnik stated that the Ministry was working on a solution that would take into account various aspects of the industry and civil society.



At the working meeting, the Head of the Advocate, Miha Lobnik, and the Minister of Public Administration, Sanja Ajanovič Hovnik, also addressed the Advocate's assessment that the National Assembly Election Act is discriminatory, because it deprives persons with certain disabilities of the right to vote only based on their disabilities.

Group for the implementation of the National programme for promoting the development and use of artificial intelligence in the Republic of Slovenia by 2025 (NPAI)

At the initiative of the Government Office for Digital Transformation of the Republic of Slovenia, the Advocate gave its consent to the appointment of a representative who will participate in the interdepartmental expert group for the implementation of the NPAI. The group did not meet in 2022.

7 MINISTRY OF AGRICULTURE, FORESTRY AND FOOD (MAFF)

- 7.1 Assessment of the discriminativeness of regulations
- 7.2 Recommendations by the Advocate to the MAFF
- 7.3 Determining discriminatory practices
- 7.4 Advisory, informing and support activities
- 7.5 The Advocate's Cooperation with the MAFF

7.1 Assessing the discriminativeness of regulations

In 2022, the Advocate did not carry out any discrimination investigation procedures within the field of competence of the MAFF.

7.2 Recommendations by the Advocate to the MAFF

In 2022, the Advocate did not issue any recommendations within the field of competence of the MAFF.

7.3 Determining discriminatory practices

In 2022, the Advocate did not issue any decisions dealing with discrimination investigation within the field of competence of the MAFF.

7.4 Advisory, informing and support activities

In 2022, the Advocate did not handle any cases of advisory within the field of competence of the MAFF.

7.5 The Advocate's Cooperation with the MAFF

Council for Women in Rural Areas (CWR)

At the initiative of the MAFF, a representative of the Advocate became a member of the CWR, which is a consultative body of the Minister responsible for agriculture, providing advice on issues related to the situation of women in rural areas.

In 2022, the representative of the Advocate participated in the 9th meeting of the CWR, which took place on 24 March 2022 online. Members of the CWR took note of an overview of the practices of social work assistance to farmers in other European countries and the situation regarding the situation of women on farms and rural areas.

The representative of the Advocate attended the 10th meeting of the CWR which took place on 10 October 2022 at the premises of the MAFF. The Minister responsible for agriculture, Irena Šinko, presented the priorities to the members of the CWR during her term of office and the work done so far. Members of the CWR also took note of the findings of a survey, which, among other things, focused on the issue of maternity and parental leave on farms. At the meeting, the Advocate's representative presented the Advocate's competences and work to the members of the CWR.

8 MINISTRY OF CULTURE (MC)

- 8.1 Assessment of the discriminativeness of regulations
- 8.2 Recommendations by the Advocate to the MC
- 8.3 Determining discriminatory practices
- 8.4 Advisory, informing and support activities
- 8.5 The Advocate's Cooperation with the MC

8.1 Assessing the discriminativeness of regulations

In 2022, the Advocate did not carry out any discrimination investigation procedures within the field of competence of the MC.

8.2 Recommendations by the Advocate to the MC

In 2022, the Advocate did not issue any recommendations within the field of competence of the MC.

8.3 Determining discriminatory practices

In 2022, the Advocate did not issue any decisions dealing with discrimination investigation within the field of competence of the MC.

8.4 Advisory, informing and support activities

! Theatrical performances should be accessible for children with special needs

The Advocate was approached by the mother of a child with autism spectrum disorder. She stated that one of the theatres in Ljubljana did not allow her child to see the entire show. The Advocate explained to the client that an assessment of the concept of appropriate or reasonable adjustment is crucial for proper consideration. Persons with disabilities, irrespective of their disability, should also have access to cultural goods and be guaranteed creativity. Thus, the theatre, as a public institution working in the field of culture, is obliged to implement appropriate measures so that theatre performances can also be attended by persons with disabilities. According to the preliminary position of the Advocate, a child with autism spectrum disorder is undoubtedly entitled to appropriate adjustments when visiting the theatre. If duly informed in advance, the hostess service could respond appropriately (0702-310/2021).

! The issue of unavailability of media content for the sensory impaired

The Advocate was approached by a client who alleged discrimination in the access of persons with sensory impairments to media content. It bothered her that the broadcast, which was intended for the deaf, was not subtitled or translated into the Slovenian sign language. The Advocate explained to the client that the relevant area in the Slovenian legal order is insufficiently regulated, but a recommendation for improving the situation regarding the accessibility of media content has already been issued. The client was also informed about a new regulation under the Audiovisual Media Services Act, which requires media service providers to adopt a plan to improve the accessibility of content by the end of 2022 (0702-26/2022).

Alleged public incitement to hatred at an event and in the media

The Advocate was requested by a client to check whether the coordinator of a particular event publicly incited hatred, violence or intolerance based on gender and sexual orientation when speaking publicly in the media and at the event and agitated for a referendum against the decision of the Constitutional Court that same-sex couples can marry and adopt a child. The Advocate explained that the mere fact that an individual calls on people to collect signatures for a legislative referendum (regardless of the fact that the content is contrary to the decision of the Constitutional Court) cannot constitute discrimination, since the initiative to submit a request for holding a referendum may be submitted by any voter, political party or other association of citizens. The admissibility of a referendum shall be addressed separately. He also assessed that public speaking and agitation for a referendum against the decision of the Constitutional Court does not fulfil the conditions under the first paragraph of Article 10 of the PADA, which defines the incitement to discrimination as the encouragement of other persons to acts in a way which resulted in, or could result in, discrimination (0702-174/2022).

8.5 The Advocate's Cooperation with the MC

In 2022, the Advocate was not engaged in direct cooperation with the MC.

9 MINISTRY OF THE INTERIOR (MI)

- 9.1 Assessment of the discriminativeness of regulations
- 9.2 Recommendations by the Advocate to the MI
- 9.3 Determining discriminatory practices
- 9.4 Advisory, informing and support activities
- 9.5 The Advocate's Cooperation with the MI

9.1 Assessing the discriminativeness of regulations

! According to the Advocate, the Act Amending the International Protection Act is discriminatory against refugees with poor financial situations

According to the Advocate, the Act Amending the International Protection Act (IPA-1A) discriminates against refugees with a poorer financial situation as it provides for the possibility of dismissal of refugee advisors in cases when it would turn out that the competent authorities have not been disclosed information that could negatively affect the clients. As a result of this regulation referred to in Article 9 of the International Protection Act, the right to effective legal protection in appeal proceedings is guaranteed only to applicants for international protection who can pay for legal services. According to the Advocate, the regulation thus leads to an unjustified inferior treatment of applicants for international protection on the basis of their financial situation. The Advocate recommended that the Ministry of the Interior should eliminate discrimination by amending the regulation (050-21/2021/13).

! According to the Advocate, the International Protection Act is discriminatory against unaccompanied minor applicants for international protection.

The Advocate assessed the discriminativeness of paragraph eight of Article 18 of the International Protection Act. It stipulates that the legal representative of an unaccompanied minor applicant for international protection may be dismissed upon failure to provide the competent authorities with information on the protected person that could negatively affect the applicant in the process of obtaining refugee or subsidiary protection status. The Advocate assessed that the regulation is discriminatory. With the possibility of dismissal of the legal representative in the event of withholding certain information, the regulation deprived the legal representative of their primary purpose, which is to establish a confidential relationship between the representative and the protected person and to pursue the client's best interests. The dismissal of the legal representative is provided for exclusively in international protection proceedings. In the procedure of assessing the discriminativeness of the regulation, the Ministry of Interior failed to defend the position that the regulation should represent a permissible exception to the prohibition of discrimination. The Advocate therefore assessed that the regulation establishes undue disadvantage of protected persons on the basis of their personal ground of status of applicants for international protection and indirectly due to the personal ground of citizenship and ethnicity. Persons enjoying the protection of legal representatives in international protection proceedings are subject to disadvantaged treatment compared to protected persons in other proceedings. The Advocate recommended to the Ministry of the Interior to eliminate discrimination by amending the legislation (050-23/2021/9).

9.2 Recommendations by the Advocate to the MI

International Protection Act (IPA-1)¹³

Recommendation (050-21/2021/14):

1. The MI should amend the sixth indent of Article 9, paragraph 10 of the respective Act as to remove the reason for the dismissal of refugee counsellors if they have information that could be detrimental to the applicant in the international protection procedure and fail to disclose it to the competent authority.

Status: **Not taken into account.**

Extension of applications for temporary residence for children of foreigners

Recommendation (0700-10/2022/30):

1. Administrative units should record the data on the registration of temporary residence of children of foreigners, both those who are born in Slovenia and those who are not, during the time of the decision-making procedure on the extension of their residence permit.

Status: **Taken into account.**

Marriages between foreigners and Slovenian citizens

Recommendation (0700-32/2022/5):

1. The MI was recommended to instruct administrative units to treat foreigners in the proceedings of marriage in the same way as Slovenian citizens, that is, by not requiring from foreigners those documents that are not strictly necessary for marriage.

Status: **Taken into account.**

Possibility of extending the driving license of an applicant for international protection

Recommendation (0702-227/2022/3):

1. It was recommended that MI should eliminate administrative barriers and adapt the information system of administrative units in such a way as to permit the acquisition, renewal, or replacement of a driving license and the taking of a driving test also to applicants for international protection.

Status: **Not taken into account.**

¹³International Protection Act (Official Gazette of the Republic of Slovenia, No. 16/17 – official consolidated text and 54/21).

9.3 Determining discriminatory practices

Special treatment of third-country citizens under the Foreigners Act

The Advocate received a complaint from a non-governmental organization regarding the conduct of administrative units that refused to enable the conclusion of marriage between a Slovenian citizen and a third-country national, as the latter did not have a passport. At another administrative unit, the couple managed to enter into marriage. After the marriage, however, the competent administrative unit refused to accept the application for a temporary residence permit for a foreign citizen as a spouse of a Slovenian citizen, as he did not have a passport. Following the submission of the application by post, the application was accepted but the issuing of the permit was refused for two reasons. One was a ban on foreign nationals from entering the Schengen area, and the other was allegedly a suspicion that the spouses were engaged in a fictitious marriage. The spouses appealed to the Ministry of the Interior against the negative decision. And they also lodged a complaint with the Advocate. In the present case, the Advocate did not establish facts that would justify the presumption of a violation of the prohibition of discrimination against a foreign national by the respective administrative unit. Specific treatment under the Foreigners Act cannot constitute discrimination, since differentiated treatment of persons in different (unparalleled) situations does not constitute discrimination, but such different treatment is justified. The correctness or incorrectness of the decision of the administrative unit will be assessed by the Ministry. In view of the above, the Advocate did not initiate an ex officio discrimination investigation procedure in the specific case. (Proposal not to initiate ex officio proceedings No. [0700-32/2022/3](#) of 18 August 2022)

9.4 Advisory, informing and support activities

! Police Department footage on road safety promoted gender stereotypes

The Advocate received a letter from an individual pointing out the allegedly sexist footage of the “Clean Glass” of the Police Administration. After watching the video, the Advocate found that the police station aims to bring people closer to road safety through a humorous display, but in doing so, it encourages and reinforces certain gender stereotypes. The limit of acceptable is blurred in society, sometimes it is difficult to draw a milestone between appropriate or inappropriate content. Therefore, the Advocate emphasizes that, just as it is desirable to enrich everyday life with humour, it is all the more important not to offend and stigmatize certain groups of individuals and not to strengthen gender stereotypes. However, the footage does not contain elements of discrimination and therefore the conditions for initiating the procedure were not met. Since the Advocate strives for preventive and educational actions in its work, a recommendation was addressed to the Police Administration not to strengthen gender stereotypes with its publications. Gender stereotypes are one of the roots of gender inequality and affect all social areas and contribute to discrimination against women. The police station followed the recommendation ([0702-290/2021](#)).

! Discrimination at the Administrative Unit in the process of name change

The Advocate was approached by a client who wanted to change their name at the Administrative Unit. The staff member of the Administrative Unit rejected this stating that the client must first change their gender and then their name. Pursuant to the Personal Name Act, the name can be changed by any citizen who has full legal capacity. The only reservation is if the individual was convicted of a criminal offence for which the perpetrator is prosecuted *ex officio* until the sentence is carried out or until the probation period or legal consequences of the conviction last. The Advocate advised the client to submit a request for the name change, as the administrative authority is obliged to decide on the request by a decision against which a legal remedy is possible. He advised the client to contact the Advocate again in the event of repeated difficulties, who would advise them in exercising their rights within this procedure. The client did not contact the Advocate again (0702-139/2022).

! Allegedly controversial conduct by the police against black family members

The Advocate was approached by a client with a notice that their family, including some black members, was exposed to offensive comments made by police officers. The client filed a complaint against the police officers to the Police Sector for Complaints. The Advocate invited the client to lodge a complaint. At the same time, the client was also advised on how to conduct the complaint procedure against the police, if they fail to initiate the procedure before the Advocate, and what legal basis can be applied. The client failed to respond to the Advocate's clarification (0702-172/2022).

Difficulties in proving compliance with the DCP requirement of a third country citizen who does not have valid identity documents

The Advocate was approached by a third-country national who was vaccinated against covid-19 but had difficulties in proving that he fulfilled the DCP condition. Article 2 of the Ordinance on the temporary measures for the prevention and control of infectious disease COVID-19 stated that a person must also identify themselves with a valid identity document when demonstrating the fulfilment of the DCP condition. The concerned third country citizen did not have valid documents, they only have a decision issued under Article 81 of the Foreigners Act stating that they cannot be expelled from the country. Thus, despite the fulfilment of the DCP condition, they were severely limited in everyday tasks. The Advocate advised the client to submit an application with the administrative unit for the issuance of a passport for a foreigner, in accordance with Article 98 of the Foreigners Act, which regulates the issuance of travel and other documents. Until the issuance of the passport for foreigners or in case of refusal of the application, the client was advised to use the decision issued in the international protection procedures as to demonstrate their identity in order to prove the fulfilling of the DCP condition. The client was recommended to use the decision which contains a photograph and refer to Article 97 of the Foreigners Act (0702-266/2021).

The treatment of children of foreigners when joining the compulsory health insurance system is not discriminatory

The Advocate learned from the NGO about the alleged controversial conduct of administrative units in the treatment of children of foreigners born in Slovenia. At the time when conducting ex officio procedures for the extension of the temporary residence permit in accordance with Article 49 of the Foreigners Act, the Central Population Register in which the registration of residence is recorded fails to indicate that they have a declared residence. Consequently, their parents cannot exercise certain rights, such as child allowance, kindergarten subsidy, parental allowance, at that time at social work centres. They also cannot arrange health insurance for them at the Health Insurance Institute of Slovenia. In this way, these children are discriminated against compared to the children of foreigners who were not born in Slovenia. In accordance with Article 34 of the PADA, the Advocate initiated an ex officio discrimination investigation proceeding and requested clarifications from the Ministry of the Interior (MI). On the basis of the clarifications received, the Advocate concluded that the actual situation does not constitute systemic discrimination and therefore issued a decision suspending the discrimination investigation proceeding. At the same time, the Advocate made a recommendation to the Ministry of the Interior in order to eliminate and prevent further errors in the Central Population Register system (0700-10/2022/29).

