

SLOVENIA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Slovenia is a parliamentary democracy and constitutional republic. Power is shared among a directly elected president (head of state), a prime minister (head of government), and a bicameral parliament composed of the National Assembly (lower house) and the National Council (upper house). In June 2018 the country held parliamentary elections. Observers considered the elections free and fair.

The national police maintain internal security. The army is responsible for external security but also has some domestic security responsibilities. Police report to the Ministry of Interior and the army reports to the Ministry of Defense. Civilian authorities maintained effective control over the security forces. Members of the security forces committed few or no abuses.

Significant human rights issues included: threats of violence against journalists by nongovernment actors, and criminalization of libel and slander.

The government took steps to investigate, prosecute, and punish officials who committed abuses, whether in the security services or elsewhere in the government, and there were no cases of impunity involving security forces during the year.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

The human rights ombudsman made numerous unannounced visits to prisons and police stations with representatives of nongovernmental organizations (NGOs). In most instances observers noted a marked reduction in complaints of excessive use of force compared with previous years.

Prison and Detention Center Conditions

Physical conditions were generally acceptable, according to the human rights ombudsman. There were some reports of inmate mistreatment, prisoner-on-prisoner violence, and overcrowding in prisons. Local NGOs stated the government-run asylum center and other intake facilities housing asylum seekers were often overcrowded. A significant increase in the number of migrant detainees coupled with the lack of personnel to process detainees, and a dearth of linguistic and cultural training, have exacerbated the problem with overcrowding.

Physical Conditions: Local NGOs reported prison overcrowding remained an issue.

The Human Rights Ombudsman noted that prisoners in the country's sole incarceration facility for women, Ig prison, were discriminated against compared to their male counterparts at Dob prison, the country's largest and highest-standard correctional facility. The ombudsman established that inmates at the Ig prison had unequal opportunities when it came to phone calls, electronic communication, recreational time, and that no female prisoner in the country had ever been afforded the opportunity to have a visitor overnight or to be allowed to have intimate contacts, something that is available to Dob prisoners.

Administration: Authorities investigated accusations of problematic conditions and documented the results in a publicly accessible manner.

Independent Monitoring: The government permitted local and international human rights groups, media, and other independent international bodies, such as the International Committee of the Red Cross and the Council of Europe's Committee for the Prevention of Torture, to monitor prison conditions. The human rights ombudsman, together with numerous human rights groups and other NGOs, conducted visits to all prisons. The government allowed designated NGOs to monitor the treatment of prisoners.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her detention in court, and the government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Police generally made arrests with warrants issued by a prosecutor or judge based on evidence. Authorities may detain suspects for 48 hours before charging them. The law requires authorities to inform suspects of their rights immediately after arrest and to advise detainees in writing within six hours (or within three hours for minor offenses) of the reasons for their arrest. Suspects must have prompt access to a judge to assess whether they qualify for release on bail or should remain incarcerated pending trial. Authorities generally released defendants on bail except in the most serious criminal cases. The law provides for prompt access to immediate family members and detention under house arrest.

Upon arrest, detainees have the right to contact legal counsel of their choice and the right to counsel during interrogations, and the government protected these rights. While indigent defendants have the right to an attorney provided at public expense, there was no formal system for providing such legal counsel. The NGO Legal Information Center and the government's Free Legal Aid Office made free counsel available to indigents. In a 2017 report, the committee for the Prevention of Torture expressed concern that persons unable to pay for a lawyer could not, as a rule, benefit from the right of access to a lawyer from the outset of their detention. The report noted, "ex officio lawyers would only be appointed if such an appointment was considered 'in the interests of justice' and, if appointed, they would meet detainees only after police questioning, very briefly before the court hearing." Such practices remained common for persons facing minor offenses, but indigent defendants facing serious criminal charges generally had access to an attorney throughout legal proceedings provided at public expense.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution and law provide for the right to a fair public trial, and an independent judiciary generally enforced this right. Defendants enjoy rights to a presumption of innocence, to be informed promptly and in detail of the charges, to a fair and public trial without undue delay, to be present at their trial, and to communicate with an attorney of their choice or have one provided at public expense if unable to pay. Defendants have the right to adequate time and facilities to prepare a defense, to free interpretation as necessary from the moment charged through all appeals, to confront prosecution or plaintiff witnesses and present their own witnesses and evidence, not to be compelled to testify or confess guilt, and to appeal. The law also provides safeguards against self-incrimination. These rights extend to all defendants.

According to NGOs and advocacy groups, the judicial system was overburdened and lacked administrative support, at times resulting in delays in the judicial process.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution and law provide for an independent and impartial judiciary in civil matters, including damages for, or cessation of, human rights violations. Individuals may appeal court decisions involving alleged government violations of the European Convention on Human Rights to the European Court of Human Rights once they exhaust all avenues of appeal in domestic courts.

Property Restitution

The law permits all persons who were citizens of the former Yugoslavia or Allied nations to recover property confiscated by fascist or Nazi occupying forces. Cases involving property confiscated after 1945-46 are subject to restitution procedures under the Criminal Procedure Act. Cases involving property that was nationalized are subject to restitution procedures under the Denationalization Act of 1991. The Denationalization Act requires claimants to have had Yugoslavian citizenship at the time the property was confiscated and excludes, with some exceptions, property confiscated before 1945. Some cases involving the restitution of property seized during the communist era (especially from 1946 to 1958) remained unresolved.

