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HUMAN
RIGHTS
OMBUDSMAN

Slovenian National Human Rights Institution (NHRI)

ALTERNATIVE REPORT

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1 INTRODUCTION

1.1 Purpose and role of the Ombudsman as a National Human Rights Institution (NHRI)

(Follow-up to paragraphs 16–17 of CERD/C/SVN/CO/8–11)

The Human Rights Ombudsman of the Republic of Slovenia (the Ombudsman) is the National Human Rights Institution (NHRI) of the Republic of Slovenia and holds A-status accreditation in accordance with the Principles relating to the Status of National Institutions (the Paris Principles).

In its 2016 concluding observations (CERD/C/SVN/CO/8–11), the Committee on the Elimination of Racial Discrimination (CERD) expressed concern about the absence of a national human rights institution mandated with human rights promotion and recommended the establishment of a fully independent NHRI in compliance with the Paris Principles, including adequate financial resources and institutional independence. The subsequent accreditation of the Ombudsman with A-status constitutes substantial implementation of that recommendation. In 2026, five years after accreditation, the Ombudsman is undergoing re-accreditation.

The Ombudsman's mandate, powers and guarantees of independence are regulated by the Human Rights Ombudsman Act (ZVarCP). The Ombudsman is an independent constitutional institution responsible for the protection of human rights and fundamental freedoms in relation to State authorities, bodies of local self-government and holders of public authority. The Ombudsman does not exercise jurisdiction over private persons as such.

The Ombudsman examines individual complaints, initiates ex officio proceedings, issues recommendations and proposals, and reports to the National Assembly. Since 2016, the institutional framework has been strengthened, including through the establishment within the Ombudsman of the Centre for Human Rights, which reinforces the analytical, promotional and international reporting dimensions of the mandate in line with the Paris Principles.

In 2026, following a period of approximately one year during which the position of Ombudsman remained vacant, a new ombudswoman was duly elected by the National Assembly. While the institution continued to perform its mandate throughout that period, the temporary vacancy highlighted the importance of ensuring continuity of leadership and security of tenure, which are core elements of the Paris Principles.

1.2 Purpose and scope of the alternative report

This report provides an independent and evidence-based assessment of selected aspects of Slovenia's implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). It focuses on systemic issues within the responsibility of public authorities and evaluates follow-up to the Committee's 2016 recommendations.

Particular attention is given to persistent structural issues affecting Roma and other groups protected under the Convention, developments affecting migrants, foreign nationals and persons referred to as "the erased", hate speech and hate-motivated violence, and recent legislative and policy developments with potential implications for equality and non-discrimination.

The assessment covers developments since the previous review cycle, with particular focus on the period 2020–2025 and relevant developments in 2026 to date. It is based on the Ombudsman's casework, including individual complaints and ex officio proceedings, findings

contained in annual reports, information obtained from competent authorities within the Ombudsman's statutory powers, and targeted input from civil society organisations. References to relevant paragraphs of CERD/C/SVN/CO/8–11 are included where appropriate.

2 LACK OF ETHNICALLY DISAGGREGATED DATA AND COMPREHENSIVE ANTI-DISCRIMINATION STRATEGY

(Article 2 of the Convention; Follow-up to paragraphs 4 and 5)

Slovenia has still not adopted a comprehensive anti-discrimination strategy.

Despite repeated recommendations by international monitoring bodies¹ and the Ombudsman, Slovenia has not established a coherent and operational legal and institutional framework enabling the lawful, voluntary and proportionate collection and use of ethnically disaggregated data necessary for the implementation, monitoring and evaluation of special measures within the meaning of Article 2(2) of the Convention.

The most recent comprehensive data on the ethnic composition of the population derive from the 2002 population census. Since then, no alternative rights-compliant mechanism has been introduced to ensure the regular, comparable and updated collection of data on ethnic diversity based on voluntary self-identification or a combination of appropriate indicators. This long-standing structural gap significantly limits the State's capacity to identify groups exposed to direct or indirect discrimination and to design, target and evaluate equality policies at national, regional and local levels.

The Committee further recommended the collection of up-to-date information on the use of mother tongues as an indicator of ethnic diversity. To date, no legislative or methodological framework has been adopted to operationalise this recommendation. Data on the use of mother tongues are therefore not systematically integrated into equality monitoring mechanisms.

Since January 2023, the Personal Data Protection Act (ZVOP-2) formally permits, under the conditions set out therein, the processing of personal data relating to national or ethnic origin in the public sector. However, such processing requires a clear legal basis, compliance with strict proportionality requirements and the adoption of appropriate safeguards, including sector-specific implementing provisions. To date, no comprehensive sectoral framework has been enacted in key policy areas such as employment, housing, social protection or health care. A limited exception has been introduced in the field of education. Amendments to the Elementary School Act (ZOsn-L, 2025) explicitly allow primary schools to process data on affiliation with the Roma community for the purpose of promoting equal treatment, equal opportunities and the enjoyment of guaranteed individual rights of Roma pupils (Article 33 of ZOsn-L, amending Article 97 of the Elementary School Act, in conjunction with Article 95 thereof).

At the same time, the legal framework for such data collection is further specified by Article 31 of ZOsn-L, which amends Article 95 of the Elementary School Act by explicitly including data

¹ In addition to the Committee, other international monitoring bodies have also expressed concern, including the European Commission against Racism and Intolerance (ECRI), *ECRI Report on Slovenia (sixth monitoring cycle)*, adopted 2 July 2025, published 30 October 2025; Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC), *Fifth Opinion on Slovenia*, ACFC/OP/V(2021)9, adopted 18 May 2022, published 22 September 2022, paras. 33–38.

on affiliation with the Roma community among the categories of personal data collected, and by requiring that such data be collected with the consent of parents.

Consequently, outside this specific and narrowly defined context, data on ethnic origin are not systematically collected or used in the implementation of policies aimed at addressing structural inequalities, including those affecting the Roma community.

This normative gap in the collection and use of ethnically disaggregated data has direct operational consequences. This is evident, *inter alia*, in the monitoring of the National Programme of Measures of the Government of the Republic of Slovenia for Roma for the Period 2021–2030 (NPUR 2021–2030)², where, as identified by the Ombudsman in 2025, the absence of equality data has significantly limited the development of measurable indicators and evidence-based assessment, and contributed to delays in the preparation of the first comprehensive evaluation foreseen for the first half of 2023. Similar limitations affect the assessment of targeted measures in education and employment.

Article 65 of the Constitution of the Republic of Slovenia obliges the legislature to regulate the status and special rights of the Roma community. However, the continued absence of a legally defined and rights-compliant framework for determining ethnic affiliation on the basis of voluntary self-identification substantially undermines the practical enforceability of these constitutional guarantees.³

The Ombudsman has identified since 2019 a broader structural deficiency concerning the absence of systematic collection of disaggregated equality data across different areas of social life and has repeatedly emphasised that the adoption of ZVOP-2, in itself, does not ensure effective equality data collection. In its Annual Report for 2024, the Ombudsman reiterated Recommendation No. 6 (2019), calling on the competent authorities to ensure the systematic collection of disaggregated data based on protected personal characteristics across different areas of social life in order to enable an accurate assessment of the situation and trends regarding (in)equality in society.

The Ombudsman considers that the Committee's recommendations concerning the establishment of a functional and rights-compliant framework for the collection and use of ethnically disaggregated data have not yet been implemented.

3 THE ROMA COMMUNITY

(Articles 2 and 5 of the Convention)

3.1 Structural Differentiation within the Roma Community (Autochthonous / Non-autochthonous)

(Follow-up to paragraph 7)

As previously noted by the Committee, the distinction between “autochthonous” and “non-autochthonous” Roma raises concerns regarding its potentially discriminatory effects in the enjoyment of rights under the Convention. The Ombudsman has consistently maintained that the use of autochthonous settlement as a criterion for determining the scope of specific

² Government of the Republic of Slovenia, *Nacionalni program ukrepov Vlade Republike Slovenije za Rome za obdobje 2021–2030*, adopted 23 December 2021 (hereinafter: NPUR 2021–2030).

³ See further analysis in the subsequent chapters of this report, especially Chapters 3–6.

collective Roma rights results in differential treatment within the same ethnic group and entails a risk of indirect discrimination on grounds of ethnic origin.

The criterion operates primarily through territorial and administrative designations, most notably in local political participation, where representation mechanisms are limited to Roma residing in municipalities designated as having an autochthonously settled Roma population. Roma living outside such municipalities are excluded from these arrangements despite belonging to the same ethnic community.

No comprehensive reform has been undertaken to eliminate this differentiation. The Ombudsman therefore considers that the Committee's recommendation in paragraph 7 has not been implemented.

3.2 Housing, Security of Tenure, Spatial Segregation and Access to Basic Infrastructure

(Follow-up to paragraphs 6(b)–(d) and 7(b)–(d))

Roma settlements in Slovenia remain, to a significant extent, legally and communally unregulated. This structural condition perpetuates spatial segregation, undermines security of tenure and reflects persistent deficiencies in the allocation of responsibilities between the State and municipalities. The Government reiterates that spatial planning, communal infrastructure and legalisation of structures fall primarily within municipal⁴ competence under domestic law, while the State participates mainly through financial support mechanisms, including earmarked transfers pursuant to Article 20.a of the Financing of Municipalities Act (ZFO-1).

The official list of identified Roma settlements includes 83 settlements. The 2025 public call for co-financing basic municipal infrastructure explicitly acknowledges that many of these settlements remain communally unregulated or insufficiently regulated, indicating persistent structural deficiencies.⁵ Under the existing legal framework, access to public communal infrastructure – including water supply and electricity – is generally conditioned upon ownership or legal title to land. This requirement disproportionately affects Roma residing in informal settlements with limited housing alternatives and constitutes a structural obstacle to access to basic services.

The 2025 Government report on the Situation of the Roma Community in Slovenia does not indicate the adoption of a specific legislative reform designed to provide a durable solution for long-standing Roma settlements located on agricultural land.⁶ The absence of a targeted legal mechanism adapted to the structural characteristics of such settlements perpetuates legal uncertainty and insecurity of tenure.

Deficient access to communal infrastructure remains a core manifestation of segregation. In several settlements, access to drinking water and electricity is not secured through regular individual household connections but through temporary, shared or exceptional arrangements.

