



# International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

## Combined twelfth to fourteenth periodic reports submitted by Slovenia under article 9 of the Convention, due in 2019\*, \*\*

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report may be accessed from the web page of the Committee.



## I. Introduction

1. The present report has been compiled on the basis of cooperation and written contributions from the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Education, Science and Sport, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Ministry of Health, the Ministry of the Environment and Spatial Planning, the Ministry of Culture, the Office of the Government of the Republic of Slovenia for National Minorities (hereinafter: Office for National Minorities), and the Government Office for the Support and Integration of Migrants (hereinafter: Office for the Support and Integration of Migrants). In drafting the report, the methodology set out in the reporting guidelines (CERD/C/2007/1) was applied.

2. The report is supported with the publicly available information from case-law, the contributions and reports of the Human Rights Ombudsman and the Advocate of the Principle of Equality, data from reports on the implementation of the National Programme of Measures for Roma for the 2017–2021 Period, and examples of good practice from public institutions and non-governmental organisations in Slovenia.

3. The report consists of an introduction, which explains the compilation of the report, Part I, which presents Slovenia's progress in implementing Articles 1–7 of the Convention since the Eighth to Eleventh Periodic Report of the Republic of Slovenia under the International Convention for the Elimination of All Forms of Racial Discrimination (hereinafter: the Convention) and the defence of the report in Geneva (December 2015), and a special Part II, which provides answers and explanations based on the CERD recommendations, in particular those referred to in points 7, 13 and 15 thereof. The following presents to the greatest extent possible both the regulatory basis and implementation in practice.

4. Annexes I to VII contain information, data, figures and tables on individual areas of Roma inclusion, examples of good practice, funding of cultural projects of ethnic communities, legal status of erased, data on combating hate speech and crime, as well as case law and real-life examples provided by the Advocate of the Principle of Equality and Ombudsman.

5. Due to the density of the text, the footnotes in some chapters make reference to the statements made in previous reports of the Republic of Slovenia (hereinafter: Slovenia) (Reports of Slovenia under the International Convention for the Elimination of All Forms of Racial Discrimination), while the text in some points refers to data regarding the implementation of certain measures in previous periods, because the activities are interconnected and the knowledge of this information is essential for a comprehensive explanation of the importance of the documents and measures adopted. This applies in particular to the regulation of the legal status of persons erased from the register of permanent residents (hereinafter: the erased) and the securing of adequate redress to the erased.

6. Activities, programmes and results in specific areas, are further specified and presented in a relevant parts of the text reporting on the implementation of the individual recommendations of the Committee on the Elimination of Racial Discrimination (hereinafter: the CERD).

7. The report has been approved by the Inter-Ministerial Working Group (hereinafter: the IMWG) on Human Rights, which is a coordinating body of Slovenia for reporting under ratified international conventions for the protection of human rights. The IMWG on Human Rights coordinates the reporting under ratified international instruments for the protection of human rights and fundamental freedoms and the reporting based on other mechanisms and monitors the implementation of the obligations arising from human right instruments. In addition to representatives of ministries and government offices, the IMWG on Human Rights also includes representatives of civil society and the academic community.

8. This text follows the authentic written contributions of the participants and, therefore, in accordance with the guidelines for gender-neutral use of language, both gender grammatical forms are taken into account to the greatest extent possible.

## II. Part I

### A. Important acronyms and abbreviations used in the document

AEP	active employment policy
SWC	social work centre
NA	National Assembly
ESF	European Social Fund
JSKD	Public Fund for Cultural Activities
KZ-1	Criminal Code
IMWG	Inter-Ministerial Working Group, which is tasked with drafting amendments to the Roma Community in the Republic of Slovenia Act
MDDSZ	Ministry of Labour, Family, Social Affairs and Equal Opportunities
MIZŠ	Ministry of Education, Science and Sport
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
MNZ	Ministry of the Interior
MZZ	Ministry of Foreign Affairs
NPUR 2017–2021	National Programme of Measures for Roma for the 2017–2021 period
NGOs	non-governmental organisations
OP HRD	Operational Programme for Human Resources Development
MSP	municipal spatial plan
DMSP	detailed municipal spatial plan
RISE	Roma Inclusive School Experiences, an international project involving researchers and experts from three countries: Italy, Slovenia and Portugal
ROMIC	Roma Information Centre
RS	Slovenia
SA	Social Activation Programme
SFRY	Socialist Federal Republic of Yugoslavia
SIFOROMA	National Roma Platform
UN	Government Office for National Minorities
UOIM	Government Office for the Support and Integration of Migrants
OCV	official consolidated version
TLS	Training for Life Success (TLS)
Ombudsman	Human Rights Ombudsman
MGC	multi-generational centre
MPRC	multi-purpose Roma centre

Advocate	Advocate of the Principle of Equality
ZKP-K	Act Amending the Criminal Procedure Act
ZJRM	Protection of Public Order Act
ZMZ-1	International Protection Act
ZPŠOIRSP	Act Regulating the Compensation for Damage Sustained as a Result of Erasure from the Register of Permanent Residents
ZRomS-1	The Roma Community in the Republic of Slovenia Act
ZRSS	National Education Institute
ESS	Employment Service of the Republic of Slovenia
ZUSDDD-B	Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia
ZVarD	Protection Against Discrimination Act
ZVarCP-B	Act Amending the Human Rights Ombudsman Act

## B. Article 1 Definition

9. Since the compilation of its last report, Slovenia has seen substantive changes in the regulatory framework with the adoption of the Protection Against Discrimination Act in 2016 (hereinafter: the ZVarD) which provides a definition of discrimination in Article 4.

10. In accordance with Article 4 of the ZVarD, discrimination means any unjustified actual or legal unequal treatment, differentiation, exclusion or restriction, or failure to act on grounds of personal circumstances which has the aim or effect of hindering, impairing or nullifying the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms, other rights, legal interests and benefits.

11. Pursuant to the ZVarD, the Advocate of the Principle of Equality (hereinafter: the Advocate) operates as a state authority and deals with protection against discrimination on grounds of race, ethnic origin, nationality and language in accordance with its statutory powers (see real life examples provided by the Advocate in Annex I). The Advocate draws up and submits annual reports to the National Assembly and, based on the consideration of submitted complaints, delivers opinions and recommendations.<sup>1</sup>

12. In 2017, the Act Amending the Human Rights Ombudsman Act (hereinafter: the ZVarCP-B), adopted on 20 September of that year, came into force. The Act extended the remit of the Ombudsman's institution to provide it with the most appropriate legal basis for action, which resulted in obtaining A-Status under the UN Paris Principles relating to the status and functioning of national institutions.

13. Article 10 of the ZVarD ("Incitement to discrimination") states in paragraph one that incitement to discrimination means any behaviour encouraging other persons to commit acts that had, have or might have the effect of discrimination pursuant to the provisions of this Act. Severe prohibited conduct includes in particular issuing or disseminating racist, religious, ethnic and gender discriminatory appeals, inducing, instigating or inciting hatred or discrimination, and making general public appeals encouraging discrimination.

<sup>1</sup> The legal bases for the work of the Advocate specifically mention the International Convention on the Elimination of All Forms of Racial Discrimination. In dealing with a case of hate speech in 2019, the Advocate made explicit reference to the aforementioned Convention (see Example 3 in Annex I and [www.zagovornik.si](http://www.zagovornik.si)).

## C. Article 2 (1) Prohibition of discrimination

14. The Constitution of the Republic of Slovenia (hereinafter: the Constitution) expressly provides for the prohibition of discrimination and the prohibition of inflaming hatred, violence and intolerance. The Criminal Code of the Republic of Slovenia criminalises two criminal offences: violation of the right to equality (Article 131) and public incitement to hatred, violence or intolerance (Article 297).<sup>2</sup>

15. The Criminal Code stipulates in Article 131 (“Violation of the right to equality”) as follows:

- 1. 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 another person of any human right or freedom recognised by the international community or laid down by the Constitution or an Act, 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;
- 2. Whoever prosecutes an individual or an organisation due to his or her or its advocacy of the equality of people shall be punished under the provision of the preceding paragraph.

16. The prohibition of inflaming hatred, violence or intolerance based on nationality, race, religion or ethnicity, sex, skin colour, origin, financial situation, education, social position, political or other beliefs, disability, sexual orientation, or any other personal circumstance is already enshrined in the Constitution. This provision is intended to prevent discrimination and protect the values of peaceful coexistence in the state community and is also protected by the provision of Article 297 of the Criminal Code.

17. This Article and the definition of the criminal offence protect fundamental legal goods and public law and order as well as human dignity, which has a special significance in a democratic society and is, as the Constitutional Court has repeatedly stated, at the heart of the constitutional order of Slovenia. An important objective of enshrining this criminal offence is to prevent prejudice-based discrimination against disadvantaged and vulnerable social groups.

18. In 2019, the Supreme Court accepted the interpretation of Article 297 of the Criminal Code that public incitement or inflaming of hatred, violence or intolerance based on a particular personal, normally unchangeable circumstance of an individual is a criminal offence if the perpetrator commits it either in a way that may endanger or disturb law and order or through the use of threats, abuses or insults.

## D. Article 2 (2) Special measures

19. The Constitution lays down the special rights of the Italian and Hungarian national communities (Articles 64 and 11) and of the Roma community (see the presentation document). Article 65 of the Constitution stipulates that the status and special rights of the Roma community living in Slovenia are regulated by law. In addition to the Roma Community in the Republic of Slovenia Act (hereinafter: the ZRomS-1), which is a framework act, the rights and status of the Roma community are also governed by individual provisions of other acts.

20. Taking into account the special status of the Roma community in Slovenia, in particular in view of the poorer socio-economic status of the Roma community and its members, in 2007 the legislature provided for the necessary measures to be taken in the areas of education, employment, spatial planning and living conditions, environmental protection, and health and social security. These measures were adopted by the state in the form of a

<sup>2</sup> For details on the content of both criminal offences, interpretation and case-law, see paragraphs 128–134 of the Eighth to Eleventh Periodic Report of Slovenia on the International Convention on the Elimination of All Forms of Racial Discrimination.

comprehensive document entitled “National Programme of Measures for Roma of the Government of the Republic of Slovenia for the Period 2017–2021”.

21. With the adoption of the 2017–2021 National Programme for Roma and the Strategy of the Government of the Republic of Slovenia for Migrations in 2018, Slovenia set out measures to protect particularly vulnerable groups, i.e. Roma and migrants.

## **E. Article 3 Condemning racial segregation**

22. Paragraph two of Article 10 of the ZvarD stipulates that publicly justifying the neglecting or despising of persons or a group of persons on the grounds of personal circumstances referred to in Article 1 of this Act or justifying the idea of supremacy or superiority of a person or a group of persons with certain characteristics arising from the aforementioned personal circumstances over those who are not members of that group shall also be prohibited as discrimination.

## **F. Article 4 Prohibition of incitement to discrimination**

23. Paragraph one of Article 10 of the ZvarD (“Incitement to discrimination”) states that incitement to discrimination means any behaviour encouraging other persons to commit acts that had, have or might have the effect of discrimination pursuant to the provisions of this Act. Severe prohibited conduct includes in particular issuing or disseminating racist, religious, ethnic and gender discriminatory appeals, inducing, instigating or inciting hatred or discrimination, and making general public appeals encouraging discrimination.

24. Article 3 of the Societies Act stipulates as follows:

“The establishing of any society whose purpose, objective and activities are intended to bring about a forcible change to the constitutional order, the commission of criminal offences or the incitement of nationalistic, racial, religious or other forms of inequality, or the propagation of nationalistic, racial, religious or other forms of hatred and intolerance and incitement to violence and war shall be prohibited”.

25. The Criminal Code (hereinafter: the KZ-1) defines as follows:

Public incitement to hatred, violence or intolerance.

“Article 297: Whoever publicly incites or stirs up hatred, violence or intolerance in respect of nationality, race, religion, ethnicity, gender, skin colour, origin, financial situation, education, social position, political or other beliefs, disability, sexual orientation, or any other personal circumstance, and commits an offence in a manner that can jeopardise or disturb public law and order, or uses force or threat, verbal abuse or insult shall be sentenced to up to two years in prison”.

26. The Protection of Public Order Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 70/06) lays down in Article 20 higher fines for the perpetrators of offences committed with the intention of inciting national, racial, sexual, ethnic, religious, political or sexual orientation-based intolerance.<sup>3</sup>

## **G. Article 5 Equality in the enjoyment of human rights<sup>4</sup>**

27. Article 5 of the ZVarD (Equal treatment) stipulates as follows:

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<sup>3</sup> For the data on monitoring such infringements, see the Eighth to Eleventh Periodic Report of the Republic of Slovenia under the International Convention for the Elimination of All Forms of Racial Discrimination, paragraph 141.