Although some heirs of Holocaust victims may seek restitution of confiscated property through these laws and mechanisms, NGOs and advocacy groups reported the government did not make significant progress on the resolution of Holocaust-era claims. This includes both former citizens who were required to renounce Yugoslavian citizenship as a condition for emigrating and Holocaust survivors from Yugoslavia and their heirs who did not return and never had Yugoslav citizenship. The World Jewish Restitution Organization (WJRO) engaged the government regarding Holocaust survivors and their heirs who were not eligible to file claims based on Slovenian law.

Some Holocaust survivors and their relatives, along with Slovene deportees, reclaimed pre-1945 confiscated property through 1945-46 restitution legislation. Most Holocaust-era claims are categorized as heirless property, for which there is no provision in law for restitution or compensation. In 2018 the WJRO and Ministry of Justice agreed to launch a joint research project to compile as complete a historical record as possible of heirless, formerly Jewish-owned properties in the country. Research teams commenced the project in 2018. Ministry of Justice researchers concluded their research in October 2019, while the WJRO report was under review as of year's end. The ministry agreed to a one-year timeline for evaluating the values of heirless property after completion of the study.

Some remaining non-Jewish confiscated properties appeared to be unrecoverable because the parties occupying the sites were politically influential and thwarted attempts to reach a negotiated settlement. For example, since 1993 close ties between the local government's administrative unit and Radenska d.d., a major mineral water producer, stymied a foreign family's claims to the Radenci Spa property located on the family's ancestral lands. Although the Supreme Court rejected the family's claim in 2015, the litigants appealed to the Constitutional Court, which returned the case to lower courts where it remained pending consideration.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly on July 29, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and laws prohibit such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Speech: The law prohibits the incitement to hatred, violence, and intolerance based on nationality, race, religion, gender, skin color, social status, political or other beliefs, sexual orientation, and disability in a way that could threaten or disrupt public order, typically requiring violence to occur for the prosecution of such incitement. The penal code also prohibits the expression of ideas of racial superiority and denial of the Holocaust.

On May 11, police launched an investigation against demonstrators for their participation in regular antigovernment protests, at which some brandished the slogan “Death to Jansism,” in reference to Prime Minister Janez Jansa. The Prime Minister claimed the slogan was a death threat that could escalate into physical violence. The state prosecution did not press charges, determining on May 20 that the word “death” in the slogan should be seen as metaphorical and as a call to halt the policies of Jansa.

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views without restriction. Nevertheless, journalist organizations reported growing hateful rhetoric and threats against journalists online, spurred by animosity from officials. The International Press Institute highlighted a series of Twitter attacks on reporters, “enabling a wider increase in digital harassment from online trolls and contributing to an increasingly hostile climate for watchdog journalism.”

On March 15, the government’s COVID-19 Crisis Headquarters retweeted an insulting claim about investigative journalist Blaz Zgaga, alleging that he had a “COVID Marx-Lenin virus,” after Zgaga filed a freedom of information request regarding the government’s handling of the COVID-19 pandemic. Following this tweet, progovernment media and social media users engaged in smears and verbal

attacks on Zgaga, claiming he was an “enemy of the state.” Zgaga also received online death threats. Several international organizations, including the Council of Europe and the Organization for Security and Cooperation in Europe, as well as press freedom groups, condemned the threats against the journalist, and European Union Commissioner for Values and Transparency Vera Jourova contacted the country’s authorities about the media freedom situation. In a reply to the Council of Europe, the government condemned the case of alleged harassment of the journalist, but stated that there is no conclusive evidence as to what caused the harassment.

The European Commission reported in its September rule of law report for the country that concerns have been raised by stakeholders about possible politically motivated changes to the funding of the national public broadcaster and the governance of the national press agency.

Media freedom watchdogs also expressed concerns about government moves to exert pressure on public broadcaster RTV through changes to its governing bodies, especially following criticism by government officials of RTV’s reporting that was unfavorable to the government. One of the new administration’s early actions was to replace a subset of RTV’s supervisory board, intended to insure its financial independence, as is not uncommon with a change in government. Though the move was not unprecedented, one of the supervisory board members appealed, noting their terms had not expired. The case was still being adjudicated, however, an attempt to change two other supervisory board members was blocked by a parliamentary committee on May 21. The government also appointed some new members to RTV’s Program Council, which oversees its editorial policy and selects its director general.

On March 20, Prime Minister Jansa accused RTV on Twitter of spreading lies about an alleged decision by the government to raise salaries of ministers and state secretaries, adding that “obviously, there are too many of you and you are overpaid.” The Association of Slovenian Journalists expressed concern about the Prime Minister’s statement, asserting that it should be understood as a threat to RTV employees against possible loss of employment if they do not report according to the government’s liking. RTV Director General Igor Kadunc claimed that the comment had damaging consequences for media freedom and was aimed at the subordination of the central media to one political option.

RTV complained about a growing number of insulting tweets and verbal attacks against the institution and its journalists by politicians, labeling such attacks an

attack on democracy. Following these verbal attacks, RTV journalists experienced several physical attacks by nongovernment actors.

The International Press Institute estimated that “few countries in Europe have experienced such a swift downturn in press and media freedom after a new government came to power,” leading to “a worrying decline in press freedom in a very short space of time in a country previously considered a relative safe haven for independent journalism, sending up further warning signs about deteriorating media freedom in Central Europe.”

Responding to allegations of pressure on the media in the country, the government attempted to justify its criticisms of the press by providing additional context in a April 7 letter to the Council of Europe, stating that the situation is a result of the country’s media having “their origin in the former communist regime” and the consolidation of media ownership in the hands of circles close to the left.