⁴ Government of the Republic of Slovenia, *Eleventh and Twelfth Report of the Government of the Republic of Slovenia on the Situation of the Roma Community in Slovenia*, 18 November 2025 (hereinafter: Government Report 2023–2024), Chapter 2.5 (and Chapters 3.1–3.2), p. 17.

⁵ Ministry for Cohesion and Regional Development of the Republic of Slovenia, *Public Call for Co-financing Basic Municipal Infrastructure in Roma Settlements in 2026 and 2027*, 15 December 2025, Available at: <https://www.gov.si/zbirke/javne-objave/httpswww-gov-sidrzavni-organiministrstvaministrstvo-za-kohezijo-in-regionalni-razvojjavne-objave-ministrstva-za-kohezijo-in-regionalni-razvoj/>.

⁶ Government Report 2023–2024, Chapter 2.5

Despite the judgment of the European Court of Human Rights (ECtHR) in *Hudorovič and Others v. Slovenia* (2020)⁷, which addressed the lack of access to safe drinking water and sanitation in Roma settlements and clarified that such conditions fall within the scope of the right to private and family life and human dignity, while at the same time emphasising the State's positive obligations to progressively ensure minimum living conditions for marginalised communities, no comprehensive legislative or policy reform has been adopted to prevent recurrence of similar situations.⁸

A central structural deficiency concerns the failure of several municipalities to adopt and implement mandatory sectoral programmes for the exercise of Roma special rights under Roma Community in the Republic of Slovenia Act (ZRomS-1). Government reporting confirms variability in the adoption and implementation of such programmes across municipalities.⁹ These programmes are indispensable for coherent spatial planning, legalisation or orderly regulation of settlements and the provision of communal infrastructure. In 2025, the Ombudsman established that nine out of 20 municipalities with guaranteed Roma representation had not fulfilled statutory obligations in this regard. The absence of effective State supervision and corrective mechanisms in cases of municipal non-compliance reflects a failure to discharge the State's positive obligation to prevent discriminatory effects of local-level omissions.

Although additional State funds have been allocated to municipalities in recent years to support Roma settlements, including transfers under Article 20.a of the Financing of Municipalities Act (ZFO-1)¹⁰, no clearly defined and transparent mechanism previously ensured effective oversight of their use. The absence of earmarking, monitoring and evaluation limited the State's ability to demonstrate that such funds contributed to desegregation and improved living conditions rather than entrenching existing patterns of spatial separation.

In 2023, the Ombudsman addressed the Government regarding the non-earmarked or insufficiently targeted use of funds allocated to municipalities with Roma populations and treated the matter as one of systemic compliance. The Ombudsman raised concerns as to whether these funds were being used for their intended purpose and questioned whether funds under Article 20.a could be allocated to general social measures benefiting all residents, such as school transport, subsidies or public works employment, instead of being primarily directed at improving living conditions in Roma settlements. The Ombudsman emphasised that improving housing conditions, access to drinking water, sanitation and a healthy environment constitutes a statutory obligation of municipalities under the ZRomS-1.

Following this engagement, the Government acknowledged that the wording of Article 20.a did not sufficiently ensure earmarked spending. The Ministry of Public Administration informed the Ombudsman that an amendment had been prepared to clarify and strengthen the earmarking requirement. The Ombudsman subsequently issued a formal recommendation urging the Government to submit amendments to the ZFO-1 requiring that funds allocated to municipalities with Roma populations be earmarked and primarily used to improve the living conditions of members of the Roma community.

⁷ ECtHR, *Hudorovič and Others v. Slovenia*, applications nos. 24816/14 and 25140/14 (2020); the Court found no violation.

⁸ ECRI, paras. 83–85.

⁹ Government Report 2023–2024, Annex 2, (municipal reporting on sectoral programmes).

¹⁰ Government Report 2023–2024, Chapters 3.1–3.2.

This was subsequently followed by the adoption of amendments to ZFO-1E in March 2025, which introduced an explicit earmarking requirement and imposed a reporting obligation on municipalities regarding the use of these funds.

The situation in the Roma settlement Smrekec (Municipality of Grosuplje) illustrates the persistence of unresolved legal status and infrastructural deficiencies. Despite repeated recommendations by the Ombudsman, durable solutions ensuring regular access to communal services have not been implemented, and the Government declined to exercise substitute measures following municipal inaction. The Ombudsman explicitly assessed that the State had not exhausted the legal and administrative powers at its disposal to secure access to drinking water, particularly where risks to health and human dignity are at stake.

In January 2026, the Government announced a pilot project aimed at the legal regulation of selected Roma settlements. While this initiative may represent a potentially positive development, its effectiveness will depend on whether it leads to genuine security of tenure, desegregation and equal access to infrastructure, rather than the consolidation of existing patterns of spatial separation.

The Ombudsman therefore considers that the Committee's recommendations concerning housing, security of tenure, spatial planning, desegregation and effective access to basic services have not yet been fully implemented.

3.2.1 Illustrative cases from the Ombudsman's monitoring practice

The structural deficiencies outlined above — including the conditioning of infrastructure access on legal title, the failure to adopt mandatory sectoral programmes and the absence of effective State substitute intervention — are reflected in several concrete cases examined by the Ombudsman, demonstrating how prolonged legal uncertainty, unresolved land-tenure status and fragmented allocation of responsibilities between municipal and State authorities translate into persistent inadequate housing conditions.

A particularly severe and emblematic case of systemic denial of access to safe drinking water concerns the Roma settlement Smrekec in the Municipality of Grosuplje, monitored continuously between 2023 and 2025. Following an on-site visit in 2023, the Ombudsman established that residents did not have individual household connections to the public water supply. Access to drinking water was limited to temporary and inadequate arrangements rather than secure, permanent household-level connections. Access to electricity was likewise not regulated through individual connections and remained dependent on unresolved land-tenure status and provisional solutions. Adjacent to the settlement runs a stagnant drainage ditch filled with waste and algae, emitting intense odours. Residents reported chronic respiratory illnesses affecting both adults and children.

Environmental analyses conducted by competent authorities had previously confirmed exceedances of hazardous substances in the soil, associated inter alia with unlawful waste burning. The public utility company identified sewage overflow and stagnation of wastewater, indicating that remediation required comprehensive cleaning of the watercourse. Despite these findings, effective remediation measures were not implemented. Responsibility for action was repeatedly shifted between the municipality, water authorities and other competent bodies, while no coordinated intervention took place.

The Municipality limited its response primarily to temporary measures, including the provision of portable chemical toilets, without ensuring public access to safe drinking water through

regulated connection points, remediation of the polluted drainage ditch, regulated electricity connections or adoption of the mandatory sectoral programme under ZRomS-1. The Ombudsman emphasised that ensuring access to drinking water does not imply legalisation of informal constructions and may be achieved through public access points or substitute supply mechanisms. The Ombudsman further stressed that the provision of safe drinking water in this case would have been technically and financially feasible.

In light of continued municipal inaction, the Ombudsman addressed the Government of the Republic of Slovenia, recalling that the State bears ultimate responsibility for the protection of human rights within its territory. The Ombudsman referred to the constitutional framework and the existing legal bases enabling substitute intervention where municipalities fail to fulfil statutory obligations. The Ombudsman explicitly assessed that the State had not exhausted the legal and administrative powers at its disposal to secure access to drinking water. The Government nevertheless declined to adopt substitute measures and referred responsibility back to the municipality. The situation remained unresolved in 2025.

The human consequences of prolonged infrastructural deprivation were further illustrated in the Roma settlement of Goriča vas (Municipality of Ribnica), where an infant died at the end of 2019. Although the Ombudsman does not determine individual criminal or civil liability, the case was cited as an extreme manifestation of the risks associated with long-term substandard living conditions, inadequate access to safe drinking water and sanitation, and limited access to health-related services in segregated settlements.

In 2024, the Ombudsman addressed public statements by the Mayor of the Municipality of Ribnica, who indicated that the provision of water connections in certain Roma settlements would be conditional upon prior “integration” requirements, such as regular school attendance of children or other behavioural conditions. The Ombudsman stressed that access to safe drinking water constitutes a basic precondition for human dignity and the effective enjoyment of other rights and must not be made contingent upon collective or behavioural conditions. Conditioning essential public utilities in this manner raises serious concerns of unequal treatment and risks entrenching discriminatory patterns in access to basic services.

In the Roma settlement of Beltinci, examined in 2025, the Ombudsman found that the municipality had failed to adopt the mandatory programme and measures required under ZRomS-1, despite this statutory obligation having existed for many years and already having been due in the previous decade. Living conditions remained critically substandard, including makeshift dwellings and the absence of regulated access to water, sanitation and electricity. Residents and local social services reported inadequate household facilities and reliance on informal or provisional infrastructure. The prolonged absence of the legally required programme prevented structured spatial planning, hindered gradual infrastructural improvement and sustained segregated living conditions.

At the systemic level, the Ombudsman has repeatedly identified the absence of a permanent and legally defined national mechanism for systematic monitoring of the legalisation status and infrastructural conditions of Roma settlements. Although ministries have intermittently collected data—most recently by requesting updated information from municipalities due to the obsolescence of earlier studies—no authority has been designated to continuously monitor progress in legalisation, water supply, electricity provision and sewerage access. This institutional gap limits timely corrective intervention and contributes to the persistence of situations such as those described above.

Regional disparities further illustrate the structural character of the problem. The most acute deficiencies have been recorded in parts of south-eastern Slovenia, where several settlements continue to lack regulated access to water, electricity and sewerage and are located on land without resolved legal status. In contrast, conditions are comparatively better in certain municipalities that have adopted proactive local programmes and invested in integrative housing solutions.

In 2025, the Ombudsman also addressed the broader legislative context of housing exclusion. Referring to the position expressed by the Ministry for a Solidary Future in the Government's response to the Ombudsman's 2023 Annual Report, according to which Roma cannot be treated as a priority category in access to public rental or non-profit housing due to the alleged impossibility of proving formal affiliation with the Roma community, the Ombudsman rejected such reasoning. The Ombudsman underlined that the Constitution recognises the specific status of the Roma community and permits the adoption of affirmative measures, and that data-protection legislation allows for the processing of data on ethnic origin where supported by an appropriate sector-specific legal basis. The absence of targeted housing measures was therefore characterised as a legislative gap rather than a legal impossibility, thereby limiting effective remedies for entrenched housing exclusion.

