

European Union Agency for Fundamental Rights, selection of relevant and recent passages from published reports related to Slovenia

fra.europa.eu

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Contents

Violence against women survey data explorer	4
Roma survey data explorer	4
Jewish people's experiences and perceptions of hate crime, discrimination and anti-Semitism	4
EU LGBT survey data explorer	4
Violence against women: an EU-wide survey. Main results report (March 2014)	4
Access to data protection remedies in EU Member States (January 2014)	8
http://fra.europa.eu/sites/default/files/fra-2014-access-data-protection-remedies_en.pdf	8
Legal capacity of persons with intellectual disabilities and persons with mental health problems (July 2013)	8
Fundamental rights: challenges and achievements in 2012 (June 2013)	8
Handbook on European law relating to asylum, borders and immigration (June 2013)	15
EU-MIDIS Data in Focus Report 6: Minorities as Victims of Crime (November 2012)	16
Fundamental rights: challenges and achievements in 2011 (June 2012)	17
Making hate crime visible in the European Union: acknowledging victims' rights (November 2012)	19
Handbook on the establishment and accreditation of National Human Rights Institutions in the European Union (October 2012)	19
Involuntary placement and involuntary treatment of persons with mental health problems (June 2012)	19
The Racial Equality Directive: application and challenges (January 2012)	19

[Fundamental rights of migrants in an irregular situation in the European Union \(November 2011\)](#)21

[Respect for and protection of persons belonging to minorities 2008-2010 \(September 2011\)](#).....21

[Migrants, minorities and employment - Exclusion and discrimination in the 27 Member States of the European Union \(Update 2003-2008\) \(July 2011\)](#)22

[Detention of third country nationals in return procedures \(November 2010\)](#).....22

[Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity \(November 2010\)](#)22

[The right to political participation of persons with mental health problems and persons with intellectual disabilities \(November 2010\)](#).....23

[Access to effective remedies: The asylum-seeker perspective \(September 2010\)](#).....23

[The duty to inform applicants about asylum procedures: The asylum-seeker perspective \(September 2010\)](#)23

[Annual Report 2010 \(June 2011\)](#)24

[National Human Rights Institutions in the EU Member States \(Strengthening the fundamental rights architecture in the EU I\) \(May 2010\)](#)25

[Data Protection in the European Union: the role of National Data Protection Authorities \(Strengthening the fundamental rights architecture in the EU II\) \(May 2010\)](#).....26

[Violence against women survey data explorer](#)3

[Roma survey data explorer](#).....3

[Jewish people’s experiences and perceptions of hate crime, discrimination and anti-Semitism](#)3

[EU LGBT survey data explorer](#)3

[Violence against women: an EU-wide survey. Main results report \(March 2014\)](#)3

[Access to data protection remedies in EU Member States \(January 2014\)](#).....7

http://fra.europa.eu/sites/default/files/fra-2014-access-data-protection-remedies_en.pdf7

[Legal capacity of persons with intellectual disabilities and persons with mental health problems \(July 2013\)](#).....7

[Fundamental rights: challenges and achievements in 2012 \(June 2013\)](#)7

[Handbook on European law relating to asylum, borders and immigration \(June 2013\)](#)14

[EU-MIDIS Data in Focus Report 6: Minorities as Victims of Crime \(November 2012\)](#)15

[Fundamental rights: challenges and achievements in 2011 \(June 2012\)](#)16

[Making hate crime visible in the European Union: acknowledging victims' rights \(November 2012\)](#)18

[Handbook on the establishment and accreditation of National Human Rights Institutions in the European Union \(October 2012\)](#)18

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European Union Agency for Fundamental Rights, selection of relevant and recent passages from published reports related to Slovenia

▲ Involuntary placement and involuntary treatment of persons with mental health problems (June 2012)18

▲ The Racial Equality Directive: application and challenges (January 2012).....18

▲ Fundamental rights of migrants in an irregular situation in the European Union (November 2011)20

▲ Respect for and protection of persons belonging to minorities 2008–2010 (September 2011).....20

▲ Migrants, minorities and employment – Exclusion and discrimination in the 27 Member States of the European Union (Update 2003–2008) (July 2011)21

▲ Detention of third country nationals in return procedures (November 2010).....21

▲ Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity (November 2010)21

▲ The right to political participation of persons with mental health problems and persons with intellectual disabilities (November 2010).....22

▲ Access to effective remedies: The asylum seeker perspective (September 2010).....22

▲ The duty to inform applicants about asylum procedures: The asylum seeker perspective (September 2010).....22

▲ Annual Report 2010 (June 2011)23

▲ National Human Rights Institutions in the EU Member States (Strengthening the fundamental rights architecture in the EU I) (May 2010)24

▲ Data Protection in the European Union: the role of National Data Protection Authorities (Strengthening the fundamental rights architecture in the EU II) (May 2010).....25

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Violence against women survey data explorer

<http://fra.europa.eu/DVS/DVT/vaw.php> (data included on all EU Member States)

Roma survey data explorer

<http://fra.europa.eu/DVS/DVT/roma.php> (Slovenia NOT included)

Jewish people's experiences and perceptions of hate crime, discrimination and anti-Semitism

<http://fra.europa.eu/DVS/DVT/as2013.php> (Slovenia NOT included)

EU LGBT survey data explorer

<http://fra.europa.eu/DVS/DVT/lgbt.php> (data included on all EU Member States)

Violence against women: an EU-wide survey. Main results report (March 2014)

http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results_en.pdf

“Considering the results at the country level (Table 2.1), the rates of partner violence range from 30 %–32 % in Finland, Denmark and Latvia to 13 % in Austria, Croatia, Poland, **Slovenia** and Spain. The prevalence rates for non-partner violence present a similar degree of spread, from a high of 34 %–40 % in Sweden, the Netherlands and Denmark to 10 %–11 % in Portugal, Greece and Poland.” (p. 30)