Journalists and media representatives stated existing media legislation does not address the problem of excessive concentration of ownership in media, which could limit the diversity of views expressed. On July 23, the European Commission expressed concern about transparency of media ownership in its rule of law report for the country. Particularly in the case of multiple shell owners, the law may make it difficult to identify who ultimately controls editorial decision making.

The European Commission also reported on a high level of political influence over some media companies, which could trickle down to the press and broadcasters at regional and local levels. Most media in the country are perceived by the population as somewhat biased, with those on the right asserting that the predominantly left-leaning media environment prevents a full spectrum of political views from being widely expressed.

Watchdog groups’ concerns about alleged financing of certain Slovenian media outlets by sources tied to Hungary’s ruling Fidesz party increased on September 30, when Telekom Slovenije sold Planet TV to Hungary’s TV2 Media, owned by Jozsef Vida, reportedly linked to the business network of Fidesz. Two Slovenian media outlets associated with the Slovenian Democratic Party, weekly newspaper *Demokracija* and the NovaTV web portal and TV channel, have long been rumored to receive funding from Fidesz allies.

The print and broadcast media, like online newspapers and journals, as well as book publishers, are subject to the laws prohibiting hate speech, libel, and slander.

Violence and Harassment: RTV journalists reported several physical attacks. On March 31, a news crew from RTV was verbally abused and threatened in the street by an unidentified individual as they were reporting from the capital, Ljubljana. After walking away, the assailant returned to the crew's company vehicle and damaged the tires.

Such incidents were strongly condemned by the country's senior officials and parties, including Prime Minister Jansa, who tweeted: "We condemn any form of street violence targeting journalists or anyone else, as well as any instigating of such acts."

On June 1, Eugenija Carl, a journalist at RTV, received an envelope addressed to her containing a threatening handwritten note and a suspicious white powder that she said caused irritation and gave her a sore throat.

Physical attacks on journalists by nongovernment actors occurred particularly during protests. For example, on November 5, an unknown assailant hit photojournalist Borut Zivulovic in the head, apparently deliberately as journalists covered violent clashes with riot police during protests in Ljubljana. Press freedom groups strongly condemned the attack. A police investigation is ongoing. Several other media outlets also reported that their crews were intimidated, pushed, and obstructed during the protest.

During an antigovernment rally in Ljubljana on October 16, a protester, rapper Zlatan "Zlatko" Cordic, approached a cameraman for progovernment broadcaster Nova24 and grabbed his camera, demanding that he erase the recording. After police intervened, the camera was returned. Several videos of the incident appeared on social media. Journalist groups on both sides of the political spectrum condemned violence against media in response to the incident.

Censorship or Content Restrictions: Instances of overt political pressure on the press remained isolated. The Slovenian Association of Journalists and media analysts observed that standards of journalistic integrity suffered because of economic pressure, nonstandard forms of employment such as freelance or student status, and reduced protections for journalists, leading some to practice self-censorship to maintain steady employment.

Libel/Slander Laws: The print and broadcast media, like online newspapers and journals, as well as book publishers, are subject to the laws criminalizing hate speech, libel, and slander. The government has not used the law to retaliate against journalists or political opponents.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

There were reports that police in rare cases used excessive force when responding to demonstrations. On October 11, several demonstrators addressed a protest letter to the acting Police Commissioner over the conduct of police during antigovernment protests in Ljubljana on October 9, claiming officers used excessive force without reason in several cases. The letter alleged that despite keeping a safe distance, “individuals were targeted without a warranted reason,” adding that the police should have acted differently, as the use of force was unnecessary. The Ljubljana Police Department denied allegations that they used excessive force. The police stressed in a press release that their task was to uphold public order, considering the temporary government decree restricting movement and assembly in public areas.

Freedom of Association

Several civil society organizations alleged that the government took steps to retaliate against them for their criticism of government policy (see section 5).

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In-Country Movement: Due to COVID-19, the government instituted limitations on movement to within the borders of an individual's municipality of residence from mid-March until mid-May. These limitations were re-established in October along with a 30-day epidemic declaration that included a 9 p.m. to 6 a.m. curfew. On December 17, the government formally extended the limitations by another 30 days, from December 18 until January 16, 2021. In the four regions with the best epidemiological situation, individuals using the national contact tracing app #OstaniZdrav (#StayWell) will be able to move between municipalities despite the general ban on intermunicipal movement.

Citizenship: Based on a 2012 decision by the European Court of Human Rights, in 2013 the government introduced a system for providing just satisfaction (i.e., restitution for damages) for the "erased" citizens of other former Yugoslav republics denied the right to reside legally in the country in the 1990s. To date, more than 10,300 "erased" individuals have regularized their legal status in the country. An additional 3,000 were presumed deceased, and approximately 12,000 were believed to be living abroad with no intention of returning to the country.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. NGOs alleged that border authorities continued to reject without due process most individuals seeking asylum.

NGOs reported that asylum seekers returned by Slovenian police to Croatia have no legal remedies to challenge border police decisions. NGOs alleged Croatian

police forcibly pushed returning many migrants to Croatia into Bosnia and Herzegovina. Amnesty International stated that the expulsions from Slovenia took place without appropriate procedural safeguards against refoulement. This situation has made it difficult for migrants to apply for international protection.