3.3 Access to Rights

3.3.1 Education

(Follow-up to paragraphs 6(a) and 7(a))

Roma children in Slovenia continue to face persistent structural barriers to effective access to quality and inclusive education. The Ombudsman finds that these barriers stem primarily from poverty, spatial segregation, inadequate living conditions and systemic shortcomings in the design and monitoring of public policies, rather than from individual choice.

The continued absence of a comprehensive framework for the systematic collection of ethnically disaggregated data limits the evaluation of special measures. According to a study by the Institute for Ethnic Studies, the completion rate for all nine grades of primary school among Roma students is 21.3% at national level, and only 12.3% in south-eastern Slovenia.¹¹

Early school leaving remains significantly higher among Roma pupils than in the general population, with a particularly adverse impact on girls. Qualitative findings of the Advocate of the Principle of Equality indicate that early school withdrawal in certain communities is closely linked to traditional gender expectations and early assumption of adult roles by girls, including early partnerships and marriage.¹² Such patterns contribute to premature disengagement from education and reinforce structural gender- and ethnicity-based disadvantage.¹³

Low participation in early childhood education constitutes a key structural obstacle. The inclusion of Roma children in kindergartens remains significantly lower than that of the general population.

¹¹ Institute for Ethnic Studies, *Uspešnost romskih učencev v osnovnih šolah v Sloveniji v obdobju 2016/17–2021/22* [Performance of Roma Pupils in Primary Schools in Slovenia 2016/17–2021/22], Ljubljana, 2022.

¹² See also section 3.6 Protection of Children and Women: Forced and Early Marriages.

¹³ Advocate of the Principle of Equality, *Izzivi pri vzgoji in izobraževanju romskih otrok in mladostnikov – Posebno poročilo* [Challenges in the Education of Roma Children and Adolescents – Special Report], Ljubljana, 2025, p. 51.

The Advocate of the Principle of Equality noted that the lower educational performance of Roma children is significantly influenced by the fact that they are, in most cases, not enrolled in organised pre-school programmes prior to starting primary education. Pre-school education is not compulsory, and Roma parents largely do not trust kindergartens as institutions, and therefore usually take care of their youngest children themselves. Children from Roma settlements, where their mother tongue is spoken at home and Slovenian is not used, thus encounter the language in which they are suddenly expected to think, read and speak only when they enter primary school. They also encounter, for the first time, the structure and functioning of educational institutions.¹⁴

Although the NPUR 2021–2030 provides for a 240-hour preschool programme for children not previously enrolled in kindergarten, its implementation remains limited and dependent on applications by individual institutions for earmarked funding.¹⁵ As a result, many Roma children who do not attend preschool education (kindergartens) enter primary school without adequate knowledge of Slovenian, increasing the risk of placement in programmes with adapted implementation and lower academic expectations, with long-term consequences for further education and employment.

Concerns regarding de facto segregation persist. Government data indicate that, in 2024, five kindergartens operated eight segregated Roma preschool groups, including units located within Roma settlements.¹⁶ Separation practices have been noted in certain primary schools for example separate receptions for Roma and non-Roma first-grade pupils (reported in Ribnica on 1 September 2024). Roma children are disproportionately represented in classes for children with special educational needs; estimates indicate that 30–40% of pupils in such classes are Roma, although Roma represent approximately 0.5% of the total population. According to information received by ECRI, insufficient knowledge of Slovene has been cited as one of the reasons for such placement.¹⁷ Research conducted by the Advocate further indicates that some parents were not adequately informed about redirection procedures to adapted programmes, raising concerns as to informed consent and equal procedural safeguards.¹⁸

Individual casework further illustrates the persistence of discriminatory practices. In 2024, the Ombudsman examined a complaint concerning a Roma primary school pupil whose teacher stated, in front of classmates, that the child would not complete school and would be married off by her parents. Such conduct may constitute harassment under anti-discrimination law, as it creates an intimidating and degrading environment and undermines the child's dignity. The reference to marriage is particularly concerning in light of the documented occurrence of early and forced marriages affecting Roma girls.

Low educational attainment and limited access to stable employment remain disproportionately prevalent among Roma women, reflecting cumulative disadvantage linked to ethnicity, gender and socio-economic status.¹⁹

¹⁴ Ibid, p. 4.

¹⁵ NPUR 2021–2030, p. 18.

¹⁶ Government Report 2023–2024, Chapter 2.5, p. 9.

¹⁷ ECRI, para. 89.

¹⁸ Advocate of the Principle of Equality, *Challenges in the Education of Roma Children and Adolescents – Special Report*, Ljubljana, 2025, p. 40.

¹⁹ Silvo Devetak et al. (eds.), *Zaposlitvene možnosti pripadnikov romske skupnosti v Sloveniji – stanje in priporočila = Mogućnosti zapošljavanja pripadnika romske zajednice u Srbiji – stanje i preporuke =*

The establishment of positions for Roma assistants, introduced in the 2021/2022 school year, represents a positive development. For the 2023/2024 school year, the Ministry of Education approved 19 Roma assistant positions in kindergartens (including 13 full-time posts) and 66 in primary schools. As of 1 January 2025, these positions have been formally recognised as “Roma helpers”, no longer classified under the framework applicable to assistants for children with disabilities. They receive specific training and play an important mediating role between schools and Roma communities.²⁰ However, their number remains limited and their mandate does not extend to full pedagogical functions. While valuable, these measures do not substitute for comprehensive structural reform aimed at ensuring inclusive education.

The Ombudsman also notes local initiatives, such as community-based day-care centres operating within certain Roma settlements, which provide psychosocial support and educational assistance, although their availability remains limited.

Recent legislative amendments adopted (ZNUZJV) in 2025 link the modality of certain social benefits, including child benefits, to regular attendance of compulsory primary education, allowing for the temporary replacement of cash payments with in-kind support in cases of unjustified absenteeism. Such measures risk disproportionately affecting children from marginalised environments, and they address consequences rather than structural causes of exclusion.

In the Ombudsman’s assessment, despite strategic documents and certain positive initiatives, the State has not ensured a sustained reduction of educational inequalities affecting Roma children. The predominance of short-term, project-based support measures, as identified by the Advocate, further limits sustainability and long-term impact of inclusion policies.²¹

The Ombudsman would also like to highlight that effective access to education is closely linked to living conditions. Complaints concerning Roma settlements such as Smrekec and Beltinci demonstrated that lack of electricity, drinking water and adequate sanitation directly impairs children’s ability to study and participate in education on equal terms. This was also demonstrated in the Ombudsman’s 2020 study on distance learning during the COVID-19 pandemic for Roma pupils, which showed that inadequate living conditions, lack of access to electricity and technology, and limited parental support significantly hinder Roma children’s effective participation in education and exacerbate existing inequalities.

3.3.2 Health Care and Social Protection

(Follow-up to paragraphs 6(f) and 7(f))

The Roma community in Slovenia continues to experience significant health inequalities compared to the majority population. Data published by the National Institute of Public Health indicate that Roma men have an average life expectancy of approximately 48 years and Roma women 63 years, which is at least 20 years lower than the national average. Premature

Employment Opportunities of Members of the Roma Community in Slovenia and Serbia – Situation and Recommendations (Summary), Maribor: ISCOMET – Institute for Ethnic and Regional Studies, 2022, p. 32–34. (hereinafter: Devetak et al. (ISCOMET, 2022)). Available at: <https://www.iscomet.org/ZAPROMBOOK.pdf>.

²⁰ ECRI, para. 89.

²¹ Advocate of the Principle of Equality, *Challenges in the Education of Roma Children and Adolescents – Special Report*, Ljubljana, October 2025, p. 56.

mortality among Roma reaches 69%, compared to 19% in the general population. Mortality of Roma children aged one to five is reported to be seven times higher than the national average. Roma are disproportionately affected by respiratory, infectious, circulatory and gastrointestinal diseases, and Roma women are more frequently hospitalised in relation to pregnancy and childbirth.²²

These disparities are closely linked to structural determinants of health, including poverty, spatial segregation, substandard housing conditions, lack of access to basic infrastructure, environmental burdens and long-standing social exclusion. Although formal entitlement to healthcare is guaranteed under national legislation, effective access may in practice be limited due to structural and socio-economic barriers.

In settlements such as Smrekec (Municipality of Grosuplje), the Ombudsman documented contamination of soil and watercourses, unlawful waste burning and the absence of regulated access to safe drinking water. Such conditions were assessed as posing serious risks to health. Prolonged exposure to polluted environments, combined with inadequate sanitation and electricity, increases vulnerability to respiratory and infectious diseases and undermines basic hygiene standards. In Goriča vas (Municipality of Ribnica), the death of an infant in 2019 was cited as an illustration of the potential human consequences associated with long-term infrastructural deprivation and limited access to essential services.²³

Roma women face particular obstacles in accessing reproductive and gynaecological services. Preventive programmes are underutilised, and entry into maternal healthcare frequently occurs at a later stage. Structural isolation of settlements, limited health literacy, digital exclusion and reduced trust in public institutions contribute to these outcomes. Reports of communication barriers and inappropriate or stereotypical attitudes in healthcare settings further affect effective access.²⁴

The Ombudsman observes that existing policy frameworks do not include a comprehensive and measurable preventive healthcare programme specifically addressing the needs of Roma communities. Current measures remain fragmented and largely project-based. The NPUR 2021–2030 does not contain specific health equality indicators enabling systematic evaluation of progress. In addition, the absence of a coherent and rights-compliant framework for the systematic collection of ethnically disaggregated health data limits the capacity to assess developments and measure the effectiveness of policies aimed at reducing disparities.

Cases monitored by the Ombudsman demonstrate that prolonged exposure to inadequate infrastructure and environmental risks in certain settlements may seriously endanger health and dignity. Where such conditions persist, coordinated action by competent authorities is required to ensure effective protection of rights. Prolonged environmental pollution in certain settlements also raises concerns in relation to the right to a healthy living environment under Article 72 of the Constitution of the Republic of Slovenia.

