

SLOVENIA

Most questions require a reply based on the following codification:

a. Yes, already done <input type="checkbox"/>	b. Yes, work is in progress <input type="checkbox"/>	c. We intend to work on this <input type="checkbox"/>	d. Position non determined <input type="checkbox"/>	e. No <input type="checkbox"/>
---	--	---	---	--------------------------------

Section I – Implementation and dissemination of the Recommendation

1. How would you assess the status of implementation of the Recommendation in your country? **(MDDSZ)**

Fully satisfactory ☐ Adequate ☐ Insufficient ☐ Absent • ☐

Please explain your reply.

2. Has a review been carried out of existing legislative and other measures which could result directly or indirectly in sexual orientation or gender identity discrimination? **(MDDSZ)**

a. ☐ b. ☐ c. ☐ d. ☐ e. ☒

Please explain and, if appropriate, provide examples of any such measures found:

There were no reviews of legislations carried out dealing specifically with the question of sexual orientation or gender identity. However the Implementation of the principal of equality act, the Equal Opportunities for Woman and Men Act and the Criminal Code were all reviewed recently so new legislation is being prepared at the moment with an aim also to better implement the principle of equal treatment on the grounds of sexual orientation and gender identity.

Are there measures in place to redress any such discrimination?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☒

Please indicate the measures and, if appropriate, provide examples of good practices:

3. Have legislative and other measures against discrimination on grounds of sexual orientation or gender identity been adopted and implemented since the adoption of CM Recommendation 2010(5) (including the possible establishment of national action plans, the inclusion of the Recommendation in existing plans, or the creation of cross-sectoral working groups for its implementation)? **(MDDSZ)**

a. ☐ b. ☐ c. ☐ d. ☐ e. ☒

If appropriate, please provide examples of measures adopted or in preparation.

4. Are there measures in place to collect and analyse relevant data on discrimination on grounds of sexual orientation? **(MDDSZ)**

a. ☐ b. ☐ c. ☐ d. ☐ e. ☒

Are there measures in place to collect and analyse relevant data on discrimination on grounds of gender identity?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☒

Are there measures in place to collect and analyse relevant data on hate crimes and hate-oriented incidents, where the sexual orientation or gender identity of the victim is reasonably suspected to have constituted a motive for the perpetrator?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☒

Please indicate the measures and, if appropriate, provide examples of good practices:

--

5. Do effective legal remedies for victims of sexual orientation or gender identity discrimination exist (including sanctions for infringements and adequate reparation for victims)? **(MPJU in MDDSZ)**

a. x☐ b. ☐ c. ☐ d. ☐ e. ☐

If so, are there measures in place to raise awareness and facilitate access of victims to such remedies?

a. ☐ b. ☐ c. ☐ d. ☐ e. x☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

According to the general provisions of Code of obligations civil claim can be filed for just monetary compensation independent of the reimbursement of material damage if the injured party among others suffered for mental distress owing to a defamation of good name or reputation and for truncation of a personal right if the circumstances of the case, particularly the level and duration of distress and fear so justify, even if there was no material damage. The amount of compensation for immaterial damage depends on the importance of the good affected and the purpose of the compensation, and may not support tendencies that are not compatible with the nature and purpose thereof (Article 179, Code of obligations).

If discrimination can be regarded as a criminal offence (such as for example Violation of the right to equality under Article 131 of Criminal Code, Workplace Mobbing under Article 197 Criminal Code, Public Incitement to hatred, violence or intolerance under Article 297 of Criminal Code) victim can according to Criminal Procedure Act file for indemnification claim arising out of the commission of a criminal offence within criminal procedure, provided that the determination of this claims does not significantly protract criminal procedure. The court may in returning a verdict of guilty grant the indemnification claim of the injured party in full or it may grant the claim in part and direct the injured party to sue for the balance in civil proceedings. If the data collected in criminal procedure do not provide a reliable basis to award either full or partial indemnification, the court shall instruct the injured party that he may seek full satisfaction in civil proceedings. If the court passes a judgement by which the accused is acquitted of charges or the charges are rejected, or if it renders a ruling by which criminal proceeding is stopped or the charge sheet is dismissed, the court shall instruct the injured party that he may seek to satisfy his indemnification claim in a civil action.