<sup>4</sup> This includes a set of rights not included in the text of the presentation document.

- Equal treatment shall mean the absence of direct or indirect discrimination based on any personal circumstance of a person as well as the absence of any other treatment which, in accordance with this Act, constitutes discrimination;
- Equal treatment pursuant to this Act shall also be guaranteed to:
  - A person who is actually or legally connected to a person with a certain personal circumstance;
  - A person who is discriminated against based on an erroneous conclusion that there exists a certain personal circumstance.

28. Slovenia has adopted the Resolution on the National Housing Programme 2015–2025, setting out long-term objectives that were accepted by the public with a broad consensus: a balanced supply of adequate dwellings, easier access to housing, better quality and more functional housing, and greater housing mobility for the population. The Resolution pays special attention to the housing issue of the young and elderly and vulnerable groups of people.

29. Based on the aforementioned Resolution, the Ministry of the Environment and Spatial Planning drafted the new Housing Act in October 2019; this is currently under public debate. With the amended Act, the Ministry seeks to add a legal basis to the commitments contained in the Resolution. One of the main objectives of this Act is to increase access to housing for vulnerable groups, which would help solve their problems due to a shortage of rental apartments in Slovenia.

30. The Code of Police Ethics provides in Article 3 that police officers, in their procedures, must ensure that everyone is guaranteed equal human rights and fundamental freedoms, irrespective of ethnicity, race, gender, language, religion, political or other conviction, material standing, education, social status or any other personal circumstance.

31. The Police also carry out preventive programmes and participate in a workshop to increase the visibility and treatment of “hate speech” or a criminal offence of public incitement to hatred, violence or intolerance under Article 297 of the KZ-1. The workshop took place in 2020 and should help improve the criminal investigation under Article 297 of the KZ-1.

## **H. Article 6 Effective protection and remedies**

32. Article 14 of the Constitution stipulates that in Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status, disability, or any other personal circumstance. All are equal before the law.

33. Article 22 of the Constitution (Equal protection of rights) stipulates:

“Everyone shall be guaranteed equal protection of rights in any proceeding before a court and before other state authorities, local community authorities and bearers of public authority that decide on their rights, duties or legal interests”.

34. Racial discrimination in a broader sense and effective legal protection were discussed in the context of lectures held at the training events of the Judicial Training Centre between 2016 and the end of 2019.

## **I. Article 7 Elimination of prejudices**

35. The Ministry of Culture constantly contributes to the elimination of prejudice and the reduction of hate speech in the framework of annual public calls for applications for co-financing media programmes. Public service broadcasting plays a special role in alerting and raising awareness of the ban on hate speech in the media. The Radiotelevizija Slovenija Act provides that on its channels the Radio and Television Corporation of Slovenia (hereinafter: RTV Slovenia) is to support the spread of knowledge about other cultures that are represented in Slovenia and about their representatives and to promote public cultural dialogue and

facilitate a broad arena for public debate on issues in society. The journalists of RTV Slovenia must adhere in their work to the principle of constitutionality and legality in the formulation of programming, including the prohibition on incitement to cultural, religious, sexual, racial, national or other forms of intolerance.

36. A number of self-regulatory (for example the Web Eye (Spletno oko) portal, the Anti-Hate Speech Council (Svet za odziv na sovražni govor) and the Court of Honour of Journalists (Novinarsko častno razsodišče)) and legislative measures have been implemented in recent years to counter hate speech in the media. These include, in particular, the latest amendment to the Mass Media Act, adopted in 2016, which imposes on online media publishers the obligation to draw up rules for commenting and publish them in an appropriate place in the relevant medium and to remove any comment that is not in accordance with the published rules in the shortest time possible or within one working day after it has been reported.

37. In 2019, the Office of the Republic of Slovenia for Youth organised a consultation on the prevention of hate speech and for this purpose translated a manual entitled “[We can!](#)”, with the subtitle “Taking Action against Hate Speech through Counter and Alternative Narratives”, published in the original version by the [Council of Europe](#). The Non-Hate Speaking Movement is a youth campaign led by the [Directorate for Political Participation of the Council of Europe](#). It seeks to involve young people in the fight against hate speech and to promote human rights online.

38. The Ministry of Culture is drafting the Resolution on the National Programme for Language Policy 2020–2024, which will outline professional guidelines for sociolinguistic decisions and measures for the next five-year period. A fundamental feature of this strategy paper is its linguistic integrity: Slovenian as the mother tongue of the majority of the population of the country is the focus of attention, but other languages that are present, including minority languages, will be considered and taken into account. Besides measures related to the Slovenian language, the Resolution envisages measures for Italian, Hungarian, Romani, and the languages of other communities and immigrants. The implementation of the measures and the achievement of the objectives set out in the Resolution will be monitored by the IMWG on monitoring the implementation of the language policy of Slovenia.

### **III. Part II**

#### **A. Points 4 and 5 of the CERD recommendations – Ethnic composition of the population**

39. The Slovenian legislation governing personal data protection classifies data on racial, national or ethnic origin as sensitive personal data that may only be collected on the basis of the explicit consent of each individual. The processing of such data is subject to special legal restrictions. The legislation does not provide for the general collection of data on racial, ethnic or national origin.

40. The Personal Data Protection Act provides in Article 4 that discrimination in the collection and processing of data is prohibited. Protection of personal data shall be guaranteed to every individual irrespective of nationality, race, colour, religious belief, ethnicity, sex, language, political or other belief, sexual orientation, material standing, birth, education, social position, citizenship, place or type of residence, or any other personal circumstance (Article 4).

41. In Slovenia, register-based population censuses are carried out, which do not include such data. Information on the status of individual groups of the population according to their personal circumstances (e.g. ethnic or national origin) is obtained from the competent services with personal consent and for specific purposes of individual activities, in particular in employment and education.

42. Competent public institutions collect data on ethnicity for the implementation of programmes and strategies solely based on an individual’s prior consent. Thus the Employment Service of Slovenia records in the register of unemployed persons only those

Roma who, in the process of being treated at the Employment Service, declare themselves as Roma, given that the Employment Service has no legal basis for a different method of monitoring. When referred to an active employment policy (AEP), members of the Roma community who are registered at the Employment Service are more favourably treated and are also considered as a priority target group of persons to be included in the AEP programmes.

43. At its meeting in October 2019, the IMWG on Human Rights, which functions within the Ministry of Foreign Affairs, agreed to set up an informal IMWG to formulate proposals for resolving the issue of collecting disaggregated data. The aforementioned working group held its first meeting on 22 November 2019.

## **B. Points 6 and 7: Discrimination against Roma and the implementation of the National Programme of Measures for Roma**

### **Distinction between autochthonous and non-autochthonous Roma (point 6)**

44. The settlement area that is historically, indigenously or traditionally populated by the Roma community is defined and limited to the area of 20 municipalities listed in the Local Self-Government Act (hereinafter: the ZLS). In this area, the Roma community exercises one of its collective rights, i.e. the right to political participation. The criterion on the basis of which the Roma community is entitled to the special right referred to in Article 39 of the ZLS is the criterion of autochthonous residence. In all its assessments to date, the Constitutional Court has not recognised as unconstitutional the system that links the exercise of the special right of the Roma community to areas where members of this community reside indigenously. In accordance with Article 64 of the Constitution, the provision and exercise of special rights of the Italian and Hungarian national communities in Slovenia is also linked to a specific area of autochthonous settlement.<sup>5</sup> Furthermore, taking into account the particular status of the Roma community in Slovenia, in particular the poorer socio-economic status of the Roma community and its members, in 2007 the legislature provided for the necessary measures to be taken in the areas of education, employment, spatial planning and environmental protection, and health and social security. These measures were adopted by the state in the form of a comprehensive document entitled “National Programme of Measures for Roma of the Government of the Republic of Slovenia for the Period 2017–2021”.

### **Preservation, promotion and development of the culture, language and identity of the Roma community**

45. The Ministry of Culture every year launches a public call for applications through which it co-finances cultural projects aimed at supporting the autochthonous and non-autochthonous members of the Roma community in Slovenia. The objectives of the public call are to preserve, promote and develop the culture, language and identity of the Roma community, promote the quality of cultural creativity of members of the Roma community, and achieve a higher level of protection of cultural rights within the framework of declared human rights. The Ministry of Culture also organises workshops for all interested applicants to help them apply for a public call.

46. Through annual public calls for applications for the co-financing of media programmes, the Ministry of Culture provides co-funding for programmes on Roma culture, language and identity which are registered by private non-governmental organisations on their own initiative to help raise awareness of the existence of the Roma community and their cultural diversity. In the period between 2017 and 2019, the aforementioned calls financially supported the project “Most sožitja” (“Bridge of Coexistence”) on the broadcaster Radio Romic, which focuses on stories that counter prejudice against Roma and present the issues, life habits and culture of the Roma. The broadcasts are in Slovenian and partly in Romani.

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<sup>5</sup> For the case of discrimination concerning the projects presented by non-indigenous Roma associations in response to the call launched by the Council of the Roma Community, see example 2a in Annex I from the real-life examples provided by the Advocate.

47. RTV Slovenia broadcasts once a week the radio show *Our Paths – Amare Droma* and the fortnightly TV show *What are you saying? — So vakeres?*. The two shows are created by Roma authors. RTV Slovenia also pays special attention to the training of Roma to become journalists. In 2015, four Roma women were given speech training. One Roma woman is regularly employed at Radio Slovenia and produces a radio show for the Roma community, while three Roma women work for TV Slovenia on a contractual basis and produce a TV show for the Roma community.

#### **Roma participation in the education process (point 6a)**

48. The Organisation and Financing of Education Act lists in Article 2 the goals of education that contribute to the exercise of each individual's right to education without discrimination or exclusion and to the promotion of equal educational opportunities, including in-depth knowledge of, and a responsible attitude to, oneself, one's health, other people, one's own and other cultures, natural and social environments, and future generations ( see the Organisation and Financing of Education Act, Official Gazette of the Republic of Slovenia (*Uradni list RS*), Nos. 16/07).

49. In accordance with Article 9 of the Basic School Act, basic education of members of the Roma community in Slovenia shall be implemented in accordance with this Act and other regulations.

50. In accordance with Article 56 of the Basic School Act, a pupil shall have the right to free transport if his or her residence is more than four kilometres from the basic school. In accordance with paragraph two of Article 56 of the aforementioned Act, the pupil shall have the right to free transport irrespective of the distance of his or her residence from the basic school in year one and in other years if the competent traffic safety authority establishes that the safety of the pupil on the way to school would otherwise be at risk. Both provisions apply to cases where the pupil attends basic school in the school district he or she resides in. Pursuant to paragraph three of Article 56 of the same Act, a pupil attending a basic school in the school district outside the school district he or she resides in shall have the right to reimbursement of transport costs in the amount that he or she would have been entitled to in the event of attending a basic school in the school district he or she resides in.

51. In accordance with the Basic School Act, the local community decides (in agreement with the school and parents) how to arrange school transport; any higher standard of transport is within the local community's competence. The Act does not provide for more detailed implementing provisions in this regard, since the arrangements and financing of school transport are within the competence of the local community. The aforementioned legal provision means that local communities are free to decide how to ensure the prescribed standard. When agreeing with the school and parents on school transport, the municipality takes utmost account of the principle of economy, taking into account the right to free transport. This means that, in terms of implementation, all possible forms of transport are included in these transport services in accordance with the above-mentioned statutory provision. The Basic School Act does not prescribe the decision-making procedure regarding the right to transport. The provision of Article 56, which governs the right to free school transport, applies to all pupils who are educated in the Republic of Slovenia and, therefore, also to Roma pupils. The special rights of Roma children in the area of education are regulated by other sector-specific regulations, for example reduced norms in the formation of classes in which Roma children are included are provided under the Rules on norms and standards to implement the basic school programme.

#### **Providing all Roma with effective access to high quality education at all levels (point 7a)**

52. Since the adoption of the Strategy for the Education of the Roma in the Republic of Slovenia in 2004, the state has drafted various measures aimed at improving the status of Roma children in Slovenia. Since 2008, Slovenian schools with Roma pupils have Roma assistants. The Act Amending the Basic School Act (hereinafter: the ZOsn-F) reformulated certain objectives in order to convey the message that Slovenian education is no longer only concerned with learning about other cultures, but also with forming a responsible attitude

towards them. The goal of developing national identity awareness is supplemented with the goal of fostering civic responsibility.

53. The General Upper Secondary School Act (hereinafter: the ZGim-UPB1) in Article 2 includes among its aims “educating for the responsible protection of freedom, for tolerant, peaceful coexistence and respect for fellow human beings; developing and maintaining one’s own cultural tradition and becoming acquainted with other cultures and civilizations; developing an awareness of the rights and responsibilities of a human and citizen; educating for the general cultural and civilizational values that originate from the European tradition; developing readiness to establish a free and democratic state providing social justice”.