²² National Institute of Public Health (NIJZ), Tatjana Krajnc Nikolić et al., *Javnozdravstveni pristopi, namenjeni romski etnični skupnosti v Sloveniji* [Public Health Approaches Targeting the Roma Ethnic Community in Slovenia], Ljubljana, 2018, p. 41, Available at: https://nijz.si/wp-content/uploads/2022/07/javnozdravstveni_pristopi_romi.pdf.

²³ See also section 3.2 Housing, Security of Tenure, Spatial Segregation and Access to Basic Infrastructure.

²⁴ NIJZ, p. 62.

The Ombudsman considers that the Committee's recommendation under paragraph 7(f) has not yet been fully implemented.

3.3.3 Employment

Follow-up to paragraph 6(f) and 7(f)

Slovenia does not have a comprehensive data framework enabling effective monitoring of the inclusion of Roma in the labour market. Ethnically disaggregated data are not systematically collected in administrative records, and Roma affiliation may be recorded only where individuals voluntarily self-identify.²⁵ As a result, while the State monitors participation in labour-market measures, it lacks reliable information on employment rates, job stability, working conditions or the comparative position of Roma in the open labour market.

In 2023, the Employment Service of Slovenia, which is authorised to maintain records of persons who voluntarily self-identify as Roma, registered 2,180 self-identified Roma as unemployed, while only 277 were recorded as employed (164 men and 113 women).²⁶ The proportion of registered unemployed persons compared to those recorded as employed indicates extremely low levels of formal employment among self-identified Roma and reflects persistent structural exclusion from the labour market. According to ECRI civil society organisations report even higher levels of unemployment in certain regions, with rates exceeding 90% and in some areas approaching full exclusion from formal employment.²⁷

The Ombudsman considers this monitoring system inadequate. The absence of reliable data prevents an effective assessment of equal access to employment and weakens the identification and substantiation of discrimination.

Although the Government reports high participation rates of Roma in activation and employment measures under the NPUR 2021–2030, these figures do not permit evaluation of the sustainability or quality of employment. Available information indicates a predominance of short-term and non-standard work, particularly within public works schemes, which do not ensure long-term labour-market integration.²⁸ Data do not demonstrate a significant transition from temporary activation measures to stable employment in the open labour market.²⁹

Low educational attainment remains a key structural barrier. The Ombudsman established in 2022 that among 1,265 unemployed Roma registered with incomplete primary education, only 120 were enrolled in adult education programmes. Data for 2023 and 2024 confirm that this structural gap persists: at the end of 2023, 1,205 unemployed Roma had incomplete primary education, while only 191 (approximately 16%) were enrolled in adult education; at the end of 2024, 1,158 remained without completed primary education and only 158 (approximately 14%) were enrolled.³⁰ This limited participation substantially restricts employability and undermines the long-term effectiveness of employment measures.

Research further indicates that discriminatory attitudes and practices by employers continue to affect Roma jobseekers, including stereotyping and reluctance to employ Roma without

²⁵ Government Report 2023–2024, Chapter 2.2 (Employment), p. 13.

²⁶ *Ibid.*

²⁷ ECRI, para. 93.

²⁸ Devetak et al. (ISCOMET, 2022), 40–42.

²⁹ ECRI, para. 94; Government Report 2023–2024, Chapter 2.2.

³⁰ Government Report 2023–2024, Annex 1, Chapter 2 (Employment).

additional incentives. Roma remain underrepresented in stable employment in the open labour market.³¹

Low educational attainment and early school leaving continue to have a particularly severe impact on Roma women and girls, substantially reducing their future employment opportunities. Available information indicates that the employment rate of Roma women is extremely low, especially in Dolenjska, Posavje, Kočevsko and Bela krajina, while even in regions with somewhat better outcomes their access to employment remains limited and precarious. Interviews conducted within the ZAPROM project further suggest that Roma women are frequently confined to short-term, seasonal or public-works employment and may also face family-level constraints affecting their participation in employment.³²

The persistent exclusion of Roma from stable and equal participation in the labour market reflects structural inequality. In the Ombudsman's assessment, the Committee's recommendation in paragraph 7(f) to provide effective access for Roma to the formal labour market has not yet been fully implemented, and monitoring mechanisms remain insufficient to demonstrate effective progress.

3.4 Political Participation

(Follow-up to paragraphs 10–11)

Although Roma are formally guaranteed representation at the local level through the election of a Roma councillor in municipalities where special Roma rights apply, the Ombudsman's monitoring consistently shows that their participation in public affairs remains predominantly formal, territorially restricted and institutionally fragile.

The system of guaranteed local representation is structurally limited. The right to elect a Roma councillor applies only in designated municipalities and is linked to the legally recognised framework of "autochthonous" Roma communities. This territorial and status-based limitation continues to affect the practical scope of Roma political participation and contributes to unequal access to political representation among Roma residing in different municipalities

In 2022, the Ombudsman identified structural shortcomings in the framework governing the exercise of the special electoral rights of members of the Roma community at the local level. The criteria for entry in the electoral register, adopted by the Council of the Roma Community of the Republic of Slovenia in 2016, were not published in the Official Gazette as required by law, with the Council itself acknowledging that it "did not know that it had to do so". As a result, accessibility and application of these criteria varied across municipalities, with some applying them, others lacking clear rules, and in several cases their existence or content could not be established.

Deficiencies were also identified in the implementation of the system. Special municipal commissions processed 938 declarations under the Register of Voting Rights Act (Z EVP-2) and 1,809 under Z EVP-1; however, several municipalities were unable to provide complete data due to the absence of archives, inadequate record-keeping or administrative changes. The Ombudsman concluded that the total number of recognised electoral rights remains unreliable, as records were not systematically maintained and were kept inconsistently across municipalities.

³¹ Devetak et al. (ISCOMET, 2022), *ibid.*

³² *Ibid.*

These shortcomings, as identified in 2022, are reflected in limited participation in the exercise of electoral rights. Declarations are often submitted only in election periods, and some municipalities reported low voter turnout.

At the national level, Roma continue to lack any form of guaranteed representation in the National Assembly. Unlike the Italian and Hungarian national communities, Roma have no constitutionally protected parliamentary seat, nor does electoral legislation provide compensatory mechanisms to ensure their effective participation in national legislative processes. A draft amendment to the Roma Community Act proposed in 2025, which envisaged restructuring the Council of the Roma Community and introducing municipal Roma coordinators, was not adopted.

Roma political participation in Slovenia consequently continues to raise concerns, and structural shortcomings identified by the Committee in 2016 remain unresolved.

3.5 Participation of other minorities

(Follow-up to paragraphs 10–11)

Reserved parliamentary representation under the Constitution remains limited to the Italian and Hungarian national communities.

The Roma community enjoys a specific constitutional basis of protection under Article 65 of the Constitution, which provides for the regulation of its status and special rights by law. By contrast, other minority communities are not recognised as national communities under the Constitution and rely primarily on individual cultural rights under Article 61 and on statutory or policy-based support mechanisms.

The German-speaking ethnic group benefits from bilateral cultural cooperation between Slovenia and Austria under the applicable cultural agreement. The Ministry of Culture has established a Working Group for Permanent Dialogue with representatives of the German-speaking ethnic group. This framework supports cultural, educational and funding-related activities; however, it remains consultative and does not alter the constitutional framework of minority recognition.

With regard to the national communities of the nations of the former SFRY, the National Assembly adopted the 2011 Declaration on their status following repeated recommendations by the Ombudsman. Subsequently, in June 2024, the Act on the Exercise of Cultural Rights of Members of National Communities of the Nations of the Former SFRY (ZUKPPNS) entered into force, establishing a statutory framework for cultural rights, public financing and consultative dialogue. The Act does not amend the constitutional or electoral framework governing minority recognition.

The Ombudsman considers that, while recent legislative and institutional measures represent progress in the field of cultural protection and dialogue, the constitutional framework continues to distinguish between constitutionally recognised national communities, the Roma community under Article 65, and other traditionally present minority communities whose protection remains limited in scope.

3.6 Protection of Children and Women: Forced and Early Marriages

(Follow-up to paragraph 7(e))

Early and forced marriages continue to raise concerns in relation to Roma people. Although trafficking in human beings and exploitation are criminalized (Articles 113 and 132a of the Criminal Code (KZ-1)), and protective mechanisms exist under family and social-welfare legislation, implementation in practice reveals persistent structural deficiencies in prevention, early identification and enforcement of early and forced marriages.

In 2022, the Ombudsman examined the handling of early and forced marriages within the system of Centres for Social Work (CSWs). No formally registered cases involving minors were reported. At the same time, several CSWs acknowledged that early marriages and the withdrawal of minors from protective environments occur in practice, particularly in certain Roma communities. This discrepancy indicates systemic under-identification and deficiencies in detection and recording mechanisms rather than the absence of the practice.

Structural weaknesses continue to undermine preventive and protective responses. Proactive fieldwork and early-warning mechanisms remain insufficient, especially in segregated Roma settlements. Reported obstacles include limited staffing, high caseloads, lack of specialised training, insufficient cultural mediation and language support, and weak coordination among CSWs, schools, registry authorities, police and health services. These shortcomings significantly limit timely identification of children at risk and the effectiveness of protective intervention.

Slovenia has not established a systematic framework for collecting and publishing reliable, ethnically disaggregated data on the prevalence of early and forced marriages, including data concerning minors from vulnerable groups. Nor are comprehensive data available enabling assessment of investigations, prosecutions and convictions under Articles 113 and 132a of the KZ-1. In the absence of such data, enforcement cannot be objectively evaluated and the State is unable to provide detailed information on the extent of the practice.

The Ombudsman has repeatedly emphasised that early and forced marriages must not be relativised as a cultural issue. Public authorities are under a positive obligation to ensure that all children and women are effectively protected from coercion, exploitation and violence and are able to exercise the right to freely enter into marriage. Where systemic deficiencies in identification, monitoring and protection disproportionately affect members of a particular ethnic group, such deficiencies result in unequal protection in practice and are directly relevant under Article 2(1)(c), which requires the review of policies and measures that perpetuate discriminatory effects, as well as under Article 5(b), 5(d)(iv) and 5(e)(iv), which guarantee equal protection against violence, the right to marriage and choice of spouse, and equal access to social services without discrimination.