6. Which obstacles, if any, have been encountered in the implementation of the Recommendation? **(MDDSZ)**

--

7. Has the Recommendation, including its Appendix, been translated in all your national languages? **(MDDSZ)**

a. ☐ b. ☐ c. ☐ d. ☐ e. ☒

8. Which steps have been taken to ensure dissemination of the Recommendation and its Appendix as widely as possible? **(MDDSZ)**

None.

Section II – Implementation of the specific provisions in the Appendix

I. Right to life, security and protection from violence

9. Are there measures in place to ensure an effective, prompt and impartial investigation into alleged cases of crimes and other incidents, where the sexual orientation or gender identity of the victim is reasonably suspected to have constituted a motive for the perpetrator? **(MNZ)**

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The police intensely and consistently investigates the following criminal offences:

- Article 131 – Violation of Right to Equality (including differences in respect of gender and sexual orientation),
- Article 197 – Workplace Mobbing (whoever degrades or frightens another person at the workplace or in relation to work with sexual harassment), and
- Article 297 – Public Incitement to Hatred, Violence or Intolerance (i.e. incitement to hatred, violence or intolerance based, among other things, on gender or sexual orientation).

The police carry out activities in order to track down the perpetrator of a criminal offence and to discover and secure evidence for successful criminal proceedings. Based on the information gathered the police put together a crime report and send it to the competent state prosecutor's office. If there is no basis for a crime report to be filed, the police inform the competent state prosecutor's office thereof with a report there is no basis of office. r a crime report and send it to the competent. The police treat the prevention, detection and investigation of offences with elements of xenophobia, racism, or intolerance on account of sexual orientation without any bias regardless of their manifestation or modus operandi. They deal with all types of attacks with racist or discriminatory motives and other kinds of discrimination that can be understood as such based on the circumstances. They include written or oral threats or insults on account of somebody being different, damage to property of a target group, offensive graffiti, posters, leaflets or other messages, including those posted in the electronic media such as the Internet and other public media.

The police follow and keep abreast of the changing trends both as regards the modi operandi as well as the tactics and methods of detecting deviant conduct and its prevention. As soon as a new trend is picked up, the police immediately inform the state prosecutor's office thereof, in the attempt to form an effective approach to restrict such trends and new manifestations. Not all acts of discrimination are criminal offences, some are minor offences under the Protection of Public Order Act.

10. Are there measures in place to ensure that a bias motive related to sexual orientation may be taken into account as an aggravating circumstance? **(MPJU)**

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Are there measures in place to ensure that a bias motive related to gender identity may be taken into account as an aggravating circumstance?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

According to the general provision of Article 49, paragraph 2 of Criminal Code in fixing the sentence, the court shall consider all circumstances, which have an influence on the grading of the sentence (mitigating and aggravating circumstances), in particular: the degree of the perpetrator's guilt; **the motives, for which the offence was committed**; the intensity of the danger or injury caused to the property protected by law; **the circumstances, in which the offence was committed**; the perpetrator's past behaviour; his personal and pecuniary circumstances; his conduct after the committing the offence and especially, whether he recovered the damages caused by the committing of the criminal offence; and other circumstances referring to the personality of the perpetrator and to the expected effect of the punishment on the future life of the perpetrator in the social environment.

11. Are appropriate measures taken to ensure that victims and witnesses of sexual orientation- or gender identity-related hate crimes and incidents are encouraged to report them? **(MNZ in MPJU)**
- a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

According to the general provision of the Criminal procedure Act, any person may report a criminal offence which is liable to public prosecution. Crime reports shall be submitted to the competent public prosecutor in writing or orally. Crime reports submitted to the court, the police or unauthorised public prosecutor shall be accepted and forwarded to the competent public prosecutor. In addition all state agencies and organisations having public authority are bound to report criminal offences liable to public prosecution of which they have been informed or which were brought to their notice in some other way.

There are different ways of reporting criminal offences, including report via an anonymous phone number, which ensures full anonymity. In 2010/11 the police organised a lecture at the national level, where very good cooperation between the police and Legebitra Information Centre (an association of lesbian, gay, bisexual and transsexual individuals) was established. As part of this cooperation several lectures on the fight against homophobia were delivered by Legebitra representatives. The police endeavour to approach homophobic incidents competently and professionally. They encourage reporting of violent acts and make sure the officers display an adequate level of sensitivity as regards discrimination on account of sexual orientation.