On August 24, the Supreme Court overturned an Administrative Court ruling that blocked the return of migrants to Croatia without a formal Slovenian decision, effectively authorizing the immediate return of migrants to Croatia. The Administrative Court had ruled fast-track returns based on a Slovenian-Croatian interstate agreement but without a specific Slovenian decision in each case violated European and Slovenian legislation and constitutionally secured rights. The Supreme Court ruled that the 2006 agreement provides for the summary return of migrants.

The government also contended it lacks the capacity to process and house all new asylum seekers. Seven EU members, including the country, addressed a letter to the European Commission in June, expressing opposition to compulsory redistribution of migrants among EU member states.

Abuse of Migrants and Refugees: Due to an increase in numbers of asylum seekers and a backlog of cases, applicants were detained at asylum centers while waiting to lodge their application for international protection. The lack of capacity to address large numbers of arrivals resulted in lower hygienic standards and health risks.

A migrant rights advocacy group, Taskforce for Asylum, maintained that authorities were violating the rights of foreigners kept at the Center for Aliens in Postojna were being violated by returning them to Croatia. The center held 96 asylum seekers as of July, mostly from Pakistan, Morocco, Afghanistan, and Algeria, with 55 of them in the process of obtaining international protection. The remaining foreigners were in the process of being returned to neighboring countries on the basis of bilateral agreements or deported to their home countries.

Asylum seekers outside of EU resettlement and relocation programs often waited six or more months for their cases to be adjudicated and were barred from working during the initial nine months of this period, although many reportedly worked illegally. Local NGOs criticized this restriction, asserting it made asylum seekers vulnerable to labor exploitation and trafficking due to their illegal status, lack of knowledge of local labor laws, and language barriers.

Freedom of Movement: Local NGOs reported unjustifiable limitations on the movement of asylum seekers residing in government-operated integration houses and asserted that no legal grounds existed for them. Local NGOs reported asylum seekers in reception intake facilities faced detention periods of up to two weeks while authorities processed their initial asylum requests.

Access to Basic Services: The government provided housing and sufficient resources to meet refugees' basic needs.

Durable Solutions: In 2016 the government approved an EU plan to relocate asylum seekers from Italy and Greece and to resettle refugees from non-EU countries. The government also agreed to resettle Syrian refugees from Turkey. Individuals granted refugee status are eligible for naturalization once they have fulfilled the necessary legal conditions.

Temporary Protection: The government also provided temporary protection (subsidiary protection) to individuals who may not qualify as refugees, but the Ministry of Interior did not maintain separate statistics for refugees and those who qualified for subsidiary protection.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2018 the country held parliamentary elections in which the Slovenian Democratic Party won the plurality of votes. Observers considered the elections free and fair. The List of Marjan Sarec won the second largest share of votes and formed a five-party coalition. In January, Prime Minister Marjan Sarec resigned and in March the new government under Prime Minister Janez Jansa of the Slovenian Democratic Party was sworn in.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minorities in the political process, and they did participate. Women only occupied 22 percent on elected seats in the national legislature. The constitution provides for the National Assembly to include one member each from the Hungarian and Italian minorities.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal and civil penalties for corruption, conflicts of interest, and illegal lobbying by officials, and the government generally implemented the law effectively. There were widespread reports of government corruption during the year. Officials sometimes engaged in corrupt practices with impunity.

Corruption: Despite the country's well developed and comprehensive legal framework for identifying and combating corruption, critics asserted implementation and prosecution efforts remained inadequate. Civil society groups claimed conflicts of interest and a failure to report outside activities, bribes, and lack of governmental transparency persisted throughout the country's political and economic spheres, particularly in the fields of energy, construction, urban planning, health care, and state-owned enterprises.

Local anticorruption experts said corruption in the country is systemic, however only isolated cases were investigated. Corruption manifested itself through politically motivated staffing in state-owned enterprises, conflicts of interest, bribes, and lack of transparency throughout the country's political and economic spheres, particularly in public tenders. Due to limited police capacity, just one percent of alleged corrupt practices were investigated, and courts also had a poor track record in trying corruption cases.

There were reports of corruption in public procurement. On April 23, a whistleblower from the Commodity Reserves Agency, Ivan Gale, exposed alleged wrongdoing in the government's purchasing of personal protective equipment (PPE) and other equipment for the COVID-19 pandemic. Specifically, Gale alleged that Minister of Economic Affairs Zdravko Pocivalsek personally directed eight million Euros in contracts for ventilators to a favored firm, Geneplanet. Allegations were made that several other high-level political figures also pressured the procuring authority to benefit individual companies. Gale lost his job at the Agency in October. His termination took immediate effect, and he was not eligible for severance or unemployment compensation.

State prosecutors launched a criminal investigation into Gale's allegations in April, after TV Slovenija released information that featured Gale's allegations and an audio recording of Minister Pocivalsek demanding that the Commodity Reserves Agency execute an advance payment to Geneplanet. As a result, the police searched the minister's house. The contract with Geneplanet was changed after the story broke and as the epidemiological situation improved, and the company ended up delivering 110 ventilators while also buying 20 back. According to the business newspaper *Finance*, the final price tag of the transaction was EUR 3.6 million (\$4.3 million). Pocivalsek survived a no confidence motion in parliament over the purchases. The criminal investigation is still pending and led to the resignation of both Police Commissioner Anton Travner and Interior Minister Ales Hojs. Hojs, however, withdrew his resignation in September after Prime Minister Jansa asked him to reconsider his decision and he survived a no confidence motion that was filed against him by four left-leaning parties.