The Ombudsman recommended systemic measures to strengthen early identification capacities, harmonise operational protocols and guidance for CSWs and other competent authorities, ensure regular and specialised professional training, reinforce sustained field presence in high-risk environments, and enhance structured cooperation with non-governmental organisations experienced in prevention and victim support. Although certain staffing increases have been reported, these measures do not yet constitute a comprehensive and proportionate response to the structural nature of the problem.

In light of persistent under-identification, limited preventive outreach and the absence of systematic and disaggregated data collection, the Ombudsman considers that the paragraph 7(e) has not yet been implemented in a comprehensive and effective manner.

3.7 Security Policies, Stigmatization and Collective Attribution of Criminality (2025–2026)

In late 2025, a violent incident in Novo mesto resulting in the death of a member of the majority population, widely reported as involving a member of the Roma community, triggered an intense political, media and public reaction. Although criminal responsibility lay with an individual, segments of public discourse rapidly generalised the event and framed it as evidence of a broader “security problem” allegedly associated with Roma communities as such.³³ This shift from individual criminal accountability to collective attribution contributed to a marked escalation of stigmatizing narratives targeting Roma communities and risks normalising group-based suspicion.

The incident occurred in a context in which parts of south-eastern Slovenia had already for a prolonged period been publicly and institutionally framed as “security-sensitive” areas. Public-order concerns were frequently articulated in political debate and media reporting in a manner that implicitly or explicitly associated alleged security challenges with the presence of Roma settlements. The Ombudsman has over several years observed a recurring pattern in which structural socio-economic exclusion affecting Roma communities is reframed primarily as a matter of public security rather than as a consequence of entrenched inequality. Such framing may contribute to the stigmatization of Roma and raises concern from the perspective of equality and non-discrimination. Where it legitimises collective blame, it may also be relevant in light of the State’s obligations to counter racial prejudice and prevent the dissemination of ideas based on ethnic hostility.

Against this background, the National Assembly adopted on 6 November 2025 the Act on Urgent Measures to Ensure Public Safety (ZNUZJV). The Act introduced a series of security-oriented measures, including amendments allowing extension of pre-trial detention in serious criminal cases, strengthened enforcement mechanisms against repeated misdemeanour offenders, the possibility to enforce certain outstanding obligations also against monetary social assistance, and new powers enabling temporary seizure of assets where declared income does not correspond to the value of property. Although formally neutral in wording, the adoption and implementation of the Act took place in an environment characterised by sustained anti-Roma rhetoric and territorial securitisation, which is relevant in assessing its foreseeable and actual effects in practice.

The constitutionality of several provisions of ZNUZJV has been challenged at the domestic level. In December 2025, the Supreme Court initiated constitutional review proceedings concerning amendments to the Criminal Procedure Act that permit extension of pre-trial detention. On 13 February 2026, the Ombudsman lodged a request before the Constitutional Court seeking constitutional review and temporary suspension of Article 8 of the Act, which enables enforcement against monetary social assistance. Article 8 temporarily derogates from the general rule that cash social assistance is exempt from tax enforcement, allowing enforcement against (i.e., the garnishment/seizure of) cash social assistance for the purpose of collecting specific categories of unpaid obligations. Concretely, Article 8 provides that—for the collection of “other monetary non-tax obligations” that the tax authority collects under misdemeanour-enforcement rules—cash social assistance is not exempt from enforcement

³³ *The Guardian*, “Slovenia accused of turning Roma neighbourhoods into ‘security zones’”, 18 November 2025, Available at: <https://www.theguardian.com/world/2025/nov/18/slovenia-accused-of-turning-roma-neighbourhoods-into-security-zones>.

where the individual has overdue unpaid obligations and at least three enforcement proposals were submitted within the two years prior to the issuance of the enforcement decision.

The Financial Administration of the Republic of Slovenia began issuing enforcement decisions under ZNUZJV in January 2026. In its 22 January 2026 notice, the Government reported that between 8 January 2026 and 22 January 2026, 1,674 enforcement decisions were issued “with the possibility of garnishment of cash social assistance,” covering a total claimed amount (including enforcement costs) of EUR 495,967.87. A later Government update stated that more than 8,500 persons were recorded as having at least two unpaid misdemeanour-related obligations and would become eligible for enforcement against social assistance if a third enforcement trigger occurred within the relevant two-year period, illustrating the breadth of the pool potentially exposed to Article 8.

The Ombudsman received multiple complaints from affected individuals, including elderly persons, single-parent families, persons with disabilities and families with minor children. While the authorities have emphasised that enforcement measures apply uniformly to all debtors meeting statutory criteria and that no ethnic data are collected, the Ombudsman recalls that Roma are disproportionately affected by poverty and are overrepresented among recipients of social assistance. In this context, formally neutral measures may produce a disparate impact and thus give rise to concerns of indirect discrimination in practice.

The Ombudsman expressed serious concern that enforcement against subsistence-level benefits raises issues of proportionality, human dignity and the protection of children, and noted the absence of empirical evidence demonstrating that such measures effectively enhance public safety. The Ombudsman further underlined that no prior human-rights impact assessment had been conducted.

Parallel to legislative changes, intensified joint control operations were carried out by mixed patrols of the Financial Administration and the Police, particularly in south-eastern Slovenia. Traffic controls were conducted in areas with significant Roma populations, including near the Roma settlement Brezje-Žabjak in Novo mesto. In January 2026, both an area in central Ljubljana and the Roma settlement Brezje-Žabjak were formally designated as “security-risk areas”, thereby institutionalising a territorial dimension of securitisation. Vehicles were seized in enforcement proceedings for unpaid fines, and substitute imprisonment was proposed in an increased number of cases.

The cumulative interaction between securitised discourse, territorial labelling of Roma settlements as risk areas, intensified enforcement practices and expanded powers of seizure may reinforce stereotypes portraying Roma communities as inherently linked to criminality. Even where State authorities do not explicitly endorse such narratives, public authorities bear responsibility to prevent their normalisation and to counteract collective stigmatisation.

These developments must be viewed against the background of the Committee’s 2016 concluding observations, which identified persistent marginalisation of Roma, including poverty, spatial segregation and limited access to housing, employment, education and services. The persistence of these structural shortcomings contributes to the recurrent framing of Roma-related issues as security problems rather than as consequences of systemic exclusion.

The Ombudsman further notes the intergenerational dimension of these developments. Security-driven measures combined with stigmatizing narratives risk creating a hostile

environment for Roma children and adolescents, which may reinforce distrust towards institutions and normalise group-based suspicion.

At the same time, the Ombudsman consistently underlines that constitutional protection of the Roma community as a national community does not imply immunity from criminal or misdemeanour liability. Criminal responsibility is strictly individual, and all persons are equal before the law. Allegations of criminal conduct — including damage to property, threats or violence — must be investigated and prosecuted in accordance with the law. Ensuring effective protection of personal security and property for all persons, without discrimination, is fully compatible with the State's human rights obligations. However, individual offences must never serve as a basis for collective attribution of responsibility to Roma communities.

In this context, the Ombudsman has also emphasised that the State must respond to security concerns through lawful, proportionate and non-discriminatory measures, while actively preventing the escalation of tensions and the spread of narratives that stigmatise Roma communities as a whole. Effective law enforcement and strict adherence to the prohibition of discrimination are not mutually exclusive; they constitute parallel and complementary obligations under the rule of law.³⁴

Taken together, the cumulative effect of securitised public discourse, territorial designation of security-risk areas, intensified enforcement practices and expanded powers of seizure requires careful monitoring. While public safety constitutes a legitimate objective of the State, measures adopted in pursuit of that objective must remain proportionate, evidence-based and free from discriminatory effects in practice. The Ombudsman therefore considers that continued scrutiny of the implementation and impact of ZNUZJV is necessary to ensure full compliance with Slovenia's international obligations.

4 MIGRANTS AND FOREIGN NATIONALS

(Articles 2 and 5 of the Convention)

4.1 Trafficking in Human Beings: Identification Gaps and Forced Begging

(Follow-up to paragraphs 14(e) and 15(e))

4.1.1 Identification of Victims of Trafficking

The Ombudsman has identified persistent structural shortcomings in the identification and protection of victims of trafficking in human beings among applicants for international protection. Formal identification remains exclusively within the competence of the Police, while other actors involved in early detection and support are not empowered to initiate referral procedures. A comprehensive and legally established multidisciplinary national referral mechanism has not yet been fully implemented.

The limited scope of formal identification directly affects the initiation of criminal investigations and the effective prosecution of perpetrators, thereby weakening the overall preventive and protective framework.

The Ombudsman considers that the existing framework does not sufficiently ensure proactive and timely identification, particularly for vulnerable migrant groups, including children and

³⁴ Human Rights Ombudsman of the Republic of Slovenia, *Statement by the Ombudsman regarding violent acts in areas with a Roma population*, 30 June 2025, Available at: <https://arhiv.varuh-rs.si/en/news/news/statement-by-the-ombudsman-regarding-violent-acts-in-areas-with-a-roma-population/index.html>.

unaccompanied minors. These identification gaps are particularly visible in the context of forced begging as a form of exploitation.

4.1.2 Forced Begging as a Form of Exploitation

The Ombudsman has monitored forced begging as a potential form of exploitation within trafficking in human beings. Although Article 113 of the KZ-1 explicitly recognises exploitation of begging as a form of trafficking in human beings, official data indicate very low levels of identification. In the period 2020–2025, the Police recorded two cases (in 2024 and 2025) in which elements of exploitation by third persons were identified in connection with begging; in both cases, not all elements of the criminal offence of trafficking in human beings were established and the matter was referred to the competent prosecution service. Two minors of foreign nationality were identified in these cases.

These figures contrast sharply with the volume of misdemeanour proceedings for begging under public order legislation.³⁵ Offences of “begging in a public place” were previously sanctioned under Article 9 of the Public Order and Peace Act (ZJRM-1). In January 2026, a new Public Order and Peace Act (ZJRM-2) entered into force, introducing higher fines (EUR 200–600) for begging conducted in an “insistent” or “offensive” manner, with increased penalties where begging involves a child, an animal or is carried out within an organised group. The same Act introduced a new offence of sleeping in public places or other accessible areas not intended for that purpose where such conduct causes disturbance (Article 18).