“The rates range from 6 % of women who have a current or previous partner experiencing physical and/or sexual partner (current or previous) violence in the past 12 months in Belgium, Bulgaria, Greece, Hungary, Italy, Romania and Slovakia, to some 2 % of women with a current or previous partner experiencing such violence in Estonia, Poland, **Slovenia** and Spain. These particular results are less reliable in Estonia, **Slovenia** and Spain because of the small number of women in the sample who have been in this situation. There is somewhat more variation between 35 Prevalence of physical and sexual violence EU Member States if physical and/or sexual violence by any partner or non-partner in the past 12 months is considered. In this case, the victimisation rates range from 11 % in Belgium, Denmark, France, the Netherlands and Sweden to 3 %–4 % in **Slovenia**, Poland and Spain.” (p. 34-35)

“Recognising that intimate partner violence is often repetitive in nature, legislation in several EU Member States – including Austria, the Czech Republic, France, Hungary, Italy, Poland, Portugal, Slovakia, **Slovenia** and Sweden – reflects this by providing criminal law definitions that allow criminal proceedings to address the wider pattern of relational violence.” (p. 53)

“For cases of ‘domestic violence’, where the police are often called to intervene, it can be said that two main models for police intervention exist at present in the EU. They should be reviewed with respect to the protection they offer victims. The first empowers the police to issue a restraining or

protection order which takes immediate effect, banning the suspected offender from the victim's home even when this is the place where the offender also lives. After this, the police order is typically replaced by a civil or criminal court's interim injunction. At least 11 EU Member States have adopted such a model: Austria, Croatia, the Czech Republic, Denmark, Finland, Germany, Latvia,3 Luxembourg, Hungary, the Netherlands and Slovenia." (p. 68)

"Some EU Member States have adopted substantive criminal law provisions that aim to capture not only the repetitive nature of physical violence but also other forms of violence and their consequences. For example, under Swedish law an offender can be sentenced to imprisonment for between nine months and six years for gross violation of a woman's integrity if he has committed repeated violations of a victim's integrity, either during or in the aftermath of an intimate relationship, and if these acts were liable to severely damage the victim's self-esteem; and in Slovenia the criminal law definition of family violence includes various aspects of subordination and discriminatory treatment, for which an offender can be sentenced to imprisonment for up to five years." (p. 80)

"Examining the results by country, women in Austria are most likely to indicate that the most serious case of stalking came to the attention of the police, by the victim or somebody else reporting it, or by the police coming to know about it some other way. Some 40 % of victims of stalking in Austria indicate so, followed by 35 % of victims of stalking in Malta and Slovenia, and 34 % of victims in the United Kingdom" (p.91)

Table 5.11: Most serious cases of stalking since the age of 15 that came to the attention of the police, by EU Member State (%)^{a,b}

EU Member State	Police aware of most serious cases of stalking
AT	40
BE	32
BG	28
CY	(15)
CZ	(24)
DE	21
DK	19
EE	(10)
EL	(8)
ES	26
FI	24
FR	25
HR	22
HU	(15)
IE	33
IT	31
LT	(16)
LU	30
LV	20
MT	35
NL	28
PL	(25)
PT	(17)
RO	(21)
SE	25
SI	35
SK	17
UK	34
EU-28	26

Notes: ^a Results based on a small number of responses are statistically less reliable, so observations based on fewer than 30 responses are put in brackets.

^b Based on respondents who describe the most serious incident of stalking since the age of 15 (n = 5,605).

Source: FRA gender-based violence against women survey dataset, 2012

(p. 91)

“According to desk research by the FRA, in several EU Member States legislation on stalking is hardly used by the police or courts. Therefore, it is suggested that Member States which have enacted legislation addressing stalking assess the effectiveness of the measures adopted. Whereas many Member States have adopted procedures to grant protection to victims of domestic violence, the appropriate measures to immediately protect victims of stalking against the risk of repeat victimisation have not yet been considered, with the exception of a few Member States that enable the

police to issue restraining orders against stalkers in certain contexts (Denmark, Germany, Hungary and Slovenia).” (p. 92)

“Looking at the results alongside the legal situation in EU Member States with respect to when corporal punishment of children was prohibited, the results indicate a potentially interesting pattern. Taking two countries as an example, in 1983, Finland was one of the first countries in Europe to ban corporal punishment of children, while Slovenia is one of the few countries in the EU which still does not explicitly forbid it. Comparing Member States, Figure 7.2 indicates a high prevalence of physical violence in childhood in Finland, 46 %, and the lowest prevalence in Slovenia, 8 %” (p. 124)

“The FRA survey fieldwork was accompanied by a media analysis of press articles on violence against women and children. In Slovenia, for example, which has the lowest prevalence of childhood experiences of violence, 40 % fewer articles were observed during fieldwork than in Finland in the same period.” (p. 124)

“Levels of worry about being assaulted ‘sometimes’ vary between EU Member States, ranging from 7 % in Slovenia to 31 % in Finland. Fewer indicate that they are worried ‘often’ or ‘all of the time’, ranging from 1 % in Slovenia to 8 % in Slovakia (see Figure 8.2).” (p. 142)

“The number of respondents who avoid certain situations or places ‘sometimes’ varies by EU Member State, ranging from 17 % in Croatia to 39 % in Luxembourg. Those who avoid certain situations or places ‘often’ or ‘all of the time’ range from 7 % in Croatia, Romania and Slovenia to 32 % in Luxembourg and 31 % in Slovakia”. (p. 144)

“In comparison, in the FRA survey, Sweden is one of the EU Member States that show relatively high rates of physical and/or sexual violence by a current or previous partner based on the prevalence rate (28 %) and compared with, for example, Bulgaria (22 %) and those Member States which have the lowest rates: such as Hungary, Slovenia and Poland (13 %).” (p. 158)

“However, the analysis at the country level shows that there are significant variations across the EU as regards women’s perception of laws and initiatives aimed at preventing domestic violence and protection of victims. Whereas a clear majority of women in Luxembourg (78 %), France and Croatia (both 74 %) and Slovenia (72 %) think that specific laws or political initiatives to *protect* women in cases of domestic violence exist, only a third of women in Estonia (33 %) and Bulgaria (35 %) are aware of such specific legislation. Also, in Italy, every second woman (52 %) is not aware of any laws aimed at protecting women from domestic violence.