54. The Vocational and Technical Education Act (hereinafter: the ZPSI-1) in Article 2 includes among the vocational and technical education goals “educating towards the responsible protection of freedom, for tolerant and peaceful coexistence and respect for fellow human beings; raising readiness to establish a free, democratic and socially just State, developing a sense of human and citizen rights and responsibilities”.

55. At elective classes in Roma culture, students learn about Roma history, Roma culture as a lifestyle, and Roma cultural expression in the past and present. They also develop the ability to understand the life of different national/ethnic groups co-existing in the same area. The pedagogical process is oriented towards promoting the development of personality traits that enable students to uphold the fundamental values of civilisation and exercise active citizenship. Special attention is also devoted to the education of teachers, which takes place within the teachers’ network at the National Education Institute and within the projects of the European Social Fund. Teaching materials and manuals in Romani are also compiled. The state gives special consideration to schools educating Roma pupils and grants them special benefits. The Ministry of Education, Science and Sport provides additional funding for individual or group work with Roma children, sets lower class size norms for classes attended by Roma children, and provides additional funds for meals, textbooks, excursions, etc.; it has also financed research and development studies concerning the issues of successful inclusion of Roma children and the standardisation of the Roma language for teaching purposes. Such funding is continuous. Schools also offer learning assistance provided by trained tutors both at schools and in settlements. The Ministry also supports and co-funds remedial lessons in a mother tongue and culture.

56. Educational contents related to the protection of human rights, especially children’s rights, compiled at the National School for Leadership in Education, which provides education for the head teachers of kindergartens and schools, their assistants and teachers, are also included in the programme of the Network of Learning Schools 2. These are violence preventive strategies in line with which professional workers are systematically trained to identify violations of children’s and human rights, exercise non-discriminatory treatment, pursue the principles of equal opportunities, and foster respect for human dignity for all stakeholders in the educational process (children, teachers and parents).

57. Furthermore, since 2003, the educational content of this network has also covered the issue of structural violence that is reflected in society as the absence of equal opportunities for members of various vulnerable and marginalised social groups (children, women, people with disabilities, people with mental health disorders, members of minority ethnic, cultural, religious groups, asylum seekers, and others), which often leads to greater exposure to institutional and interpersonal violence.

#### **Regulation of housing conditions in Roma settlements (points 7b, c, d, f and g)**

58. The settlement of Roma outside populated areas has by no means been imposed by any government or other measure or statutory regulation that would determine the settlement of Roma, but is rather the consequence of the historical settlement pattern of the Roma community in Slovenia. On the contrary, the Slovenian Government addresses the housing conditions of the Roma community in a planned and sustainable manner and through positive measures strives to achieve the legalisation of these settlements and improve the living conditions of the Roma, along with their better integration into society.

59. Regarding the legalisation of the Roma settlements in particular, the IMWG on resolving spatial planning issues of Roma operated within the Ministry of the Environment

and Spatial Planning with the aim of formulating proposals for measures to improve the housing conditions in Roma settlements. To this end, data on Roma settlements have been collected, and various practices in the regulation of Roma settlements at home and abroad are being considered. All the materials prepared formed a substantive starting point for the development of organisational, financial and legislative support measures by the state that in the future may help municipalities and Roma communities to regulate the spatial problems of Roma settlements and improve the housing conditions of Roma.

60. In June 2018, the new spatial planning and construction legislation became applicable, this consisting of three acts aimed at improving spatial planning and comprehensive siting of buildings and at facilitating the legalisation of buildings constructed without necessary permits. The solutions provided in the legislation primarily concern two categories of buildings: those existing for a long period (20 years or more) and some illegal buildings where special circumstances (including social) need to be taken into consideration in the assessment. This approach will also be used for the legalisation of buildings in settlements where vulnerable social groups such as Roma live.

61. Within the framework of its activities to date relating to the provision of adequate housing conditions for Roma, the Ministry of the Environment and Spatial Planning has implemented a number of measures related to the definition of Roma settlements and their infrastructure as part of the drafting of municipal strategic and implementing spatial planning documents, which, in accordance with the applicable legislation, are the only legal basis for the “legalisation” and inclusion into the settlement pattern of municipalities. The adopted spatial planning documents are also a condition for obtaining funds from various national and EU resources allocated for balanced spatial development.

62. Pursuant to the applicable legislation, spatial planning falls within the exclusive legislative competence of municipalities; consequently, the Ministry of the Environment and Spatial Planning encourages municipalities with settlements inhabited by the Roma to include them equally in settlement development concepts and at the same time plan municipal infrastructure and provide the Roma with access to other social activities.

63. The Ministry of the Environment and Spatial Planning and the expert group for resolving spatial planning issues have drafted a study entitled “The Concept of Modernisation of Roma Settlements” with the objective of addressing spatial planning issues of Roma settlements being the comprehensive integration of Roma into Slovenian society through the gradual formal, infrastructural and social integration of Roma settlements into the Slovenian settlement pattern along with the concurrent rehabilitation of these areas. This process may only be successful if a partnership is created between municipalities, the Roma and state institutions, with each side performing their respective duties.

64. Much has been done to improve the housing conditions of the Roma, particularly regarding access to drinking water and sanitation. According to the latest report submitted by the IMWG tasked to resolve the spatial planning issues of Roma settlements, in 2017, 83 Roma settlements in Slovenia had 6,631 inhabitants and all of them had been provided with access to drinking water. In more detail, 5,398 inhabitants (81.4%) were connected to the public water supply system (in the entire population, this percentage stands at 88.6%), and 1,201 inhabitants relied on alternative water sources (own supply of drinking water, cisterns, reservoirs, public faucets). Some 32.2% Roma were connected to the public sewerage system (compared to 62% of the Slovenian population overall).

65. Regulations governing water supply do not categorise inhabitants according to sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status. In accordance with the Environmental Protection Act, drinking water supply is an obligatory municipal service of general economic interest of environmental protection, which means that the provision of services and the construction of adequate infrastructure fall under the competence of municipalities.

66. As stated above, an important step towards a more adequate water supply will be the made with the legalisation of Roma settlements pursuant to the new Building Act, which will facilitate the relevant procedures.

**Awareness of Roma communities of the dangers of early and forced marriages  
(point 7e)**

67. The Slovenian legislation sets the age of majority at 18. The Family Code (Article 24) stipulates that marriage may not be concluded by a child. Marriages of children under the age of 18 are allowed only in exceptional cases and on the basis of a judicial decision only when this is in the best interests of the child concerned. A court may, on justifiable grounds, allow the conclusion of a marriage for a child as young as 15 who has appropriate physical and mental maturity enabling them to understand the meaning and consequences of the rights and obligations arising from marriage.

68. The Ministry of Labour, Family, Social Affairs and Equal Opportunities in 2014 commissioned the Social Protection Institute of the Republic of Slovenia to conduct research into forced marriages of Roma girls. The purpose of research entitled “*Forced marriages of Roma girls*” was to:

- Establish the extent of early and forced marriages of Roma girls (and also boys);
- Discover the main causes;
- Discover the consequences of such practices;
- Draw up proposals and recommendations to the state in terms of systemic solutions that would contribute to the elimination of forced marriages.

69. The research was carried out in 2013 and 2014. It found that the lives of the Roma vary greatly depending on which group they belong to, and that this also applies to marriages.

70. The extent of forced marriages was measured on the basis of data obtained from questionnaires. Based on the assessments, the research found that the incidence of forced marriages among Roma children in Slovenia is moderate according to the SWCs but widespread according to other organisations. However, it has been generally agreed that the issue is more complex than the number of official reports indicate, mainly because such weddings are usually informal and parents do not submit to the SWCs underage waivers and, consequently, the SWCs and other organisations do not even receive such information or receive it much later through other sources.

71. Child marriages are those where at least one person is under the age of 18. No coercion was detected in these marriages, and no amount of money was paid out for any bride. In the period between 2010 and 2014, the SWCs estimated there were 25 such cases (excluding the estimates of the Novo mesto SWC, which assessed they would have been much higher in this regard because the concerned SWC found child marriage to be the prevalent way of marriage, since as many as 90% of Roma girls (giving birth before the age of 18) and 60% of Roma boys (under the age of 18 declaring themselves in favour of a child), get married as minors); according to the estimates of other organisations (most often non-governmental), there were 128 such cases and 64 cases according to the estimates provided by schools.

72. The study found that there are more child than forced marriages, while the data obtained from the SWCs, other organisations and schools suggest that these occur mainly in the south-eastern part of Slovenia.

73. The National Programme of Measures for Roma for the 2017–2021 period includes targeted measures and recommendations on social assistance policy with an emphasis on early and forced marriages or minors escaping to harmful environments and on the procedure for dealing with the cases of non-marital cohabitation involving minors. These measures are as follows: 1) the drafting of guidelines and recommendations for the work of the SWC professional staff in the cases of minors escaping to harmful environments; 2) activities for addressing the issue of early, arranged and forced marriages (as part of the public call for the establishment of multi-purpose Roma centres); and 3) the drafting of a protocol of measures taken in procedures dealing with cases of non-marital cohabitation involving minors.

74. The project of establishing multi-purpose Roma centres began in 2017 with a public call launched by the Ministry of Labour, Family and Social Affairs and Equal Opportunities. Since then, seven multi-purpose Roma centres have been established. (see description of the activities in Annex II.A.1).

### **Social assistance programmes**

75. In 2020, the Ministry of Labour, Family, Social Affairs and Equal Opportunities co-funded four social assistance programmes from the state budget as part of the network of social assistance programmes with a focus on social inclusion of Roma; two public social assistance programmes: Daily Centre for Roma Children, operating under the Association for Developing Voluntary Work, Novo mesto, and the Kheršubeši Day Centre, which operates under the Centre for Social Work of Dolenjska and Bela Krajina; two development social assistance programme (Hand in Hand, provider Mozaik Society – society for children, and Green and Healthy Inclusion of the Roma – ZZ ROMA, provider: Rakičan Mansion Research and Education Centre). In 2020, a total of EUR 160,000.00 was earmarked for the co-funding of public and development social assistance programmes, this for the labour costs of employees engaged in social assistance programmes and necessary indirect costs.

### **Social activation of the Roma community**

76. In the second half of 2019, three contractors implementing the Social Activation (SA) Programme for Roma Women (LOT 3) in five different places in Slovenia were selected through a public tender for applications for the co-financing of social activation projects. The SA programmes for Roma women aim to improve their social integration into the wider social environment, increase their motivation, help them acquire new social and functional competences to address their specific life and social circumstances that place them in a subordinate position and limit their opportunities for inclusion and integration into the wider social environment, and help them acquire practical knowledge that will enable them to effectively enter and integrate into the labour market. Compulsory contents: activities aimed at establishing group dynamics, activities to motivate participants and enhance their personal growth, activities to improve their social competencies, activities to raise participants' awareness of the importance of inclusion in the wider social and cultural environment, activities that promote and enable knowledge acquisition for effective communication in the Slovenian language, activities to improve functional competences, activities aimed at acquiring competences to enter the labour market or at bringing the participants closer to the labour market, gaining practical experience for the labour market, activities aimed at actively seeking further inclusion, a review of objectives achieved by the participants, advocacy, counselling and support for entering the labour market. The ongoing quality programmes comprehensively contribute to solving the women's problems of social exclusion and the risk of poverty and to improving their employability. The programme assists women in developing social competences, improving functional competences to actively address their social problems, increasing their motivation and empowerment for entering the labour market, and acquiring work competences.

77. In 2017, an *ad hoc* working group was established to prepare a protocol of action in the proceedings for dealing with cases of cohabitation with minors – dealing with cases of minors escaping to harmful environments (early marriages) and forced marriages in the Roma community. To date, the working group has become familiar with the situation in dealing with cases of cohabitation with minors or the escape of minors to harmful environments and with the needs and starting points for drawing up the protocol/manual for action in these procedures. In 2018, activities to raise awareness of judicial staff were also agreed upon at the meetings of the working group. The Judicial Training Centre, which is tasked with the education of judges and judicial personnel, also includes in its training activities lectures on the challenges in working with the Roma community and its specific features. These activities are carried out by the Research and Social Skills Centre of the Police Academy of the General Police Directorate. Between 2018 and 2019, 12 lectures were delivered under the title "Challenges of Working with the Roma Community and its Specific Features".

78. In 2018 and 2019, three major consultations were also organised by the Office for National Minorities, in which the issue of forced and early marriages in the Roma community was discussed from a multi-stakeholder perspective. They were attended by representatives of key institutions: social work centres, the police, prosecutors, competent ministries and other institutions.