12. Do training programmes and procedures exist to ensure that the police, judiciary and prison officials possess the knowledge and skills to identify such crimes and incidents and provide victims and witnesses with adequate assistance and support? **(MNZ in MPJU)**
- a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Judicial training center, organised under Ministry of Justice and Public administration, responsible for continuous training of judges, state prosecutors, state attorneys as well as for training of other court personnel has in the year 2009 organised a lecture regarding legal institutions in the field of non-discrimination and analysis of the Criminal Code in terms of non-discrimination and review of the case law.

The police carry out different training programmes to acquaint officers with topics in the field of human rights protection and knowledge and skills needed to identify criminal offences and incidents caused by sexual orientation. A very important training course with a large impact on the treatment of criminal offences and incidents is the project "Strengthening Integrity within the Police". Also very important for police work is the new Code of Police Ethics. As part of the fundamental principle of respect for equality before the law, the Code determines that police officers have a duty to make sure in police procedures that equal human rights and fundamental freedoms are guaranteed to all, regardless of their ethnic origin, race, gender, language, religion, political or other conviction, financial situation, education level, social status or any other circumstance

13. Are there specific measures in place to ensure the safety and dignity of lesbian, gay, bisexual and transgender persons in prison or in other ways deprived of their liberty, in accordance with paragraph 4 of the Appendix to the Recommendation? **(UIKS)**
- a. ☐ b. ☐ c. ☐ d. ☐ e. X

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

We provide special lectures for new prison officers, who start to work in our prison system. We also provide distribution of condoms for all prisoners. We take measures (for example: counselling) to ensure the safety and dignity of all persons in prisons or in other ways deprived of their liberty, including lesbian, gay, bisexual and transgender persons. We also take protective measures against physical assault, rape and other forms of sexual abuse, if detected.

14. Have appropriate measures been taken to combat all forms of "hate speech" against lesbian, gay, bisexual or transgender persons, in accordance with Article 10 of the European Convention on Human Rights and with paragraph 6 of the Appendix to the Recommendation ? **(MPJU)**
- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If so, have specific measures been taken to raise awareness of public authorities/ institutions of their responsibility to refrain from statements which may reasonably be understood as legitimising hatred or discrimination against lesbian, gay, bisexual or transgender persons?

- a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Hate speech is criminalised in Article 297 of Criminal Code (Public Incitement to Hatred, Violence or Intolerance). Article 297 reads as follows (please note that English translation is unofficial):

- 1) Whoever publicly promotes or propagates hatred, violence or intolerance based on national, racial, religious, or ethnic origin, sex, color, origin, property status, education, social status, political or other belief, disability, sexual orientation or any other personal circumstance and the offence is committed in a manner that may endanger or disturb public order and peace, or with the use of a threat, verbal abuse or an insult, is punished with imprisonment up to two years.

- 2) The same sentence shall be imposed on a person who in the manner specified in the preceding paragraph publicly disseminates ideas on the supremacy of one race over another, or provides aid in any manner for racist activity or denies, diminishes the significance of, approves, justifies, makes fun of, or advocates genocide, holocaust, crimes against humanity, war crime, aggression, or other criminal offences against humanity, as defined in the legal order of the Republic of Slovenia.
- 3) If the offence under preceding paragraphs has been committed by publication in mass media or on web pages, the responsible editor or the person acting as responsible editor shall be sentenced to the punishment, by imposing the punishment referred to in paragraphs 1 or 2 of this Article, except if it was a live broadcast and he was not able to prevent the actions referred to in the preceding paragraphs or if it was published on the web pages, which allow users to post content in real time or as the case may be without prior control.
- 4) If the offence under paragraphs 1 or 2 of this Article has been committed by coercion, maltreatment, endangering of security, desecration of ethnic, national, nationality or religious symbols, damaging the movable property of another, desecration of monuments or memorial stones or graves, the perpetrator shall be punished by imprisonment of up to three years.
- 5) If the acts under paragraphs 1 or 2 of this Article have been committed by an official by abusing their official position or rights, he shall be punished by imprisonment of up to five years.
- 6) Material and objects bearing messages from paragraph 1 and 2 of this Article, and all devices intended for their manufacture, multiplication and distribution, shall be confiscated, or their use disabled in an appropriate manner.