As regards women’s perception of laws or political initiatives aimed at *prevention* of domestic violence against women, the distribution of answers across countries is only slightly different from those on protection. A majority of women in Croatia (70 %), Lithuania (66 %), Slovenia (62 %), Sweden and France (both 61 %), but a minority of women in Estonia (27 %), Bulgaria (28 %) and Italy (34 %) are aware of specific laws and political initiatives that focus on prevention. The majority of women surveyed in Italy (58 %) state that they are not aware of any legal or political measures that target prevention of domestic violence.” (p. 160)

Access to data protection remedies in EU Member States (January 2014)

http://fra.europa.eu/sites/default/files/fra-2014-access-data-protection-remedies_en.pdf

“The extent to which these tools are utilised varies across the EU Member States. FRA data indicate that around half of the Member States empower DPAs to issue warnings or formal objections to the practices of controllers. In some Member States, allowing for the size differences between countries, these were used sparingly between 2009 and 2011; for example, in Luxembourg one warning was issued, and in Cyprus eight were issued. In Romania and **Slovenia**, 66 and 158 warnings respectively were issued between 2009 and 2011.” (p.21)

“The size of the fine imposed is often set out in domestic legislation, and many EU Member States distinguish between natural persons (or individuals) and legal entities (or corporate bodies). Fines can often be increased to punish recidivists, or when numerous violations have been committed. At the lower end of the scale, the DPA in Romania can issue fines up to €12,000, and the DPA in **Slovenia** can issue fines up to €830 for individuals and €12,510 for legal entities.” (p.21)

Legal capacity of persons with intellectual disabilities and persons with mental health problems (July 2013)

<http://fra.europa.eu/en/publication/2013/legal-capacity-persons-intellectual-disabilities-and-persons-mental-health-problems>

“In **Slovenia**, a centre for social work or a public attorney as well as the spouse, another person who lives with the person, a relative or close family member can initiate the procedure. The affected person can also initiate the procedure if a court finds that he or she is able to understand its meaning and consequences.” (p. 35)

“Legislation in several other EU Member States does not oblige the guardian to consider the person’s wishes when taking decisions about his or her life. In **Slovenia**, decisions taken for a person under full guardianship need not consider the adult’s wishes.” (p. 36)

Fundamental rights: challenges and achievements in 2012 (June 2013)

<http://fra.europa.eu/en/publication/2013/fundamental-rights-challenges-and-achievements-2012>

“Bulgaria, the Netherlands, **Slovenia** and Croatia all adopted national action plans to combat general domestic violence or specifically violence against children.” (p. 122)

“In a March 2012 referendum, Slovenia rejected the new Family Code (Družinski zakonik), adopted in 2011 by the Slovenian National Assembly, which outlawed any form of corporal punishment and degrading treatment of children, and ensured the right to an advocate in proceedings. The law also stipulated that registered same-sex as well as non-registered same-sex partners should be treated on an equal footing with opposite-sex partners in all legal matters except in regard to marriage and joint adoptions.” (p. 123)

“New Slovenian policies aimed at reducing differences in employment rates for members of groups that more often face discrimination and to combat harassment at the workplace.” (p. 143)

“The Slovenian Human Rights Ombudsman issued a non-binding opinion stating that circumcision based solely on religious grounds is not allowed by law and that the child’s consent is necessary because of the interference with his bodily integrity. In the case of conflict between freedom of religion and children’s rights, the Ombudsman concluded that the latter prevails, relying on the constitutional provisions on the best interest of the child.” (p. 144)

“Regarding discrimination and the right to access goods and services, the Advocate of the Principle of Equality in Slovenia found discrimination on the ground of sexual orientation in a case concerning information in a tourist catalogue negatively affecting same-sex couples.” (p. 154)

“[...] [A] referendum held in Slovenia in March 2012 rejected the draft Family Code (Družinski zakonik, DZ), which contained several provisions on same-sex families.” (p. 156)

“Reported episodes of violence or obstacles to LGBT events or marches in 2012 in Lithuania, Poland, Romania, and Slovenia affected LGBT people’s right to freedom of assembly and freedom of expression.” (p. 159)

“The Slovenian government also accepted the European Commission remarks on the compatibility of its domestic legislation on local elections with EU law and amended the local election act by lifting the current five-year minimum residence requirement for non-national EU citizens. The amendments increased the number of non-national EU citizens allowed to vote to more than 8,200 from around 1,200.” (p. 216)

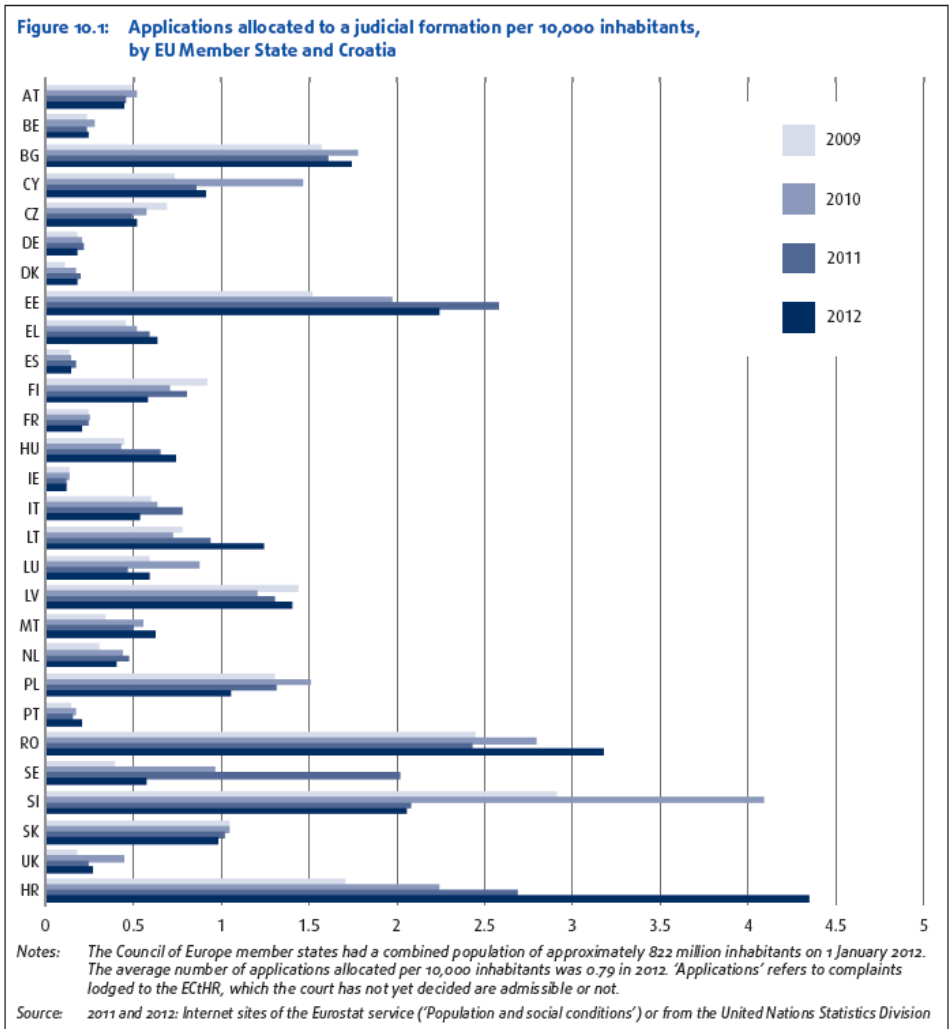
“The Office for Equal Opportunities in Slovenia, the main public institution for promoting equal opportunities and gender equality, was closed down in April 2012. Its staff, including the Advocate of