79. The Association of Social Work Centres issued the Guidelines and Recommendations for Expert Personnel at Social Work Centres in Cases of Minors Fleeing to Harmful

Environments, which are recognised as a useful tool in carrying out the tasks of professional services to protect minors against living in harmful environments. The guidelines and recommendations are followed in all cases when the SWCs or intervention services are informed that a minor is located in an environment where parents are prevented from exercising their parental rights. The SWC or intervention services can receive this information from the minor's parents, the police or other persons. If the threat is assessed as high, the SWC works alongside the police.

80. Based on the Action Plan to Combat Human Trafficking for the 2017–2018 Period, which is the basis for carrying out core activities of preventing and combating human trafficking in Slovenia, a series of activities for preventive awareness-raising of potential victims of human trafficking in the Roma communities were carried out, particularly from the perspective of forced and early marriages. Furthermore, in 2018, the public call of the Government Communication Office for applications for the co-financing of information and communication and educational projects of non-governmental and humanitarian organisations was supplemented with awareness-raising content about the dangers of forced and arranged marriages; one third of the project aimed at preventive awareness-raising of primary and secondary school students took place in environments in which members of the Roma community reside. A new action plan for the 2019–2020 period was also adopted, envisaging the continuation of activities for preventive awareness-raising of potential victims of human trafficking in the Roma communities in the context of forced and early marriages. Raising the awareness of the dangers of forced and arranged marriages in the Roma community has been strengthened since 2019, as at least half of the awareness-raising activities must also be carried out in environments where members of the Roma community live.

81. The prohibition of entering into a forced marriage or establishing similar communities is established in a special article of the Criminal Code (the KZ-1, Article 132a), where the KZ-1 specifically mentions a person who forces another person to enter into a marriage or set up a similar community and prescribes a prison sentence for this offence. The perpetrator of such a criminal offence is sentenced to imprisonment of up to three years. The envisaged sanction is even harsher in cases when the victim is a minor or a defenceless person; here the perpetrator may be sentenced to imprisonment of up to five years.

82. The amended article (the amended KZ-1 from 2015) prohibits forced marriage and appropriately supplements the general article which prohibits any criminal coercion (Article 132), i.e. deliberate impact on a person's free will. Criminal coercion carries a sanction of up to one year's imprisonment.

83. It should be noted that under the KZ-1, trafficking in human beings is specifically criminalised: Article 113 explicitly defines and sanctions whoever has knowledge of such crimes or of their use. The criminal offence of trafficking in human beings carries the sanction of imprisonment of between one and ten years and a fine. The knowledge of such criminal offences and of their use is punishable by imprisonment of up to three years and a fine. A more severe sanction (a prison sentence of between three and 15 years) is imposed in cases where minors are victims of trafficking in human beings and the offence against them is committed with force, threats or deception, or abduction and for cases when a victim is forced to become pregnant or be artificially inseminated.

#### **Access of Roma to the labour market (point 7f)**

84. In order for Roma to integrate into society, it is essential to include them in the multi-generational centres that are being introduced across Slovenia. With the EU cohesion funding, a network of 15 multi-generational centres (MGCs) was set up across Slovenia at the end of 2016 and in early 2017. The MGCs provide access to various quality programmes targeting vulnerable social groups.

85. Multi-generational centres are based on the active participation of their users, community integration and cooperation. Some centres also carry out activities aimed at strengthening the social inclusion of Roma families, in particular children and adolescents (see Figure in Annex II.B.2a).

86. Roma are employed through public works and active employment policy programmes for social and labour activation of the long-term unemployed. With a view to increasing their employability, members of the Roma community are included in all AEP programmes, services for the labour market workshops and career centres.

87. According to the regulations governing employment that fall under the competence of the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Roma have equal rights and obligations as other citizens of the Republic of Slovenia. With a view to increasing their employment opportunities, unemployed Roma, like all other job-seekers, have the right and obligation to participate in active employment policy measures. The labour market measures taken by the state are aimed at reducing the unemployment of members of the Roma community and increasing their employability.

88. The number of Roma registered as unemployed in the unemployment records at the end of 2018 stood at 2,435 (all unemployed: 78,534), 2,486 at the end of 2017 (all unemployed: 85,060) and 2,547 at the end of 2016 (all unemployed: 99,615), and 2,641 at the end of 2015 (all unemployed: 113,076).

89. In the context of labour market trends (economic crisis/growth), the absolute number of unemployed Roma registered in the unemployment records does not change significantly (see figures and tables in Annex II.B. 2b).

90. At the end of 2018, as many as 1,387 Roma with incomplete school education were registered in the unemployment records (57% of all the Roma registered in the unemployment records), while 824 Roma (34% of them) had completed primary education.

91. The issue of including the Roma population in the labour market is multi-faceted and requires prior action to be taken in various inter-sectoral areas (housing, education, social assistance, the protection of children, women and young people, measures and activities at the local level, etc.) Major obstacles to the integration of the unemployed Roma into the labour market are a low level of education, a lack of work experience, and low willingness of members of the Roma community to more actively identify their own skills, competences and interests in decision-making in the areas of education, training, career choices and employment.

92. In the January–December 2018 period, the Employment Service of Slovenia recorded a total of 271 exits from employment, including 145 Roma under the AEP, while 126 Roma entered the labour market and took up employment with various employers, this in commercial activities, construction, transport, forestry, cleaning services, human resources agencies and the like.

93. The Ministry of Labour, Family, Social Affairs and Equal Opportunities reports annually to the Office for National Minorities on the achievement of results concerning the employment situation of Roma as part of the current National Programme of Measures for Roma of the Government of the Republic of Slovenia (NPUR).

94. Under the NPUR, the measure of including Roma in the state's labour market measures (a measure under the remit of the Labour Market and Employment Directorate) is being implemented; this aims to reduce the number of unemployed Roma and increase their employability.

95. The measure of including Roma in the state's labour market measures encompasses three sets: 1) AEP, 2) services for the labour market and 3) Career Centres. The measure is an overall inclusive measure which is constantly complemented with new activities, programmes and services in view of the situation and developments in the labour market.

96. The following provides an explanation of the contents of the NPUR measure to include Roma in the state's labour market measures.

## AEP

97. Individual AEP programmes are carried out within the framework of:

- Education and training: Education is carried out as formal and non-formal education. The aim of non-formal education is to increase employment opportunities by

obtaining new knowledge and competences for entering the labour market and a successful career development. Formal education means participation in an officially recognised programme in order to obtain an officially recognised educational qualification (e.g. primary education). Under this measure, unemployed Roma can also undergo practical training in a specific workplace (e.g. an on-the-job training programme or a work try-out);

- Employment incentives: Employment incentives are primarily aimed at increasing the employment opportunities of vulnerable groups of unemployed persons. They are provided in the form of employment subsidies and in the form of reimbursement of social security contributions to employers if they employ an unemployed person (e.g. Zaposli.me (Employ.me), incentives for permanent employment of young people and incentives for employment of persons receiving unemployment benefit);
- Job creation: The programme aims to promote work and social inclusion and improve the qualifications and skills of vulnerable groups of unemployed persons. This measure includes a public works programme in which Roma can participate for two years;
- Promotion of self-employment: The measure is aimed at realising business ideas and creating jobs in micro companies as determined in the Act governing companies and at supporting the performance of any independent activities.

### **Services for the labour market workshops**

98. Unemployed Roma may participate in workshops within the scope of services for the labour market. The purpose of these workshops is to acquire skills to recognise individuals' interests, abilities and competences, their opportunities in the environment, to learn, and to decide on their employment and career goals and to implement them. The importance of including Roma in the aforementioned workshops is also reflected in the support for a quicker transition between employment and unemployment, which contributes to reducing the social exclusion of Roma.

### **Career Centres**

99. Members of the Roma community may also use the services provided by career centres to support persons in planning their educational or employment careers. Career centres' services have a significant impact on identifying abilities, knowledge, skills and interests of the Roma to make decisions regarding training, education, employment and career choices (e.g. services: informative seminar, first interview, preparation for "speed dating" job interviews with employers, informative meeting on the purpose of a social activation programme and conditions for inclusion in social activation programmes, basic career counselling, basic career counselling after 12 months, in-depth career counselling, rehabilitation counselling, pre-selection of candidates for job vacancies, group forms of counselling, and cooperation with employers in selecting candidates for employment). It is important to note that one person may use a service multiple times along with other services that are made available by career centres.

### **Inclusion of Roma into the state's labour market measures**

100. In 2018, a total of 480 Roma were included in the AEP: 243 men and 237 women. Most of them participated in formal education programmes (138 Roma enrolled in primary education: 75 men and 63 women) and in public works programmes (126 Roma: 57 men and 72 women). There were 17 Roma enrolled in employment programmes: 9 men and 8 women.

101. The Services for the Labour Market Workshops were attended by 225 Roma: 109 men and 116 women (workshops: Career after Fifty, Successful entry into the labour market and Counselling).

102. A total of 2,957 Roma were included in career centres: 1,501 men and 1,456 women. Important: One person may use a service multiple times along with other services that are made available by career centres.

103. A total of 3,662 Roma were included in all three AEP sets: 1,853 men and 1,809 women.

**Effective implementation of the national programme of measures for Roma (point 7)**

104. On 25 May 2017, the Government of the Republic of Slovenia adopted the National Programme of Measures for Roma for the 2017–2021 Period (the 2017–2021 NPUR), in which it outlined the measures to improve the status of Roma in Slovenia and set the methodology for the regular monitoring and evaluation of the programme. The areas covered by the 2017–2021 NPUR were also recognised as priority areas by the Roma community.

105. The measures under the 2017–2021 NPUR are generally carried out in the area of historical settlement of the Roma community, where the majority of its members live and the challenges are the toughest, and in all other areas with Roma population where the measures are needed.

106. The main emphasis or progress made since the adoption of the previous national programme of measures (the 2010–2015 NPUR) is as follows:

- The 2017–2021 NPUR includes measures to establish closer cooperation and connection between the state and local levels, which is of significant importance for the successful achievement of the 2017–2021 NPUR goals;
- The 2017–2021 NPUR takes an integrated approach in which the measures are more interrelated and interdependent and also ensures closer cooperation between different competent authorities to achieve greater effectiveness in practice;
- The 2017–2021 NPUR includes several measures for the social integration and protection of women, children and young people (in particular measures to address specific challenges such as the cases of minors escaping to harmful environments or cases of cohabitation with minors – i.e. early and forced marriages of Roma children);
- The 2017–2021 NPUR includes several measures to improve the provision of information to members of the Roma community and to increase their participation in the existing programmes and measures in various fields;
- The 2017–2021 NPUR includes several measures to strengthen the consultation process at the local and national levels, thus promoting the social integration and activation of members of the Roma community at the local level, and provides support to municipalities in performing their tasks in the area concerned;
- The 2017–2021 NPUR envisages more effective monitoring of the implementation of measures, which in comparison with the previous period is mainly focused on the monitoring of effects of measures in local environments.

107. With the adoption of the 2017–2021 NPUR, the Government instructed the state secretaries at the competent ministries to implement the measures, monitor their implementation, coordinate activities related to the implementation and monitoring, and cooperate with the Government Office for National Minorities – the authority responsible for the coordination and implementation of the 2017–2021 NPUR, for which the competent ministries and government offices appointed contact persons.

108. The implementation of the 2017–2021 NPUR is monitored by the consultative body to the Government, i.e. the Government Commission of the Republic of Slovenia for the Protection of the Roma Community (hereinafter: the Commission). Its members also include representatives of the Roma community. In July 2017, the Commission held a debate on issues related to the monitoring of the 2017–2021 NPUR implementation. As a result, the Office for National Minorities prepared a common reporting methodology for the purposes of reporting on the implementation of the 2017–2021 NPUR, which is to be applied by all the authorities responsible for the measures.

109. The Commission also decided that a review of implementing the measures under the 2017–2021 NPUR would become a regular item on the agenda of the Commission's meetings. Representatives of the competent ministries and government offices are to regularly inform the Commission of the major current issues relating to the implementation of measures. This

ensures the exchange of information between the authorities responsible for the measures and substantive areas and strengthens networking and cooperation between competent authorities.

110. In 2018, the Office for National Minorities commissioned the Peace Institute to conduct an independent external evaluation of the 2017–2021 NPUR implementation, covering the period between 25 May 2017 and 1 June 2018. The evaluation was published on the following website: <https://www.gov.si/teme/romska-skupnost/>. The overall evaluation was presented to the representatives of the competent institutions on 19 February 2019.

111. The monitoring of the 2017 - 2021 NPUR implementation and the provisions of the Roma Community in the Republic of Slovenia Act (ZRomS-1) is further complemented by regular annual reporting of the Government of the Republic of Slovenia to the National Assembly. The Government reports to the National Assembly cover the implementation of ZRomS-1 and the 2017–2021 NPUR. All Government reports are published on the following website: <https://www.gov.si/teme/romska-skupnost/>; to date, the Government has adopted six reports.