On November 11, the Commission for the Prevention of Corruption announced they had detected risks throughout the PPE procurement process including a lack of traceability and transparency as well as and unequal treatment of bidders and selected contractors. Commission president Robert Sumi did not specify the persons or authorities suspected of wrongdoing.

Financial Disclosure: The highest-level officials in the government, the parliament, and the judiciary, representing approximately 5,000 of the country's 170,000 public employees, are subject to financial disclosure laws. There are administrative sanctions for failing to respect these provisions. The government did not publicize cases in which these provisions were violated, but they may become part of the public record in other procedures (e.g., criminal or tax cases).

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Several civil society organizations alleged that the government took steps during the year to retaliate against them for their criticism of government policy. On April 8, the government notified 15 NGOs that it was terminating grant agreements for projects related to civic education, media literacy, and assisting migrants and

other vulnerable groups which had been signed under the previous government. Authorities stated that the funds were needed to address the COVID-19 pandemic. The NGOs pointed to rhetoric by the Prime Minister and other officials alleging the NGOs were partners of left-wing parties engaged in self-enrichment as an indication that the termination of the grant agreements was made on a political basis.

On October 19, 18 NGOs with offices in a state-owned building in Ljubljana received a letter from the Ministry of Culture informing them they must vacate the premises by the end of January 2021 or face a court-imposed eviction. The government explained that this action was because the building was to be renovated, but the affected groups commented to the press that they believed the eviction notice was politically motivated. A total of 200 NGOs signed a letter protesting the government's decision. On November 5, the parliamentary Culture Committee asked the government to provide new premises for the NGOs by June 2021. Culture Ministry State Secretary Ignacija Fridl Jarc said that the ministry had the necessary legal grounds to evict the groups. The ministry stated, "the premises should be turned into a Museum of Natural History as soon as possible, while solutions should be found for the eligible tenants to find adequate premises, with the tenants also expected to take their own initiative in this respect."

Government Human Rights Bodies: The constitution provides for an independent human rights ombudsman to monitor violations of human rights. Individuals may file complaints with the independent ombudsman to seek administrative relief in the case of a human rights violation by the government. The human rights ombudsman was effective, adequately resourced, reported to parliament annually on the human rights situation, and provided recommendations to the government. The Office of the Advocate of the Principle of Equality raises awareness of and helps prevent all types of discrimination, but reported that a lack of resources and personnel limited its effectiveness.

The Human Rights Ombudsman reported being frustrated by the government's slow progress in responding to recommendations. In his 2019 annual report to the government, Human Rights Ombudsman Peter Svetina submitted 160 recommendations and criticized state organizations for failing to respond to as many as 200 recommendations from previous years.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape of men and women, including spousal rape, and domestic violence, are illegal. Sexual violence is a criminal offense, and the penalty for conviction is six months' to eight years' imprisonment. The penalty for conviction for rape is one to 10 years' imprisonment. Police generally investigated accusations of rape, and courts generally tried accused offenders. The penal code defines rape as a perpetrator coercing the victim into sexual intercourse by force or serious threats. Local NGOs criticized sentencing as excessively light and demanded the government change the penal code's definition of rape to the absence of consent.

The law provides from six months' to 10 years' imprisonment for aggravated and grievous bodily harm. Upon receiving reports of spousal abuse or violence, police generally intervened and prosecuted offenders, but local NGOs reported victims of sexual violence often did not report crimes to police. Local NGOs assessed that police and courts did not effectively intervene in or prosecute cases of alleged domestic abuse. NGOs contend the problem lies in deficient institutional cooperation, lengthy court proceedings, untrained investigators, prosecutors, and judges in matters of domestic violence, and poor information flow between authorities, institutions, and NGOs.

A network of maternity homes, safe houses, and shelters provided care to women and children who were victims of violence. The police academy offered annual training on domestic violence. Local NGOs reported women lacked equal access to assistance and support services and that free psychosocial assistance from NGOs was unavailable in many parts of the country. NGOs also reported a lack of practical training and educational programs for professionals who are legally bound to offer services to survivors of violence. NGOs highlighted the lack of systematic and continuous prevention programs for domestic violence and rape and reported there were no specialized support programs for Romani women, elderly women, or other vulnerable groups.

Due to COVID-19, the police academy halted its annual training on domestic violence.

Sexual Harassment: Sexual harassment of men and women is a criminal offense carrying a penalty if convicted of up to three years' imprisonment. The law prohibits sexual harassment, psychological violence, mistreatment, or unequal treatment in the workplace that causes "another employee's humiliation or fear." Authorities did not prosecute any sexual harassment cases during the year.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The law provides the same legal status and rights for women and men and prohibits official discrimination in matters such as employment, housing, inheritance, nationality, religious freedom, or access to education or health care. Despite legal provisions for equal pay, inequities persisted.

Children

Birth Registration: Citizenship is derived from the parents with certain limitations. A child is granted citizenship at birth if the child's mother and father were citizens, or one of the child's parents was a citizen and the child was born on the territory of the country, or one of the child's parents was a citizen while the other parent was unknown or of unknown citizenship and the child was born in a foreign country. Naturalization is possible. Children of migrants and asylum seekers do not qualify for citizenship if they are born in the country; their parents may file for asylum or refugee status on their behalf.

Child Abuse: Child abuse is a criminal offense, and conviction carries a penalty of up to three years' imprisonment. During school closures to prevent the spread of COVID-19, between March and May and again between October and November, police reported 54 cases of child abuse and 301 cases of negligence. Police were active with social media campaigns and appealed to citizens to report any violence against children and other vulnerable groups.