Hate crime

The Advocate was approached by a client in connection with a verbal and later physical attack on a member of the LGBTIQ+ community. The client stated the incident had already been reported to the Police. The Advocate proposed to the client that, if they have not yet been recorded as a witness to the crime, they should present themselves to the police and describe the circumstances of the attack. The Advocate also suggested that they inform one of the NGOs working in the field of ensuring equal treatment and other rights of LGBTIQ+ people about the event (0702-88/2022).

Allegations of harassment based on religion and nationality

The Advocate was approached by a client who alleged less favourable treatment based on their nationality and religious beliefs. The client stated that her surroundings avoid her, despise her, intimidate and harass her. The Advocate informed the client about the Advocate's competences and social areas in which protection against discrimination is provided under the PADA. Moreover, she was informed about the discrimination investigation procedure and advised to contact the police regarding allegations related to threats and attacks (0702-89/2022).

Racially-motivated attack in the park

The Advocate was approached by a client who witnessed with distress a racist attack on a man in one of Ljubljana's parks. The Advocate explained to the client that this is a case of suspicion of a criminal offence, which exceeds the competence of the Advocate, hence the client was directed to the police. It was further explained to the client that the Advocate's competence is limited in cases of criminal offences. In such cases, the Advocate does not conduct discrimination investigation, but may provide support and assistance to the victim of a racially motivated attack in terms of advisory on the exercise of rights in discrimination proceedings (0702-121/2022).

Clarification regarding the accessibility of intervention number 113 for the deaf and hard of hearing

The Advocate was approached by a client who claimed that as a deaf person she was not able to establish contact with the police via the emergency call number 113. In addition, the police did not respond to the client's e-mails quickly enough and did not consider them to be equivalent to a notification via the number 113. The Advocate found that adequate adjustments were made. Deaf or hard of hearing persons may, when requesting a police intervention, contact the 24/7 Hearing Impaired Call Centre, ask another hearing person for help, send a notification by fax, use the Wap112 application or send a message from a mobile phone to the 112 emergency number. The 112 number represents an appropriate "replacement" for the police intervention number 113 (which does not allow for sending text messages). The Advocate sent the clarification to the client in which the above options were presented (0702-197/2022).

9.5 The Advocate's Cooperation with the MI

Meeting of the Head of the Advocate of the Principle of Equality, Miha Lobnik, with the Minister of the Interior, Tatjana Bobnar

On 5 July 2022, the Head of the Advocate for the Principle of Equality, Miha Lobnik, presented the Advocate's Annual Report for 2021 to the Minister of the Interior, Tatjana Bobnar. At the meeting, the Advocate drew attention to some recommendations that have not yet been taken into account and fall within the competence of the Ministry of the Interior.

Among other things, they discussed the reasons for the amendment to the International Protection Act, which the Advocate considers to be discriminatory. As the Advocate explained, the provision that refugee counsellors may be dismissed if they have information that could be detrimental to the applicant for international protection, but do not disclose it to the competent authorities, should be removed from the law.

The Minister emphasised the readiness for close cooperation with the Advocate and announced the participation in the discussion on the possibilities of systematic collection of data on the personal grounds of victims of minor offences committed with a discriminatory motive.



The Advocate of the Principle of Equality, Miha Lobnik, spoke with the Minister of the Interior, Tatjana Bobnar, about the recommendations for improving the situation in the field of protection against discrimination made by the Advocate and directed at the Ministry.

Cases of discrimination considered – the Police

Pursuant to Article 21 of the PADA, in order to monitor, record and assess the situation in the field of protection against discrimination in the Republic of Slovenia, the Advocate also monitors cases of violations addressed by the Police. From the fields within the competence of the Police, the three following areas are relevant for monitoring in light of the Advocate's field of activity:

- Article 20 of the Protection of Public Order Act (incitement to intolerance),
- Article 131 of the Criminal Code (violation of right to equality),
- Article 297 of the Criminal Code (public incitement to hatred).

Additionally, the Police were requested to provide information on cases involving unequal treatment (e.g., if a crime or minor offense of any kind was committed with a racist, homophobic, transphobic, sexist, or any other discriminatory motive).

According to Article 20 of the Protection of Public Order Act (PPOA), incitement to intolerance with the intention of inciting national, racial, sexual, ethnic, religious, political or sexual-orientation-based intolerance is prohibited. It is an aggravated form of the offences from Article 6, 7, 12, 13 and 15 of the PPOA-1 (violent and reckless behaviour, indecent behaviour, damaging an official sign, mark or decision, writing on buildings and destroying national symbols). The provision of Article 20 of PPOA-1 therefore provides for a discriminatory motive in the commission of certain other violations against public peace and order.

Among the criminal offenses investigated by the Police, the Advocate collects data on the cases with the constituent elements from:

- Article 131 of the Criminal Code (CC-1), i.e., violation of right to equality in relation to any personal ground (nationality, race, skin colour, religion, ethnic roots, gender, language, political or other beliefs, sexual orientation, financial situation, birth, genetic heritage, education, social position or any other ground).
- Article 297 of the Criminal Code (CC-1), i.e., public incitement to hatred, violence, or intolerance in connection to any personal ground (gender, nationality, race or ethnic origin, language, religion or belief, disability, age, sexual orientation, gender identity, and gender expression, social status, property status, education or other), which could as such be discriminatory under the PADA.

Offences under the Protection of Public Order Act – Incitement to Intolerance

In 2022, the Police imposed measures in 65 cases of minor offenses under Article 20 of the Protection of Public Order Act (PPOA-1). Most violations of Article 20 of the Protection of Public Order Act were committed in connection with Article 6 thereof (violent and reckless behaviour), which means in practice that most violations occurred during fights or arguments. The number of violations relating to Article 7 of the PPOA-1 (indecent behaviour), Article 12 of the PPOA-1 (damaging an official sign, mark, or decision), and the number of violations under Article 15 of the PPOA-1 (destroying national symbols) increased while the number of cases violating Article 13 (writing on buildings) remained unchanged.

Table: Overview of measures under Article 20 of the PPOA-1 – violations found, as reported by the Police in 2022 for 2021, while correcting the data for 2018, 2019, and 2020 and violations found, as reported by the Police in 2023 for 2022.

Article of the PPOA-1	Number of violations						
	2016	2017	2018	2019	2020	2021	2022
6. violent and reckless behaviour	29	32	35	41	43	40	41
7. indecent behaviour	11	8	6	7	12	12	15
12. damaging an official sign, mark or decision	1	7	11	1	5	4	5
13. writing on buildings	1	0	3	3	1	1	1
15. destroying national symbols	0	1	1	4	3	2	3
Total	42	48	56	56	64	59	65

Offences under Article 131 of the Criminal Code – Violation of right to equality

Article 131 of the Criminal Code (CC-1) stipulates that whoever due to differences in respect of nationality, race, skin colour, religion, ethnic roots, gender, language, political or other beliefs, sexual orientation, financial situation, birth, genetic heritage, education, social position or any other circumstance deprives or restrains another person of any human right or liberty recognised by the international community or laid down by the Constitution or the statute, or grants another person a special privilege or advantage on the basis of such discrimination shall be punished by a fine or sentenced to imprisonment for not more than one year (paragraph 1). Whoever prosecutes an individual or an organisation due to his or its advocacy of the equality of people shall be punished under the provision of the preceding paragraph (paragraph 2). In the event of the offense under paragraphs 1 or 2 of this Article being committed by an official through the abuse of office or official authority, such an official shall be sentenced to imprisonment for not more than three years (paragraph 3).

In 2022, the Police dealt with four suspects and six victims in procedures under Article 131 of the CC-1. Data on criminal offenses under Article 131 of the Criminal Code are prepared in such a way as to cover cases of the above-mentioned criminal offenses for which the criminal charge or a criminal charge supplement was issued by the Police in 2022.

Table: Criminal offences under Article 131 of the CC-1 – Violation of right to equality

Year	2016	2017	2018	2019	2020	2021	2022
Number of suspects	5	5	5	9	5	1	4
Number of victims	11	13	10	14	6	1	6

Offences under Article 297 of the Criminal Code – Public incitement to hatred, violence or intolerance

Pursuant to Article 297 of the CC-1, whoever publicly provokes or stirs up hatred, strife or intolerance, based on nationality, race, religion or ethnicity, gender, skin colour, origin, financial situation, education, social status, political or other belief, disability, sexual orientation or any other personal circumstance, in a way to disturb public order and peace or carried out in a manner which is threatening, abusive or insulting shall be punished by imprisonment of up to two years (paragraph 1). The same sentence shall be imposed on a person who publicly disseminates ideas on the supremacy of one race over another, or provides aid in any manner for racist activity or denies, diminishes the significance of, approves, disregards, makes fun of, or advocates genocide, holocaust, crimes against humanity, war crime, aggression, or other criminal offences against humanity as provided for in the legal order of the Republic of Slovenia (paragraph 2).

If the offence under preceding paragraphs has been committed by publication in mass media or on websites, the editor or the person acting as the editor shall be sentenced to the punishment, by imposing the punishment referred to in paragraphs 1 or 2 of this Article, except if it was a live broadcast and he was not able to prevent the actions referred to in the preceding paragraphs or if it was a website publication where the users could not be prevented from posting contents in real time without prior supervision (paragraph 3). If the offence under paragraphs 1 or 2 of this Article has been committed by coercion, maltreatment, endangering of security, desecration of national, ethnic or religious symbols, damaging the movable property of another, desecration of monuments or memorial stones or graves, the perpetrator shall be punished by imprisonment of up to three years (paragraph 4). If the acts under paragraphs 1 or 2 of this Article have been committed by an official by abusing their official position or rights, he shall be punished by imprisonment of up to five years (paragraph 5).

Data on criminal offenses under Article 297 of the Criminal Code are prepared depending on the final document submitted, which means that the data covers cases of the above-mentioned criminal offenses for which the final document (criminal charge or report) was submitted by the Police in 2022.

Table: Overview of criminal offences under Article 297 of CC-1 under consideration by year

Year	Number of cases considered						
	2016	2017	2018	2019	2020	2021	2022
Charges	18	13	13	16	50	39	31
Report	31	13	19	23	44	50	25
Total	49	26	32	39	94	89	56

10 MINISTRY OF DEFENCE (MOD)

- 10.1 Assessment of the discriminativeness of regulations
- 10.2 Recommendations by the Advocate to the MoD
- 10.3 Determining discriminatory practices
- 10.4 Advisory, informing and support activities
- 10.5 The Advocate's Cooperation with the MoD

10.1 Assessing the discriminativeness of regulations

The Defence Act is not discriminatory since the provisions stipulating the termination of the employment of soldiers who reach a certain age are appropriate.

The Advocate received a request for the assessment of discriminativeness of the 12th paragraph of Article 92 of the Defence Act (DA), which stipulates the employment contract of a military person in the defence field terminates no later than the end of the calendar year in which they fulfil the conditions for acquiring the right to an old-age pension in accordance with the general regulations, regardless of the period for which they concluded the employment contract. The Advocate found that the Constitutional Court has already decided on this matter in the case U-I-329/04-15, where the view was taken that any allegation of discrimination or violation of the principle of equality before the law was unfounded. The fact that such statutory regulation of termination of employment in the field of defence does not constitute discrimination also follows from the provisions of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. The Advocate further concluded that termination of employment in the field of defence does not imply an obligation to retire. It only means that when one fulfils the conditions for an old-age pension, taking into account the additional period from the compulsory supplementary insurance, their employment in defence is terminated. However, it is left to the free will of the worker whether they will exercise the right to an occupational pension after the termination of employment and retire. In view of the above, the Advocate did not carry out a more detailed assessment of the discriminativeness of the respective Act ([050-5/2022/3](#)).

10.2 Recommendations by the Advocate to the MoD

In 2022, the Advocate did not issue any recommendations within the field of competence of the MoD.

10.3 Determining discriminatory practices

In 2022, the Advocate did not issue any decisions dealing with discrimination investigation within the field of competence of the MoD.

10.4 Advisory, informing and support activities

In 2022, the Advocate did not handle any cases of advisory within the field of competence of the MoD.

10.5 The Advocate's Cooperation with the MoD

In 2022, the Advocate was not engaged in direct cooperation with the MoD.

11 MINISTRY OF THE ENVIRONMENT AND SPATIAL PLANNING (MESP)

- 11.1 Assessment of the discriminativeness of regulations
- 11.2 Recommendations by the Advocate to the MESP
- 11.3 Determining discriminatory practices
- 11.4 Advisory, informing and support activities
- 11.5 The Advocate's Cooperation with the MESP

11.1 Assessing the discriminativeness of regulations

In 2022, the Advocate did not carry out any discrimination investigation procedures within the field of competence of the MESP.

11.2 Recommendations by the Advocate to the MESP

Accessibility of Secondary Schools for Persons with Reduced Mobility¹⁴

Recommendation (0709-18/2022/2):

1. The MESP should prepare a draft amendment to the Building Act in a way as to include a final deadline for the mandatory appropriate adaptation of existing public facilities referred to in Article 38 of the EOPDA and establish the competence of inspection services and fines in case of violations.

Status: **Not taken into account.**

11.3 Determining discriminatory practices

In 2022, the Advocate did not issue any decisions dealing with discrimination investigation within the field of competence of the MESP.

11.4 Advisory, informing and support activities

In 2022, the Advocate did not handle any cases of advisory within the field of competence of the MESP.

11.5 The Advocate's Cooperation with the MESP

In 2022, the Advocate was not engaged in direct cooperation with the MESP.