The cumulative effect of these provisions strengthens the public-order sanctioning framework applicable to persons engaged in street-based survival activities. Where applied without a systematic prior assessment of indicators of exploitation, such measures may increase the likelihood that individuals subjected to forced begging, including minors and foreign nationals, are treated as offenders rather than identified as potential victims of trafficking in human beings.

Civil society organisations working with homeless persons, migrants and other vulnerable groups have reported patterns suggestive of organised and exploitative begging, including cross-border elements and cases involving minors. The discrepancy between field-based information and the extremely low level of official identification indicates structural weaknesses in early detection and inter-institutional coordination, particularly where those affected belong to groups facing intersecting vulnerabilities, including Roma and foreign nationals.

The Ombudsman draws attention to the principle of non-punishment of victims of trafficking in human beings. The current legal framework does not contain a clear and operational statutory safeguard ensuring that victims are not penalised for unlawful acts committed as a direct consequence of their exploitation, including in misdemeanour proceedings. Reliance on general criminal law concepts of coercion does not provide a sufficiently foreseeable and uniform guarantee in practice., Exploitative situations risk being addressed primarily as matters of public order rather than protection including in cases where forced begging intersects with ethnic origin, migration status and social exclusion.

³⁵ According to data from the *Annual Report on the Work of the Police for 2024* (No. 0101-26/2025/106 (2061-01), Ljubljana, 15 April 2025), p. 270, the number of offences under the Minor Offences against Public Order Act (ZJRM-1) for intrusive or offensive harassment through begging in a public place (Article 9 ZJRM-1) in the period 2015–2024 was as follows: 581 (2016), 345 (2017), 257 (2018), 294 (2019), 192 (2020), 111 (2021), 187 (2022), 409 (2023) and 218 (2024).

The Ombudsman considers that the implementation of the Committee's recommendation in paragraph 15(e) remains incomplete.

4.2 Protection of Unaccompanied Minors

(Follow-up to paragraphs 14(d) and 15(d))

The placement and support of unaccompanied minors who are victims or potential victims of trafficking continue to rely largely on temporary or project-based arrangements rather than on a comprehensive statutory framework defining binding standards of assistance and specialised accommodation. Capacities remain limited, and no child-specific legislative scheme ensuring stable and long-term protection has yet been established.

The absence of a binding statutory framework affects the systematic application of best interests determination procedures and safeguards in age-assessment processes. In practice, this may lead to inconsistencies in the level of protection afforded and to variability in procedural guarantees across institutions involved in reception, accommodation and guardianship.

In the Ombudsman's assessment, reliance on non-systemic arrangements creates legal uncertainty and risks unequal levels of protection. Ensuring that unaccompanied minors of foreign origin benefit from safeguards equivalent to those guaranteed to children generally is essential to compliance with the principle of non-discrimination and with the obligation to secure equal and effective protection.

The Ombudsman considers that the implementation of the Committee's recommendation in paragraph 15(d) remains incomplete.

4.3 Health and Social Protection

(Follow-up to paragraph 14(f))

4.3.1 Access to Health Care and Social Protection

The Ombudsman has identified shortcomings in recent years affecting certain groups of third-country nationals who are lawfully present in Slovenia but excluded from the public health insurance system. Persons who cannot be removed from the territory are formally entitled only to urgent health care. However, the scope of such care and the procedural safeguards governing access to it are not clearly regulated by statute. Implementation relies largely on administrative arrangements, creating legal uncertainty and potential barriers in practice.

Access to social assistance for foreign nationals who are residing in Republic of Slovenia without permanent residence permit likewise lacks clear and comprehensive legislative guarantees. Identified victims of trafficking are granted access to medical services through ad hoc administrative measures outside the compulsory health insurance system, without a clear statutory entitlement to long-term and continuous care.

No comprehensive assessment is currently available regarding equal access of asylum seekers and refugees to social housing schemes. In the absence of transparent data and a structured evaluation framework, it is not possible to determine whether access to social housing is ensured on an equal basis. The Ombudsman therefore considers that the implementation of the Committee's recommendation in paragraph 15(f) has not yet been fully demonstrated.

In 2024, the Ombudsman identified a structural legal gap concerning access to urgent health care for third-country nationals holding a temporary residence permit under Article 51(2) of the Foreigners Act (ZTuj-2). The competent authority, procedural framework and substantive criteria governing entitlement to urgent care are not clearly defined by statute. Implementation has relied on internal administrative instructions that do not constitute formally published legal acts and which, in substance, regulate essential elements of the right. Such practice raises concerns regarding legal certainty, foreseeability and compliance with the constitutional principle that rights and obligations must be determined by law.

The Ombudsman noted that, in practice, what constitutes urgent medical treatment is not uniformly understood and that uninsured persons may in certain cases be denied treatment or treated as self-paying patients. The Ombudsman further observed that the approach based on existing instructions may in some cases deter individuals from seeking urgent medical treatment due to the risk of having to bear the costs themselves, and that complex and lengthy reimbursement procedures may discourage health-care providers from delivering such care. The Ombudsman concluded that the existing legal framework and its implementation do not ensure effective and actual access to urgent health care for this group.

4.3.2 Administrative Delays and Legal Uncertainty in Residence Procedures

Persistent delays in administrative procedures under the Foreigners Act (ZTuj-2) continue to affect third-country nationals seeking residence permits, family reunification or status regularisation. In 2024, the Ombudsman identified systemic backlogs, particularly at certain administrative units, resulting in prolonged uncertainty regarding residence status.

In several cases, statutory procedural deadlines under the General Administrative Procedure Act (ZUP), including the five-day deadline for requesting completion of applications and the two-month deadline for issuing a decision after submission of a complete application, were not respected. Delays were also observed in the allocation of cases for decision-making and in the transfer of applications to competent authorities.

4.4 Non-refoulement and family reunification

(Follow-up to paragraph 15(c))

In 2024, the Ombudsman reiterated concerns regarding administrative delays and legal uncertainty in residence-status procedures, which may also affect the effective exercise of the right to family life. The Ombudsman therefore proposed the introduction of a statutory certificate confirming the timely submission of an application also in family reunification procedures (in particular under Article 47 of the Foreigners Act, ZTuj-2). In the absence of such a certificate, applicants may be left without documentary proof of lawful stay during the pendency of proceedings, thereby adversely affecting legal certainty and the effective enjoyment of related rights. Legislative amendments addressing this issue have been announced, but had not yet been adopted at the time of reporting.

The Ombudsman has not identified evidence demonstrating full legislative and practical alignment with the Committee's recommendation in paragraph 15(c). Follow-up therefore remains incomplete.

4.4.1 Procedural Safeguards in Dublin Procedures

In 2024, the Ombudsman examined cases concerning the extension of transfer deadlines under Article 29(2) of Regulation (EU) No 604/2013 (Dublin III) on the basis of an alleged

“absconding”. Concerns were raised regarding the effective possibility for applicants to challenge the factual assumption that they had evaded transfer.

The Court of Justice of the European Union has clarified that absconding cannot be presumed automatically and that the person concerned must have a genuine and effective opportunity to rebut such a presumption. In practice, the Ombudsman observed situations in which, once a transfer decision had become final, applicants did not have a clearly accessible procedural avenue to contest the extension of the transfer deadline or to effectively exercise their right to be heard.

4.5 Administrative Discrimination

In 2024, the Ombudsman examined a complaint involving a Slovenian citizen and a Nigerian national who was an applicant for international protection. They approached an administrative unit to obtain information regarding the documentation required for their marriage. According to the complainants, the civil registrar indicated that several similar cases involving Nigerian nationals had been dealt with within a short period and described this as “suspicious”, suggesting that a special fact-finding procedure would likely be initiated should a formal application be submitted. The official photocopied his passport and dismissed the parties, who were reportedly distressed by the situation. According to the Ombudsman, the combination of these circumstances likely had the effect of discouraging the parties from concluding the marriage at that administrative unit. They later did in fact marry, but at a different administrative unit. The Ombudsman recalled that enhanced fact-finding procedures may be initiated only on the basis of concrete and individualised circumstances relating to the specific persons concerned. Suspicion cannot be based solely on nationality or on generalised assumptions linked to previous cases.

4.6 Migrant Workers and Access to Employment

In 2024, the Ombudsman examined cases concerning the refusal of employment authorisations for foreign nationals on the basis of an anticipated “risk” that statutory conditions would not be fulfilled, including assumptions related to the likelihood of passing required examinations. In certain instances, such decisions were based on assessments not expressly provided for by law.

The Ombudsman emphasised that decisions affecting rights must be based on clearly defined legal grounds. The use of criteria that are not explicitly regulated may affect clarity and consistency in administrative decision-making.

4.7 Multiple and Intersecting Forms of Discrimination³⁶

The Ombudsman rarely receives complaints explicitly framed as involving multiple and intersecting forms of discrimination. In preparation of this report, the Ombudsman therefore conducted targeted outreach to relevant civil society organisations. Information received from the non-governmental organisation LEGEBITRA indicates that certain migrants and applicants for international protection experience cumulative disadvantage arising from the interaction of racial or ethnic origin, migration status and other personal characteristics, including sexual orientation, gender identity and sex characteristics.

³⁶ Written information submitted to the Human Rights Ombudsman of the Republic of Slovenia by Legebitra – Association for the Promotion of LGBTIQ+ Rights, dated 22 May 2025, concerning issues addressed in Section 4.7 (Multiple and Intersecting Forms of Discrimination) of this report.

The information received points to heightened vulnerability of LGBTIQ+ applicants for international protection, particularly transgender persons. In recent years, civil society organisations have been approached by LGBTIQ+ individuals originating predominantly from Africa, the Middle East and the Russian Federation, including transgender persons whose lives were reported to be at risk in their countries of origin. Some indicated that they would seek international protection in Slovenia only if access to trans-specific medical care were available, including gender-affirming treatment.

Concerns reported by LEGEBITRA include limitations in reception conditions, lack of safe and separate accommodation arrangements and restricted access to health care not encompassing treatment addressing gender identity-related needs. Access to health care is limited to emergency services, which do not include specific treatments such as HIV-related care or hormone therapy for transgender persons. Where reception conditions do not take into account intersecting vulnerabilities, risks to physical integrity and equal enjoyment of rights may arise.