the Principle of Equality, the Slovenian equality body, transferred to the Equal Opportunities and European coordination service, a newly created organisational unit under the authority of the Ministry of Labour, Family and Social Affairs.” (p. 247)

“The Slovenian Ministry of Interior (Ministrstvo za notranje zadeve), for example, adopted a resolution to establish a national plan on the Prevention and Combating of Crime 2012–2016. One of the goals of the resolution was to strengthen the protection and support to victims through mechanisms such as funds for financial and psychological aid. One of the strategies outlined in the resolution was the development of psycho-social programmes and emergency accommodation for persons in distress.” (p. 260)

“In April 2012, Slovenia adopted an Action plan of the Interdepartmental Working Group for the Fight against Trafficking in Human Beings 2012–2013. The action plan says that labour exploitation is increasing, especially in the construction, hospitality, agriculture and entertainment industries, exacerbated by the economic crisis.” (p. 267)

“The Slovenian 2011 Aliens Act was harmonised with the Directive of the European Parliament and Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals. Provisions include protection measures for victims of illegal employment who can now receive a temporary residence permit.” (p. 267)



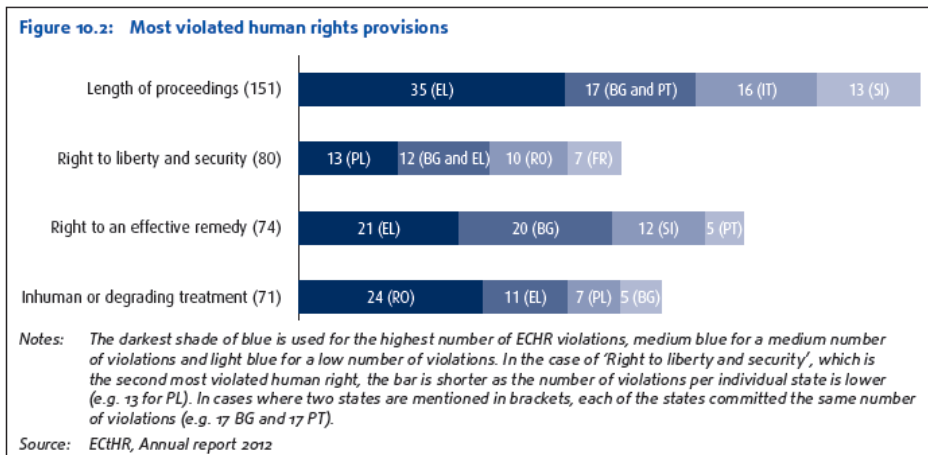
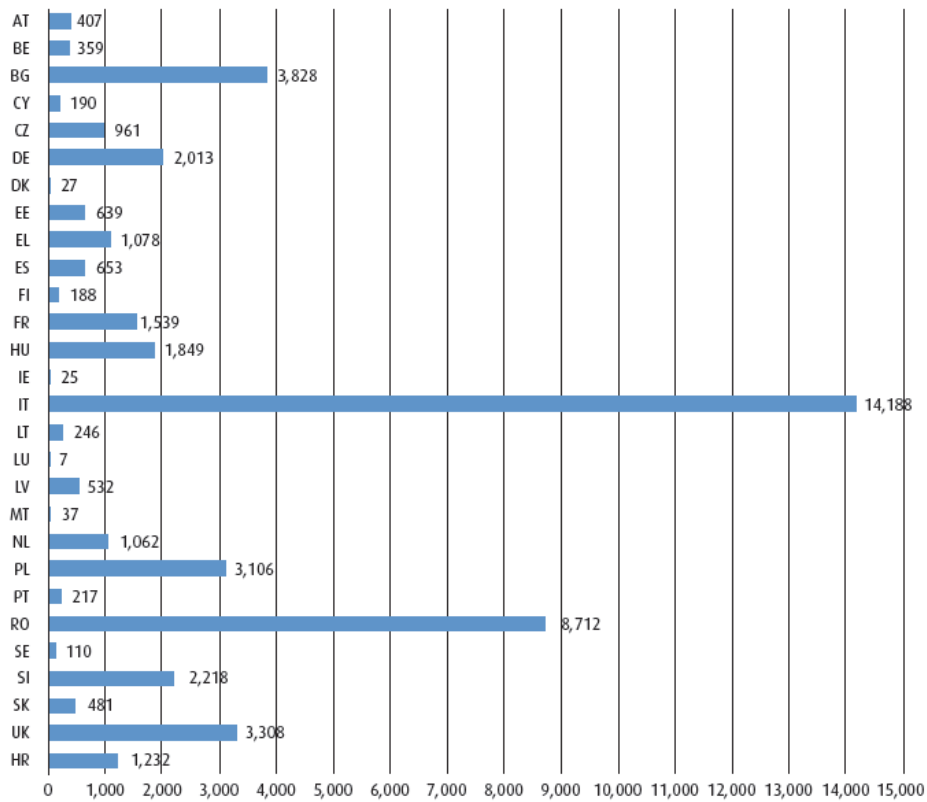


Figure 10.3: Number of cases pending before judicial formations of the ECtHR as of December 2012, by respondent EU Member State and Croatia



Note: This table presents only the 27 EU Member States and Croatia. For all 47 Council of Europe member states' statistics, see ECtHR, Annual report 2012. 'Cases' refers to applications which have been deemed admissible by the ECtHR and thus will be considered on the merits.