¹⁴Within the framework of the special report of the Advocate Accessibility of Secondary Schools for Persons with Reduced Mobility. Available at: https://zagovornik.si/wp-content/uploads/2022/07/Pespecialno-porocilo_Accessibility-srednih-sol-za-gibalno-ovirane.pdf

12 MINISTRY OF JUSTICE (MOJ)

- 12.1 Assessment of the discriminativeness of regulations
- 12.2 Recommendations by the Advocate to the MoJ
- 12.3 Determining discriminatory practices
- 12.4 Advisory, informing and support activities
- 12.5 The Advocate's Cooperation with the MoJ

12.1 Assessing the discriminativeness of regulations

According to the Advocate, the Integrity and Prevention of Corruption Act, which does not provide for the stated exception from the incompatibility of the function of a deputy of the National Assembly and the function of a councillor of a self-governing national community, is not discriminatory

The Advocate was approached by a client who alleged discrimination regarding the conduct of the Commission for the Prevention of Corruption (CPC) regarding the issue of incompatibility of the function of a member of the National Assembly and membership in an autonomous national community. She alleged that she experienced discrimination for belonging to an autochthonous national community. Since 2018, the client has had a parliamentary mandate, as well as the status of a member of the council of an autonomous national community. The CPC therefore brought proceedings against her on suspicion of performing an incompatible function, activity or membership and issued a warning of incompatibility of functions. The client drew attention to Article 64 of the Constitution (Special Rights of the Autochthonous Italian and Hungarian National Communities in Slovenia), as she considers that the conduct of the CPC is clearly in contrary to the said Article of the Constitution, which grants special rights to the national community in Slovenia or its members. Having examined the legal regulation of the area, the Advocate concluded that the purpose of positive protection of autochthonous national communities is to preserve their identity and enable them to equally participate in social life. Positive protection of minorities consists of ensuring one deputy of each national community in the National Assembly and the establishment of an autonomous national community. However, according to the Advocate, positive protection of minorities does not guarantee that the function of a deputy of the national community and the representation of an autonomous national community could be performed by the same member of a particular national community. An individual who holds the office of deputy of the National Assembly and is running for election to the council of an autonomous national community or vice versa must, if elected, decide which of the incompatible functions they will perform. The statutory regulation of the incompatibility of the of deputy office with other functions does not prevent the nomination, election or exercise of any function, but prevents the simultaneous exercise of two incompatible functions. As a result, the first paragraph of Article 27 of the Integrity and Prevention of Corruption Act does not constitute indirect discrimination based on the personal ground of nationality. The absence of an exception to the incompatibility of the function of a deputy of the National Assembly and the function of a councillor of an autonomous national community therefore does not constitute indirect discrimination (050-6/2022/2).

12.2 Recommendations by the Advocate to the MoJ

Criminal Code (CC-1, EPA 0440 - IX) (addressed to the National Assembly)

Recommendation (0070-6/2022/1):

1. The MoJ should amend Article 1 as to include all forms of hate crimes motivated by particular personal grounds, irrespective of whether the wronged persons have or can be attributed the specific personal grounds or these personal grounds are connected to them, or the persons are connected to any organisations with the respective personal grounds.

Status: **Not taken into account.**

Persons serving a sentence in the Ig prison

Recommendation (0700-17/2022/20):

1. The Prison Administration was recommended to implement similar activities for female prisoners, as previously provided to male convicts, in particular participation in events, performances, organization of hikes in nature or activities outside the prison, as one of the ways of re-socialization of prisoners.

Status: **Taken into account.**

12.3 Determining discriminatory practices

The Advocate failed to identify discrimination in the women's prison, but recommend several additional re-socialization activities

In the discrimination investigation procedure as regards the situation of female convicts in prison, the Advocate did not identify discrimination on the basis of gender in relation to re-socialization activities. According to the Advocate, the differences in additional activities offered by Slovenian prisons to women and men serving prison sentences are not based on the gender of the convicted persons, but on the different approaches of individual prisons, which also depend on the severity of the prison sentence regime and on the spatial and personnel capacities of each prison. Nevertheless, the Advocate recommended to the Prison Administration to provide more additional activities to female prisoners in the Ig prison, similar to those offered to male convicts in different prisons across the country (Decision No. 0700-17/2022/19 of 23 August 2022).

12.4 Advisory, informing and support activities

In 2022, the Advocate did not handle any cases of advisory within the field of competence of the MoJ.

12.5 The Advocate's Cooperation with the MoJ

Meeting of the Head of the Advocate of the Principle of Equality, Miha Lobnik, with the Minister of Justice, Dr. Dominika Švarc Pipan

The Head of the Advocate of the Principle of Equality, Miha Lobnik, presented to the Minister of Justice, Dr. Dominika Švarc Pipan, the Annual Report for 2021 on 19 July 2022. At the meeting, the Advocate briefed the Minister on some of the recommendations directed at the MoJ in the past which were still current.

He presented her with a proposal that the Criminal Code be amended as to introduce an aggravating circumstance applicable to any criminal offence if committed with a discriminatory inclination. He pointed out that the Personal Data Protection Act should also provide for cases where the collection and processing of personal data of members of certain vulnerable groups would be permissible with the purpose of ensuring equal treatment and equal opportunities.

He also discussed with the Minister a recommendation on the establishment of a government-level body responsible for the making and coordination of anti-discrimination policies. Namely, the European Commission is calling on EU Member States to draw up national strategies to combat racism and protect the rights of the LGBTIQ community.

The Minister, Dominika Švarc Pipan, stated that the institution of the Advocate of the Principle of Equality was an important building block in the system of human rights protection, and announced that the Ministry would strongly support the Advocate's efforts and take an active approach to observing its recommendations.



At the meeting with the Minister of Justice, Dr. Dominika Švarc Pipan, the Advocate of the Principle of Equality, Miha Lobnik, pointed out that the Personal Data Protection Act should also provide for cases where the collection and processing of personal data of members of certain vulnerable groups would be permissible with the purpose of ensuring equal treatment and equal opportunities.

13 MINISTRY OF HEALTH (MH)

- 13.1 Assessment of the discriminativeness of regulations
- 13.2 Recommendations by the Advocate to the MH
- 13.3 Determining discriminatory practices
- 13.4 Advisory, informing and support activities
- 13.5 The Advocate's Cooperation with the MH

13.1 Assessing the discriminativeness of regulations

In 2022, the Advocate did not carry out any discrimination investigation procedures within the field of competence of the MH.

13.2 Recommendations by the Advocate to the MH

Funding of vaccination against human papillomavirus infections¹⁵

Recommendation (050-33/2021/24):

1. The MH should extend the possibility of recommended HPV vaccination in the Vaccination and Protection Programme for the current year at the expense of the compulsory health insurance or the national budget in such a way as to enable vaccination to all interested persons up to 26 years of age, regardless of gender, in addition to the current beneficiaries.

Status: **Not taken into account.**

13.3 Determining discriminatory practices

In 2022, the Advocate did not issue any decisions dealing with discrimination investigation within the field of competence of the MH.

13.4 Advisory, informing and support activities

! Recognition of work experience from abroad in awarding a concession for a medical activity

The Advocate received a complaint, in which the client alleged discrimination on grounds of nationality in the concession award procedure in the health sector. The competent ministry namely failed to recognise work experience from abroad, even though, according to the explicit formulation of the Administrative Court, it should have done so. While the party challenged the administrative decision in the administrative dispute, the Advocate provided some arguments within an advisory procedure that could help the party in asserting their rights before the Administrative Court (0702-42/2022).

¹⁵It is also addressed to the National Institute of Public Health.

Failure to approve medical treatment abroad at the request of an individual

The Advocate was approached by an individual with multiple sclerosis. They claimed to be discriminated against when denied a medical treatment abroad. They explained that the health system in Slovenia offers only treatment, which at best can inhibit the progression of the disease, but does not cure the disease. The worsening of the condition forced them to seek treatment abroad. They found the solution in a hematopoietic stem cell transplant in Russia. They lodged an application for the approval of treatment abroad, which was rejected, as well as the appeal. In the aforementioned decisions, the competent authority took the view that they were not entitled to treatment in Russia, as not all treatment options were exhausted in Slovenia. The client considers that the decisions are unlawful and incorrect and violate the principle of equality. They explain that the Health Insurance Institute of Slovenia based its decision on two tertiary institutions in Slovenia, which gave a negative opinion stating that the patient was "not yet sick enough" to be entitled to the only effective method of treatment that science currently knows. The Advocate explained to the client that the equality body has competence only in cases of discriminatory treatment, i.e., conduct relating to inferior treatment of an individual due to a certain personal ground. There is no discriminatory treatment in the specific case, but it is a matter of granting the right to treatment abroad (0702-303/2021).

Difficulties in access to health care through the web portal of the health center

The Advocate was approached by a client who reported that they had problems logging into the web portal of the health centre. In addition, the client stated that the introduction of the portal brought difficulties for older people to communicate with their personal physicians. The portal was introduced by the health center in order to improve online communication between patients and personal physicians. The client claimed that after the registration using a qualified digital certificate, they also need this certificate at each login and that logging into the portal on electronic devices where the digital certificate is not uploaded is not possible. This means that according to the new arrangement, online communication with a personal physician can only be carried out using a personal computer at home. Before, the client could communicate with her physician by email using other devices too. The Advocate examined the case and found that this client's claim is not correct. After registration, the use of a qualified digital certificate is no longer required to log in to the portal. The client received an explanation from the Advocate and advice to contact the Health Centre directly for a specific solution to the technical problems related to the application and operation of the portal. At the same time, the Advocate informed the client that the equality body is examining whether the introduction of a web portal might hinder communication with personal physicians for persons with certain disabilities and for the elderly who are not skilled in online communication (0702-152/2022).

Allegedly discriminatory treatment of a prisoner at a medical examination

The Advocate was approached by a client who stated that due to her status of a prisoner, she was the victim of discrimination at a medical examination. The doctor wrote on the medical report that she was a "prisoner". The Advocate explained to the client that in this case it is not possible to talk about discrimination, since the client did not receive inferior medical care on the basis of the doctor's record, and disrespectful or improper conduct does not automatically constitute discrimination under the PADA. He advised the client on how and where to submit a request for a correction of the medical report. The same client also reported alleged discrimination to the Advocate when taking blood for laboratory analyses when they wanted to take blood in the hallway outside the dispensary. She wouldn't allow it, so they took her blood in the dispensary. However, since she felt humiliated by this event, which she considered to be the result of her status of a prisoner, she asked for advice on whether she was entitled to an apology. The Advocate found that the deadlines for submitting a request to address the violation of patients' rights provided for in the Patient's Rights Act have expired. However, the client was referred to the provisions of the Code of Ethics in Nursing and Care of Slovenia,

which obliges all providers of medical care to act in a humane, professional and responsible manner, which can be contested based on a complaint before the Honorary Court of the Chamber of Nursing and Midwifery Care of Slovenia (0702-170/2022).

Problems with the lack of personal physicians and paediatricians in one of Slovenian municipalities

The Advocate was approached by a client with a public letter where problems with the lack of personal physicians and paediatricians in one of the municipalities were described. The Advocate replied to the client that such a problem exists in several municipalities, so it is not a question of discrimination due to a certain personal ground, but a question of ensuring access to health care and quality health treatment. The client was invited to lodge a complaint with the Advocate in the case of a specific problem with the choice of a personal doctor depending on the place of residence or in the event of a problem with the accessibility of the selected health care provider. The client failed to respond to the Advocate's clarification (0702-189/2022).

13.5 The Advocate's Cooperation with the MH

Meeting of the Head of the Advocate of the Principle of Equality, Miha Lobnik, with the Minister of Health, Danijel Bešič Loredan

On 11 October 2022, the Head of the Advocate for the Principle of Equality, Miha Lobnik, presented the Annual Report for 2021 to the Minister of Health, Danijel Bešič Loredan. They also discussed some of the Advocate's recommendations made towards eliminating discrimination and improving the situation in the field of protection against discrimination, which have already been submitted by the Advocate to the MH.

The Head of the Advocate, Miha Lobnik, proposed to the Minister to carry out systemic controls in nursing homes, since the Advocate does not have the possibility to supervise the professional decisions of the medical profession and cannot ascertain whether the caregivers were adequately sent to hospitals in case of COVID-19 infections.

He informed the Minister about the request for constitutionality review of the legislation governing access to biomedically-assisted procreation. The Advocate assessed that the legislation is discriminatory against infertile women who are not in a marital or extramarital union. These women are denied access to assisted procreation only because they are single, divorced, widowed, or live in other types of partnerships or life communities, including same-sex partnerships.

The Advocate also presented to the Minister the recommendations from the special report on the situation of intersex people in medical procedures of gender identity confirmation and legal recognition of gender in Slovenia. He also drew attention to the unresponsiveness of the Interdisciplinary Council for Confirmation of Gender Identity, which operates within the University Psychiatric Clinic Ljubljana.

They discussed the health status of members of the Roma community in Slovenia and recommendations for the implementation of special measures to ensure equality with regard to improving health and accessibility to public health services for the Roma community as well as monitoring the effectiveness of these measures.

The Advocate and the Minister also discussed digitalization in health care. They spoke about the unavailability of health services in some health centres, which particularly affects the elderly, people with disabilities and people who lack digital competences. The Minister Danijel Bešič Loredan agreed that full digitalisation can bring about certain risks. According to his opinion, experience from other countries shows that it is in the best interest of patients to maintain a combined system that is 60 percent digitized and 40 percent still allows patients to have personal contact with doctors and other healthcare staff.



The Head of the Advocate of the Principle of Equality, Miha Lobnik, presented the recommendations from the special report on the situation of intersex people in medical procedures of gender identity confirmation to the Minister of Health, Danijel Bešič Loredan.

14 MINISTRY OF FOREIGN AFFAIRS (MFA)

- 14.1 Assessment of the discriminativeness of regulations
- 14.2 Recommendations by the Advocate to the MFA
- 14.3 Determining discriminatory practices
- 14.4 Advisory, informing and support activities
- 14.5 The Advocate's Cooperation with the MFA

14.1 Assessing the discriminativeness of regulations

In 2022, the Advocate did not carry out any discrimination investigation procedures within the field of competence of the MFA.

14.2 Recommendations by the Advocate to the MFA

In 2022, the Advocate did not issue any recommendations within the field of competence of the MFA.

14.3 Determining discriminatory practices

In 2022, the Advocate did not issue any decisions dealing with discrimination investigation within the field of competence of the MFA.

14.4 Advisory, informing and support activities

Differentiation in access to Slovene language courses does not necessarily constitute discrimination

The Advocate was approached by an individual regarding the issue of the unavailability of free of charge Slovenian language courses to the descendants of Slovenian citizens who have acquired Slovenian citizenship. Unlike foreigners, they are not entitled to a free Slovenian language course, which seems controversial to the client. The Advocate explained that in the specific case it is not possible to talk about a comparable situation or to identify comparable situations that would require uniform regulation. These are different situations that are not comparable and therefore do not require the same regulation (0702-203/2022).

14.5 The Advocate's Cooperation with the MFA

Interdepartmental Commission on Human Rights (ICHR)

The ICHR is a working body of the Government and its work is coordinated by the Ministry of Foreign Affairs. The ICHR is in charge of coordinating Slovenia's reporting under ratified international human rights treaties, monitoring the implementation of international obligations of the Republic of Slovenia (RS) in the field of human rights, and more broadly in the field of respect for and protection of human rights in the country and around the world. The Advocate has an open invitation to participate in the sessions in the ICHR, which means that the equality body does not have the right to vote.

In 2022, the 16th correspondence session was held between 8 and 22 June, and the 25th regular meeting was held on 22 December.

At the 16th correspondence session, the members of the ICHR reviewed the reports and confirmed the conclusions in the framework of the Fourth Report of the ICHR to the Government of the Republic of Slovenia for 2020 and 2021, and updated the reporting tables according to international human rights control mechanisms. Three adopted recommendations from the third round of the Slovenian Defence following the Universal Periodic Review were examined and the state of fulfilment of commitments in the process of preparation for the second Summit for Democracy was reviewed. The list of members of the ICHR was also updated.