Information provided further indicates incidents of violence and hate-motivated conduct affecting applicants exposed to multiple vulnerabilities. In one reported case, an applicant for international protection was subjected to a homophobic attack after attending a Pride event in Ljubljana and sustained serious physical injuries. Several applicants for international protection also reported physical and verbal attacks by other residents of the asylum centre, including acts of psychological and physical violence motivated by sexual orientation, gender identity and/or gender expression. According to these reports, responses by the authorities responsible for accommodation were not always sufficient, and police responses in certain cases were perceived as inadequate.

Credibility assessments in asylum procedures were reported as problematic in cases involving late disclosure of sexual orientation or gender identity. In practice, the timing of disclosure may allegedly negatively affect the assessment of credibility and, consequently, the outcome of applications for international protection. At the same time, experiences of discrimination, violence and stigma may affect the ability of applicants to present their claims at an early stage of the procedure.

Information further indicates that LGBTIQ+ persons in situations of forced migration may be exposed to discrimination and violence at multiple stages, including in their countries of origin, during transit and within reception environments. Perpetrators may include family members, members of their communities, other applicants for international protection and other individuals in shared accommodation settings.

Additional concerns relate to the absence of systematic data collection on hate speech and hate-motivated crime based on sexual orientation, gender identity, gender expression and sex characteristics. Civil society monitoring suggests that only a limited number of such incidents is formally recorded. The absence of standardised mechanisms for recording discriminatory motive, including in police procedures, may affect the visibility and documentation of such incidents.

4.8 Treatment in Detention and Police Conduct

In 2024, the Ombudsman examined a case concerning the conduct of police officers in the Centre for Foreigners in Postojna. The complainant, a 70-year-old man with health limitations, alleged that during a transfer he had been dragged along the corridor by police officers.

After reviewing video recordings and official documentation on the use of coercive measures, the Ombudsman did not establish that the complainant had shown signs of aggression or resistance that would justify such use of force. The Ombudsman noted that the complainant's age, health condition and limited mobility should have been taken into account.

The Ombudsman assessed the manner of transport as inappropriate and emphasised that even lawful use of physical force must not be carried out in a way that could be degrading for a person deprived of liberty. The Ombudsman also pointed out that alternative approaches, such as assisting the person with mobility aids or using appropriate equipment, should have been considered.

The complaint procedure conducted by the competent authority confirmed irregularities in the use of coercive measures. Following the case, certain measures were adopted, including additional training of police officers and the provision of appropriate technical equipment for the handling of vulnerable persons.

4.9 Language Barriers in Places of Deprivation of Liberty

In 2023, the Ombudsman received multiple initiatives from remand prisoners in Koper Prison, including a group of fifteen detainees, who reported serious difficulties in communicating with staff due to the lack of a common language. Many did not understand Slovenian or other languages spoken by staff.

The Prison Administration indicated that legal materials are available in Slovenian, Italian and English, and informational brochures in 24 languages, while staff also rely on online translation tools. A public procurement procedure for remote interpretation in multiple languages was underway. At the time of the Ombudsman's inquiry, however, no regular language courses were available, primarily due to the difficulty of forming stable groups among remand detainees.

The Ombudsman emphasised that understandable communication with detainees is essential for the effective exercise of their rights.

5 PERSONS REFERRED TO AS "THE ERASED"

(Articles 2 and 5 of the Convention; Follow-up to paragraph 12)

Since the Committee's previous review, while certain legislative amendments have been adopted in related areas, no targeted legislative framework has been introduced to address the situation of persons who did not regularise their residence status within the original statutory scheme, nor has any mechanism been established to reopen status regularisation for those who failed to apply within the statutory period. Existing legal avenues, including those under the Foreigners Act, do not constitute an effective substitute for such a mechanism. Certain symbolic recognition measures have been undertaken in recent years, including a public apology by the President of the Republic of Slovenia³⁷ and the unveiling of a memorial³⁸;

³⁷ RTV Slovenija (MMC RTV SLO), "Pahor izbrisanim: Opravičilo je potrebno za nazaj in kot zaveza za naprej; Beširović: Nekateri mislite, da je izbris končan, a imamo še veliko dela pred sabo" [Pahor to the Erased: An apology is necessary for the past and as a commitment for the future; Beširović: Some of you think the erasure is over, but we still have much work ahead], 25. February 2022, Available at: <https://www.rtvlo.si/slovenija/pahor-izbrisanim-opravicilo-je-potrebno-za-nazaj-in-kot-zaveza-za-naprej/613688>.

³⁸ RTV Slovenija (MMC RTV SLO; Radio Slovenija; STA), "Spomenik Č: 'Del poprave krivic je tudi to, da vemo za izbris in poskrbimo, da bodo vedeli zanamci'" [Monument Č: "Part of remedying injustices

however, these steps have not been accompanied by comprehensive legislative solutions addressing the remaining legal and social consequences of the erasure.

Notwithstanding the legislative measures adopted following the judgment of the Grand Chamber of the ECtHR in *Kurić and Others v. Slovenia*³⁹, a small but particularly vulnerable group of persons affected by the erasure still lacks regularised residence status and remains exposed to serious protection gaps.

According to recent available data, legal status had been granted to 12,513 so called erased persons (citizenship, permanent or temporary residence).⁴⁰ However, the exact number of individuals who remain without regularised status is unknown. The absence of comprehensive and publicly available data on this group constitutes a structural deficiency that hampers effective monitoring and the full remediation of the consequences of the erasure.

A number of “erased” persons have not obtained permanent residence due to missed statutory deadlines, lack of information, health-related obstacles, mental health conditions, social marginalisation, or the complexity of procedures under the Foreigners Act. In practice, the requirement to demonstrate sufficient means of subsistence represents a significant barrier for persons already experiencing long-term socio-economic exclusion. Restoration of status therefore remains dependent on procedural and evidentiary conditions that may disproportionately affect individuals who have resided in Slovenia for decades but remain socially vulnerable.

Persons without permanent residence are, as a rule, excluded from most social-assistance benefits and institutional services, which are limited to citizens, permanent residents and beneficiaries of international protection. The law does not provide for an individual assessment of whether a person has established a sufficiently strong factual link with Slovenia. As a result, some “erased” persons continue to reside in Slovenia without effective access to core social protection, health care and institutional support. Particular concern arises with regard to elderly erased persons, whose lack of status may prevent access to pension rights and institutional care, thereby compounding vulnerability.

In 2023, the Ombudsman examined a case concerning the death of a person who has been “erased”, who died in December 2022 in manifestly inadequate living conditions. According to available information, the individual lacked regularised residence status and therefore effective access to social assistance, health care and crisis accommodation. The competent social work centre indicated that the existing legal framework had prevented it from providing adequate assistance. Once the authorities were put on notice of a prima facie arguable claim that a death may have been linked to systemic deficiencies, a duty arose to provide a prompt and substantive institutional response. The absence of a meaningful response raised serious concerns regarding the State’s positive obligations to ensure effective protection of life and human dignity. The case illustrates that exclusion from social protection on the basis of

is also that we acknowledge the erasure and ensure that future generations will know about it”], 24. October. 2023, Available at: <https://www.rtvlo.si/kultura/arhitektura-in-oblikovanje/spomenik-c-del-poprave-krivic-je-tudi-to-da-vemo-za-izbris-in-poskrbimo-da-bodo-vedeli-zanamci/685990>.

³⁹ ECtHR, *Kurić and Others v. Slovenia*, Application no. 26828/06 (Grand Chamber, 2012).

⁴⁰ Ministry of the Interior of the Republic of Slovenia, “*Urejanje statusa izbrisanih*”, [Regulation of the Legal Status of the Erased]. GOV.SI, 12 December 2024, Available at: https://www.gov.si/novice/2024-12-12-urejanje-statusa-izbrisanih/?utm_source=chatgpt.com.

residence status may have severe consequences for life, health and dignity, and raises concerns under Articles 2 and 5 of the Convention.

Although the compensation scheme provides for financial redress and certain forms of just satisfaction, practical limitations remain, including procedural constraints and limited accessibility for socially marginalised persons. Moreover, the continued absence of systematic data on persons who remain without status or who were unable to access compensation prevents a full assessment of whether the consequences of the erasure have been effectively remedied.

Particular concern also persists regarding persons who were residing outside Slovenia at the time of regularisation, including members of the Roma community, as well as children born abroad to erased persons who were not covered by the original statutory framework. Remaining gaps in the identification and protection of stateless persons further compound their vulnerability.

Unresolved status issues may also have intergenerational implications and increase the risk of statelessness, particularly where children's legal position depends on that of their parents. Continued safeguards are therefore required to ensure non-discriminatory access to essential rights and effective procedures for status regularisation.

More than three decades after the erasure, certain individuals continue to experience social exclusion and legal uncertainty directly linked to their status. The Ombudsman therefore reiterates the need for accessible regularisation procedures, non-discriminatory access to essential social protection and health care where removal is not feasible, comprehensive reparation mechanisms, and systematic monitoring of the situation of erased and stateless persons.

In this context, the Committee's previous recommendations under paragraph 13 remain fully relevant.

6 HATE SPEECH AND HATE-MOTIVATED VIOLENCE

(Articles 2, 4 and 6 of the Convention)

6.1 Hate Speech

(Follow-up to paragraphs 8(a) and 9(a))

Since the adoption of the Committee's previous concluding observations, Slovenia has introduced legislative amendments aimed at strengthening the regulation and sanctioning of racist hate speech and propaganda.

In September 2025, the National Assembly adopted the Media Act (ZMed), introducing sanctions for violations of the prohibition of incitement to violence or hatred in the media, including content disseminated through digital platforms and by online content creators. The Act also provides for restrictions on eligibility for public funding where an editor-in-chief has, within the past two years, been convicted of the criminal offence of public incitement to hatred, violence or intolerance.

In December 2024, amendments to the Public Order and Peace Act (ZJRM-1B) introduced a specific offence prohibiting the public display, use or dissemination of symbols, slogans, uniforms, gestures or other insignia characteristic of Nazism, fascism or their collaborationist organisations where such conduct causes disturbance or endangerment. While narrowly

defined exceptions apply for educational, scientific, artistic and journalistic purposes, these amendments strengthen the formal legal framework against extremist symbolism and public glorification of ideologies historically grounded in racial superiority and persecution.