Source: ECtHR, Annual report 2012

Table 10.7: Number of leading pending cases with average execution time of more than five years and total just satisfaction awarded, by EU Member State and Croatia

	Average execution time		Just satisfaction	
	Leading cases Pending > 5 years		Total awarded (euros)	
	2011	2012	2011	2012
AT	2	4	79,493	119,689
BE	6	5	46,269	156,150
BG	27	32	731,302	1,404,532
CY	2	2	3,200	0
CZ	3	5	276,396	193,530
DE	1	1	348,922	502,026
DK			21,000	223,178
EE			8,000	28,118
EL	15	20	7,061,189	1,659,800
ES	2	1	331,000	156,840
FI	3	5	105,114	70,150
FR	4	4	2,183,236	7,667,647
HU	1	1	1,143,510	674,000
IE	1	1	38,800	168,035
IT	31	33	8,414,745	119,558,467
LT	1	2	42,995	60,738
LU	1	3	0	37,885
LV	4	7	101,364	57,000
MT	4	4	170,500	90,800
NL	2	2	8,340	62,283
PL	15	27	803,223	570,040
PT	4	4	3,618,619	1,029,170
RO	20	28	1,765,401	1,349,518
SE	1		5,500	20,240
SI	3	6	36,830	263,362
SK	1	1	425,363	349,817
UK	5	5	454,457	418,220
HR	6	10	190,543	325,950
		Total:	28,415,312	137,217,185

Notes: 'Leading' cases relate to the supervision of leading case execution and are those that the Council of Europe identified as non-repetitive and illustrating a structural or general problem in the state concerned, for which legislative or other measures must be taken, according to the ECtHR.

The table highlights the four highest numbers of cases and the amount of just satisfaction awarded in 2012.

Source: Data are extracted from 'Supervision of the execution of judgments and decisions of the European Court of Human Rights', Draft of the Annual Report 2012, Council of Europe, April 2013

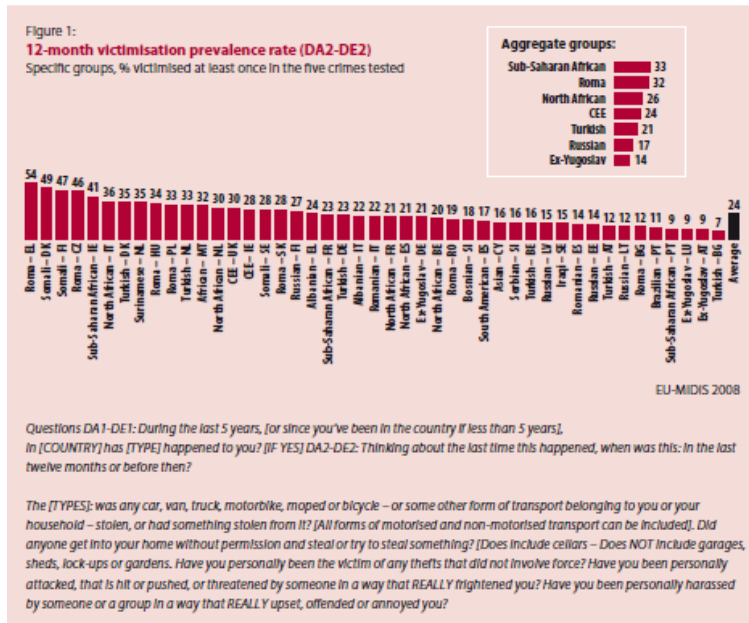
**Handbook on European law relating to asylum, borders and immigration
(June 2013)**

<http://fra.europa.eu/en/publication/2013/handbook-european-law-relating-asylum-borders-and-immigration>

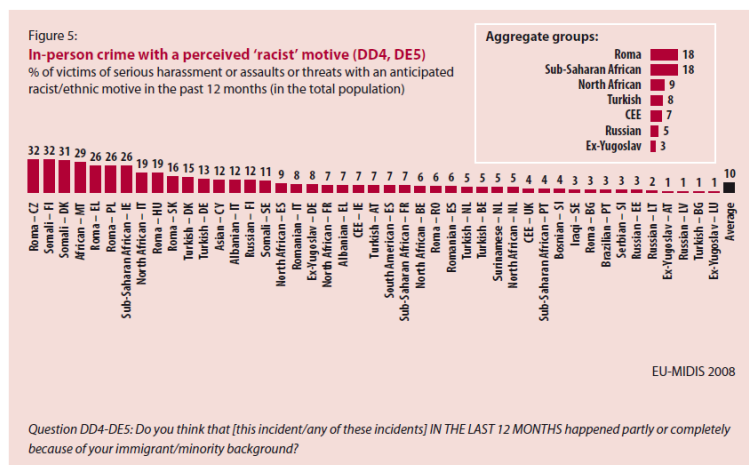
“In *Kurić v. Slovenia*,⁶⁸ the ECtHR considered the Slovenian register of permanent residents and the ‘erasure’ of former citizens of the Socialist Federal Republic of Yugoslavia (SFRY) who were still permanent residents but who had not requested Slovenian citizenship within a six-month time limit. The consequences of such ‘erasure’ were either statelessness or loss of their residence rights.⁶⁹ Foreigners who were not citizens of other SFRY republics were not affected in this way. The ECtHR reiterated that there might be positive obligations inherent in effectively respecting private or family life, in particular in the case of long-term migrants, such as the applicants, who had been unlawfully ‘erased’ from the permanent residence register in violation of Article 8 of the ECHR. It also found that the difference in treatment between non-SFRY foreigners and those who had previously been citizens of the SFRY constituted discrimination in breach of Article 14 of the Convention taken together with Article 8.” (p. 51)