There were 10 crisis centers for youth with a combined capacity of 86 children. The government allowed children to stay at these centers until they reached the age of 18, or 21 if they were still in school.

Child, Early, and Forced Marriage: The minimum age for marriage is 18. With the approval of parents or legal guardians, centers for social service may approve or deny the marriage of a person between 16 and 17. Child marriage, of individuals aged 16 or 17, occurred in the Romani community, but were not a widespread problem.

Sexual Exploitation of Children: The possession, sale, purchase, or propagation of child pornography is illegal. The penalty for violations ranged from six months to eight years in prison. The government enforced the law effectively. The law

prohibits sexual violence and abuse of minors and soliciting minors for sexual purposes. Statutory rape carries a prison sentence of three to eight years in prison. The law sets the minimum age of consent for sexual relations at 15. The government generally enforced the law. Some children were also subjected to sex trafficking; however, in 2019, the government did not identify any child trafficking victims.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There are an estimated 300 persons of Jewish descent in the country. There were no reports of anti-Semitic violence or overt discrimination.

In 2019 the Supreme Court annulled the 1946 death sentence on General Leon Rupnik, who collaborated with the Nazi occupying forces during World War II, on an appeal lodged by a relative, and sent the case to the Ljubljana District Court for retrial. The annulment means the case will be sent to retrial. Under the criminal procedure act, however, courts cannot try dead persons, which means that Rupnik's guilt might not be re-examined. If rehabilitated, Rupnik's heirs may claim the return of property seized by the state after the trial. The Jewish Cultural Center in Ljubljana expressed deep concern to what it called "these contemptible acts of Holocaust denial, revision...and attempts at reviving and justifying the Fascist and Nazi horrors."

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The law mandates access to buildings and public transportation for persons with disabilities, but modification of public and private structures to improve access continued at a slow pace, and some public

transportation stations and buildings--particularly older buildings--were not accessible, especially in rural areas. The law provides social welfare assistance and early-childhood, elementary, secondary, and vocational education programs for children with disabilities. Children with physical, sensory, intellectual, and mental disabilities are entitled to tailored educational programs with additional professional assistance and resources. Depending on their individual needs, some children attended school (through secondary school) with nondisabled peers, while others attended separate schools. The law also provides vocational and independent living resources for adults with disabilities. The government continued to implement laws and programs to provide persons with disabilities access to education, employment, health services, buildings, information, communications, the judicial system, transportation, and other state services. The government generally enforced these provisions effectively.

In April 2019 the government adopted a proposal to register Slovenian sign language as a constitutionally official language.

The electoral law requires all polling stations to be accessible to persons with disabilities, but the National Electoral Commission estimated that, as of the 2017 presidential election, only 56 percent of polling stations were accessible. In March a local NGO filed a suit at the Constitutional Court alleging the country's existing legislation did not provide persons with disabilities full access to polling stations. As of December the case remained pending. In the 2018 parliamentary elections, the National Electoral Commission used mobile ballot boxes to provide equal access to voters with disabilities. Voters with disabilities who are unable to reach a polling station on election day may also vote by mail.

Members of National/Racial/Ethnic Minority Groups

Two constitutionally recognized national minorities and one ethnic minority living in the country: Roma, Hungarians, and Italians. Other minorities living in the country are not officially recognized, such as Germans, Albanians, Bosniaks, Croatians, Macedonians, Montenegrins, and Serbs. Only members of official minorities are guaranteed special parliamentary seats to represent their communities.

Discrimination against socially marginalized Roma persisted in some parts of the country. Organizations monitoring conditions in the Romani community noted that Roma faced difficulties securing adequate housing in traditional housing markets. Many Roma lived apart from other communities in illegal settlements

lacking basic utilities and services, such as electricity, running water, sanitation, and access to transportation. Government officials emphasized that the illegality of settlements remained the biggest obstacle to providing Roma access to adequate housing, water, and sanitation. By law only owners or persons with other legal claims to land, such as legal tenants, may obtain public services and infrastructure (see also section 7, Discrimination with Respect to Employment and Occupation). Ethnic Roma are particularly vulnerable to trafficking in the country.

In the first-ever case brought by the country's Roma to the European Court of Human Rights, two families living in two separate informal Roma settlements asserted in 2014 that the government failed to offer access to basic public utilities, drinking water, and sanitation and that local authorities had engaged in negative and discriminatory treatment. In March the court found that the government took adequate steps to provide Roma settlements with drinking water and rejected the case. Several groups, including Amnesty International Slovenija and several Roma families, appealed the decision, alleging the court had not considered all circumstances in the case. In September, five judges forming the European Court of Human Rights grand chamber dismissed the appeals, quashed the allegations, and sustained the initial ruling.

Organizations monitoring conditions in the Romani community and officials employed in schools with large Romani student populations unofficially reported that high illiteracy rates among Roma persisted. While education for children is compulsory through grade nine, school attendance and completion rates by Romani children remained low.

Privacy protection laws limited the government's ability to collect personal data on nationality, race, color, 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. This resulted in, among other gaps, a lack of official data about Roma in the country.