At the 25th regular session, the members of the ICHR reviewed the status of reporting of the Republic of Slovenia according to the instruments of the United Nations and the Council of Europe. They were presented with the 5th round of the implementation of the Council of Europe Framework Convention on the Protection of National Minorities in the Republic of Slovenia and the preparation for the presentation of the Seventh Periodic Report of the Republic of Slovenia on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women. They were briefed on the preparations for the second Summit for Democracy, which is planned for 29 and 30 March 2023.

15 GOVERNMENT OF THE REPUBLIC OF SLOVENIA

- 15.1 Assessment of the discriminativeness of regulations
- 15.2 Recommendations by the Advocate to the Government
- 15.3 Determining discriminatory practices
- 15.4 Advisory, informing and support activities
- 15.5 The Advocate's Cooperation with the Government

15.1 Assessing the discriminativeness of regulations

! According to the Advocate's assessment, the solidarity allowance for the elimination of the consequences of energy poverty from April 2022 does not comply with Article 18 of the PADA

The Advocate assessed that the Act Determining Emergency Measures to Mitigate the Consequences of the Impact of High Energy Commodity Prices, on the basis of which the beneficiaries received EUR 150 of a one-off solidarity allowance for mitigating the consequences of energy poverty in April 2022, does not comply with the provisions on special measures under Article 18 of the PADA. The assessment pointed out that when taking measures aimed at eliminating the less favourable situation of persons with a particular personal ground compared to others who do not have that personal circumstance, it is necessary to adequately justify why someone is receiving privileged treatment. For the assessed act, such justifications were not given, hence the funds were granted to persons who had no need for such aid while not all who based on the personal ground of property status and energy poverty needed them. The Government was recommended to justify the categories of beneficiaries of allowances when granting similar benefits in the future through analyses ([050-10/2022/6](#) – assessment, [050-7/2022](#), [050-8/2022](#)).

According to the Advocate, the Roma Community in the Republic of Slovenia Act, which refers to the representation of members of the Roma community in the Council of the Roma Community, is not discriminatory.

Based on the analysis of the data submitted to the Advocate by four out of five working Roma associations, the Advocate assessed that, with the exclusivity of the Association of Roma in Slovenia in the Council of the Roma Community, Roma associations based in municipalities in areas where the Roma community is not traditionally inhabited are not placed in a less favourable position compared to Roma societies based in municipalities in areas where the Roma community is indigenous. According to the Advocate, the provision of the first paragraph of Article 10 of the Roma Community in the Republic of Slovenia Act is not discriminatory against non-indigenous Roma. However, in the process of assessing the discriminativeness of this Act, the Advocate found that more than two thirds of Roma associations are not part of the Roma Association of Slovenia, which takes away its legitimacy in representing all Roma in the Council of the Roma Community. The Advocate recommended that the Government should prepare an amendment to the Roma Community in the Republic of Slovenia Act, which will enable a representative representation of members of the Roma community in the Council of the Roma community. ([050-14/2021/28](#)).

The Ordinance determining the conditions of entry into the Republic of Slovenia to contain and control the COVID-19 infectious disease is not discriminatory with regard to the place of residence

The Advocate received a request to consider the Ordinance determining the conditions of entry into the Republic of Slovenia to contain and control the COVID-19 infectious disease. Pursuant to the provisions of point 4 of the first paragraph of Article 7 of the Ordinance, entry into the Republic of Slovenia without referral to quarantine and without the DCP condition shall also be allowed to cross-border migrant who has an employment relationship in one of the Member States of the European Union or in another Schengen State and who resides at a distance of not more than 10 kilometres from the common border line of the Republic of Slovenia and the neighbouring State, and who returns within five days after crossing the border. The initiator expressed the conviction that this restriction is discriminatory on the grounds of place of residence. He has a temporary residence in Zagreb, which is more than ten kilometres away from the border, and he drives to work in Slovenia every day. The Advocate assessed that the regulation is not discriminatory with regard to the place of residence (050-29/2021/8).

15.2 Recommendations by the Advocate to the Government

Act Determining Emergency Measures to Mitigate the Consequences of the Impact of High Energy Commodity Prices¹⁶

Recommendation (050-10/2022/7):

1. The Government should amend the Act as to justify the categories of allowance beneficiaries through analyses and to take into account their financial situation and actual inability to satisfy their basic energy needs when defining the categories of beneficiaries in the adoption of measures to eliminate the consequences of energy poverty.

Status: **Not taken into account.**

Promotion of Digital Inclusion Act (PoDIA)¹⁷

Recommendation (050-13/2022/12):

1. The Government should amend the act so that the principle of equality be followed; to justify the categories of beneficiaries pursuant to Article 18 of the PADA through analyses performed and to take into account the financial status and actual digital competencies when defining the categories. In addition, the implementation of the Act should ensure equal access to training in regional terms.

Status: **Taken into account.**

¹⁶Act Determining Emergency Measures to Mitigate the Consequences of the Impact of High Energy Commodity Prices (Official Gazette of the Republic of Slovenia, No. 29/22).

¹⁷Promotion of Digital Inclusion Act (Official Gazette of the Republic of Slovenia, No. 35/22).

Accessibility of Secondary Schools for Persons with Reduced Mobility¹⁸

Recommendation (0709-18/2022/3):

1. The Government should provide the necessary funding for the financing of investment and maintenance works on the facilities and equipment of secondary schools with the aim of ensuring and improving accessibility. According to Article 38 of the Equalisation of Opportunities for Persons with Disabilities Act, all secondary schools must be fully accessible by the end of 2025.

Status: **Not taken into account.**

Preparation of national protection against discrimination strategic plans

Recommendations (0709-26/2022/1):

1. The Government should prepare and adopt the four missing strategic plans at the national level, which are the key basis for designing forward-looking and EU-coordinated protection against discrimination measures and for promoting equal opportunities, both at legislative and policy levels.

Status: **Not taken into account.**

2. The Government should establish a single point at the government level (Ministry, office, or another organizational unit) responsible for the drafting, adoption, and effectiveness monitoring of national policies on discrimination prevention and elimination and comprehensive and uniform promotion of equal opportunities.

Status: **Not taken into account.**

The Roma Community in the Republic of Slovenia Act (RCRSA-1)¹⁹

Recommendation (050-14/2021/29):

1. It is recommended that the Government should amend the Act as to enable a representative representation of members of the Roma community in the Council of the Roma Community of the Republic of Slovenia. It should be borne in mind that, in addition to the Roma Association of Slovenia, there are other associations of Roma societies based in the areas of both traditionally and non-traditionally inhabited Roma communities.

Status: **Not taken into account.**

¹⁸Within the framework of the special report of the Advocate Accessibility of Secondary Schools for Persons with Reduced Mobility . Available at: https://zagovornik.si/wp-content/uploads/2022/07/Pespecialno-porocilo_Accessibility-srednih-sol-za-gibalno-ovirane.pdf

¹⁹Roma Community in the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia, No. 33/07).

15.3 Determining discriminatory practices

In 2022, the Advocate did not issue any decisions dealing with discrimination investigation within the field of competence of the Government.

15.4 Advisory, informing and support activities

In 2022, the Advocate did not handle any cases of advisory within the field of competence of the Government.

15.5 The Advocate's Cooperation with the Government

The Advocate's cooperation with the Government is described in more detail in the subchapters dedicated to cooperation with individual Ministries.

16 GOVERNMENT OFFICE FOR NATIONALITIES (GON)

- 16.1 Assessment of the discriminativeness of regulations
- 16.2 Recommendations by the Advocate to the GON
- 16.3 Determining discriminatory practices
- 16.4 Advisory, informing and support activities
- 16.5 The Advocate's Cooperation with the GON

16.1 Assessing the discriminativeness of regulations

According to the Advocate, the Roma Community in the Republic of Slovenia Act, which refers to the representation of members of the Roma community in the Council of the Roma Community, is not discriminatory.

Based on the analysis of the data submitted to the Advocate by four out of five working Roma associations, the Advocate assessed that, with the exclusivity of the Association of Roma in Slovenia in the Council of the Roma Community, Roma associations based in municipalities in areas where the Roma community is not traditionally inhabited are not placed in a less favourable position compared to Roma societies based in municipalities in areas where the Roma community is indigenous. According to the Advocate, the provision of the first paragraph of Article 10 of the Roma Community in the Republic of Slovenia Act is not discriminatory against non-indigenous Roma. However, in the process of assessing the discriminativeness of this Act, the Advocate found that more than two thirds of Roma associations are not part of the Roma Association of Slovenia, which takes away its legitimacy in representing all Roma in the Council of the Roma Community. The Advocate recommended that the Government should prepare an amendment to the Roma Community in the Republic of Slovenia Act, which will enable a representative representation of members of the Roma community in the Council of the Roma community. (050-14/2021/28).

16.2 Recommendations by the Advocate to the GON

In 2022, the Advocate did not issue any recommendations within the field of competence of the GON.

16.3 Determining discriminatory practices

In 2022, the Advocate did not issue any decisions dealing with discrimination investigation within the field of competence of the GON.

16.4 Advisory, informing and support activities

! Language in citizens' dealings in areas where the Italian and Hungarian national communities live

The Advocate was approached by an individual who wished to open a fiduciary current account at a bank in Izola. He said that as a member of the Italian minority in Slovenia, he had difficulties in communicating with employees. He asked the staff member for help in filling out the form in the Slovenian language. They answered that being a Slovenian citizen he should deal with the form on his own. The Advocate pointed out as part of an advisory procedure that in areas where the indigenous Italian or Hungarian national communities live, companies must also operate in the minority language. The client was invited to submit a complaint. Since the client is a member of a national minority, the Advocate informed them that they can submit applications in the Italian language even outside the bilingual area, whereby the authority outside this area operates exclusively in the Slovenian language, but must, at its own expense, translate the client's applications and enable them to follow the procedure with the help an interpreter if an oral hearing takes place ([0702-71/2022](#)).

Poor grades in college due to nationality and religion

The Advocate was approached by a client who alleged discrimination in the assessment of knowledge at the faculty. A poorer grade was allegedly given due to her personal grounds of nationality and religion. The Advocate explained to the client what actions can be taken and invited her to submit a complaint with evidence, that the poorer grade was the result of her nationality and religion. The client failed to respond to the Advocate's clarification ([0702-3/2022](#)).

16.5 The Advocate's Cooperation with the GON

Presentation of the implemented and planned measures of the Advocate regarding the implementation of the Framework Convention for the Protection of National Minorities in Slovenia

On 28 and 29 November 2022, two representatives of the Advocate attended a meeting on the implementation of the Framework Convention for the Protection of National Minorities in Slovenia on the basis of the assessment and recommendations of the 5th Advisory Committee Opinion on the Framework Convention for the Protection of National Minorities in Slovenia. The meeting was held by the Government Office for Nationalities. At the preparatory meeting, representatives of state authorities and minority ethnic communities discussed the issue of combating stereotypes and prejudices against minority groups exposed to hate speech. Additionally, they pointed to the need to support broadcasts in Italian and to the shortage of Italian-speaking journalists as well as the need for the increased duration and frequency of Hungarian broadcasts in the public media. They took note of the situation and housing conditions in Roma settlements and as well as the issue of equal education opportunities for members of the Roma community. The representative of the Advocate participated in the discussion on raising awareness of the powers of the Advocate of the Principle of Equality and the Ombudsman among minority and ethnic communities. She presented the implemented and planned measures of the Advocate in this respect.

17 GOVERNMENT OFFICE FOR THE SUPPORT AND INTEGRATION OF MIGRANTS (GOSIM)

- 17.1 Assessment of the discriminativeness of regulations
- 17.2 Recommendations by the Advocate to the GOSIM
- 17.3 Determining discriminatory practices
- 17.4 Advisory, informing and support activities
- 17.5 The Advocate's Cooperation with the GOSIM

17.1 Assessing the discriminativeness of regulations

In 2022, the Advocate did not carry out any discrimination investigation procedures within the field of competence of the GOSIM.

17.2 Recommendations by the Advocate to the GOSIM

In 2022, the Advocate did not issue any recommendations within the field of competence of the GOSIM.

17.3 Determining discriminatory practices

In 2022, the Advocate did not issue any decisions dealing with discrimination investigation within the field of competence of the GOSIM.

17.4 Advisory, informing and support activities

In 2022, the Advocate did not handle any cases of advisory within the field of competence of the GOSIM.

17.5 The Advocate's Cooperation with the GOSIM

In 2022, the Advocate was not engaged in direct cooperation with the GOSIM.

18 GOVERNMENT OFFICE FOR SLOVENIANS ABROAD (OSA)

- 18.1 Assessment of the discriminativeness of regulations
- 18.2 Recommendations by the Advocate to the OSA
- 18.3 Determining discriminatory practices
- 18.4 Advisory, informing and support activities
- 18.5 The Advocate's Cooperation with the OSA

18.1 Assessing the discriminativeness of regulations

In 2022, the Advocate did not carry out any discrimination investigation procedures within the field of competence of the OSA.

18.2 Recommendations by the Advocate to the OSA

In 2022, the Advocate did not issue any recommendations within the field of competence of the OSA.

18.3 Determining discriminatory practices

In 2022, the Advocate did not issue any decisions dealing with discrimination investigation within the field of competence of the OSA.

18.4 Advisory, informing and support activities

In 2022, the Advocate did not handle any cases of advisory within the field of competence of the OSA.

18.5 The Advocate's Cooperation with the OSA

In 2022, the Advocate was not engaged in direct cooperation with the OSA.

19 GOVERNMENT OFFICE FOR DIGITAL TRANSFORMATION

- 19.1 Assessment of the discriminativeness of regulations
- 19.2 Recommendations by the Advocate to the Government Office for Digital Transformation
- 19.3 Determining discriminatory practices
- 19.4 Advisory, informing and support activities
- 19.5 The Advocate's Cooperation with the Government Office for Digital Transformation

19.1 Assessing the discriminativeness of regulations

! According to the Advocate, the Promotion of Digital Inclusion Act, which sets out who the recipients of digital vouchers' 22 shall be, is not discriminatory, however, the incentive measure for the allocation of vouchers '22 itself does not meet all the conditions under the PADA.

According to the Advocate, the Promotion of Digital Inclusion Act, which sets out who the recipients of digital vouchers' 22 shall be, is not discriminatory, however, the allocation of vouchers '22 itself does not meet all the conditions under the PADA. The Advocate assessed that the different arrangements for obtaining a voucher '22 for people over 55 years of age and for schoolchildren do not constitute a discriminatory arrangement on grounds of age, as the two groups are not in a comparable position. The Advocate further assessed the general provision that all persons aged 55 or more are entitled to a financial benefit of EUR 150, regardless of the actual need for education to raise digital literacy and regardless of their financial situation, is not appropriate for achieving the set goals due to the limited number of places in the courses. A cash grant for the purchase of computer equipment would be reasonable if allocated to individuals who actually need financial assistance due to their poor financial situation. The latter applies to both groups of beneficiaries, that is to persons over 55 years of age and pupils and high-school and university students. The Advocate recommended to the Government to amend the Promotion of Digital Inclusion Act so that the principle of equality be followed and to justify the categories of beneficiaries pursuant to Article 18 of the PADA through analyses performed and to take into account the financial status and actual digital competencies when defining the categories. In addition, the implementation of the Act should ensure equal access to training in regional terms ([050-13/2022/11](#)).