EU-MIDIS Data in Focus Report 6: Minorities as Victims of Crime (November 2012)

http://fra.europa.eu/sites/default/files/fra-2012-eu-midis-dif6_0.pdf



(p. 8)



(p. 11)

Fundamental rights: challenges and achievements in 2011 (June 2012)

<http://fra.europa.eu/en/publication/2012/fundamental-rights-challenges-and-achievements-2011>

“The European Commission sponsored study on the implementation of Article 8 (6) of the Return Directive in 2011. This sub-section builds on the results of this study and reflects on the results as of 31 December. At least 13 Member States bound by the directive had not established an effective monitoring system by the end of 2011. This includes countries: with no monitoring system yet in place (Cyprus, France, Italy, Malta, Poland and Slovenia);” (p. 51)

“Non-EU nationals can also be excluded from non-profit housing schemes. The Housing Act adopted in 2003 in Slovenia, for instance, stipulates that only Slovenian and EU citizens with permanent resident status have the right to apply for non-profit rental housing, rental subsidies and housing loans, upon fulfilment of the principle of reciprocity, that is, if Slovenian nationals have access to similar schemes in other EU Member States.” (p. 59)

“[The right to appeal negative visa Decisions] In Latvia, Slovenia and Sweden the applicant has the right to appeal to the consulate to reconsider the decision and also has the right to further appeal to the Administrative Court.” (p. 80)

“The directive [note: The Directive of the European Parliament and of the Council of the European Union on combating the sexual abuse, sexual exploitation of children and child pornography, adopted in November 2011, which replaced Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography] also envisages intervention programmes or measures to prevent and minimise the risk of repeated offences of a sexual nature against children. Related to this, the directive criminalises the online ‘grooming’ of children or the solicitation of children for sexual purposes through the use of information and communication technologies, as well as child sex tourism, including where the offence is committed on a Member State’s territory or by one of its nationals abroad. Austria and Slovenia amended their penal codes in 2011, introducing the criminalisation of grooming and defining various activities under the offence of child pornography.” (p. 108)

“The lowest gender pay gaps in 2010 are found in Slovenia (4.4%), Italy (5.5%) and Malta (6.1%), and the highest in Austria (25.5%), the Czech Republic (25.5%) and Germany (23.1%).” (p. 129)

Comment [GJ(1): Slovenia is currently discussing the introduction of a return monitoring system according to Article 8 (6) Return Directive, it would be good to stress the need for developments in this regard

“[Free movement and civil justice for LGBT persons:] The greatest number of developments at national level concerned changes to the definition of ‘family member’ to include same-sex partners for the purposes of free movement and family reunification. Austria, Estonia, Greece, Latvia, Malta, Romania, Slovakia and Slovenia all instituted this change.” (p. 134)

“At the national level, low levels of employment of persons with disabilities have been the subject of research and confirmed by occupational health specialists and equality bodies in Denmark, Finland and Slovenia.” (p.139)

“Slovenia, according to Article 79a of National Assembly Elections Act, at least one polling station per county should be accessible. A visually impaired wheelchair user who considered that the accessible polling station was too far from his residence challenged this ratio, but both the administrative court and the Supreme Court rejected the complaint.” (p. 187)

“The Slovenian National Assembly adopted two acts introducing specific measures to accelerate proceedings before courts. These include a mechanism to lower the remuneration of court experts if they cause delays and the option for judges to schedule and hear trials after regular business hours.” (p. 203)

“Slovenia, for example, took legislative steps to ensure implementation. It amended Article 50 of the Aliens Act in light of the Employers’ Sanctions Directive, extending the level of protection offered victims of trafficking to include victims of illegal employment. Temporary residence permits are now issued for the duration of criminal proceedings but for no less than six months or more than one year. The permit may be extended until criminal proceedings are concluded.” (p. 228)

“As concerns definitions of incitement to violence or hatred, some EU Member States, including Denmark, Ireland, Sweden and the United Kingdom, have over time introduced definitions covering sexual orientation, as has Croatia. A number of other EU Member States – Austria, Belgium, Estonia, Finland, Lithuania, Luxembourg, the Netherlands, Portugal, Romania, Slovenia and Spain – have enacted definitions that cover an even wider range of protected grounds, evidence that the majority of Member States recognise some form of ‘hate speech’ beyond racism and xenophobia.” (p. 229)

Making hate crime visible in the European Union: acknowledging victims' rights (November 2012)

<http://fra.europa.eu/en/publication/2012/making-hate-crime-visible-european-union-acknowledging-victims-rights>

“The Slovenian police is the only state agency that collects data on racially and religiously motivated offences and that only for a limited number of cases. Other state agencies keep records in accordance with relevant provisions of the criminal code, but this information is generally not disaggregated by motive. The Statistical Office is the most comprehensive source of data on criminal offences handled by the prosecution service and the courts. However, due to the methodology of data collection adopted by the service, the system in place cannot account for hate crimes. The prosecution service and the courts simply record the number of persons against whom proceedings have been concluded without reference to the number of cases or to the nature of the criminal offences.” (p. 38)

Handbook on the establishment and accreditation of National Human Rights Institutions in the European Union (October 2012)

http://fra.europa.eu/sites/default/files/fra-2012_nhri-handbook_en.pdf

“Handling cases and related powers – ombudsperson institutions in Poland and **Slovenia** The Polish and Slovenian ombudsperson institutions, the Commissioner for Civil Rights Protection and the Human Rights Ombudsman, respectively, possess a wide range of powers in relation to individual complaints and litigation involving infringement of public freedoms and liberties – including arbitrary exercise of powers or inaction by public bodies which often overlap with human rights violations. Such powers include: investigatory powers and the right to demand the cooperation of the bodies concerned, the power to take action against authorities/officials or intervene in legal proceedings, and, in the case of the Polish institution, the right to lodge a motion to punish.” (p. 26)