The Center for School and Outdoor Education continued its 2016-22 project on Romani education, financed by the Ministry of Education, Science and Sport and the European Social Fund. The project helped Romani children succeed in the educational system through mentoring and support, including extracurricular activities and preschool education at community multipurpose centers. Although segregated classrooms are illegal, a number of Roma reported to NGOs their children attended segregated classes and that school authorities selected them disproportionately to attend classes for students with special needs. A local NGO

estimated that 30 to 40 percent of the students attending special needs schools and classes were Romani, despite the fact that Roma comprise less than 1 percent of the total population.

In 2018 the government adopted the *National Program of Measures for Roma* for 2017-21 to improve living conditions of the Romani community through 41 specific measures, including improving health-care access; reducing poverty; providing antidiscrimination training; and promoting education, employment, and social inclusion. The Office for National Minorities coordinated this program and monitored its implementation. Although the government consulted Romani community representatives in preparing the National Program, NGOs claimed it focused too much on project-based initiatives and did not adequately consider the Romani community's suggestions to address systemic issues, such as a lack of electricity, running water, sanitation, and access to transportation. Some Roma community members expressed concern over planned government reductions in funding for Roma communities due to budgetary pressures resulting from COVID-19 that could affect preparation of a National Program for 2022-26.

Local NGOs called on the government to adopt new measures to improve access to housing, education, and employment for Roma. The human rights ombudsman reported elderly Roma were among the most vulnerable individuals and needed additional care and support services. The average life expectancy of Roma is estimated to be 10 years shorter than that of the rest of the population.

A government-established commission to safeguard the rights of Roma continued to function. The commission included representatives from the Romani community, municipalities, and the government.

Representatives of the Romani community participated in a program that improved communication between police and individual Roma through discrimination prevention training for police officers working in Romani communities. As a result of COVID-19, for first time since the program's inception in 2016, representatives of the Romani community did not participate in discrimination prevention training for police officers working in Romani communities.

The government provided medical equipment to health-care facilities and supported programs, workshops, and educational initiatives to provide best practices for health-care professionals working in Romani communities.

The German-speaking community called on the government to recognize the community as a minority officially in the constitution. The community called on the government to include German as a language of instruction in schools, recognize the minority language in radio and television programming, and provide additional funds to support German culture.

The ethnic Albanian, Bosniak, Croatian, Macedonian, Montenegrin, and Serbian communities also called on the government to recognize their communities officially in the constitution. In 2019 the government established the Government Council for Ethnic Communities of Members of Former Yugoslav Nations in Slovenia as a consultative body to address issues faced by such ethnic groups living in the country.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law prohibits discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in housing, employment, nationality laws, and access to government services. The government enforced such laws effectively, but societal discrimination was widespread.

The Ministry of Labor, Family, Social Affairs, and Equal Opportunities, as well as law enforcement authorities, recorded incidents of violence, but they did not track the number of cases of violence against LGBTI persons. Local NGOs asserted that violence against LGBTI persons was prevalent but that victims often did not report such incidents to police.

On June 5, a man attacked a well known gay activist and his friends at a bar in Maribor. The perpetrator approached the activist and insulted him, tore his jacket, and attacked the activist's friends who stood up for him. The case was reported to the police, who established that it was a homophobic attack. The investigation is still under way and no arrests have been made. The case is pending.

Local NGOs assessed that transgender persons remained particularly vulnerable to societal discrimination and targeted violence. NGOs reported that in 2019, a transgender individual alleged a doctor refused to provide medical services due to the individual's transgender status. In 2020 the case was placed under administrative complaint procedures and through the help of Amnesty International the transgender individual was able to access her desired medical services.

While the law and implementing regulations establish procedures for changing one's legal gender, LGBTI NGOs maintained the provisions are too general, subject to misinterpretation and arbitrary decisions, and insufficiently protect the rights to health, privacy, and physical integrity of transgender persons. For example, NGOs reported only two psychiatrists were authorized to provide documentation required for individuals to begin the process, which resulted in waiting times of up to a year.

HIV and AIDS Social Stigma

NGOs reported HIV-positive individuals often faced stigma and discrimination in access to health care. For example, Activists for the Rights of People Living with HIV and medical experts from the Clinic for Infectious Diseases and Febrile Conditions reported that 90 percent of individuals living with HIV experienced discrimination in medical institutions due to their HIV status.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law does not prohibit antiunion discrimination or require reinstatement of workers fired for union activity; however, courts have ruled that the right to unionize is protected in law. NGOs reported that in practice employers have informally pressured employees to refrain from organizing or to deunionize, particularly workers in the metal industry and transport sector.

The law requires unionization of at least 10 percent of workers in a sector before the sector may engage in collective bargaining. The law restricts the right to strike for police, members of the military, and some other public employees, providing for arbitration instead. Local NGOs assessed that although penalties for violations were sufficient, a shortage of labor inspectors impeded the government's ability to effectively prevent, monitor, and deter violations. Judicial and administrative procedures were not subject to lengthy delays or appeals.

The government respected freedom of association and the right to bargain collectively.

b. Prohibition of Forced or Compulsory Labor

While the law prohibits all forms of forced or compulsory labor, and the government generally enforced the law, forced labor occurred and was most common in the metal and wood industry, construction, hospitality, and transport sectors. Local NGOs assessed that while penalties for violations were sufficient, there were concerns that the number of inspectors and resources dedicated to trafficking, coordination between labor inspectors and police, and the prioritization of prosecuting labor trafficking was insufficient, which impeded the government's ability to effectively prevent and monitor violations.