112. The Office for National Minorities serves as the National Contact Point for Roma in Slovenia. In this role, it is responsible for the project entitled “Reinforcing of national consultation process in Slovenia by establishing a National Roma Platform – SIFOROMA”. The Office for National Minorities carried out the first project, SIFOROMA 1, from 1 August 2016 to 31 July 2017, the SIFOROMA 2 project from 1 January 2018 to 31 December 2018 and the third project, SIFOROMA 3, from 1 January 2019 to 31 December 2019. The SIFOROMA 4 project is currently being implemented (from 1 January 2020 to 31 December 2020). All projects aim to strengthen the consultation process on the social integration of Roma by bringing together national and local decision-makers, the Roma community and the non-governmental sector (see Annex II.2 c).

113. Under the SIFOROMA projects, activities are carried out at the local level, i.e. in municipalities where Roma live, with a view to encouraging municipalities to develop local action plans for Roma integration (thus providing support to them) and also with a view to forming multidisciplinary teams and strengthening the dialogue in municipalities between all key institutions and stakeholders that play a key role in improving the status of the Roma community in the local environment. In parallel, thematic debates are organised within the framework of SIFOROMA projects; so far, debates have been held regarding the housing conditions of the Roma community, education, employment, social assistance, healthcare, and forced and early marriages. These events are attended by all relevant stakeholders, while the conclusions of the discussions and suggestions made at the meetings are used as a starting point for further action. As part of the SIFOROMA projects, activities aimed at the education and training of Roma Councillors are carried out.

### C. Point 8: Combating hate speech and crimes

114. In this area, there was further positive development in 2019. The Supreme Court of the Republic of Slovenia issued a judgment on the interpretation of Article 297 of the Criminal Code. The judgment, delivered on 4 July 2019, is crucial in the prosecution of and response to hate speech incidents. The Supreme Court has ruled that incitement to hatred, violence, or intolerance does not necessarily involve a possible threat to public law and order.

115. The web portal *Spletnooko* (Web Eye) ([www.spletno-oko.si](http://www.spletno-oko.si)) enables internet users to file anonymous report of hate speech and child sexual abuse images. The web portal is a reporting hotline operating in cooperation with the police, the prosecutor's office, NGOs, the media and the like.

116. In its efforts to prevent hate speech, the Government co-finances media programmes that promote tolerance, a culture of dialogue, equal opportunities and respect for diversity. Hate speech is also prohibited in the media. The Media Act in its Article 8 establishes the prohibition of incitement to unequal treatment and intolerance and stipulates that the dissemination of programmes that encourage national, racial, religious, sexual or any other unequal treatment, promote violence and war, or incite national, racial, religious, sexual or any other form of hatred or intolerance is prohibited. A similar prohibition is also laid down

in Article 9 of the Audio-visual Media Services Act, which stipulates that any incitement to discrimination on grounds of nationality, race, religion, sex or other discrimination or to violence and war or to hatred and intolerance on grounds of nationality, race, religion, sex or other hatred and intolerance via audio-visual media services is prohibited.

117. The Police investigates all reports of criminal offences in terms of public incitement or inflaming of hatred, violence or intolerance based on national, racial, religious or ethnicity, sex, skin colour, origin, financial situation, education, social position, political or other beliefs, disability, sexual orientation, or any other personal circumstance with elements of xenophobia, racism or other forms of intolerance, irrespective of the manner of the alleged crime, which may be based on personal circumstances.

118. Statistics: In 2016, the Police filed a criminal complaint in 18 cases for the criminal offence under Article 297 of the KZ-1 (public incitement to hatred, violence or intolerance); in 2017, criminal complaints were filed in 13 cases, in 2018 in 12 cases, and in 2019 in 16 cases. These figures are comparable to other European countries in terms of population (see Tables 4 and 5 in Annex III on numbers and grounds of violations).

#### **D. Point 9: Hate speech and efficient response of the criminal justice system**

##### **Relevant case-law**

119. In July 2019, the Supreme Court (VSL Judgment II Kp 65803/2012) ruled in a case of hate speech against the Roma that the higher court had misinterpreted Article 297 of the Criminal Code that only the criminal offence of public incitement to hatred, violence or intolerance is that which, according to specific circumstances, can jeopardise or disturb public law and order.

120. In the case concerned, the online portal of Radio Krka published an article containing a hostile message against the Roma community. The court of first instance passed the judgment of conviction. The higher court upheld the defendant's appeal, modifying the judgment issued by the court of first instance by acquitting the defendant of charges.

121. Following the Public Prosecutor's appeal, the Supreme Court found that in the criminal case concerned, the word ““threat” was not explicitly used, but the content of the record constituted a threat *per se* (see Annex III.2).

122. Prior to this judgment, at hearings the courts had often interpreted hate speech restrictively, arguing that the applicable Article of the Criminal Code, which establishes hate speech as a criminal offence, means that the criminal offence of public incitement to hatred, violence or intolerance is only an act that may jeopardise or disturb public law and order.

#### **E. Points 10 and 11: Participation and representation of minorities in public and political life**

123. The Slovenian Ministry of Culture strives for a constructive dialogue with representatives of new national communities. In 2011, the National Assembly of the Republic of Slovenia approved, by a two-thirds majority, the Declaration on the Status of National Communities of Members of Nations of the Former SFRY in the Republic of Slovenia (hereinafter: the Declaration). The Declaration expresses the expectations that the Slovenian Government will, on the basis of the positions expressed in the Declaration and within the framework of its powers, ensure a continuous concern for creating opportunities for the members of the communities of Albanians, Bosniaks, Montenegrins, Croats, Macedonians and Serbs to preserve and develop their identity.

124. Pursuant to the provisions of the Declaration, the Council of the Government of the Republic of Slovenia for the Issues of National Communities of Former SFRY Nations in the Republic of Slovenia was established in 2011 as a consultative body of the Slovenian Government to address the issues, requests and proposals of the members of these national communities and to adopt positions on the proposals for decisions of the Government and

ministries relating to the issues of these national communities. Twelve members are appointed to the Council, of whom five are representatives of state authorities, one is a representative of the Public Fund for Cultural Activities of the Republic of Slovenia, and six are representatives of the national communities of former SFRY nations. The national communities of the former SFRY nations propose their representatives based on a call for appointment. In the Council, representatives of national communities work together on an equal footing, which facilitates a concerted action to regulate the above-mentioned issues. Since the adoption of the Declaration, the Council has been set up four times, in 2011, 2013, 2015 and 2019.

125. In 2013, the Resolution on the 2014–2017 National Programme for Culture was adopted; this, among other things, defines support for the cultural needs expressed by members of the national communities listed in the Declaration.

126. Every year, the Public Fund for Cultural Activities of the Republic of Slovenia carries out a public call for the selection of cultural projects of different ethnic minorities and immigrants in the Republic of Slovenia (hereinafter: the ETN Call), under which it also finances the cultural projects of national communities listed in the Declaration. The ETN call is intended for the financing of cultural projects on music, theatre, folklore, film, dance, visual art and literary activities that are carried out on a non-profit basis and are in the interest of the broader social community. Data on the co-financing of cultural projects of the national communities listed in the Declaration under the ETN call since 2015 are given in Annex IV (Tables 4, 5 and 6).

127. Since 2010, the Ministry of Culture has held public calls to select operations for the increased social inclusion in culture of members of vulnerable social groups under the auspices of the European Social Fund (hereinafter: ESF), in which context the national community projects listed in the Declaration are financed as well. The objectives of the ESF public calls are employment or providing better employment opportunities in the labour market, raising skill levels, cultural creativity, and strengthening the self-confidence of members of minority ethnic communities and persons with disabilities and their social inclusion in the wider social environment.

128. Through regular annual public calls for applications for the co-financing of media programmes, the Ministry of Culture also co-funds media intended for new or other minority communities or media published by these communities. Moreover, such programmes also provide positive discrimination, as the assessment of the projects submitted also takes into account the following two legal criteria: “ensuring consideration of the principle of cultural diversity, gender mainstreaming and the exercise of tolerance” and “enabling the exercising of the right to inform the public and be informed by local and minority communities and whether it is being disseminated in minority languages”.

129. The Ministry of Education, Science and Sport co-finances the supplementary lessons in mother tongues and cultures for children of immigrants from the countries of the former common state by providing, on the basis of a co-financing application submitted by an educational institution, a lump-sum payment for each student attending these classes. The allocated funds provide material opportunities for learning (use of premises, purchase of teaching materials and aids, material costs). The costs of the teacher are borne by the country of origin, but also by parents, associations and the like.

130. In accordance with Article 81 of the Organisation and Financing of Education Act (ZOFVI), the Ministry of Education, Science and Sport also provides supplementary classes in mother tongues and cultures for children of immigrants from the former common country: in the 2012/13 school year, an additional class in Serbian language and culture was offered for the first time for Serbian-speaking immigrant children at Livada Primary School in Ljubljana. The class, co-financed by the Ministry, was attended by 35 pupils. In the years up to the 2016/17 school year, the number of children attending supplementary classes decreased to seven pupils. In the 2017/18 school year, no supplementary Serbian language and culture classes were held, but the classes were re-established in the 2019/2020 school year in the same school for four pupils. In 2019, the Ministry began to cooperate actively with the Embassy of the Republic of Serbia to join the efforts under the existing Ministry scheme and enable as many students as possible to learn Serbian as their mother tongue.

131. In accordance with the Slovenian legislation, the Slovenian education system offers immigrant children the opportunity to learn Slovene and, in cooperation with countries of origin or other stakeholders, the development of their mother tongue. The current legislation (Article 81 of the Organisation and Financing of Education Act) lays down a regulatory framework for the provision of funds from the state budget for both learning Slovene and teaching the mother tongue to immigrant primary and secondary school pupils as part of the regular primary and secondary school curricula.

132. The Rules on norms and standards for the implementation of the primary school programme, amended in 2019, provide immigrant children with supplementary lessons of Slovene according to the uniform criteria laid down by new rules. The Rules are based on the document “Proposal for a programme of work with immigrant children in pre-school education, primary and secondary education” (in the framework of the project entitled “The Challenges of Intercultural Coexistence”, co-financed by the European Social Fund). In view of the fact that this year is the transitional period, schools may (exceptionally) also include in the groups immigrant pupils who attend schools in Slovenia for the second consecutive year.

133. As regards the functioning of the Roma Community Council of the Republic of Slovenia (hereinafter: the Roma Community Council), Slovenia is aware of the need for amending the Roma Community in the Republic of Slovenia Act to eliminate the shortcomings found so far, including the inadequate composition of the Roma Community Council.

134. In spring 2017, the Slovenian Government set up the Inter-Ministerial Working Group (IMWG) tasked with drafting an amendment to the Roma Community in the Republic of Slovenia Act. Representatives of state authorities were appointed to the IMWG, and the President of the Roma Community Council also took part in its work.

135. The IMWG drafted a proposal for the Act, which was coordinated with the Roma community and other interested parties at the end of November and December 2017. The final version of the proposed Act was formulated in January 2018. The proposed Act was discussed and approved by the Roma Community Council at the extraordinary session on 30 January 2018 and, on the same day, it was also discussed and approved by the Government Commission of the Republic of Slovenia for the Protection of the Roma Community.

136. The Government adopted the proposed Act at its meeting on 1 March 2018 and submitted it to the National Assembly for consideration. The National Assembly did not discuss the proposed Act during its 2014–2018 term of office and at the beginning of the new term of office of the National Assembly, all legislative procedures, including the draft law amending the Roma Community in the Republic of Slovenia Act, were concluded. The drafting of the amendment to the Roma Community in the Republic of Slovenia Act will be reinitiated.

137. As regards the actual inclusion and representation of all Roma in municipal councils in accordance with the Local Self-Government Act, this right of the Roma community is exercised in all the municipalities listed in the aforementioned Act in the current 2018–2022 local election term. The same applied to the previous term of local elections. The Local Self-Government Act also contains additional safeguard provisions to guarantee that the representation of members of the Roma community in municipal councils is ensured even if an individual municipality is not in favour of it. The Local Self-Government Act thus provides that if a municipality, which by law is obliged to guarantee the Roma community the right to one representative in the municipal council, fails to do so by the time each regular local elections are called, the elections shall be carried out by the National Electoral Commission.

## **F. Point 12: Persons referred to as “the erased” and stateless persons**

138. As regards the status of stateless persons, it should be noted that in Slovenia human rights are guaranteed to everyone and are not dependent on the citizenship of an individual. Slovenia ensures the enforcement of the rights of the “erased” to access education, taking

into account Article 28 of the Convention on the Rights of the Child, which stipulates that States Parties recognise the right of the child to education. This right is provided in Article 57 of the Constitution, which prescribes that primary education is compulsory, and in Article 2 of the Organisation and Financing of Education Act, which includes among its goals the provision of the optimal development of an individual, irrespective of gender, social background or cultural identity, religion, racial, ethnic or national origin, and regardless of their physical and mental constitution or disability.