Involuntary placement and involuntary treatment of persons with mental health problems (June 2012)

<http://fra.europa.eu/en/publication/2012/involuntary-placement-and-involuntary-treatment-persons-mental-health-problems>

“Article 39 of the Slovenian Mental Health Act allows for lawful detention if the described threats cannot be prevented by using other less intrusive means, such as: treatment in an open department of a psychiatric hospital, ambulant treatment or treatment under medical surveillance.” (p. 33)

The Racial Equality Directive: application and challenges (January 2012)

<http://fra.europa.eu/en/publication/2012/racial-equality-directive-application-and-challenges>

“Some questions have also been raised regarding the independence of equality bodies from central government. This is owed to the relationship that an equality body may have with government ministries. This may be physical (where an equality body shares its premises with a ministry), financial (where a ministry determines the level of funding), organisational (where equality body’s director is appointed by a minister or attached to a ministry). One or more of these concerns were expressed in relation to Italy, Malta, Hungary, **Slovenia** and Spain. While these issues may not affect the independence of the equality bodies in practice, they may give rise to unfavourable perceptions, affecting the confidence of victims to approach them.” (p. 12)

“The picture is different if one takes into account the level of complaints received by the equality bodies. Again, some Member States have registered very few complaints. For instance, fewer than 20 were lodged with equality bodies in Estonia, Luxembourg, Malta, Portugal, Romania, the Slovak Republic, and **Slovenia** during 2008.” (p. 12)

Fundamental rights of migrants in an irregular situation in the European Union (November 2011)

<http://fra.europa.eu/en/publication/2012/fundamental-rights-migrants-irregular-situation-european-union>

“In **Slovenia**, permission to stay is issued for a period of six months and may be extended, as long as the conditions for which the extension was granted continue to exist. The police issue persons granted a permission to remain a personal identity card certifying their right to stay and a copy of the administrative decision to suspend removal. In Slovakia, a tolerated stay is granted.” (p. 36)

“Similarly, in **Slovenia**, third-country nationals who are issued a ‘permission to remain’ due to the impossibility of removal on the basis of Article 52 of the Aliens Act, are entitled to housing, normally in accommodation centres. In the case of Malta, if migrants are released from detention, they are placed in open accommodation centres.” (p. 67)

“It is therefore assumed that in Bulgaria, Finland, Hungary, Ireland, Latvia, Malta, Slovakia and **Slovenia** the same regime applies as for adults, meaning that children are entitled only to emergency healthcare.” (p. 79)

Respect for and protection of persons belonging to minorities 2008-2010 (September 2011)

<http://fra.europa.eu/en/publication/2011/respect-and-protection-persons-belonging-minorities-2008-2010>

“The same report [FRA note: It refers to “Being a Refugee: Age, Gender and Diversity Mainstreaming Report 2007”] revealed that refugees in **Slovenia** were not entitled to public housing, and faced other problems such as private landlords refusing to issue official contracts, in order to avoid tax” (p. 47)

“**Slovenia** and Hungary provide third-country nationals with permanent residence or with long-term residence status with the right to vote but not to stand as a candidate.” (p. 61)

“On these grounds, the Committee of Experts of the European Charter for Regional or Minority Languages urged **Slovenia’s** media to promote public awareness of regional or minority languages and take an active stand against expressions of intolerance.” (p. 64)

Migrants, minorities and employment - Exclusion and discrimination in the 27 Member States of the European Union (Update 2003-2008) (July 2011)

<http://fra.europa.eu/en/publication/2011/migrants-minorities-and-employment-exclusion-and-discrimination-27-member-states>

“Altogether, migrant and minority groups frequently report negative treatment related to their origin, skin colour, name, and language. For example, in 2006, surveys of Russian speakers in Estonia, immigrants in Denmark, Turks in Germany, Serbs and Bosniacs in **Slovenia** and Somalis, Russians, Estonians and Vietnamese in Finland all reported subjective experiences of discrimination in employment.” (p. 63)

“[...] [T]he situation of minorities in some Member States also raises specific concern. Reports from Romania and **Slovenia** highlighted that it is specifically Roma persons who may lack identity papers. As a result, they and their families do not have access to employment, or to health and education services.” (p. 71)

Detention of third country nationals in return procedures (November 2010)

<http://fra.europa.eu/en/publication/2010/detention-third-country-nationals-return-procedures-0>

[Please note that this is an older report and there are possible developments since the date of publication]

“[Footnote 132] [...] In **Slovenia**, Section 58.4 of the Aliens Act allows the police to extend detention for a further six months if it is realistic to expect that it will be possible to deport the alien within this time and, in particular, if the procedure for determining identity or the acquisition of documents for the deportation of the alien are still in progress, or if the extension is necessary for security reasons. See also Bulgaria, Law on Foreigners at 44.8.” (p. 33)

Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity (November 2010)

<http://fra.europa.eu/en/publication/2012/homophobia-transphobia-and-discrimination-grounds-sexual-orientation-and-gender>

“[3.4.1. Anti-LGBT expression and incitement to hatred or discrimination] Only in **Slovenia** has the law been explicitly modified to include sexual orientation: Article 297 of the new Penal Code

concerning provoking or stirring up hatred, strife or violence, or provoking other inequality now explicitly includes sexual orientation (Slovenia/Penal Code 55/06 (28 May 2008)).” (p. 39)

“Fourteen Member States, forming a second group, have chosen not to provide for the extension of family reunification rights either to registered, nor to unmarried (same-sex or different-sex) partners (Bulgaria, Cyprus, Estonia, France, Greece, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovak Republic, Slovenia).” (p. 51)

The right to political participation of persons with mental health problems and persons with intellectual disabilities (November 2010)

<http://fra.europa.eu/en/publication/2010/right-political-participation-persons-mental-health-problems-and-persons>