There were reports men, women, and children were subjected to forced labor in the construction sector and forced begging. A government report found minors and migrant workers were particularly vulnerable to forced labor or trafficking conditions, while fraudulent employment and recruitment of migrant workers remained a problem. Penalties were not commensurate with those for other analogous serious crimes, such as kidnapping.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The minimum legal age of employment is 15. The law limits hours, mandates rest periods, prohibits working in hazardous locations, and specifies adult supervision for workers younger than age 18. While no specific occupations are restricted, hazardous work locations specified by the law include those that are underground and underwater and those involving harmful exposure to radiation, toxic or carcinogenic agents, extreme cold, heat, noise, or vibrations. Penalties for child labor were not commensurate with those for other analogous serious crimes, such as kidnapping. Penalties related to child labor violations range from a fine to one year in prison and were sufficient to deter violations. The government generally enforced child labor and minimum age laws effectively. Nevertheless, children younger than 15 in rural areas often worked during the harvest season.

d. Discrimination with Respect to Employment and Occupation

The law establishes a general framework for equal treatment and prohibits discrimination with respect to employment or occupation based on race or ethnic origin, sex, color, religion, age, citizenship, disability, or sexual orientation. The

law specifically prohibits discrimination based on language or HIV-positive status. The government effectively enforced these laws. Penalties for violations range widely, depending on the type and size of the employing organization, and were sufficient to deter violations. Women's earnings were approximately 68 percent of those of men; in comparable positions, women's earnings were approximately 97 percent those of men. Under the law, women were prohibited from working in some industries.

There were few formal complaints of discrimination, although there were some reports of employment discrimination based on gender, age, and nationality. In certain sectors foreign workers are required to remain employed with their initial employer for a minimum of one year. Local NGOs assessed this requirement enabled labor exploitation through lower salaries, poor living conditions, and longer working hours. Migrant workers enjoyed the same labor rights as citizens, but they faced discrimination. Many migrants worked in the hospitality sector or in physically demanding jobs. Some migrant workers were not aware of local labor laws regarding minimum wage, overtime, health care, and other benefits, a problem compounded by language barriers.

One NGO estimated only 2 percent of Roma in the southeastern part of the country worked in the formal economy. Employment in informal sectors made Roma vulnerable to labor law violations, particularly in terms of benefits and procedures for termination of employment. Employment discrimination against Roma was not limited to a specific sector. The government attempted to address problems experienced by Roma (see also section 6, National/Racial/Ethnic Minorities).

e. Acceptable Conditions of Work

The national monthly gross minimum wage exceeded the poverty line. The official poverty line was increased from 662 (\$794) euros to 703 euros (\$823) per month for single-member households. The Ministry of Labor, Family, Social Affairs, and Equal Opportunities monitors minimum wage compliance and has inspection authority. According to NGOs and advocacy groups, authorities generally enforced the laws effectively, except in some cases involving migrant workers and asylum seekers, who faced conditions of exploitation. Penalties for violations were sufficient to deter violations.

Collective agreements determined whether workers received premium pay for overtime. The law limits overtime to eight hours per week, 20 hours per month, and 170 hours per year.

The European Trade Union Confederation reported five cases of potential labor exploitation of Slovenian nationals temporarily working in other EU countries to the European Labor Authority. A local trade union confederation expressed concern that authorities issued temporary work permits for its nationals to work in other EU countries based on false pretenses and without adequately monitoring the posted employees or checking for potential violations. The trade union confederation urged the government to adopt measures to prevent and combat such violations. Common examples of such exploitation included pay discrepancies between local workers (workers who are employed by companies in the country and also work there in the country) and posted workers (workers employed by companies in the country but whose job location is in other countries of the EU joint labor market), and companies neglecting to pay social security contributions or grant paid holidays and sick leave.

Special commissions under the Ministry of Health and the Ministry of Labor, Family, Social Affairs, and Equal Opportunities set occupational health and safety standards for workers that are appropriate for the main industries in the country. Workers may remove themselves from situations that endanger health or safety without jeopardizing their employment, and authorities effectively protected employees in this situation. Workers facing hazardous working conditions included professional divers, mountain rescuers, sailors, construction workers, and miners. Workers facing exploitative working conditions included those employed in construction, the transport sector, the wood industry, and exotic dancers. The government did not effectively enforce occupational safety and health laws. Penalties for violations of these laws were not commensurate with those for crimes like negligence.

The law requires employers to protect workers injured on the job. If incapacitated, such workers may perform other work corresponding to their abilities, obtain part-time work, and receive occupational rehabilitation and wage compensation.

The Ministry of Labor, Family, Social Affairs, and Equal Opportunities monitors labor practices and has inspection authority; police are responsible for investigating violations of the law. According to NGOs and advocacy groups, authorities enforced the laws effectively, except in some cases involving migrant workers and asylum seekers who faced conditions of exploitation. The International Labor Organization's Committee of Experts on the Application of Conventions and Recommendations observed that conflicts between laws governing inspection could lead to uncertainty over whether inspectors have the

right to access work sites. The law requires employers to make social security payments for all workers. The Free Legal Aid Society reported that employers of migrant workers usually did not deduct social security from paychecks, leaving those workers without a future pension or access to social services. The number of inspectors was insufficient to monitor potential labor contract or occupational safety and health violations; the committee of experts and NGOs reported an urgent need to increase the number of inspectors to keep up with the workload. Labor inspectors carried out some labor contract and occupational safety and health inspections, found violations, and issued penalties. The majority of violations took place in the wood processing industry, the metal industry, construction, and bars and restaurants.

There were no major industrial accidents during the year in which workers were injured.