II. Freedom of association

15. Are there measures in place to ensure that freedom of association (including access to public funding available for non-governmental organisations) can be enjoyed without discrimination on grounds of sexual orientation or gender identity? **(MNZ)**
- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If any, please provide examples of limitations or exceptions to the guarantees set out in Paragraphs 9 and 10 of the appendix to the Recommendation and indicate whether any measure to review or lift such limitations or exceptions is in preparation:

The Public Gathering Act provides for the constitutional right to peaceful assembly. Anybody has the right to organise public gathering and events and nobody can be prevented from attending them, except in cases laid down in the aforementioned Act.

16. Are there specific measures in place to effectively protect defenders of human rights of lesbian, gay, bisexual and transgender persons against hostility and aggression, including when allegedly committed by state agents, in accordance with the Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities?
- a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

We do not have any special legislative or constitutional measures (with the exception of Article 131, paragraph 2 of Criminal Code) dealing explicitly with human right defenders. However, human rights and liberties, including freedom of expression, protection of personal liberty, right to personal

dignity and security, laid down in the Constitution apply equally to them as well. Slovenia has a Witness Protection Act which regulates the conditions and procedures for the protection of witnesses and other persons who are endangered due to co-operation in criminal procedures.

Furthermore, we have a special criminal offence (Article 131 of Criminal Code OJ 55/08, 39/09) covering violation of right to equality and second paragraph of Article 131 to a certain extent criminalises prosecution against human right defenders advocating the quality of people.

Violation of Right to Equality (Article 131 of Criminal Code¹)

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 or restrains another person of any human right or liberty recognised by the international community or laid down by the Constitution or the statute, or grants another person a special privilege or advantage on the basis of such discrimination shall be punished by a fine or sentenced to imprisonment for not more than one year.

2) Whoever prosecutes an individual or an organisation due to his or its advocacy of the equality of people shall be punished under the provision of the preceding paragraph.

3) In the event of the offence under paragraphs 1 or 2 of this Article being committed by an official through the abuse of office or official authority, such an official shall be sentenced to imprisonment for not more than three years.

17. Have measures been taken to ensure that non-governmental organisations defending the rights of lesbian, gay, bisexual and transgender persons are appropriately consulted on the adoption and implementation of measures that may have an impact on the human rights of these persons? (MNZ)

a. ☐ b. ☐ c. ☐ d. ☒ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

III. Freedom of expression and peaceful assembly

18. Are there measures in place to ensure that freedom of expression, including freedom to receive and impart information on subjects dealing with sexual orientation or gender identity, can be enjoyed without discrimination on grounds of sexual orientation or gender identity? (MNZ)

a. ☐ b. ☐ c. ☐ d. ☒ e. ☐

Are there measures in place to ensure that freedom of peaceful assembly can be enjoyed without discrimination on grounds of sexual orientation or gender identity?

a. ☐ b. ☐ c. ☐ d. ☒ e. ☐

If specific limitations or exceptions regarding such freedoms are in place, please provide examples and indicate whether any measure to review or lift such measures is in preparation:

¹ Please note that this is unofficial translation.

19. Do law enforcement authorities take appropriate measures to protect participants in peaceful demonstrations in favour of the human rights of lesbian, gay, bisexual and transgender persons? (MNZ)

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

During the Gay Pride Parade the police physically accompany the participants, thus ensuring their safety.

IV. Right to respect for private and family life

20. Have measures been taken to ensure that criminal law provisions which, because of their wording or scope, may lead to a discriminatory application with respect to sexual orientation or gender identity are either repealed, amended or applied in a manner which is compatible with the principle of non-discrimination? (MPJU)

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

It is stated in the general provision of Criminal code (Article 3, paragraph 2)² that the imposition of a sentence shall be prescribed for the perpetration of any criminal offence, which shall be imposed on the perpetrator (feminin form) or perpetrator (masculin form) (**hereinafter, storilec) v sorazmerju s težo dejanja in njegovo krivdo. the perpetrator**) in proportion to the weight of the committed act and his guilt....