Ineligibility of foreigners with temporary residence in Slovenia to digital vouchers is not discriminatory

The Advocate received an initiative to assess the discriminativeness of the Promotion of Digital Inclusion Act (PoDIA) in the part regulating the beneficiaries of the digital vouchers. The initiator stated that the second paragraph of Article 18 of the PoDIA, which grants the right to a digital voucher only to individuals with permanent residence in Slovenia, is discriminatory against all foreign students who do not have permanent residence in Slovenia, but study under the same conditions and in the same educational program as students (domestic or foreign) with permanent residence in Slovenia. The Advocate found that foreigners with temporary residence are not in a comparable situation as foreigners with permanent residence. In the Slovenian legal system, a person with permanent residence has a broader range of rights according to the law compared to a person who has a temporary residence or registered residence permit (in the case of a citizen of another EU Member State), regardless of their

nationality. Persons with a temporary residence permit or registered temporary residence have fewer social rights. In view of the above, the Advocate did not carry out a more detailed assessment of the discriminativeness of the respective Act (050-14/2022/3).

19.2 Recommendations by the Advocate to the Government Office for Digital Transformation

Promotion of Digital Inclusion Act (PoDIA, EVA 2021 - 1545-0001)

Recommendations (0709-2/2022/1):

1. The Government Office for Digital Transformation should amend the draft act as to include a needs analysis and an analysis of the effects of the Act on the target groups of beneficiaries.
Status: **Taken into account.**
2. The Government Office for Digital Transformation should regulate more precisely the fundamental principle of equal access set out in the law.
Status: **Taken into account.**
3. The Government Office for Digital Transformation should further identify particularly vulnerable groups of people within the already (mainly age-specific) target groups of measures, in particular people who are at a disadvantage or at risk of poverty.
Status: **Taken into account.**
4. The Government Office for Digital Transformation should change the condition of permanent residence when benefiting from the measures.
Status: **Not taken into account.**

Promotion of Digital Inclusion Act (PoDIA)²⁰ (addressed to the Government)

Recommendation (050-13/2022/12):

1. The Government Office for Digital Transformation should amend the act so that the principle of equality be followed; to justify the categories of beneficiaries pursuant to Article 18 of the PADA through analyses performed and to take into account the financial status and actual digital competencies when defining the categories. In addition, the implementation of the Act should ensure equal access to training in regional terms.
Status: **Taken into account.**

²⁰Promotion of Digital Inclusion Act (Official Gazette of the Republic of Slovenia, No. 35/22).

19.3 Determining discriminatory practices

In 2022, the Advocate did not issue any decisions dealing with discrimination investigation within the field of competence of the Government Office for Digital Transformation.

19.4 Advisory, informing and support activities

In 2022, the Advocate did not handle any cases of advisory within the field of competence of the Government Office for Digital Transformation.

19.5 The Advocate's Cooperation with the Government Office for Digital Transformation

In 2022, the Advocate was not engaged in direct cooperation with the Government Office for Digital Transformation.

20 NATIONAL ASSEMBLY OF THE REPUBLIC OF SLOVENIA

- 20.1 Assessment of the discriminativeness of regulations
- 20.2 Recommendation by the Advocate to the National Assembly
- 20.3 Determining discriminatory practices
- 20.4 Advisory, informing and support activities
- 20.5 The Advocate's Cooperation with the National Assembly

20.1 Assessing the discriminativeness of regulations

The Advocate's assessments of the discriminativeness of regulations are presented in the subchapters dealing with Ministries and other institutions.

20.2 Recommendations by the Advocate to the National Assembly²¹

Resolution on National Programme of Higher Education 2030 (NPHE, EPA 2421-VIII)

Recommendations (0070-19/2021/4):

1. The effective provision of equal opportunities for students with different personal grounds should be monitored, with a view to effectively plan and implement incentives to ensure equal access and realisation of the right of all to education and obtaining the highest attainable education.
Status: **Not taken into account.**
2. The spatial and communication accessibility of all educational institutions should be ensured, including the establishment of a database on the accessibility of these facilities.
Status: **Not taken into account.**
3. Special, dedicated scholarships for students with special needs should be introduced that would be available under the existing scholarship system.
Status: **Not taken into account.**
4. The training and awareness-raising of teaching staff in the field of human rights exercise and protection against discrimination for the benefit of students with special needs should be fostered.
Status: **Not taken into account.**

²¹In the case of recommendations issued to the National Assembly, the Advocate established the status of the recommendations by reviewing which recommendations were included in the adopted acts and regulations.

Promotion of Digital Inclusion Act (PoDIA, EPA 2505 - VIII)

Recommendations (0709-2/2022/2):

1. An analysis of needs and impacts of the respective Act on target groups of beneficiaries should be included in the draft act.
Status: **Taken into account.**
2. The fundamental principle of equal access set out in the law should be regulated more clearly.
Status: **Taken into account.**
3. Particularly vulnerable groups of people within the already (mainly age-specific) target groups of measures should be further identified, in particular people who are at a disadvantage or at risk of poverty.
Status: **Taken into account.**
4. The condition of permanent residence when benefiting from the measures should be changed.
Status: **Not taken into account.**

Labour Market Regulation Act (LMRA, EPA 2547 - VIII)

Recommendations (0709-29/2021/3):

1. Detailed analysis and clarification of all the purposes, objectives and, in particular, the effects of the new Article 13a on the changes of the definition of the so-called suitable employment. The proportionality of the proposed measure in relation to the rights of workers or the unemployed and within the framework of other functions of the state in regulating the labour market should be further clarified.
Status: **Not taken into account.**
2. With regard to the proposed amendment to the statutory provision extending the period of inclusion in the public works programme from up to two to a maximum of four years, the explanation of the proposal should include an impact assessment on the situation of long-term unemployed persons included in the public works programme, in particular with regard to ensuring their equal opportunities in access to regular employment.
Status: **Not taken into account.**
3. The proportionality of the proposed Article 9 which newly regulates that an appeal against the decision on the removal from the register of unemployed persons does not suspend enforcement should be adequately justified.
Status: **Not taken into account.**
4. The provision of the applicable law which stipulates the requirement of entry-level knowledge of the Slovenian language should be abolished, as it distinguishes between registered unemployed persons on the basis of their personal ground.
Status: **Not taken into account.**
5. Distinction between persons based on the level of education attained in the eligibility for the employment incentive referred to in Article 66a of the same Act should be eliminated.
Status: **Not taken into account.**

Consumer Protection Act (CPA-1, EPA 180 - IX)

Recommendations (0700-40/2022/1):

1. A clearer provision prohibiting discrimination against consumers should be included in the draft act.
Status: **Not taken into account.**
2. An obligation to ensure accessibility when communicating with consumers with disabilities in the relevant languages and fonts should be included in the draft act.
Status: **Not taken into account.**
3. A prohibition of any advertising that encourages inequality or intolerance and hatred should be included in the draft act.
Status: **Not taken into account.**

Parental Protection and Family Benefits Act (PPFBA-1, EPA 2545 - VIII)

Recommendations (0070-13/2021/4):

1. Justification of the provisions relating to the transposition of Directive (EU) 2019/1158 should be provided, in particular in the part where harmonisation with the Directive is not strictly necessary.
Status: **Not taken into account.**
2. An analysis should be carried out of the unjustified absences of (Roma) pupils, their alleged early school leaving, and the suspension of further education, as well as an impact analysis of the proposed legal provisions on equality, equal opportunities, and equal treatment.
Status: **Not taken into account.**

Social Assistance Payments Act (SAPA, EPA 2546 - VIII)

Recommendations (0070-1/2022/1):

1. A comprehensive impact assessment on equality, equal opportunities, and equal treatment should be included in the framework of planning measures to tighten the eligibility requirements for receiving financial social assistance.
Status: **Not taken into account.**
2. A comprehensive impact assessment should be carried out as regards equality, equal opportunities, and equal treatment in the framework of the planning of measures aimed at the Roma in particular.
Status: **Not taken into account.**

National Assembly Election Act (NAEA, EPA 2587 - VIII)

Recommendations (0070-2/2022/1):

1. Comprehensive assessment should be made of the effects on equality, equal opportunities, and equal treatment based on a strict proportionality test in relation to the proposed restriction of the right to stand in the election due to a criminal record, and the statutory solutions should be adjusted to these findings, if necessary.
Status: **Not taken into account.**
2. The text should be supplemented by deleting the second and third paragraphs of the current Article 7 of the National Assembly Election Act; namely, the right to vote in the elections to the National Assembly should be available to all adult citizens, including all people who have been deprived of their legal capacity, over whom parental rights were extended or who were placed under guardianship.
Status: **Not taken into account.**

Family Code (FC, EPA 190 - IX)

Recommendation (001-8/2022/3):

1. A draft act amending the Family Code (FC-B) should be adopted.
Status: **Taken into account.**

Criminal Code (CC-1, EPA 0440 - IX)

Recommendation (0070-6/2022/1):

1. Article 1 should be amended as to include all forms of hate crimes motivated by particular personal grounds, irrespective of whether the wronged persons have or can be attributed the specific personal grounds, or these personal grounds are connected to them, or the persons are connected to any organisations with the respective personal grounds.
Status: **Not taken into account.**

National Council Act (NCA, EPA 113 - IX)

Recommendations (0070-13/2022/1):

1. The second paragraph of Article 2 should be removed, which would legalize the possibility of judicial deprivation of the right to vote and right to stand in the election to the National Assembly to people with intellectual and psychosocial disabilities.
Status: **Not taken into account.**
2. A system of supportive decision-making should be established for people with mental health problems, people with intellectual and psychosocial disabilities, and for people with other forms of disabilities that may hinder their full and equal enjoyment of the right to vote.
Status: **Not taken into account.**

Act on Accessibility of Products and Services for Persons with Disabilities (AAPSPD, EPA 405 - IX)

Recommendations (0700-50/2022/5):

1. The title of the act should be amended to "Act on Access to Certain Products and Services".
Status: **Not taken into account.**
2. The Act should be in harmony with the obligations to ensure accessibility of products and services under EU law, the Convention on the Rights of Persons with Disabilities, the European Convention on Human Rights, the Equalisation of Opportunities for Persons with Disabilities Act, and the Protection against Discrimination Act.
Status: **Not taken into account.**
3. A clear definition should be provided that the Act shall regulate consumer rights by linking them to other obligations already in force for providers to ensure the accessibility of products and services to final consumers and by ensuring equal treatment of consumers (non-discrimination), which includes the obligation for providers to provide consumers with reasonable accommodations in access to goods and services.
Status: **Not taken into account.**
4. The term “disabled” should be replaced with the term “persons/people with disabilities” and persons with functional limitations should be included as eligible consumers of these products and services and should be identified accordingly.
Status: **Not taken into account.**
5. The proposed exemptions and additional transitional periods for the accessibility of those products and services vis-à-vis the final consumer should be abolished.
Status: **Taken into account.**
6. All key criteria for eligible exemptions from accessibility requirements due to substantial product change or excessive burden should be regulated in Article 22 of the Access to Products and Services for Persons with Disabilities Act.
Status: **Taken into account.**
7. A clear regulation of the rights of consumers, their organisations, and associations to protection in cases of breaches of accessibility requirements should be ensured by identifying the remedies available and allowing them to participate in judicial and administrative proceedings. The amount of the planned fines for minor offenses shall not be lower than that provided for in the Equalisation of Opportunities for Persons with Disabilities Act.
Status: **Not taken into account.**

20.3 Determining discriminatory practices

In 2022, the Advocate did not issue any decisions dealing with discrimination investigation within the field of competence of the National Assembly.

20.4 Advisory, informing and support activities

In 2022, the Advocate did not handle any cases of advisory with regard to the functioning of the National Assembly.

20.5 The Advocate's Cooperation with the National Assembly

Presentation of the Annual Report for 2021

On 27 May 2022, the Head of the Advocate for the Principle of Equality, Miha Lobnik, handed over the Advocate's Annual Report for 2021 to the President of the National Assembly, Urška Klakočar Zupančič.

On 6 July 2022, the Head of the Advocate of the Principle of Equality, Miha Lobnik, presented the Annual Report to the Members of the Committee on Labour, Family, Social Affairs and Disability.

21 OTHER STATE AUTHORITIES, LOCAL COMMUNITIES, HOLDERS OF PUBLIC AUTHORITY AND LEGAL ENTITIES

- 21.1 Assessment of the discriminativeness of regulations
- 21.2 Recommendations by the Advocate to other state authorities, local communities, holders of public authority and legal entities
- 21.3 Determining discriminatory practices
- 21.4 Advisory, informing and support activities

21.1 Assessing the discriminativeness of regulations

According to the Advocate's assessment, the municipality did not violate the principle of non-discrimination based on age in the tender for municipal pocket money

The Advocate received a letter from a complainant, who believes that he was discriminated against on the basis of age when municipal pocket money was awarded. The applicant was compared with medical/veterinary students for whom a higher age limit is set, or with students who were born in the same year and had not yet reached the age of 25 at the time of application. The Advocate considers that no inadmissible discrimination occurred in this case. Although age is one of the expressly listed personal grounds according to the PADA, the Advocate assessed that in the case of the granting of municipal pocket money, the age limit has passed the proportionality test, and therefore it is considered an exception to the prohibition of direct discrimination under Article 13 of the PADA (050-41/2021/10).