139. The Basic School Act (ZOsn) in its Article 10 stipulates that children who are foreign citizens or stateless persons and reside in the Republic of Slovenia have the right to compulsory basic school education under the same conditions as citizens of the Republic of Slovenia (see examples of good practice in Annex V).

140. In 2017, the Ministry of Education, Science and Sport introduced a procedure for the assessment and recognition of education of minors without proof of educational attainment as an entry condition for the enrolment in the secondary education programmes, higher vocational programmes and undergraduate study programmes.

141. With the 2018/19 school year, the Rules on Slovenian language courses for secondary school students became applicable. In July 2018, the [Rules on the assessment of the knowledge of persons under international protection without proof of educational qualifications](#) were published, specifying the content, organisation and criteria for the assessment of knowledge that is required from individuals without documents for enrolment in secondary education. For pupils whose mother tongue is not Slovenian, supplementary Slovenian language lessons are provided upon their enrolment at a basic school. For foreign pupils who enrol at a basic school during the first assessment period, the school organises supplementary Slovenian language lessons. For foreign students who enrol at the basic school in the second assessment period, the school provides 35 additional hours of Slovenian language lessons in the current school year. These pupils may also be included in the group in the next school year. Pupils whose mother tongue is Slovenian are also entitled to supplementary hours of Slovenian lessons if they have been studying abroad before enrolment at a basic school in the Republic of Slovenia.

142. At the end of December 2017, the [Decree on the methods and conditions for ensuring the rights of persons with international protection became applicable](#). The Decree specifies the education of persons with international protection who are not able to prove formal education by means of documents. It regulates the implementation of examination relating to enrolment in the programmes of the initial year of short and upper-secondary vocational education, secondary technical education, and general education.

143. Amendments to the acts regulating secondary education (published on 1 December 2017) provide the possibility of learning Slovenian for pupils whose mother tongue is not Slovenian or who have not completed primary education in Slovenia, which is a prerequisite for successful enrolment in upper secondary education.

## **G. Point 13: Regaining the legal status of erased persons**

144. The right to financial compensation and other forms of just satisfaction of erased persons is governed by the Act Regulating the Compensation for Damage Sustained as a Result of Erasure from the Register of Permanent Residents (hereinafter: the ZPŠOIRSP). Article 15 of the ZPŠOIRSP defines other forms of just satisfaction besides the right to financial compensation.

145. On conditions provided by the ZPŠOIRSP, a beneficiary shall be entitled to financial compensation and to the following forms of just satisfaction:

- Payment of contributions for compulsory health insurance;
- Inclusion and priority consideration in social assistance programmes;
- Facilitation of exercising the rights to public funds;
- State scholarships;

- Equal treatment in resolving housing problems;
- Access to the education system;
- Participation and priority treatment in programmes for aliens other than EU nationals aimed at assisting their integration into the cultural, economic and social life of the Republic of Slovenia.

146. Amendments to the legislation on erased persons were adopted in 2018. These include the adoption of the Act Amending the Act Regulating the Compensation for Damage Sustained as a Result of Erasure from the Register of Permanent Residents (the ZPŠOIRSP-A, Official Gazette of the Republic of Slovenia, No. 85/18), which eliminated the limitation on the amount of monetary compensation in court proceedings and regulated in a new manner the default interest. Beneficiaries are entitled to the payment of the entire principal amount of compensation for pecuniary or non-pecuniary damage suffered as established in court proceedings, with limitation only of the default interest, which is determined in court proceedings, to the principal amount (see historical background in Annex VI.A.1).

147. Erased persons who failed to apply for a permanent residence permit under the act governing status (ZUSDDD-B) or whose applications were not granted can regularise their status, i.e. obtain a permanent residence permit in the Republic of Slovenia, under the conditions laid down in the Foreigners Act (Official Gazette of the Republic of Slovenia, Nos. 1/18 – official consolidated version, 9/18 – corrigendum and 62/19 – Constitutional Court Decision). By way of the Act Amending the Foreigners Act (Official Gazette of the Republic of Slovenia, No. 59/17), which started to apply on 1 January 2018, the provision of Article 51 of the Foreigners Act was amended to regulate the issuance of a residence permit on the basis of other reasonable grounds and when in the interest of the Republic of Slovenia. The amendment also lays down that a residence permit with a validity of two years (which may be extended) may be issued to a foreigner who has been allowed to stay in the Republic of Slovenia for at least 24 months and whose removal from the country is not possible and where there are other reasonable grounds and special personal circumstances justifying such a foreigner's residence in the Republic of Slovenia. Other reasonable grounds and specific personal circumstances may be personal, social, cultural or other ties linking a foreigner to the Republic of Slovenia due to their long-term (including unlawful) residence in the Republic of Slovenia.

## **12.b**

148. The ZUSDDD-B also regulates the issuing of a permanent residence permit for the children of erased persons who have not been erased themselves. According to the ZUSDDD-B, a permanent residence permit may be issued to a child who was born after 25 June 1991 in the Republic of Slovenia and at least one of whose parents had been removed from the Permanent Population Register and obtained a permanent residence permit or acquired citizenship of the Republic of Slovenia after their child's birth. Erased persons who have obtained permanent residence permits or acquired Slovenian citizenship may reunite other children under the Foreigners Act.

149. In accordance with the valid Citizenship of the Republic of Slovenia Act, any child born or found in the territory of the Republic of Slovenia may acquire citizenship of the Republic of Slovenia if their father and mother are unknown, of unknown citizenship or stateless. The administrative body deciding on the application for citizenship may, in direct application of the provisions of the Convention on the Rights of the Child, to which Slovenia is a party, grant citizenship of the Republic of Slovenia to a child born in Slovenia who has not acquired citizenship through their parents.

## **12.c**

150. The ZPŠOIRSP rectifies violations of human rights and fundamental freedoms (as expressly provided in the provision in Article 1) and executes the judgement of the Grand Chamber of the European Court for Human Rights delivered on 26 June 2012 in the case Kurić and others v. Slovenia. In the Slovenian legal order, this is applied through the systemic regulation of just satisfaction, i.e. compensation for damage to erased persons sustained as a result of their erasure from the Register of Permanent Residents.

151. For damage sustained as a result of erasure, the ZPŠOIRSP regulates both the right to financial compensation and entitlement to other forms of just satisfaction as compensation for the damage sustained.

152. According to the ZPŠOIRSP, eligible persons have the possibility to claim the financial compensation in judicial and/or administrative proceedings. In an administrative procedure, financial compensation is determined as a flat-rate sum covering compensation for pecuniary and non-pecuniary damage. It is determined with regard to the period of erasure and without identifying the causal relationship between the unlawful conduct (the erasure) and the damage sustained. For each month of erasure, a beneficiary is entitled to EUR 50 in damages. Until its amendment, the ZPŠOIRSP stipulated that the total amount of financial compensation for the damage sustained as a result of erasure (including legal default interest) that can be awarded in judicial proceedings may not exceed three times the financial compensation determined for a beneficiary in the administrative procedure. The Act Amending the Act Regulating the Compensation for Damage Sustained as a Result of Erasure from the Register of Permanent Residents (Official Gazette of the Republic of Slovenia, No. 85/18; the ZPŠOIRSP-A), which entered into force on 30 December 2018, eliminated the limitation on the amount of monetary compensation in court proceedings and regulated in a new manner the default interest which is determined in court proceedings. Beneficiaries are entitled to the payment of the entire principal amount of compensation for pecuniary or non-pecuniary damage sustained as established in court proceedings, with limitation only of interest, which is determined in court proceedings, to the principal amount.

153. The ZPŠOIRSP also regulates the entitlement to other forms of just satisfaction as compensation for damage sustained. Other forms of just satisfaction enable or facilitate the access to rights in various areas where it has been established in practice that facilitation would be useful or necessary. Under the ZPŠOIRSP, beneficiaries are entitled to the payment of contributions for compulsory health insurance, inclusion and priority treatment in social assistance programmes, facilitation of exercising rights to public funds, state scholarships, equal treatment as citizens of the Republic of Slovenia in resolving housing problems, access to the education system, and inclusion and priority treatment in so-called integration programmes.

154. A final resolution in the case of *Kurić and others v. Slovenia* was adopted by the Committee of Ministers, which supervises the execution of final judgments of the European Court of Human Rights, on 25 May 2016 at the 1,257th meeting. Having examined the action report indicating the measures adopted in order to give effect to the judgments, the Committee of Ministers found that the Republic of Slovenia had satisfied all obligations under the European Court of Human Rights Grand Chamber judgments of 26 June 2012 and 12 March 2014 regarding both individual measures addressed to the applicants and general measures. By adopting the Act Regulating Compensation for Damage to Persons Erased from the Permanent Population Register, the Republic of Slovenia had met the obligations regarding general measures under the pilot judgment. The Committee of Ministers of the Council of Europe therefore decided to close the examination in the case of *Kurić and Others v. Slovenia*.

## 12.e

155. Erasure from the Permanent Population Register did not cause statelessness. By erasure from the Permanent Population Register, the registered permanent residence of nationals of the former SFRY republics who were registered as permanent residents in the Republic of Slovenia ceased on the day they became subject to the provisions of the Aliens Act adopted in 1991 as one of the independence acts of the Republic of Slovenia. The erasure from the register of the permanent population entailed cessation of the registered permanent residence and had no influence on the nationality of the nationals of other republics of the former SFRY, i.e. it did not cause statelessness. In the former federal state of the SFRY, every national of the SFRY, in addition to a single federal citizenship, also had citizenship of one of the six republics that made up the federal state. The citizenship of a republic was the basic condition for acquiring the citizenship of the new countries emerging in the former SFRY territory.

## H. Point 14: Migrants, asylum-seekers and refugees

156. Amendments to the legislation governing the rights of vulnerable groups of migrants have been adopted. On 26 March 2019, an amendment to the Criminal Procedure Act (ZKP-N) was adopted which expands the scope of criminal offences in which a minor victim must have an authorised representative. The amended Act thus covers all criminal offences relating to marriage, family and children, as well as the criminal offence of enslavement.

157. The amended Criminal Procedure Act also includes an explicit provision that a minor injured party must have an authorised representative when heard in a pre-trial criminal procedure in connection with the aforementioned criminal offences. Another change is that minors as injured parties are allowed to be accompanied by a person of their choice in all pre-trial and criminal proceedings, while other injured parties only have this right when they are victims of crime unless the course of pre-trial and/or criminal proceedings would be prejudiced (e.g. if the person concerned is the alleged offender) or unless contrary to the interests of injured parties. In the latter case, injured parties may choose another person.

158. In principle, the police, the State Prosecutor's Office and the courts are to ensure that injured parties avoid contacts with suspects in pre-trial and criminal proceedings, unless such contact is necessary for the successful conduct of the proceedings.

159. The Decree on the implementation of the statutory representation of unaccompanied minors and the method of ensuring adequate accommodation, care and treatment of unaccompanied minors outside the Asylum Centre or a branch thereof (Official Gazette of the Republic of Slovenia, No. 35/17) introduces significant changes. The conditions for the public call for legal representatives of unaccompanied minors and for the regular verification of whether legal representatives still meet the conditions for this have been tightened. In addition, the training time for candidates for legal representatives has been extended and optimised.

160. The new Decree also provides additional support in the implementation of legal representation in the form of professional assistance from a social work centre and the preparation of materials and information to support legal representatives in the performance of their tasks. If the Office for the Support and Integration of Migrants (hereinafter: the Office) or other agents involved find that the designated legal representative does not perform their tasks in accordance with the law, it shall issue a written statement or proposal to the social work centre urging it to carry out an appropriate procedure. In practice, some legal representatives for certain cases have already been dismissed, but they can also be deleted from the list of legal representatives.

161. In accordance with the principle of the best interests of the child, the Government of the Republic of Slovenia, at its regular session on 28 July 2016, adopted a decision to provide adequate accommodation for unaccompanied minors for the period until the end of July 2017 in two public student dormitories, in Nova Gorica and Postojna. This measure was an important step towards creating alternative models of care for children. In the field of unaccompanied minors residing illegally in the Republic of Slovenia or having the status of an applicant for international protection or the status of a person with international protection, the Office, in cooperation with the competent ministries (the Ministry of the Interior, the Ministry of Education, Science and Sport, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, and the Ministry of Health), prepared in 2017 a project for the accommodation of unaccompanied minors in order to establish systemic forms of accommodation and treatment of unaccompanied minors in appropriate living conditions and with 24-hour professional care in student dormitories.