21. Are there measures in place to ensure that personal data referring to a person's sexual orientation or gender identity are not collected, stored or otherwise used, except where this is necessary for the performance of specific, lawful and legitimate purposes, and that existing records that do not comply with this principle are destroyed? (MPJU)

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please provide examples of exceptions to this principle, if any:

According to the Personal Data Protection Act of the Republic of Slovenia of 2004 (with amendments up to 2007; published in: Official Gazette of the RS, No. 94/07 - Officially Consolidated Text, No. 1) personal data on individual's sexual life and also philosophical belief are for example regarded as sensitive personal data (Article 6, item 19 of the Personal Data Protection Act of the Republic of Slovenia). Therefore sexual orientation comes directly under the term "sexual life" of the wide definition of sensitive personal data. Also, Article 4 of the Act provides for "Prohibition of discrimination" and it states:

"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."

Which would mean, that if the "gender data" do not come directly under the term of "sexual life" of the definition of sensitive personal data, they do come at least under the combination of "sexual life", "philosophical belief" and general prohibition of discrimination (from Article 4 of the aforesaid Act).

² Please note that translation is not official.

Sensitive personal data can only be processed in the following cases (Article 13 of the aforesaid Act):

1. if the individual has given explicit personal consent for this, such consent as a rule being in writing, and in the public sector provided by statute;
2. if the processing is necessary in order to fulfil the obligations and special rights of a data controller in the area of employment in accordance with statute, which also provides appropriate guarantees for the rights of the individual;
3. if the processing is necessarily required to protect the life or body of an individual to whom the personal data relate, or of another person, where the individual to whom the personal data relate is physically or contractually incapable of giving his consent pursuant to subparagraph 1 of this Article;
4. if they are processed for the purposes of lawful activities by institutions, societies, associations, religious communities, trade unions or other non-profit organisations with political, philosophical, religious or trade-union aim, but only if the processing concerns their members or individuals in regular contact with them in connection with such aims, and if they do not supply such data to other individuals or persons of public or private sector without the written consent of the individual to whom they relate;
5. if the individual to whom the sensitive personal data relate publicly announces them without any evident or explicit purpose of restricting their use;
6. if they are processed by health-care workers and health-care staff in compliance with statute for the purposes of protecting the health of the public and individuals and the management or operation of health services;
7. if this is necessary in order to assert or oppose a legal claim;
8. if so provided by another statute in order to implement the public interest.

In addition the Personal Data Protection Act of the Republic of Slovenia regulates in its Article 32 and 33 the procedure for supplementation, correction, objecting to, blocking or erasure of personal data on the request of an individual to whom personal data relate if personal data prove to be incomplete, inaccurate or not up to date, or if they were collected or processed contrary to statute (the term statute meaning: the Act of the National Assembly of the Republic of Slovenia)."

22. Are appropriate measures available to guarantee full legal recognition of a person's gender reassignment in all areas of life in accordance with the provisions of paragraph 21 of the appendix to the Recommendation? **(MDDSZ)**
- a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Have prior requirements for legal recognition of a gender reassignment been reviewed in order to remove any abusive requirements?

- a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

--

23. Once gender reassignment has been completed and legally recognised, is the right of a transgender person to marry a person of the sex opposite to their reassigned sex effectively guaranteed? **(MDDSZ)**
- a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

-
24. Where national legislation recognises registered same-sex partnerships, are their legal status, rights and obligations equivalent to those of heterosexual couples in a comparable situation? **(MDDSZ)**
- a. ☐ b. ☐ c. ☒ d. ☐ e. ☐

If national legislation does not recognise nor confer rights to registered same-sex partnerships and unmarried couples, has the possibility been considered to provide same-sex couples with legal or other means to address the practical problems related to this fact in their lives?

- a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please provide examples:

-
25. Are there measures in place to ensure that decisions regarding parental responsibility and adoption of a child are taken primarily in the child's best interest, as well as without discrimination based on sexual orientation or gender identity? **(MDDSZ)**
- a. ☐ b. ☐ c. ☐ d. ☐ e. ☒

V. Employment

26. Does legislation prohibit discrimination in employment in the public and private sector on grounds of sexual orientation? **(MDDSZ)**
- a. x☒ b. ☐ c. ☐ d. ☐ e. ☐

Does legislation prohibit discrimination in employment in the public and private sector on grounds of gender identity?