21.2 Recommendations by the Advocate to other state authorities, local communities, holders of public authority and legal entities

State authorities and local communities – Adoption of special measures

Recommendation (0070-10/2022/1):

1. State authorities and local communities who are responsible to ensure protection against discrimination and equal opportunities should consistently follow Articles 17 and 18 of the PADA in the preparation of special measures (which ensure specific benefits or forms of aid to certain groups in society).
Status: **Systemic recommendation.**

State authorities, local communities and institutions in the field of public administration, education, justice, culture and sport – Ensuring accessibility of facilities in public use for people with disabilities

Recommendation (0070-11/2022/2):

1. State authorities, local communities and institutions in the field of public administration services, education, justice, culture and sports should carry out all necessary activities in a timely manner so that the authority or institution as a facility in public use is adapted or accessible to people with disabilities. Pursuant to the Equal Opportunities of Disabled Persons Act, this must be ensured no later than by 11 December 2025.
Status: **Systemic recommendation.**

Faculty – Interference with the established form of education

Recommendation (0700-6/2022/7):

1. When intervening in the established form of education in the future, the Faculty should refrain from measures and communication that would result in unequal treatment of foreign students or other students with specific personal grounds, both in relation to measures and communication-related to the epidemic and otherwise, unless reasonable and material reasons for different treatment are given.
Status: **Taken into account.**

Local communities – Ensuring accessibility of public facilities for people with disabilities

Recommendation (0070-11/2022/2):

1. Local communities should timely implement all necessary activities in such a way as to ensure that all facilities in public use covered by the competence of the municipalities in various areas of social life are adapted or accessible to people with disabilities. Pursuant to the Equal Opportunities of Disabled Persons Act, this must be ensured no later than by 11 December 2025.
Status: **Systemic recommendation.**

RTV Slovenia – Availability of the RTV Slovenia programme to the deaf and hard of hearing

Recommendation (0702-198/2022/2):

1. RTV Slovenia should make available the matches of the football World Cup and major shows related to the championship to the deaf and hard of hearing in an appropriate manner (either by providing live subtitles, interpreting into Slovenian sign language, or in any other prescribed manner).
Status: **Taken into account.**

Real estate portal – Discriminatory advertisements on the website

Recommendations (0700-2/2022/2):

1. The real estate portal was recommended to inform the user who published the problematical advertisement that it is not permissible to offer real estate on the market in such a way as to exclude individuals from access to housing due to their personal grounds (in this particular case non-EU citizens).
Status: **Taken into account.**
2. The real estate portal should supplement the terms and conditions of use of the website and prohibit the publication of an advertisement that constitutes discrimination.
Status: **Taken into account.**

21.3 Discrimination investigation

! The arrangement of granting free ski passes to students by the municipality is discriminatory

As one of the criteria for obtaining a free ski pass for students who have permanent residence in the municipality, the Municipality of Kranjska Gora laid down the date of registration of permanent residence in the municipality. Due to this criterion, not all students with permanent residence in the municipality were entitled to a free ski pass. The Advocate found that this differentiation was unjustified and that some students were discriminated against on the basis of the personal ground of the place of residence on the day of registration of their residence in the municipality. The Advocate submitted a proposal to the Market Inspectorate for the initiation of an inspection and minor offence proceedings. The minor offence proceeding is still ongoing. The alleged infringer brought an action before the Administrative Court against the Advocate's decision. The procedure is still ongoing (Decision No. 0700-53/2020/15 of 11 April 2022).

! Radio station discriminates against political parties on the basis of religion or belief

The Advocate found that Radio Ognjišče discriminated against some political parties who, in their programmes and appearances, oppose the teachings of the Catholic Church. Before the parliamentary elections, the radio station enabled them to present their positions, but unjustifiably treated them less favourably. The presentations of their positions were only published in a read summary, while the positions of political parties that do not oppose the Catholic doctrine was published in the form of audio recordings of interviews with the deputy candidates of such parties. Therefore, the radio station discriminated against certain political parties on the basis of religion or belief, namely in the area of access to goods and services available to the public. In the discrimination investigation proceeding, the radio station stated in their last letter to the Advocate that in the future discrimination of this kind will be eliminated. Despite this, the radio station brought an action before the Administrative Court against the Advocate's decision. The proceeding is still pending (Decision No. 0700-9/2022/9 of 19 September 2022).

The Advocate did not find discrimination in the failure to provide a parking space for persons with disabilities in a parking lot jointly owned by owners of apartments

The Advocate conducted a discrimination investigation procedure in the case of a person with a disability who, due to their physical disability, needed a special parking space for disabled persons in front of the entrance to the building where they live. The person, on their own initiative and without the consent of the owners of apartments, who are also the co-owners of the parking yard between three buildings, marked the parking space as a space for the disabled and installed a parking barrier on it. In accordance with the decision of the association of the owners of apartment, the manager of the building in which the person lives asked them to remove the parking barrier. The person accused the manager of failing to protect their rights. As a result, they lodged a complaint with the Advocate. The manager explained that they could not provide a parking space to the individual apartment owner without the appropriate consent of the co-owners of the yard, even if it was a person with disability. However, the Advocate reminded the manager that the apartment owners must also comply with the provisions of the EOPDA and PADA, and that the manager must inform the apartment owners about this fact and strive for a non-discriminatory solution. In his reply to the Advocate, the manager expressed his readiness to implement of the proposed solution as far as possible. However, the association of apartment owners did not reach a consensus on a special parking space for disabled people. The Advocate found that the administrator followed the warning and did everything he could and therefore did not violate the prohibition of discrimination. However, the manager's authority is limited. (Decision No. 0700-64/2019/36 of 21 April 2022).

Posters that made some people feel uncomfortable did not contain all the statutory elements of harassment

In the campaign "Znamenja", which in a provocative way draws attention to domestic violence, not all the conditions for discrimination investigation were met. The case did not meet the criteria of the definition of harassment as a form of discrimination under the PADA. In order to confirm that a certain conduct is harassment as prohibited by the law, the Advocate must confirm the existence of all elements of such conduct. In the present case, it was confirmed that some people felt harassed by the posters, but it was not possible to prove that such an effect was planned. The Advocate also took into account the fact that the advertising campaign organisers adapted the posters when the first complaints were received in such a way as to make them unobstructed (Decision No. 0700-34/2021/20 of 28 April 2022).

Alleged discriminatory treatment of an employee in a health care institution

The Advocate received an anonymous complaint, in which the applicant described allegedly discriminatory practices to which a particular individual was exposed at the workplace in a health care institution. An anonymous report was accompanied by documentation which indicated controversial practices and inappropriate relations between employees. The superior employee allegedly failed to take into account the limitations that employees have at work due to disability and coordinated the work inappropriately. The Advocate found that, with the exception of the name and surname of the allegedly discriminated person, it is not possible to deduce the contact information from the anonymous application and the attached documentation. They were also not accessible from publicly available sources. Therefore, since it was not possible to obtain the consent of the discriminated person, and the exceptions according to which the Advocate may initiate the discrimination investigation procedure ex officio without the consent of the discriminated person are not given, the Advocate did not initiate the discrimination investigation procedure ex officio in this specific case. (Proposal not to initiate ex officio proceedings No. 0700-42/2022/2 of 11 October 2022)

Allegedly discriminatory statements on election campaign posters

The Advocate received a complaint regarding the candidate's posters in the local elections, which expressed the need to "protect children from LGBT adoptions" and "LGBT ideology in kindergartens and schools". The complainant stated that the Candidate disseminated sexually distinctive calls and incited hatred and discrimination through these statements. He recalled the Constitutional Court's decision that banning the adoption of children by same-sex partners constitutes inadmissible discrimination. It was a candidate for the Mayor of the municipality, who, if elected, would not have a formal possibility of influencing the regulations in force at the state level or the decisions of the Constitutional Court, which recognized the rights of adoption and marriage to same-sex couples. Also, the Mayor does not have the opportunity to influence the national curriculum, which defines the content of teaching elementary school students about different forms of family and other phenomena in society. However, discrimination as per Article 10 of the PADA could be referred to only if the text on the poster unambiguously and clearly called for denying or restricting the rights or freedoms of a certain group of individuals on the basis of their personal grounds, and not only "to protection against" a particular phenomenon. However, in the particular case, the possibility of specific infringements of these rights cannot be discussed. It has not been demonstrated that posters could have any impact on legislation or curricula at all. In view of the above, the Advocate did not initiate the discrimination investigation proceeding (Proposal not to initiate ex officio proceedings No. 0702-215/2022/2 of 14 December 2022)

21.4 Advisory, informing and support activities

! Theatrical performances should be accessible for children with special needs

The Advocate was approached by the mother of a child with autism spectrum disorder. She stated that one of the theatres in Ljubljana did not allow her child to see the entire show. The Advocate explained to the client that an assessment of the concept of appropriate or reasonable adjustment is crucial for proper consideration. Persons with disabilities, irrespective of their disability, should also have access to cultural goods and be guaranteed creativity. Thus, the theatre, as a public institution working in the field of culture, is obliged to implement appropriate measures so that theatre performances can also be attended by persons with disabilities. According to the preliminary position of the Advocate, a child with autism spectrum disorder is undoubtedly entitled to appropriate adjustments when visiting the theatre. If duly informed in advance, the hostess service could respond appropriately (0702-310/2021).

! Cheaper benefit card for local residents

The Advocate was approached by the Municipality of Kranjska Gora, which set a different price of the Benefit Card for visiting the sports complex for local residents and for the rest of the visitors. The municipality was concerned about the introduction of such a price list in terms of protection against discrimination. The Advocate explained to the municipality that such a benefit may constitute discrimination against residents of other municipalities, unless consistent with the proportionality test. The legitimate objective of such a measure must be given and the measure taken must be an appropriate, necessary and proportionate in terms of achieving the legitimate objective. The Advocate welcomed the proactive actions of the municipality and issued a non-binding advised to reconsider whether such a measure would be proportionate (0702-14/2022) in terms of the envisaged significant difference in the prices of the benefit card.

Incitement to discrimination and harassment in a political party's questionnaire

The Advocate received a letter from an association, which considered that a political party violated the prohibition of discrimination in of a questionnaire sent to households, since they included the question "Do you think that school is a suitable place for the promotion of LGBT values?". The Association considered this question to be a call for discrimination and harassment. The Advocate requested that the complaint be supplemented and called on the Association to identify certain issues that would enable the Advocate to address the case appropriately. The Advocate also added that if a discrimination proceeding be conducted, the questionnaire will also be assessed from the point of view of freedom of expression, which is a particularly protected human right, both under Article 39 of the Constitution and Article 10 of the ECHR. The Association failed to respond to the Advocate's request (0702-44/2022).

Exclusion of the elderly through the use of foreign words in everyday life

The Advocate was approached by a client due to alleged discrimination against the elderly due to the increasing use of foreign words in everyday life. The client asked the Advocate to examine the justification of their remarks and to propose changes that the Advocate believes would be necessary to preserve the Slovenian language. The Advocate explained to the client the competences of the equality body, adding that in the specific case, no discrimination occurs, since neither the personal ground, which is alleged to be the reason for the inferior treatment, nor the interference with any of the rights or benefits, is demonstrated (0702-97/2022).

Unequal treatment of primary school students in the payment of accident insurance

The Advocate was approached by a client who stated that the municipality paid the accident insurance exclusively to pupils who have permanent residence in the municipality and attend school in the municipality. This excludes foreigners and any pupils who, on the basis of temporary residence, reside in the municipality or attend school from neighbouring school districts. The Advocate received an explanation from the municipality that a package accident insurance was concluded and all children who are enrolled in the elementary school in the municipality in the school year 2022/2023 are covered by the insurance. The package insurance was concluded while taking into account the number of children enrolled and not by name, and the insurance is also not tied to the permanent residence of the insured children. The Advocate explained to the client that, since the municipality has decided to insure all children, none of the enrolled children is treated unequally due to any of their personal grounds and thus there is no discrimination under the PADA (0702-140/2022).

Refusal to bury victims of post-war massacres in a particular cemetery

The Advocate received an anonymous complaint, from which it follows that a municipality does not allow the burial of the dead in post-war massacres in a particular cemetery through a public company. The personal ground referred to as the reason for the alleged direct discrimination was religion or belief. In the Case No. 0700-9/2019 the Advocate has already found that the same cemetery refuses to bury all victims of post-war massacres, regardless of their personal grounds, due to lack of space and that this matter is within the competence of the legislator. These are fundamental ethical issues that need to be addressed with appropriate sensitivity. Hence, the Advocate informed the Ministry of Economic Development and Technology and the Commission on the Concealed Graves. Consequently, the Advocate did not initiate a new discrimination investigation procedure on the basis of the aforementioned anonymous complaint (0702-179/2022).

22 GENERAL OR SPECIAL POLICIES AND MEASURES TO ELIMINATE DISCRIMINATION AND PROMOTE EQUAL TREATMENT

In December 2022, in the context of monitoring the situation in the field of protection against discrimination in the country, the Advocate conducted an enquiry between the Ministries and some Government services regarding the measures for the protection against discrimination and promotion of equality, equal treatment and equal opportunities taken in 2022.

The Advocate subdivided the enquiry on the relevant measures into two parts, namely:

- information on policy and regulatory measures intended for **persons or groups with a certain personal ground** and the general public (general measures);
- and about **special measures** within the meaning of Articles 17 and 18 of the PADA.

Replies were provided by almost all the Ministries and Government services between the end of December 2022 and February 2023. Some addressees replied that in 2022, no measures were taken as regards the issue under consideration in the enquiry.²²

²²The full responses provided by the Ministries, institutions under the Ministries and Government services are available in the Advocate's archives.

The acronyms of individual ministries are entered in colours indicating the relevant areas of social life.

Work and employment

- Access to employment, self-employment, and profession (including selection criteria and employment conditions, notwithstanding the type of activity or the level of the 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 organisation whose members perform a certain vocation, including benefits provided by such organisations;

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.

Other

- This area includes cases that cannot be categorised within any of the above categories and cases that address all areas simultaneously or consider the general area of protection against discrimination.

22.1 Ministry of Labour, Family, Social Affairs and Equal Opportunities

1. In 2022, as part of the general measures to promote equal treatment, the **MLFSAEO** reported on the action "Improving the accessibility of goods and services for people with disabilities who are holders of the European Benefit Card". It contributed to increasing the social inclusion of people with different forms of disability, reducing the risk of poverty for people with disabilities, promoting equal opportunities and participation in the labour market, as well as increasing employability.
2. The **MLFSAEO** also reported on the adoption of the Rules on social inclusion services for persons with disabilities, introducing new social inclusion services for persons with disabilities aiming at the greatest possible measure of independent living for persons with disabilities.
3. For the purpose of mitigating the consequences of high costs of living for persons with disabilities, the **MLFSAEO** has introduced the energy and solidarity allowance. Additionally, the Ministry prepared the Rules on personal assistance that provide users of personal assistance (PA) with a more detailed regulation of the implementation of PA, set out evidence for obtaining the status of PA provider and additional obligations of PA providers and bring a change in reporting and calculation of the price of PA services.
4. The **MLFSAEO** prepared a new Action Programme for Persons with Disabilities 2022–2030, which more comprehensively regulates all areas of the life for persons with disabilities.
5. The **MLFSAEO** also reported an increase in employment centres funding, and carried out a public call for co-financing projects "Development and implementation of the transition of young people with special needs to the labour market", which is aimed at reducing the proportion of unemployed young people with special needs.
6. The **MLFSAEO** also reported on the public call for co-financing two pilot projects "Development and testing of social inclusion services for persons with disabilities", which provided social inclusion services for persons with disabilities and contributed to the creation of a supportive environment (network of service providers) for a more empowered inclusion of persons with disabilities into society.
7. The **MLFSAEO** also carried out a targeted research project "Analysis of conceptual frameworks of information and technical system support to persons with disabilities to increase social inclusion", which aims at providing architectural and information accessibility to people with reduced mobility, the blind and visually impaired, as well as to the deaf and hard of hearing.
8. In the area of work and employment, the **MLFSAEO** also reported on the Recovery and Resilience Plan: "Introducing more flexible working arrangements adapted to the needs of persons with disabilities in disability companies and employment centres" aiming to improve the situation of persons with disabilities in society through measures to bring employers' skills and abilities closer to vulnerable groups in the labour market, while developing the competences of persons with disabilities for work.