“The situation in Slovenia is somewhat particular. National legislation used to proscribe participation in the electoral process by persons deprived of legal capacity. However, in 2003, the Slovenian Constitutional Court found the relevant provisions unconstitutional. According to the Court, capacity to vote should not be equated with legal capacity. Parliament amended the legislation in 2006. According to the amended Act, in order to restrict the right to vote of an individual, a court needs 1) to decide on the prolongation of parental rights, which in Slovenia is a specific form of guardianship, and 2) to confirm that the individual is unable to understand the meaning, purpose and effect of the elections.” (p. 18)

Access to effective remedies: The asylum-seeker perspective (September 2010)

<http://fra.europa.eu/en/publication/2010/access-effective-remedies-asylum-seeker-perspective>

“While normally interpreters are available at the second instance hearing, in three cases (Portugal, Slovenia and Spain) a hearing was reportedly held without interpretation, although the applicants did not speak the language in which the proceedings were held, or spoke it only to a very limited degree.” (p. 32)

The duty to inform applicants about asylum procedures: The asylum-seeker perspective (September 2010)

<http://fra.europa.eu/en/publication/2010/duty-inform-applicants-about-asylum-procedure-and-right-effective-remedy>

“Many respondents in several countries, including Austria, Belgium, Denmark, Italy, Poland and Slovenia, expressed concerns and experienced stress due to lack of information on the status of their asylum claim. One of the most common complaints concerns the long waiting times spent in reception centres or elsewhere in a ‘limbo’ situation, without knowing what is happening and when an answer will be received.” (p.18)

“The findings of the research suggest that leaflets and brochures should be written in a clear and non-legalistic manner, while being comprehensive. A good example in this regard is the brochure published by the Slovenian Ministry of the Interior in 2008. To ensure the effectiveness of leaflets, their content as well as any available language versions should be regularly reviewed together with UNHCR and NGOs.” (p.22)

Annual Report 2010 (June 2011)

<http://fra.europa.eu/en/publication/2012/annual-report-2010>

“In two countries, Constitutional Court decisions upheld the principle of positive action. In Spain, the court rejected the claim that the establishment of gender quotas on electoral lists violated the constitutional principles of merit and ability. In Slovenia, the court similarly dismissed a claim that an Act which sets a minimum proportion of employees with disabilities constitutes a disproportionate interference with employers’ freedom. These cases illustrate a growing recognition that ‘merit’ may be a falsely neutral criterion, and that positive action measures may be required for the effective application of the principle of non-discrimination.” (p. 17)

“In Slovenia, the Ombudsman reported several cases of discriminatory practices by real estate agencies and private individuals, preventing Roma families from buying or selling property.” (p. 63)

“Positive initiatives that address some of the problems identified above include:

- In the Netherlands costs pertaining to pre-natal care and delivery are fully reimbursed to the asylum seeker.
- In Slovenia asylum seekers are issued with the same social security card as the Slovenian citizens, thus facilitating access to primary care.” (p. 77)

“[Marriage and partnership recognition] [...]: [I]n Slovenia the Constitutional Court ruled that Article 22 of the Registration of the Same-Sex Civil Partnership Act is unconstitutional and must be

amended, because it created a difference in treatment between same-sex couples (united by civil partnership) and opposite sex couples (united by marriage) as regards the ability to inherit the property of the deceased partner.” (p. 92)

“In **Slovenia**, the Constitutional Court similarly dismissed a claim that the Vocational Rehabilitation and Employment of Persons with Disabilities Act, Article 62 of which provides that employers who employ at least 20 workers must ensure that a certain proportion of those employed are persons with disabilities, constitutes a disproportionate interference with the right of these employers to free economic initiative enshrined in the first paragraph of Article 74 of the Constitution. These cases illustrate a growing recognition that ‘merit’ may be a falsely neutral criterion, and that the effective application of the principle of non-discrimination may require positive action in order to combat existing stereotypes.” (p. 103)

National Human Rights Institutions in the EU Member States (Strengthening the fundamental rights architecture in the EU I) (May 2010)

<http://fra.europa.eu/en/publication/2012/national-human-rights-institutions-eu-member-states-strengthening-fundamental>

“In **Slovenia**, the Varuh človekovih pravic [Human Rights Ombudsman] – a constitutional body – was established in December 1991 and became operational in 1995. It has been accredited with B-status since 2000. The Ombudsman institution is deemed to be working well and efficiently and for this reason no steps have been taken towards reaching an A-status classification. There are also other public bodies devoted to specific human rights: the zagovornik načela enakosti [Advocate of the principle of equality] and the informacijski pooblaščenec [Information Commissioner] entrusted with the supervision of the Zakon o zaščiti osebnih podatkov [Personal Data Protection Act].” (p. 30)

“In **Slovenia**, aside from the Human Rights Ombudsman (ICC B-status), the only human rights areas covered are non-discrimination/equality (Advocate of the principle of equality) and personal data protection (Information Commissioner). No other body exists that is explicitly dedicated to the protection of persons with disabilities (apart from the non-discrimination aspect), to the protection of economic, social and cultural rights or to the rights of detainees.” (p. 50-51)

Data Protection in the European Union: the role of National Data Protection Authorities (Strengthening the fundamental rights architecture in the EU II) (May 2010)

<http://fra.europa.eu/en/publication/2012/data-protection-european-union-role-national-data-protection-authorities>

“The Table underscores some divergences between the Data Protection Authorities of the EU Member States. All supervisory bodies are endowed with the authority to hear complaints lodged by interested parties who allege a violation of their personal data rights and have a corresponding duty to provide an answer within a fixed time to the petitioners. Nevertheless, if at the end of an investigation the claim appears well founded, only some of national Data Protection Authorities can autonomously commence legal proceedings before a competent tribunal (notably, in the case of **Slovenia**, even before the Constitutional Court) or themselves exercise a quasi-judicial function by deciding on the merits of the case brought by the claimant (as an alternative forum to judicial authorities). Decisions of the administrative supervisory bodies entrusted with quasi-judicial powers are in any case always reviewable by ordinary courts: a necessary corollary of the rule of law required by Article 28(3)(2) of the Data Protection Directive.” (p.26)