- a. x☒ b. ☐ c. ☐ d. ☐ e. ☐

If so, are there measures in place concerning in particular:

Access to employment

- a. x☒ b. ☐ c. ☐ d. ☐ e. ☐

Promotion, dismissals, pay and other working conditions

- a. x☒ b. ☐ c. ☐ d. ☐ e. ☐

Prevention and punishment of harassment

- a. x☒ b. ☐ c. ☐ d. ☐ e. ☐

Protection of privacy of transgender persons

(in accordance with paragraph 30 of the Appendix to the Recommendation)

- a. x☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

VI. Education

27. Are there appropriate legislative and other measures, addressed to educational staff and pupils, to ensure that the right to education can be effectively enjoyed without discrimination on grounds of

sexual orientation or gender identity, taking into due account the over-riding interests of the child and the rights of parents regarding education of their children? (MIZKS)

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

If so, are there measures in place concerning in particular:

Anti-discrimination training or support and teaching aids

a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Information, protection and support for pupils and students

a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Objective information on sexual orientation and gender identity in school curricula ?

a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

School equality and safety policies and action plans

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

i) Anti-discrimination training or support and teaching aids:

The Organisation and Financing of Education Act sets the goals on which human rights education in all aspects of primary (ISCED 1), lower (ISCED 2) and upper secondary (ISCED 3) education is based. They include education conducive to mutual tolerance, developing awareness of gender equality, democratic and active citizenship, respect for differences, cooperation, respect for children and human rights and basic liberties, and equal opportunities for both sexes, also with a view to developing the ability needed to live in a democratic society. Further goals are to secure equal educational opportunities in areas dealing with special development problems, children from socially disadvantaged backgrounds, and children, young people and adults with special needs (Article 2).

The amendment to this Act, adopted in March 2008, is aimed at the following newly set goal: guaranteeing optimum development to individuals regardless of their sex, social and cultural background, religion, race, ethnic and national origin, and physical and mental constitution or handicaps.

Anti-discrimination training and education for human rights for teachers is provided by educational institutions, such as National Educational Institute, The Educational Research Institute etc.

There is no good practice on teaching aids related specifically to the sexual orientation or gender identity issues, although certain initiatives for good projects and teaching aids are being discussed with The Ministry of Health.

ii. Information, protection and support for pupils and students

In schools the work of counseling services, that employ professional counselors, is of great importance. School counselors are psychologists, pedagogues and social workers, social pedagogues and SEN teachers. Larger kindergartens and schools have several counselors; the smaller ones have at least one. School counselors perform pedagogical, psychological and/or social counseling work especially with children (and also with parents and teachers, if needed).

There are also 4 counseling centres in Slovenia for children and youth, which counsel children, youth and their children, offer proper information and support.

NGOs are also very active actors in this field.

iii) Curricula

Curricula is based on the above presented educational goals. While anti-discrimination and HRE is incorporated in all of the curricula, pupils/students get additional information on sexual orientation and gender identity particularly as a part of obligatory subject Citizenship education in elementary school, and as a part of Sociology, Psychology and Obligatory selected contents in secondary school (these are contents that every student has to be taught in the time of duration of secondary school).

iv) Good practice – Safety policies

An important step in the field of combating domestic violence is the adoption of Family Violence Prevention Act. The Act was drawn up in collaboration with the academia and the civil society. The act makes a distinction among physical, sexual, psychological and economic violence and the negligence of due care for a family member. Special protection against violence is provided for children, elderly people and people with disabilities. To effectively implement the Act, the National Assembly of the RS adopted the Resolution on the 2009–2014 National Programme on Prevention of Family Violence which set out the goals, actions and key deliverers of policies for the prevention and reduction of family violence in Slovenia by 2014. The Government has also drawn up a 2 two-year action plan for 2010 and 2011 and for 2012 and 2013 for the prevention of family violence. The field of education is of great importance in both Resolution and Action plan. In 2009, the Ministry of Education and Sport adopted Rules on the Treatment of Domestic Violence for Educational Institutions in accordance with the Family Violence Act. The Rules aimed at professional staff, and sets out a course of action in educational institutions in case of children experiencing violence: identifying and reporting violence, work at educational institutions after a report has been filed, membership of a professional worker in a multi-disciplinary team at Social Work Centres, etc. School principals shall be responsible for the implementation of rules. In accordance with the Family Violence Act and the Protocol proposal, professional staff should have been trained to work with children undergoing domestic violence.