9. Through a communication campaign project aimed at reducing and eliminating intergenerational stereotypes and promoting intergenerational cooperation at the workplace, the **MLFSAEO** raised awareness among employers, employees, university and high-school students, pupils and the general public about the importance of incorporating intergenerational cooperation at the workplace and in society in general.
10. The **MLFSAEO** prepared guidelines for the inclusion of the diversity aspect in the assessment of occupational safety and health risks, with an emphasis on the personal grounds of gender, age, disability and migrant background.
11. The **MLFSAEO** organized a conference on safe and healthy ageing at the workplace, which stressed the importance of preventing ageism in ensuring safety and health at work. Additionally, the Ministry carried out a seminar on "Workplace Design, Ergonomics and Gender", with the aim of pointing out that insufficient attention is paid to gender differences when ensuring safety and health at work, as working and personal protective equipment often do not take into account the specifics of the female body.
12. The **MLFSAEO** also reported on the compensatory cost of living allowance for parents of children receiving a child allowance and a one-off solidarity allowance for parents of newborns. Moreover, changes in the areas of paternity and parental leave, part-time work due to parenthood and partial payment for lost income linked to caring for a child with severe intellectual disabilities or a severely physically handicapped child were drawn up by the Ministry.
13. The **MLFSAEO** has also prepared a Guide to Social Rights, which serves to assist individuals and households in social distress in order to facilitate the exercise of rights granted to them in the specific situations.
14. The **MLFSAEO** also reported on the equalisation of the status of foreigners with temporary residents and foreigners with permanent residence in Slovenia in terms of the income support and extraordinary social assistance. In addition, the Ministry carried out a new survey on the minimum cost of living, which serves as the basis for establishing the minimum wage and the minimum subsistence figure.
15. The **MLFSAEO** also carried out a public call for co-financing social protection programmes that reduce the risk of poverty and increase the social inclusion of socially disadvantaged and vulnerable groups of the population, with a focus on the Roma and migrants.
16. In the field of employment and the labour market, the **MLFSAEO** has implemented social activation programmes, taking an integrated approach in contributing towards the improvement of social inclusion of the Roma and women and increasing their employment opportunities.
17. The **MLFSAEO** also prepared a draft Resolution on the National Programme for Equal Opportunities for Women and Men 2023–2030, which aims at improving the situation of women and creating equal opportunities for women and men in view of key challenges in the field of equal opportunities for women and men in Slovenia.
18. The **MLFSAEO** also made a public call for co-financing projects in the field of equality between women and men for 2022, on the basis of which projects were implemented to promote easier reconciliation of work and family life, foster equal opportunities for girls and young women as regards enrolment in STEM study programmes and promote equal opportunities for vulnerable groups of women.

19. The **MLFSAEO** co-funded the research project "Transparency as a measure towards gender equality – STEP", which contributes to detecting the gender pay gap and identifying the causes of it.
20. Furthermore, the **MLFSAEO** co-founded the project "Empowering Women in Active Society – EWA", which focuses on the empowerment of women at the individual and systemic level by creating better conditions for their active participation in politics and greater civic engagement.
21. Within the scope of **special measures** to ensure equality, the **MLFSAEO** reported on the implementation of deinstitutionalization, in the framework of which day reception centres for the elderly were established as well as temporary accommodation units, mobile units and residential groups for persons up to 65 years, at the same time, two institutions were transformed from institutional care to community services (upgrading approaches).
22. The **MLFSAEO** has launched the European project "CP4EUROPE - Strengthening National Child Participation Frameworks and Action in Europe", the main objective of which is to increase the opportunities for children to participate in EU and Council of Europe Member States and to support national activities through pan-European action and visibility.
23. In 2022, the **MLFSAEO** completed the implementation of the project "Action Dad Project", which aimed to reduce deep-rooted inequalities that still exist between women and men regarding the sharing of paid/unpaid work and the use of leave and empower people with caring responsibilities to better coordinate work and family obligations.
24. The **MLFSAEO** provided additional funding for counselling and psychosocial assistance to vulnerable groups of existing and new users facing mental health problems and other forms of psychosocial distress as a result of the COVID-19 epidemic.
25. The **MLFSAEO** also provided an energy allowance for recipients of social assistance and an income support to mitigate the consequences of high costs of living.
26. The **MLFSAEO** also extended the circle of beneficiaries of social assistance and income support in such a way that property is not taken into account in determining the eligibility for assistance when coping with high costs of living.

22.2 Ministry of Finance

In its response to the query on implemented measures to promote equal treatment and specific measures to ensure equality, the MF did not report on special measures implemented in 2022.

22.3 Ministry of Economic Development and Technology

1. As regards the **general measures** to promote equal treatment, the **MEDT** reported on the provision of the Consumer Protection Act, which states that companies must sell goods, digital content and provide services to all consumers under the same conditions.
2. The **MEDT** also reported on the provision of the Equalization of Opportunities for Persons with Disabilities Act, which stipulates that measures to eliminate obstacles in the accessibility of goods and services available to the public relate primarily to the accessibility of information, communication and other services, to the removal of architectural barriers in facilities in which goods and services are offered, to all aspects of accessibility of facilities for persons with disabilities and to the provision of adequate support, especially with the help of another person (readers, Slovenian sign language interpreters, interpreters for the deaf-blind), braille signs and data in an easily readable and understandable format.
3. With the help of online entrepreneurship training, free mentoring, a competition for obtaining financial incentives for the best business model, the **MEDT** promoted women's entrepreneurial activities.
4. The **MEDT** also reported on the Programme to Promote the Economic Base of the Hungarian National Community 2021–2024, the purpose of which is to promote new economic projects, create new jobs, support agriculture, etc.
5. The **MEDT** co-funded the construction of infrastructure in Roma settlements, such as new constructions, renovation or modernization of water supply and sewage installations, electrification of agglomerations.
6. The **MEDT** did not report on specific equality measures implemented in 2022.

22.4 Ministry of Infrastructure

1. As part of the **general measures** to promote equal treatment, the **Mol** reported on the designation of parking spaces for persons with disabilities, the arrangement of the lift at the entrance to the Ministry and the adaptation of the accessibility of their website for users with various forms of disabilities.
2. Within the scope of **special measures** to ensure equality, the **Mol** reported on the implementation of the program for greater safety "Sožitje", which consists of preventive events or trainings for seniors and pensioners throughout Slovenia, and the implementation of the program "Vozimo Pametno" to increase interest in traffic safety among young people.

22.5 Ministry of Education, Science and Sport

1. In the scope of general measures to promote equal treatment, the **MESS** reported on the implementation of the national evaluation study "Analysis of the needs, conditions and possibilities of compulsory inclusion of children in one of the preschool education programs in terms of reducing social, economic and cultural inequalities".
2. The **MESS** conducted a national evaluation study "Evaluation of the course and effects of distance education during the COVID-19 epidemic at the levels of primary and secondary education in terms of achieving learning goals and knowledge standards and in terms of social-emotional response", on the basis of which a set of measures was proposed to reduce the negative consequences of distance learning in the past two years in terms of pupils and pedagogical workers.
3. The **MESS** has introduced an updated concept of recognition and educational work with talented pupils.
4. The **MESS** also reported on the implementation of the Slovenian Digital Education Action Plan, directed, among other things, at ensuring equal opportunities for all groups of pupils, taking into account differences in all areas of digital education between the genders by promoting the inclusion of girls and women in STEM studies and computer science, reducing the inaccessibility of digital technology for pupils, etc.
5. The **MESS** also actively worked in the field of reducing the number of postponements of schooling and reducing the number of children with learning difficulties in the first educational period.
6. The **MESS** also carried out an analysis of the inclusiveness of music education in terms of the inclusion of children with special needs.
7. Moreover, the **MESS** also reported on the subsidization of school meals for pupils from socially disadvantaged families, pupils and students from foster families, pupils and students who are asylum seekers and those who are directed in institutions for the education of children and adolescents with special needs.
8. The **MESS** has also started the project "Introducing a foreign language as part of the compulsory program and testing the concept of an extended programme in primary school" in 145 schools, with the purpose of establishing a better connection between the compulsory and the extended programme and to provide equal opportunities for learning and teaching a foreign language in the entire vertical.
9. The **MESS** prepared a document for a comprehensive review of the changes in the field of integration and work with immigrant pupils and students, as well as the identification of necessary improvements.
10. Furthermore, the **MESS** reported on the testing of the implementation model of teaching the Roma at one of the primary schools.
11. The **MESS** also adopted a Decision on the education programme for pupils with emotional and behavioural disorders and problems introducing new forms of work, assistance and support in the field of preventive activities. In addition, adjustments to the general and vocational graduation in the school year 2022/2023 for students with special needs were made.

12. The **MESS** also reported on the provision of a dormitory subsidy for families with several students and on the new systematization of the workplace of dietary chef in dormitories.
13. The **MESS** also adopted a Decision establishing temporary protection for persons displaced from Ukraine and a Decree on the methods for ensuring rights of persons enjoying temporary protection, which enables enrolment in educational programs during the school or study year, the right to a free lunch and the possibility that in the event of the inability to demonstrate previous education with certificates, the school may conduct an interview with such a person, which is the basis for establishing prior knowledge and creating a personal education plan.
14. In 2022, the **MESS** implemented free education for adults who did not successfully complete the primary school program, thereby encouraging participants to reintegrate into formal education and improve their opportunities in the labor market.
15. Additionally, the **MESS** co-funded the activities of kindergartens and primary schools directed at Roma children and pupils, and upgraded the Roma education strategy for the period 2021–2030, and conducted an analysis of the learning success of Roma pupils, aimed at increasing the share of Roma children who successfully complete primary education.
16. The **MESS** implemented the promotion of shorter kindergarten programmes in order to increase the enrolment of children who do not attend regular kindergarten programmes (e.g., Roma children).
17. Furthermore, the **MESS** reported on the entry into force of the Scientific Research and Innovation Activities Act and on the adoption of the Resolution on the Slovenian scientific research and innovation strategy 2030, directed at ensuring gender equality in research and innovation.
18. In 2022, the **MESS** began with the implementation of the targeted research program "Ethics, integrity and gender equality in the research area of Slovenia: between policies and their implementation", which is designed to strengthen capacities for the implementation of the principles of responsible science in the field of ethics, integrity and gender equality.
19. The **MESS** also established an expert group for the tackling of sexual harassment issues and ill-treatment in the academic environment and adopted the Plan for Gender Equality.
20. At the same time, the **MESS** also adopted a Resolution on National programme of higher education 2030, with an important emphasis on inclusive higher education.
21. The **MESS** also reported on the amendment to the Student Status Act and the Higher Vocational Education Act granting students with special needs and special status the possibility of subsidized accommodation in dormitories.
22. The **MESS** also reported on the amendment to the Higher Education Act, which also stipulates that every student has the right to a safe study environment with zero tolerance for sexual and other harassment and ill-treatment.
23. The **MESS** also prepared a proposal to amend the Higher Education Act with regard to the abolition of the condition of citizenship for subsidized residence in a student dormitory.

24. The MESS also carried out a targeted research programme "Institutional, Legislative and Awareness Solutions and Activities in Addressing Sexual Harassment and Other Forms of Sexual Violence in Higher Education and Research Organizations", which aims, among other things, to prepare an analysis of the regulation of the system of prevention and sanctioning of sexual harassment and other forms of sexual violence at higher education and research institutions.
25. In the context of **special equality measures**, the MESS reported on the adopted Decree on the methods for ensuring rights of persons enjoying temporary protection, including in the field of education, which regulates the reduced payment for parents who have the temporary protection status, exemption from payment for kindergarten, if parents have the right to financial assistance or allowance in accordance with this Decree and the law, free snack, lunch and transport.
26. In 2022, the MESS strengthened school advisory services to provide assistance and support to children and young people in facing the challenges of modern society.
27. The MESS also carried out a project of accommodating unaccompanied minors in a dormitory.
28. The MESS also reported on a price freeze in the area of school lunch prices for pupils and high-school students and in the area of boarding fees of student dormitories in view of the high prices of food products and costs related to food and accommodation.
29. The MESS also reported on financial incentives to encourage the inclusion of Roma children in pre-school education at least two years before the start of primary school and support in the learning of Romani and additional teaching of the Slovenian language for Roma pupils upon entering primary school.
30. The MESS upgraded the project "Skupaj za znanje" and established multipurpose Roma centres with the aim of increasing the social and cultural capital of Roma children and raising awareness among Roma parents about the importance of education.
31. Moreover, the MESS prepared rules governing the special treatment of candidates with a special status.
32. The MESS also reported on the implementation of conditions for the prevention of indirect discrimination in the framework of public tenders for the promotion of researchers at the beginning of their careers, namely the possibility of extending the period of implementation of an individual operation within the public tender for researchers with longer absences based on objective personal grounds (parenting, illness).
33. In the content of research projects funded under the European Cohesion Policy 2021–2027, the MESS introduced a gender dimension as a horizontal principle.

22.6 Ministry of Public Administration

As regards **general measures** to promote equal treatment and **specific measures** to ensure equality, the MPA did not report on any relevant measures.

22.7 Ministry of Agriculture, Forestry and Food

1. As regards **general measures** to promote equal treatment, the **MAFF** on the implementation of web accessibility for vulnerable groups of users in accordance with the Accessibility of Websites and Mobile Applications Act.
2. The **MAFF** also reported on the research project Response of Peasant Families to the Consequences of Work Accidents and Occupational Diseases, which aims to obtain a comprehensive picture of the coping of family farms with such accidents and diseases and the establishment of a special service of social work assistance as a possible form of public-private partnership for farmers in filling the labour shortages on the farm.
3. The **MAFF** also carried out a research project Intergenerational Coexistence in Rural Areas aimed at the development of social infrastructure to prevent social exclusion and alleviate social pressure in rural areas.
4. Additionally, the **MAFF** has also carried out a research project Rural Conflicts Promoting the Quest for Solutions and Development oriented towards identifying and analysing processes and mechanisms of change in rural areas.
5. The **MAFF** also reported on financial assistance to rural associations working in the area of improving working conditions and the lives of peasant and rural women, and on a one-off solidarity allowance to improve the social situation of older members or holders of farms who do not have or have very low incomes and are not entitled to a solidarity allowance for pensioners.
6. The **MAFF** also reported on the proposal to amend the Forest Act as to change the legal conditions of candidacy in the forestry profession for a forestry inspector.
7. As part of the **specific measures** to ensure equality, the **MAFF** reported on the exemption from the payment of administrative fees to taxpayers with poor financial situation.
8. As part of the intervention measures to assist in mitigating the consequences of the second wave of the COVID-19 epidemic, the **MAFF** paid farmers a one-off solidarity allowance to improve the social situation of persons over 65 with low incomes.