162. The comprehensive evaluation carried out after a year of the implementation of the pilot project demonstrated that it is a step forward in the provision of accommodation and treatment of unaccompanied minors and for their inclusion and socialisation. The project participants (besides the ministries listed above, these were the student dormitories in Nova Gorica and Postojna, legal representatives and guardians, and participating NGOs) mostly assessed the Postojna project as positive and properly targeted and will continue to support it in the future. Since 2017, the project has been led by the Office.

163. In order to prepare unaccompanied minors for the education system, the Office, in cooperation with competent institutions, implements a special 300-hour literacy programme in places where unaccompanied minors are accommodated.

164. The identification of potential victims of human trafficking among applicants for international protection has been carried out for several years at the Asylum Home, its branches, accommodation capacities for unaccompanied minors and, when necessary, at the Centre for Foreigners under the PATS project; especially important in this context are individual interviews for unaccompanied minors and women involving individuals familiar with human trafficking and protective measures and procedures for detecting whether an individual was a victim of human trafficking.

### **Social activation of migrant women**

165. In the second half of 2019, five contractors implementing the SA programme for women from other cultural backgrounds (LOT 2), i.e. migrants, in five different places in Slovenia were selected in a public tender for co-financing social activation projects. The SA programmes for women from other cultural backgrounds aim to improve their social integration into the wider social environment, increase their motivation, help them strengthen the existing and acquire new social and functional competences to address their specific life and social circumstances that place them in a subordinate position and limit their opportunities for the inclusion and integration into the wider social environment, and help them acquire practical knowledge that will enable them to effectively enter and participate in labour markets. Compulsory contents: activities aimed at establishing group dynamics, activities to motivate participants and enhance their personal growth, activities to improve their social competencies, activities to raise participants' awareness of the importance of inclusion in the wider social and cultural environment, activities that promote and enable knowledge acquisition for effective communication in the Slovenian language, activities to improve functional competencies, activities aimed at acquiring competencies to enter the labour market or bring the participants closer to the labour market, gaining practical experience for the labour market, activities aimed at actively seeking further inclusion, a review of objectives achieved by the participants, advocacy, counselling and support for entering the labour market. The implementation of quality programmes makes a comprehensive contribution to solving the women's problems of social exclusion and the risk of poverty and to improving their employability. The programme assists women in developing social competencies, improving functional competencies to actively address their social problems, and increasing their motivation and empowerment for entering the labour market and acquiring work competencies.

## **I. Point 15: Rights of non-nationals and migrants in the legislation**

### **15.a**

166. The valid International Protection Act (Official Gazette of the Republic of Slovenia, No. 16/17 official consolidated version) defines a refugee in accordance with the Convention Relating to the Status of Refugees.

### **15.b**

167. Article 69 of the Foreigners Act stipulates the conditions on which a foreigner is removed from the Republic of Slovenia by the police. The basis for this act is always an enforceable decision or final judgment. The police have concluded a contract with Caritas Slovenia for monitoring the removal of foreigners under the article mentioned above. Article 72 of the Foreigners Act contains a general clause prohibiting the removal of foreigners (including stateless persons). A foreigner may be removed to the country of origin, transit or another third country willing to admit them or to another EU Member State where they comply with the conditions for residence.

168. Article 72 of the Foreigners Act (Official Gazette of the Republic of Slovenia, Nos. 1/18 – official consolidated version, 9/18 – corrigendum and 62/19 – Constitutional Court Decision; the ZTuj-2) provides that the principle of non-refoulement in accordance with the

Act and the principles of customary international law shall impose on the Republic of Slovenia the obligation to not remove a foreigner to a country in which their life or freedom would be threatened on account of their race, religion, citizenship, membership of a particular social group or political opinion or to a country in which they would be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

169. Article 64 of the ZTuj-2 provides that the police shall issue a return decision to a foreigner who is illegally staying in the Republic of Slovenia except in cases stipulated by the Act. In the procedure for issuing the return decision, the foreigner shall have the right to free legal aid provided by other state authorities or international or non-governmental organisations and shall be also entitled to an interpreter where necessary. A foreigner may complain against the return decision issued by the police within three days of its service. The decision on the appeal is taken by the ministry responsible for the interior within eight days. In proceedings before the courts in connection with a decision of the ministry responsible for the interior, the foreigner shall have the right to free legal aid as provided by the act governing free legal aid.

170. Article 73 of the ZTuj-2 stipulates that a foreigner who must be removed may be allowed to remain – i.e. issued a permit to temporarily remain in the Republic of Slovenia. Among other things, a foreigner shall be allowed to remain when their removal from the country is not allowed in accordance with Article 72 of ZTuj-2. The police initiate the procedure for the permit to remain at the foreigner's request or *ex officio* after the foreigner has already been served a return decision without a deadline for voluntary return or with a decision imposing an entry ban or a judgment imposing an accessory penalty or accessory sanction of expulsion of a foreigner. The permit to remain may be issued to a foreigner for not more than six months. It may be extended at the foreigner's request or *ex officio* for as long as the grounds referred to in the preceding paragraph exist. A foreigner allowed to remain in the Republic of Slovenia shall be issued a certificate of permission to remain in the Republic of Slovenia by the police. A foreigner may also lodge a request for the permit to remain during their stay at the Centre for Foreigners. Removal from the country pending a final decision on the request for the permit to remain shall not be permitted. The permit to remain shall not terminate and shall not change the foreigner's obligation to leave the country. If there are grounds for suspecting that a foreigner will try to avoid removal from the country, they may be required to report regularly to the nearest police station, to provide an appropriate financial guarantee, to submit documents or to stay in a certain place.

### **15.c**

171. The right to family reunification is regulated by Articles 47, 47a and 47b the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 1/18 – official consolidated version, 9/18 – corrigendum and 62/19 – Constitutional Court Decision), which also cover persons under international protection. The conditions are also set out in accordance with the European Union standards (Council Directive 2003/86/EC).

### **15.d**

172. Article 15 of the International Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 16/17 – official consolidated version; the ZMZ-1) brings a precise definition of best interests of the child as the primary consideration in the treatment of minors. Minors need to be ensured a standard of living adequate to their psychological, mental, spiritual, ethical and social development. In assessing best interests of the child, consideration is given to the following factors: the possibility of family reunification, the minor's well-being and social development, in particular taking into consideration the minor's background, due account of safety and security issues, especially if there is the risk of a minor being a victim of trafficking in human beings, and the minor's views, in accordance with their age and maturity.

173. Minors shall be given access to leisure activities, including play and recreational activities appropriate to their age within the premises and accommodation centres and to open-air activities.

174. Minors identified as victims of abuse of any kind, neglect, exploitation, torture or cruelty, or inhuman or degrading treatment or who have suffered from armed conflict shall be provided access to rehabilitation and, where necessary, appropriate psychological treatment and qualified counselling.

175. Article 16 of the ZMZ-1 additionally protects the rights of unaccompanied minors (which also include separated children). In procedures involving an applicant who is an unaccompanied minor, the minor's identity must be established and the procedure for finding their parents or other relatives initiated in the shortest possible time; a statutory representative of the applicant shall be appointed before the procedure commences. The procedure of international protection of an unaccompanied minor shall be conducted in a child-appropriate manner, taking into consideration their age and degree of maturity. Prior to receiving an application, they shall be informed of the rights and obligations of applicants; such provision of information shall take a form appropriate to their age and degree of maturity. The statutory representative shall represent an unaccompanied minor in the procedure for granting international protection, in matters of health protection, education, and the protection of property rights and benefits, and in relation to the exercising of reception rights until the decision issued in the procedure for international protection becomes enforceable. Unaccompanied minors and their statutory representatives shall be present during all activities constituting the procedures pursuant to the ZMZ-1.

176. The Office provides for the adequate accommodation and care of unaccompanied minors.

177. Article 17 of the ZMZ-1 provides that an unaccompanied minor and their statutory representative shall be notified in writing, in a language the minor understands, of the possibility of having to undergo age assessment by an expert. Such notification shall include information on the manner of examination, on the possible consequences of the assessed age on the processing of their application, and on the consequences of unjustified refusal to undergo such an examination. Where, in the processing of an application for international protection, officials or persons involved in work with an unaccompanied minor are of the opinion that doubts have arisen as to the actual age of the minor, the competent authority may order an expert opinion prepared by a medical expert. In the process of the preparation of the opinion, the latter shall consult other competent experts if necessary. An examination to determine the age of a minor may be performed only upon the written consent of the minor and their statutory representative. In the event of remaining uncertainty as to whether the applicant is a minor or an adult after the expert opinion has been obtained, the applicant shall be regarded as a minor. Where the unaccompanied minor and their statutory representative refuse an examination of age assessment without providing any valid reasons, the minor shall be regarded as an adult in relation to the processing of their application. The decision dismissing an application lodged by an unaccompanied minor who has refused to undergo such an examination must not be based exclusively on such refusal.

### **15.e**

178. In terms of identifying and providing assistance to victims of trafficking in human beings, mention should be made of the Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings (hereinafter: the Manual), which was adopted by the Government of the Republic of Slovenia on 5 May 2016. The Manual defines the role and tasks of state authorities, NGOs and humanitarian organisations in dealing with trafficking in human beings and sets out victim assistance and protection measures. The Manual also contains a special chapter on minor victims of trafficking in human beings, who belong to the most vulnerable group of victims. An important part of the Manual is the list of indicators for identifying individual groups of victims of trafficking in human beings. The identification of potential victims of trafficking in human beings is also carried out among international protection seekers in the framework of the PATS project that has been carried out for several years at the Asylum Home, its branches, accommodation capacities for unaccompanied minors and, when necessary, at the Centre for Foreigners.

179. The police also include representatives of non-governmental organisations that operate in the field of combating trafficking in human beings in procedures for identifying victims of trafficking in human beings. The Manual provides that a victim has the right to

assistance and support immediately after a reasonable presumption that they may be a victim of trafficking in human beings, and that assistance and support are not conditional upon the readiness of the victim to cooperate in the pre-trial procedure or criminal proceedings. Authorities and non-governmental and humanitarian organisations that identify victims in their work or are otherwise involved in the process of identifying victims of trafficking in human beings have a duty to communicate to a victim in a language they understand the basic information and their basic rights. In addition, competent authorities and organisations shall be obliged to carry out all procedures and actions required to protect victims, commensurate with the level of threat, and to protect their benefits, and in so doing ensure respect for the integrity of the victim. In their work, police officers observe the principles of the Code of Police Ethics, whose Article 3 provides that police officers, in their procedures, must ensure that everyone is guaranteed equal human rights and fundamental freedoms, irrespective of ethnicity, race, gender, language, religion, political or other conviction, material standing, education, social status or any other personal circumstance.

#### **Assistance to and protection of victims of trafficking in human beings**

180. In Slovenia, the organisation of assistance to victims of trafficking in human beings is guaranteed pursuant to the Act Ratifying the Council of Europe Convention on Action against Trafficking in Human Beings. On this basis, the Government of the Republic of Slovenia provides funding to assistance schemes carried out by non-governmental organisations selected by way of a public call. More specifically, direct assistance to victims of trafficking in human beings is provided by two-year action plans for combating trafficking in human beings confirmed by the Government of the Republic of Slovenia. These specify the key authorities for implementing these activities, implementation deadlines and the amount of funding earmarked for this purpose.

181. The first project, “Assistance to victims of trafficking in human beings – Crisis accommodation” provides victims a 30-day period of recovery and reflection to recover, escape the influence of traffickers, and obtain information about the voluntary forms of the further support programme and possibilities of cooperating with state authorities. The assistance includes adequate and safe accommodation, food and care, psychosocial support, advocacy and empowerment, assistance with access to basic healthcare, ensuring the safety of victims and staff involved in each case, 24-hour availability of the provider, translation and interpretation services where necessary, advising and providing information, in particular on their rights in a language they understand, assisting in arranging the return of the victim to the country of origin, liaising with related organisations in the country to which the victim is returning, and obtaining feedback on the victim’s arrival in the homeland. In the crisis accommodation programme, a personal assistance plan is made for each victim with the purpose of their resocialisation and revitalisation.

182. Already during crisis accommodation, victims are also offered longer-term assistance and accommodation within the programme “Assistance to victims of trafficking in human beings – Safe accommodation”. This is the step following crisis accommodation and is intended for all identified victims of trafficking in human beings who need further comprehensive support and are prepared to cooperate with the law enforcement authorities in criminal procedures. In addition to basic forms of assistance (accommodation, food, care, psychological assistance, translation services, counselling and information, in particular regarding their rights), the programme provider has a duty to provide victims with other measures for socialisation and revitalisation (education, training and social networking) and, last but not least, the acquisition of a profession or the recognition of an already acquired education in the case of a foreigner and employment opportunities). Accommodation within the programme is voluntary and for victims from third countries may last until the conclusion of the criminal proceedings, while for other victims the legislation does not define any term. The programme provider makes an individual programme of assistance and protection and sends it to an interdisciplinary group for consideration within ten days of the victim’s reception. The procedure of accommodating victims in crisis and safe accommodation and the conduct of competent institutions are detailed in the Manual.