VII. Health

28. Are there appropriate measures in place to ensure that the highest attainable standard of health can be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity, in accordance with the provisions of Paragraph 33 of the Appendix to the Recommendation? **(MZ)**
- a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Slovenia adopted appropriate legislative and other measures to ensure that the highest attainable standard of health can be effectively enjoyed without any discrimination, including discrimination on grounds of sexual orientation or gender identity (Implementation of the Principle of Equal Treatment Act, Official Gazette of the Republic of Slovenia, No. 93/07; Patient Rights Act, Official Gazette of the Republic of Slovenia, No. 15/08; Resolution on the National Plan of Health Care 2008-2013 "Satisfied users and performers of medical services", Official Gazette of the Republic of Slovenia, No. 72/08; and other health legislation). Specific health programmes are part of the Periodic Plans of the Resolution on the National Programme for Equal Opportunities for Women and Men, 2005-2013. On the implementation of these periodically planned activities the Ministry of Health reports to the National Assembly on a two year basis. Within the legislative framework of the Mental Health Act (Official Gazette of the Republic of Slovenia, No. 77/08) the National Mental Health Program, i.e. the Resolution on the National Mental Health Protection Programme, is being developed since January 2009, thus establishing a national strategy to eliminate the shortcomings in the existing system of mental health promotion and protection. After the third public consultation

carried out in 2013, it will be ready for the legislative procedure. The new draft National Mental Health Programme, along with its action plan, recognises the approaches set out in European strategies, in particular the European Pact for Mental Health and Well-being. Among other measures, the action plan sets out education and training of professional and non-professional groups to raise awareness about good mental health and to acquire appropriate skills to cope with these problems. It also includes a strategy for development and implementation of activities for prevention of mental disorders and suicidal behaviour in different environments and different target groups.

In 2008 the European Union Agency for Fundamental Rights commissioned a comparative study on the situation concerning homophobia and discrimination on grounds of sexual orientation in the 27 EU member states, conducted by the Danish Institute for Human Rights and the international consultancy company COWI. The Ministry of Health assessed the situation, carefully looked into data that would support discrimination on grounds of sexual orientation or gender identity or stigmatisation, including HIV positive persons in the health sector, and didn't detect complaints. Within preventive programmes to fight AIDS the Ministry of Health is financing NGOs that are active in the field in order to fight stigma and discrimination of homosexuality and to promote anonymous testing and counselling that is free of charge and financed by the State. Information and education of the public and health professionals in order to fight stigma and discrimination and to provide services responding to specific health care needs are considered important activities of the Ministry and the NGOs.

29. Has homosexuality been removed from the national classification of diseases? **(MZ)**

Slovenia currently uses WHO International Classification of Diseases, ICD-10-AM version 6.0 (no coding for homosexuality). Under Chapter XXI it allows for coding of counselling related to sexual behaviour and orientation; therefore, counselling, when requested, is covered by the National Health Insurance Institute.

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

30. Are there measures in place to ensure that transgender persons have effective access to appropriate gender reassignment services? **(MZ)**

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

If there are limitations to the costs covered by health insurance for gender reassignment, please explain:

If requested, appropriate counselling and treatment for transgender patients is available free of charge as well as reassignment surgery, if indicated. The primary care physician (GP) is the first contact and makes a referral to specialists that take the final decision, taking into account various aspects of the individual situation.

VIII. Housing

31. Are measures taken to ensure access to adequate housing can be effectively and equally enjoyed by all persons, without discrimination on grounds of sexual orientation or gender identity, that protection is provided against discriminatory evictions, and that equal rights are guaranteed in respect of ownership of land and other property,? **(MDDSZ)**

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

32. With respect to the risk of homelessness faced by lesbian, gay, bisexual and transgender persons, in particular young persons and children, are measures taken to ensure that the relevant social services are provided without discrimination on grounds of sexual orientation or gender identity? **(MDDSZ)**

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Discrimination on grounds of sexual orientation in providing services is prohibited by the law.