22.8 Ministry of Culture

1. As part of the **general measures**, the MC reported on the Resolution on the National Programme for Language Policy 2021–2025, which aims to ensure equal participation in society for all social groups (non-discriminatory and inclusive use of language, respect for cultural diversity at the language level, etc.).
2. Through public tenders, the MC co-funded cultural projects of non-profit cultural organizations and cultural projects of creative artists in the field of various minority ethnic communities and immigrants.
3. The MC also reported on the public tender for the selection of operations promoting greater social inclusion of members of vulnerable social groups in the field of culture within the European Social Fund in 2021–2023 and on the public tender for the selection of cultural projects for the dissemination of programme content intended for the sensory handicapped.
4. The MC also carried out a pilot project aimed at testing automatic subtitling technology to enable people with disabilities to follow television programmes on public and commercial television.
5. The MC also reported on the public tender for the selection of cultural projects within the programme oriented towards members of the German-speaking ethnic group in Slovenia. The MC directly called for funding of cultural programmes of the indigenous Italian and Hungarian national communities and prepared a public tender for the selection of cultural projects in the field of different minority ethnic communities and immigrants in Slovenia, thus promoting and preserving the cultural identity of members of minority ethnic communities and immigrants.
6. The MC also awarded a concession to the Association of Blind and Visually Impaired for the provision of library activities as a public service in special adapted techniques for the blind and visually impaired.
7. Furthermore, the MC published a list of authorised entities for the exchange of accessible format copies of books, facilitating access to information on where accessible format copies can be obtained for the blind, visually impaired and persons with other reading disabilities.
8. The MC invited public institutions to tailor at least one project in their working programme and financial plan to vulnerable groups (e.g., free viewing of exhibitions on specific dates for different visitors).
9. The MC also implemented the national project Accessibility of Cultural Heritage for Vulnerable Groups for Museum Institutions in Slovenia.
10. Within the framework of **specific measures** to ensure equality, the MC reported on an increase in the number of digitised and online accessible content tailored to the needs of members of different groups of persons with disabilities.

22.9 Ministry of the Interior

1. As part of the **general measures** to promote equal treatment, the MI reported on amendments to the Rules on the implementation of the Register of Deaths, Births and Marriages Act, which stipulate that persons entering into a marriage may decide whether they wish to be identified based on gender or as spouses in the documents applicable at the time of marriage.
2. The MI also reported on the abolition of the territorial competence for gender reassignment, thus enabling transgender persons to carry out administrative procedures in another administrative unit without being exposed to the possibility of disclosing their transgenderism and consequently stigmatisation and discrimination.
3. The MI did not report on any specific measures to ensure equality implemented in 2022.
4. As part of the **general measures** to promote equal treatment, the Police reported on training programmes conducted within the programmes of the Police College in the fields of equality of treatment and peculiarities of the multicultural community and the prevention of discrimination with the specifics of the Roma community, as well as on key contents in the field of gender equality.
5. The Police also reported on the implementation of activities within the framework of the permanent working group of the Consultative Body on the Integration of the Gender Equality Principle within the Ministry of the Interior with the constitutive bodies aimed at encouraging gender equality policies and raising awareness of the importance of gender equality. At the initiative of the Consultative Body, a survey in the field of gender equality was conducted in 2022 "Some aspects of organizational life in the Police: gender differences".
6. In the context of **specific measures** to ensure quality, the Police did not report on any measures implemented.

22.10 Ministry of Defence

1. As part of the **general measures** to promote equal treatment, the MD reported on the development of criteria for individual public vacancy notices and on systematized jobs on an equal footing, regardless of gender.
2. In the context **specific measures** to ensure equality, the MD did not report on any relevant measures.

22.11 Ministry of the Environment and Spatial Planning

1. As part of the **general measures** to promote equal treatment, the MESP reported on the Decree on the classification of structures, which stipulates, inter alia, that lifts that do not connect more than three floors can be carried out as a minor reconstruction not subject to planning permission, thus facilitating the adaptation of access to goods and services to persons with reduced mobility.
2. The MESP did not report on any specific measures to ensure equality implemented in 2022.

22.12 Ministry of Justice

1. As part of the **general measures** to promote equal treatment, the MoJ reported on the use of the Italian and Hungarian language by the Public Prosecutor's Office and visual bilingualism in the areas of the Italian and Hungarian national communities.
2. Pursuant to the State Prosecution Service Act, the **MoJ** sets the number of public prosecutor positions for which a higher level of knowledge of the Italian or Hungarian language is required.
3. The **MoJ** also reported on the draft Act amending the Criminal Code, which stipulates that in the context of punishment, when the inclination for the violation was any personal ground of the injured party or victim, it should always be considered an aggravating circumstance.
4. Within the framework of **special measures** to ensure equality, the **MoJ** reported on ensuring accessibility for persons with functional disabilities to state-owned facilities used by judicial authorities.
5. The **MoJ** also reported on the inclusion of a special measure "Support and advisory to women serving sentences of imprisonment with experience of domestic violence and violence against women by developing and organising psychological assistance programmes in the field of mental health" in the Resolution on the national programme for equal opportunities for women and men.

22.13 Ministry of Health

1. In the framework of **general measures** to promote equal treatment, the MH reported on co-funding programmes for the protection and strengthening of health in the area of healthy and balanced nutrition and physical activity, the prevention of infectious diseases through vaccination and control of HIV and other sexually transmitted diseases, prevention of the use of permitted and illicit drugs and non-chemical addictions, strengthening of mental health, prevention and control of chronic diseases and healthy lifestyle of young people.
2. Moreover, the **MH** reported on ensuring appropriate conditions for the operation of the National Center for Comprehensive Rehabilitation of the Blind and Visually Impaired in order to ensure safety, achieve integrity, increase accessibility and improve the quality of the program.
3. The **MH** also participated in the new construction of the Department for Disabled Youth and Rehabilitation (ZIM Stara Gora), intended a friendly to ensure a friendly environment and greater social inclusion of young people with special needs in the local environment.
4. The **MH** also carried out a public tender for the co-funding of programs of advisory, activities and care of vulnerable and deprived, carried out by humanitarian organizations aimed at vulnerable groups of the population, which are not addressed by the programs within health care.

5. The **MH** also reported on the Rare Disease Work Plan for the period 2021–2030 with the Action Plan for 2022 and 2023, on the basis of which the Ministry of Health managed to provide funds for funding the area of rare diseases.
6. The **MH** did not report on any specific measures to ensure equality implemented in 2022.

22.14 Ministry of Foreign Affairs

1. The Advocate received a reply from the MFA to the query on **general measures** to promote equal treatment, but included in the review mainly general measures aimed at employees within the Ministry.
2. In the context of **specific measures** to ensure equality, the **MI** reported on the provision of a gender-balanced set of election observers in the case that there are more applications than there are vacancies and taking into account the equal fulfilment of conditions.
3. The **MFA** also reported on the beginning of the preparation of the Strategy of Feminist Foreign Policy with an emphasis on gender equality and non-discrimination on the basis of gender.

22.15 Government of the Republic of Slovenia

In 2022, the Advocate did not send an enquiry to the Government regarding special and other measures to eliminate discrimination and promote equal treatment, as the queries were sent directly to the Ministries.

22.16 Government Office for Nationalities

1. Within the framework of **general measures** to promote equal treatment, the **GON** reported on the monitoring of the implementation and implementation of the National Programme of Measures for Roma of the Government of the Republic of Slovenia for the period 2021–2030 (NPUR 2021–2030).
2. The **GON** also reported on the coordination of the preparation of the NPUR for the period 2021–2030 and on the implementation of the project Strengthening the National Consultative Process – National Platform for Roma (SIFOROMA) to improve the situation of members of the Roma community and greater inclusion in society as well as improved coexistence in the local environment.
3. In the context of **specific measures** to ensure equality, the **GON** did not report on any measures implemented.

22.17 Government Office for the Support and Integration of Migrants

1. In the framework of **general measures** to promote equal treatment, the GOSIM reported on the provisions of the International Protection Act, the Decree on the methods and conditions for ensuring the rights of persons with international protection and the Decree on the methods and conditions for ensuring the rights of persons with international protection, which provide for adapted admission conditions, medical and psychological counselling, care and interpretation to vulnerable persons with special needs for applicants in need of special procedural safeguards.
2. Within the framework of **special measures** to ensure equality, the GOSIM reported on the PATS project – informing victims of human trafficking, sexual violence and gender-based violence, as well as standard operational procedures for prevention and action in cases of sexual violence and gender-based violence against persons considered in accordance with the provisions of the International Protection Act.
3. The GOSIM also reported on providing psychosocial support and activities aimed at preventing and responding to gender-based violence within the Emma Institute.
4. In the Ljubljana Asylum Home and its branches, applicants for international protection are offered a course of Slovene language and learning support for children. By means of various projects, applicants for international protection are also offered psychiatric assistance, Slovenian language courses are conducted, World Refugee Day is celebrated, and assistance is provided in the integration of persons granted international protection.

22.18 Government office for Slovenians abroad

1. In the framework of **general measures** to promote equal treatment, the OSA reported on the implementation of two public tenders, namely for financial support to the indigenous Slovenian national community across the Slovenian border and financial support to Slovenians around the world.
2. The OSA reported on repatriation from the Bolivarian Republic of Venezuela as part of **specific measures** to ensure equality. It is a process of repatriation of Slovenians to their homeland from countries that are found to be in a serious economic and political crisis.
3. Within the framework of the procedure, the OSA heads an interdepartmental group, which is, among other things, aimed at dealing with an entire spectrum of problems and exclusion faced by repatriated persons, as well as promoting social, cultural and other activities that reduce the risk of social exclusion and perform activities that enable persons to be involved in the process of learning the Slovenian language.

22.19 Government Office for Digital Transformation

In 2022, the Advocate did not send a query to the Government Office for Digital Transformation regarding the implementation of general and specific measures to eliminate discrimination and promote equal treatment.

22.20 National Assembly of the Republic of Slovenia

Given that the National Assembly is not the provider of special and other measures to eliminate discrimination and promote equal treatment, the Advocate did not address related enquiries to the National Assembly.

ACRONYMS AND ABBREVIATIONS

covid-19/SARS-CoV-2	Coronavirus disease
ASA	Assistance and service allowance
National Assembly	National Assembly of the Republic of Slovenia
NH	Nursing home
NA	National Assembly
ECRI	Council of Europe's Commission against Racism and Intolerance
EC	European Commission
ECHR	European Convention on Human Rights
ENNHRI	European Network of National Human Rights Institutions
EQUINET	European Network of Equality Bodies
EU	European Union
FRA	European Union Agency for Fundamental Rights
FARS	Financial Administration of the Republic of Slovenia
CC	Criminal Code
LGBTIQ+	Lesbian, gay, bisexual, transgender, intersex, queer and other diverse identities
Charter	Charter of Fundamental Rights of the European Union
MLFSAEO	Ministry of Labour, Family, Social Affairs and Equal Opportunities
MF	Ministry of Finance
MEDT	Ministry of Economic Development and Technology
MESS	Ministry of Education, Science and Sport
MPA	Ministry of Public Administration
MC	Ministry of Culture
ICHR	Interdepartmental Commission on Human Rights
MAFF	Ministry of Agriculture, Forestry and Food
CRPD	Convention on the Rights of Persons with Disabilities
MI	Ministry of the Interior
MESP	Ministry of the Environment and Spatial Planning
MD	Ministry of Defence
MoJ	Ministry of Justice
MH	Ministry of Health
MoI	Ministry of Infrastructure
MFA	Ministry of Foreign Affairs
NHRI	National Human Rights Institution
NIPH	National Institute of Public Health
NPMR	National Programme of Measures for the Roma
NCDPOS	National Council of Disabled People's Organisations of Slovenia
NGOs	Non-governmental organisations
PA	Personal assistance
OHCHR	Office of the United Nations High Representative for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
UN	United Nations
DCP	vaccination/test/recovery

RS	Republic of Slovenia
CoE	Council of Europe
GODT	Government Office for Digital Transformation
TUET	Trade Union of Education and Training
GODECP	Government Office for Development and European Cohesion Policy
SSL	Slovenian sign language
AU	Administrative Unit
GOSIM	Government Office for the Support and Integration of Migrants
UL	University of Ljubljana
GONM	Government Office for Nationalities
OSA	Office for Slovenians Abroad
Administrative Court	Administrative Court of the Republic of Slovenia
Constitution	Constitution of the Republic of Slovenia
Constitutional Court	Constitutional Court of the Republic of Slovenia
SSP	Supreme State Prosecutor's Office
The Government	Government of the Republic of Slovenia
Advocate	Advocate of the Principle of Equality
DHHCAS	Deaf and Hard of Hearing Clubs Association of Slovenia
PITA	Personal Income Tax Act
ERA	Employment Relations Act
MSA	Music Schools Act
IPCA	Integrity and Prevention of Corruption Act
ADIMAMCSWCE	Act Determining Intervention Measures to Assist in Mitigating the Consequences of the Second Wave of COVID-19 Epidemic
PPOA	Protection of Public Order Act
IPA	International Protection Act
CDA	Communicable Diseases Act.
AEMFVATMRPEP	Act on the Emergency Measure in the Field of Value Added Tax to Mitigate the Rising Prices of Energy Products
PAA	Personal Assistance Act
DA	Defence Act
MOA	Minor Offences Act
RTA	Road Transport Act
PDIA	Pension and Disability Insurance Act
RCRSA	Roma Community in the Republic of Slovenia Act
PoDIA	Promotion of Digital Inclusion Act
SIDA	Social Inclusion of Disabled Persons Act
IPETA	Implementation of the Principle of Equal Treatment Act
ADEMMCIHECP	Act Determining Emergency Measures to Mitigate the Consequences of the Impact of High Energy Commodity Prices
GAPA	General Administrative Procedure Act
ADA	Administrative Dispute Act
LMRA	Labour Market Regulation Act
PADA	Protection against Discrimination Act
NAEA	National Assembly Election Act
HEA	Higher Education Act
KA	Kindergarten Act

VREPDA

Vocational Rehabilitation and Employment of Persons with Disabilities Act

ADTMRCHLC

Act Determining Temporary Measures to Remedy the Consequences of Higher Living Costs of the Most Vulnerable Population Groups

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Annual Report of the Advocate of the Principle of Equality for 2022
Overview by Ministries and Other Authorities – Part Three

Issued by

The Advocate of the Principle of Equality of the Republic of Slovenia

On behalf of the Advocate

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Annual Report 2022

PART ONE: SYSTEMIC OVERVIEW

PART TWO: OVERVIEW BY PERSONAL GROUNDS

PART THREE: OVERVIEW BY MINISTRIES AND OTHER INSTITUTIONS

The Advocate of the Principle of Equality is an independent state authority established to ensure the protection against discrimination, promotion of equality, equal treatment and equal opportunities. It was established in 2016 on the basis of a newly adopted Protection Against Discrimination Act with which Slovenia transposed and implemented the five European Equality directives. The institution is a member of the European Network of Equality Bodies – Equinet.

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