183. Also launched in January 2019 was the two-year project “(Re)integration of victims of trafficking in human beings”, which is a logical consequence of programmes for providing

assistance to the victims of trafficking in human beings and the first step towards leading an independent life free from violence, exploitation and violations of human rights. The project's general objective is to prevent the re-victimisation of victims of trafficking in human beings by integrating such victims into the education system and the labour market, helping them develop and improve professional skills and qualifications, and securing adequate care or being taken in by the family or appropriate care structures (applicable to child victims). The project is intended for citizens of the Republic of Slovenia who have been treated as victims of trafficking in human beings abroad and for foreign nationals who faced pre-trial or criminal proceedings as victims of trafficking in human beings in the Republic of Slovenia and legally reside there.

### **Enforcement**

184. The police, prosecutors and the judiciary continue their efforts to effectively investigate human trafficking offences and prosecute perpetrators. In detecting and investigating these crimes, the police also cooperate with other competent state bodies (the Financial Administration of the Republic of Slovenia, the Labour Inspectorate, health care institutions and competent social work centres) and non-governmental organisations and trade unions involved in combating trafficking in human beings.

185. The police have carried out the following in the field of criminal offences of trafficking in human beings:

- Six investigations against 42 perpetrators in 2015 (47 identified victims);
- Five investigations against 15 perpetrators in 2016 (27 identified victims);
- Five investigations against 15 perpetrators in 2017 (66 identified victims);
- Three investigations against 33 perpetrators in 2018 (101 identified victims);
- Five investigations against 19 perpetrators in 2019 (7 identified victims).

186. While trafficking in human beings for the purpose of sexual exploitation is still the most common form of exploitation of victims in the Republic of Slovenia, law enforcement authorities have also detected cases of trafficking in human beings for the purpose of forced begging, forced marriages and forced labour. The first case of the form of human trafficking when victims were exploited to commit crimes was addressed in 2018.

187. Competent courts issued five convictions for the crime of trafficking in human beings under Article 113 of the Criminal Code in 2015, six convictions in 2016, ten in 2017 and seven in 2018.

### **15.f Adoption of measures necessary for providing basic care, shelter and humanitarian aid to asylum seekers and refugees**

188. Article 78 of the International Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 16/17 – official consolidated version; the ZMZ-1) lays down the rights of applicants for international protection upon reception, which include residence in the Republic of Slovenia, material support if accommodated in the Asylum Centre or a branch thereof, financial assistance if accommodated in a private residence in accordance with the ZMZ-1, emergency medical treatment, education, access to the labour market, humanitarian aid and an allowance. An applicant shall acquire the rights listed above by filing an application and shall be able to exercise these rights pending the enforceability of the competent authority's decision on the application.

189. Healthcare of applicants for international protection is defined by Article 86 of the ZMZ-1. The emergency medical treatment guaranteed to applicants shall include the right to emergency medical care and emergency transport upon a physician's decision and the right to emergency dental care, the right to emergency treatment upon a physician's decision (preservation of essential functions; stopping serious haemorrhaging and preventing blood loss; prevention of a sudden deterioration of his or her health condition which could cause permanent damage to individual organs or bodily functions; treatment for shock; healthcare services addressing chronic illnesses and conditions which, if not addressed, could directly and in a relatively short period of time lead to disability, permanent damage to health or death;

treatment for hyperthermia and the prevention of the spread of an infection that might lead to sepsis; treatment or prevention of poisoning; treatment of bone fractures or sprains and other injuries requiring immediate intervention by a physician; and medication from the positive and intermediate lists in accordance with the list of mutually interchangeable medication prescribed for the treatment of indicated illnesses and conditions), and the right of women to supplementary healthcare (contraception, abortions, and healthcare during pregnancy and while giving birth).

190. Vulnerable persons with special needs, and in exceptional cases other applicants, are also entitled to additional healthcare services, including psychotherapy.

191. Applicants who are minors and unaccompanied minors are entitled to healthcare equivalent to that enjoyed by children who are citizens of Slovenia. Schoolchildren aged 18 years or older are entitled to healthcare to the same extent until they leave school, but not after they reach the age of 26.

192. The ZMZ-1 also lays down the rights of persons granted international protection in Article 90, which lists the following rights: the right to receive information about the status, rights and obligations of persons under international protection in the Republic of Slovenia; the right to reside in the Republic of Slovenia; financial compensation for private accommodation; healthcare; social assistance; education; employment and work; and assistance in integrating into society.

193. Healthcare of persons granted international protection is defined by Article 98 of the ZMZ-1. Persons granted international protection shall be provided mandatory health insurance on the basis of international protection unless they are insured on some other basis. Children granted international protection are entitled to healthcare services to the same extent and under the same conditions as children who are covered by mandatory health insurance as family members. Schoolchildren aged 18 years or older are entitled to healthcare to the same extent until they leave school, but not after they reach the age of 26.

194. The Government of the Republic of Slovenia established the Office of the Government of the Republic of Slovenia for the care and integration of migrants by means of an ordinance; this body commenced its work on 16 June 2017. The Office of the Government of the Republic of Slovenia for the care and integration of migrants, among other things, makes sure that the status and special needs of vulnerable groups, such as minors, unaccompanied minors, the elderly, pregnant women and victims of trafficking in human beings, are taken into consideration when organising accommodation and during their accommodation. It also guarantees that for these groups the accommodation standards agreed at the European Union level are met. It provides for a system-wide approach to the treatment of unaccompanied minors, including the provision of special care and 24-hour care. It also enables Slovenia to comply with the European Union standards and thus act in the best interests of children.

195. In 2019, the Government of the Republic of Slovenia adopted the Government Strategy on Migration. The Strategy is based on inter-ministerial integration and addresses migration in a multifaceted, comprehensive and long-term manner, focusing on a better understanding of all aspects of migration and the improvement of measures for their management.

196. The Strategy consists of six horizontal pillars related to individual aspects of migration. These pillars are the following:

- The international aspect of migration;
- Economic migration as part of legal migration;
- International protection;
- Social integration;
- Illegal migration and refoulement;
- The security factor.

197. The Strategy was prepared by an inter-ministerial working group, which included state secretaries from all ministries and representatives of the Prime Minister's Office, Sova, the police, the Office for the Support and Integration of Migrants, the Government Communication Office, the Office for Macroeconomic Analysis and Development, and the Administration of the Republic of Slovenia for Civil Protection and Disaster Relief.

198. Under the Act Amending the Foreigners Act, which entered into force on 4 February 2017, certain tasks relating to the rights of foreigners who are allowed to stay in Slovenia, displaced persons, persons granted temporary protection, applicants for international protection and persons under international protection have been delegated to the Office for the Support and Integration of Migrants. (See case law and examples of good practice in Annex VII).

#### **J. Points 16 and 17: Establishment of an independent national authority for human rights**

199. Since the adoption of the recommendations, Slovenia has experienced a qualitative shift in this area.

200. Pursuant to the Protection Against Discrimination Act, the Advocate of the Principle Equality operates as an independent state authority and deals with protection against discrimination on grounds of race, ethnic origin, nationality and language, in accordance with its statutory powers. The Advocate of the Principle of Equality provides independent assistance and support to persons subjected to discrimination when enforcing their rights regarding protection against discrimination. The funds for its operations increased in 2018.

201. In 2017, the Act Amending the Human Rights Ombudsman Act (hereinafter: the ZVarCP-B) entered into force. The purpose of the Act was to provide the Ombudsman with the most appropriate legal basis for action, which would ultimately result in its obtaining Status A under the principles relating to the status and functioning of state institutions (the Paris Principles).

202. The amendment establishes the Council of the Ombudsman, an ombudsman's consulting body that deals with broader issues of the promotion, protection and control of human rights and fundamental freedoms and is also an important forum for ensuring the pluralism of beliefs and participation of different interested groups, from science to civil society. The Council is a think tank operating by the principle of professional autonomy. It was officially established in 2018.

203. The amended Act also establishes the Centre of Human Rights active in the framework of the Ombudsman. The Centre provides the general mandate of the state human rights institution, including with regard to human rights education and training and, more generally, with regard to the promotion and protection of human rights; it prepares analyses and reports and provides individuals with general information on human rights protection mechanisms while strengthening the Ombudsman's international activity. The amended Act also established advocacy on behalf of children, earlier carried out in the context of the Ombudsman as a pilot project.

204. The provisions of Article 50b of the Human Rights Ombudsman Act (ZVarCP) regarding the establishment, tasks and operation of the Centre of Human Rights entered into force on 1 January 2019. The work of the Centre also includes awareness-raising activities, such as a lecture at the Črnomelj Secondary School on refugee issues in 2019 for awareness-raising, education for tolerance and solidarity (participation of approximately 200 students).

205. In October 2018, the Ombudsman requested the Global Alliance of State Institutions for Human Rights to obtain A status according to the so-called Paris Principles and obtained it in 2021.

## K. Other recommendations

### Further measures according to the Durban Declaration and Action Plan

#### D. 19

206. Slovenia implements numerous programmes within the framework of action plans and strategies for the prevention of discrimination and the fight against racism, hate speech and prejudice. The Slovenian Government has co-funded numerous awareness-raising projects implemented by non-governmental organisations and professional institutions for several years. Each year, in the second half of March, a national-level event is organised to commemorate the fight against racial discrimination.

207. The elimination of racism and xenophobia and the prevention of all forms of discrimination (including in the learning process) are among the goals of education in Slovenia. Article 2 of the Organisation and Financing of Education Act lists the goals of education that contribute to the exercising of each individual's right to education without discrimination or exclusion, and to the promotion of equal educational opportunities, which includes ensuring the optimal development of an individual, regardless of gender, social and cultural origin, religious belief, race, ethnicity, nationality, and mental or physical constitution or handicap, education for mutual tolerance, developing awareness on gender equality, and the like.

208. Thematic activities to promote intercultural dialogue are aimed at both the general public and vulnerable groups.

209. In the field of public services, several training projects for work in a multicultural community are underway which are intended to enable people to acquire intercultural competencies and facilitate the integration of members of different ethnic and racial groups into society.

210. Several activities in the context of combating trafficking in human beings targeted possible victims (young persons, possible victims of labour exploitation and forced labour, refugees and migrants, especially unaccompanied minors).

### International decade of persons of African origin

#### D. 20

211. The Ministry of Culture has carried out public calls for the funding of cultural projects of different ethnic minorities and immigrants in the Republic of Slovenia since 1993. In 2010, the activities in this respect were fully transferred to the Public Fund for Cultural Activities, which had already provided small-scale funding for cultural projects of various minority ethnic communities within the framework of the annual public tender or call. Every year, the Public Fund for Cultural Activities of the Republic of Slovenia thus carries out a public call for the selection of cultural projects of different ethnic minorities and immigrants in the Republic of Slovenia, under which it also funds the cultural projects of African immigrant communities in Slovenia. The call is intended for the financing of cultural projects on music, theatre, folklore, film, dance, visual art and literary activities that are carried out on a non-profit basis and are in the interest of the broader social community.

212. Since 2010, the Ministry of Culture has held the public call to select operations for the increased social inclusion in culture of members of vulnerable social groups under the auspices of the European Social Fund (hereinafter: the ESF public call), within which projects intended for or including the African immigrant community in the Republic of Slovenia are funded. The objective of the ESF public call is employment or providing better employment opportunities in the labour market, raising skill levels, cultural creativity, and strengthening the self-confidence of members of minority ethnic communities and persons with disabilities and their social inclusion in the wider social environment. 12 operations were selected for co-financing in the ESF public call for 2018–2019; two of them included members of African immigrant communities in their activities.

**D. 21 Consultations with civil society**

213. In accordance with current practice, the Ministry of Labour, Family and Social Affairs will present the process of preparing the report in the Inter-Ministerial Working Group for Human Rights and, by publishing the report on the website, open the possibility for forwarding the opinions and comments of civil society representatives.

**D. 22 Amendments to Paragraph 6 of Article 8 of the Convention**

214. The Republic of Slovenia is continuing preparations for the ratification of the amendment to Article 8 of the ICERD and the implementation of the necessary procedure.

**D. 23. Information**

215. The Government of the Republic of Slovenia will provide electronic access to the text of the 12th–14th periodic report according to the International Convention on the Elimination of All Forms of Racial Discrimination and to the conclusions of the CERD made after the consideration of this report.

216. The 12th–14th periodic report according to the International Convention on the Elimination of All Forms of Racial Discrimination will be published on the website of the Ministry of the Interior and Ministry of Labour, Family, Social Affairs and Equal Opportunities after it has been submitted to the UN.

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