Social services provided by the social work centres and public providers are accessible to everybody regardless her/his sexual orientation or gender identity. No complains on social services providers have been addressed to the Ministry of Labour, Family and Social Affairs yet.

IX. Sports

33. Have measures (including awareness-raising measures) been taken to tackle discrimination on grounds of sexual orientation or gender identity (including the use of discriminatory insults) in sports and in connection with sports events? **(MIZKS)**

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

X. Right to seek asylum

34. In cases where your country has an international obligation in this respect, may a well-founded fear of persecution based on sexual orientation or gender identity be recognised as a valid ground for the granting of refugee status and asylum under your national law? **(MNZ)**

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

In those cases Refugee Status Determination is based on the examination of being a member of a particular social group.

35. Does your country ensure that asylum seekers are not sent to a country where their life or freedom would be threatened because of their sexual orientation or gender identity? **(MNZ)**

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

In the Republic of Slovenia (in legislation and in practice) the principle of *non-refoulement* is strictly observed.

XI. National Human Rights Structures

36. Are National Human Rights Structures (equality bodies, ombudsperson, and national human rights institutions) clearly mandated to address discrimination on grounds of sexual orientation? **(MDDSZ)**

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Are National Human Rights Structures (equality bodies, ombudsperson, and national human rights institutions) clearly mandated to address discrimination on grounds of gender identity?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If so please explain and indicate in particular, if appropriate, what possibilities of intervention are included in their mandate, including in particular with respect to discrimination on multiple grounds:

In case of discrimination on the ground of sexual orientation or gender identity complaint can be filled to the Advocate of the Principle of Equality (national equality body), Ombudsman, Criminal, Civil or Administrative court. The mandates of the named bodies vary in regard to the type and severance of discrimination and in regarding the area of life in witch discrimination occurred. Advocate of the Principle of Equality examines petitions or complaints concerning alleged cases of discrimination, including discrimination on the ground of sexual orientation and gender identity. He/she issues non-binding opinions on whether discrimination occurred in a certain situation. The opinion of the Advocate contains a recommendation to the offender on ways to eliminate the violation, its causes and consequences. Through such non-formal intervention, the Advocate tries to eliminate the violation and provides help to improve future practice. When an issue cannot be resolved in this way, the Advocate may ask inspection authorities to prosecute the minor-offences and to impose fines. The Advocate also provides assistance to discriminated persons in legal and other proceedings, i.e. by giving advise on legal remedies and how to use them before other national authorities.

In case of violation of the principle of equality that occurred in public sector, The Ombudsman can also interfere. The Ombudsman can caution violators that they should put right their violation or eliminate irregularities committed, or can even propose compensation. He/she can lodge with the Constitutional Court a request for assessment of the constitutionality and legality of regulations or official documents, or he/she may submit a constitutional complaint owing to the violation of some right. He/she may submit to the government or parliament initiatives for the amendment of laws and other regulations. He/she may also suggest to all bodies that fall within his competence that they improve their dealings and relations with clients.

The Ombudsman may also communicate his opinion to anyone regarding cases that are linked to the violation of rights and freedoms.

XII. Discrimination on multiple grounds

37. Are there measures in place to ensure that the provisions of national law prohibiting or preventing discrimination also protect against discrimination on multiple grounds, including on grounds of sexual orientation or gender identity? **(MDDSZ)**

a. ☐ b. ☐ c. ☐ d. ☐ e. ☒

Section III - Follow-up

38. Which measures by the Council of Europe would you recommend to ensure that member states are guided in their national legislation and practice by the principles set out in the Recommendation and in its Appendix ? **(MDDSZ)**

39. Should the Council of Europe continue examining periodically the implementation of this Recommendation? If so, should such examination in future concentrate on specific issues, and which specific issues would you recommend examining in that case? (MDDSZ)

40. Are there any issues on which the Recommendation and its Appendix should be revised or completed? If so, please indicate them. (MDDSZ)