These developments constitute progress at the normative level and respond in part to the Committee's recommendation that racist incitement and propaganda be effectively criminalised.

Notwithstanding these legislative developments, the Ombudsman, based on complaints received, issues identified in its work, monitoring of media and public discourse, and relevant research, observes that hate speech in Slovenia remains widespread and disproportionately affects groups protected under the Convention, including Roma, Jews, migrants, Muslims, persons of African descent and persons originating from countries of the former Yugoslavia.⁴¹

In the period 2024–2026, the Ombudsman addressed manifestations of antisemitic content disseminated through online platforms, including explicit anti-Jewish statements, threatening rhetoric and imagery invoking Nazi-era persecution, as well as vandalism of Jewish sites and online harassment.

In 2025, a marked intensification of hostile public discourse targeting Roma⁴² was observed, including statements allegedly conditioning access to basic services, such as drinking water, on compliance with specific obligations⁴³, and generalised attribution of criminality to the Roma community following individual incidents. Such rhetoric is likely to have reinforced stigmatisation at local and political levels.

Political discourse targeting migrants and foreign nationals was likewise recorded, including narratives framing migration primarily in civilisational or security terms, which risk reinforcing exclusionary and discriminatory perceptions of protected groups.

Across these cases, the Ombudsman has addressed issues relating to the handling of hate speech, particularly in digital environments. Within the Slovenian legal framework, such conduct may fall under the criminal offence of public incitement to hatred, violence or intolerance under Article 297 of the Criminal Code (KZ-1). This provision criminalises public conduct that incites or stirs up hatred, violence or intolerance based on personal circumstances, including nationality, race, religion or ethnicity, where such conduct is carried out in a manner that may endanger or disturb public order and peace, or involves threats, insults or abusive expression. It further includes the dissemination of ideas based on racial

⁴¹ Human Rights Ombudsman of the Republic of Slovenia, *Kazenskopравни pregon sovražnega govora v Sloveniji po 297. členu Kazenskega zakonika (KZ-1): analiza tožilske prakse (2008–2018)* [Criminal Prosecution of Hate Speech in Slovenia under Article 297 of the Criminal Code (KZ-1): Analysis of Prosecutorial Practice (2008–2018)], Centre for Human Rights, Ljubljana, 2021; Julia Kapelańska-Pręgowska and Maja Pucelj, "Freedom of Expression and Hate Speech: Human Rights Standards and Their Application in Poland and Slovenia", *Laws* 12, no. 4 (2023): 64, Available at: <https://www.mdpi.com/2075-471X/12/4/64>.

⁴² See Chapter 3.7: Security Policies, Stigmatization and Collective Attribution of Criminality (2025–2026).

⁴³ STA, A.L., "Romom v Ribnici voda po vključitvi v proces integracije" [Water for Roma in Ribnica upon inclusion in the integration process], *Večer*, 28 August 2024, Available at: <https://vecer.com/slovenija/romom-v-ribnici-voda-po-vkljucitvi-v-proces-integracije-10364347>; Špela Ferlin, "Ribniški župan Romom: Po vodo lahko greste v Mercator ali Spar" [Mayor of Ribnica to Roma: "You can get water at Mercator or Spar"], *Dnevnik*, 28 August 2024, Available at: <https://www.dnevnik.si/novice/lokalno/ko-bodo-romi-izpolnili-obveznosti-bodo-dobili-pitno-vodo-2689187/>

superiority, as well as the denial, trivialisation, approval or justification of genocide, the Holocaust and other serious crimes.

On the basis of individual complaints examined in 2024 and 2025, the Ombudsman has observed that a number of reported cases – including cases involving antisemitic expression, threats, calls for violence, and the dissemination of personal data in online environments – were assessed by the police as not meeting the threshold for criminal prosecution under Article 297 of the Criminal Code. In this context, the Ombudsman contacted the police to verify how such reports had been processed and how the reported conduct had been legally qualified.

The police explained that in cases involving hateful, inappropriate or offensive content, it is often difficult to determine their relevance, seriousness and enforceability, and that such content is frequently treated as so-called “borderline content”. They further indicated that, at both the European and national levels, there is an ongoing discussion regarding the treatment of such content and that clear and uniform guidelines for the work of police, media actors and online platforms are not yet established, which reflects the complexity of the field.

In addition, the Ombudsman noted cases in which the reported content was examined in relation to both criminal and minor offence frameworks. In one such case, although the existence of a criminal offence was excluded at an early stage, the authorities continued to assess whether the conditions for a minor offence under the Protection of Public Order Act (ZJRM-1) were fulfilled. The Ombudsman considered it unusual that the assessment of a possible minor offence took place over a longer period, particularly in light of existing guidance indicating that offences under ZJRM-1 generally require conduct occurring in a public place, which may not be applicable to social media environments.

The police subsequently clarified that the timing of this assessment resulted from internal professional consultations and that the final conclusion was that the content published on the social media platform did not meet the conditions for minor offence proceedings.

The Ombudsman conducted an in-depth analysis of prosecutorial practice of the criminal offence of public incitement to hatred, violence and intolerance under Article 297 KZ-1 covering the period 2008–2018. The analysis identified structural shortcomings in the application of the provision, including restrictive interpretation of its legal elements, a limited proportion of indictments and sanctions, and a decline in the prosecution of online hate speech despite its growing prevalence. On the basis of these findings, the Ombudsman issued Recommendation No. 2 (2021), calling for harmonisation of prosecutorial interpretation with the 2019 judgment of the Supreme Court; Recommendation No. 4 (2021), proposing legislative amendments enabling subsidiary prosecution beyond the directly injured party; and Recommendation (ongoing-task) No. 2 (2021), urging systematic assessment of the impact of hate speech offences on injured persons and affected communities. These recommendations have not been fully implemented.⁴⁴

In 2019, the Supreme Court of the Republic of Slovenia clarified that incitement to hatred, violence or intolerance under Article 297 KZ-1 does not require proof of a concrete threat to

⁴⁴ The analysis of the prosecution of hate speech in Slovenia under Article 297 of the Criminal Code (KZ-1) is based on 145 prosecutorial files. See also the Summary of Analyses in which the conclusions are presented in 15 reasoned key points, pp. 9-10, Available at: https://www.varuhr.si/fileadmin/user_upload/pdf/Razne_publikacije/Sovrazni_govor_knjizica2.pdf.

public order but only a potential (abstract-concrete) risk.⁴⁵ While this clarification strengthened the legal framework, it is not apparent that the Supreme State Prosecutor's Office has issued formal, publicly accessible guidance to ensure uniform application of this standard, and consistent alignment of prosecutorial practice with the clarified judicial interpretation is not evident. Subsequent prosecutorial statistics and case outcomes do not demonstrate a consistent operational shift following this clarification.

According to official police statistics, the number of criminal complaints recorded under Article 297 KZ-1 decreased from 94 in 2020 and 89 in 2021 to 37 in 2023 and 41 in 2024⁴⁶. At the prosecutorial level, the caseload under Article 297 KZ-1 fluctuated between 37 and 50 cases in work in the period 2022–2024. Despite this caseload, the number of formal prosecutorial acts initiating judicial proceedings remained very limited. In 2023, out of 37 cases in work, 24 were resolved, with 2 indictments filed and no conviction recorded. In 2024, out of 50 cases in work, 19 were resolved, with 1 indictment and 2 requests for investigation filed, while no final conviction was recorded within the reporting year.⁴⁷ Since 2020, cases involving hate motives have been internally marked within prosecutorial practice (SOV) in order to facilitate identification and tracking.⁴⁸

The available data from an analysis of prosecutorial case files for the period 2019–2023 indicate a low number of indictments and convictions in cases concerning the criminal offence under Article 297 of the Criminal Code (KZ-1), alongside a high proportion of dismissals at the prosecutorial stage. A significant proportion of cases is dismissed at the prosecutorial stage, with the analysis showing that 84 out of 98 cases (86%) were dismissed, while only 14% resulted in indictments. The low number of convictions further confirms the limited use of criminal-law mechanisms in this field. Challenges have also been identified in the investigation and prosecution of hate speech in online environments, particularly with regard to the identification of perpetrators, including due to limitations related to data retention by service providers and the availability of evidence. Further analysis of prosecutorial case files for the period 2019–2023 indicates regional disparities in prosecutorial practice, inconsistencies in the assessment of the elements of the offence, and limited observable impact of the 2019 Supreme Court judgment on prosecutorial reasoning.⁴⁹

In addition to issues of substantive interpretation, significant procedural limitations persist. Under Article 60 of the Criminal Procedure Act (ZKP), subsidiary prosecution may be initiated only by the directly injured party. This framework does not reflect the collective and “message-based” nature of hate speech offences, whose effects extend beyond the individual victim to

⁴⁵ VSRS Judgment I Ips 65803/2012, 4 July 2019, Available at: https://sodnapraksa.si/?q=297&database%5BSOVS%5D=SOVS&_submit=i%C5%A1%C4%8Di&order=date&direction=desc&rowsPerPage=20&page=0&id=2015081111431656.

⁴⁶ Ministry of the Interior of the Republic of Slovenia, Police, *Annual Report on the Work of the Police for 2024*, No. 0101-26/2025/106 (2061-01), Ljubljana, 2025, p. 153, Available at: https://www.policija.si/images/stories/Statistika/LetnaPorocila/PDF/LetnoPorocilo2024_Publikacija-zatisk.pdf.

⁴⁷ Supreme State Prosecutor's Office of the Republic of Slovenia, *Annual Report on the Work of State Prosecutor's Offices for 2024*, Ljubljana, 2025, p. 127, Available at: <https://www.dtrs.si/files/documents/Skupno%20letno%20poro%C4%8Dilo%20za%202024.pdf>

⁴⁸ *Ibid.*, p. 128.

⁴⁹ Neža Kogovšek Šalomon and Sergeja Hrvatič, “Prosecutorial Practice on Hate Speech in Slovenia: Context, Trends, and Issues,” *Annales – Series Historia et Sociologia* 35, no. 4 (2025): 487–502, Available at: https://zdjp.si/wp-content/uploads/2025/12/Annales-SHS-35-2025-4-Ne%C5%BEa-Kogov%C5%A1ek-%C5%A0alomon-Sergeja-Hrvati%C4%8D_LOWRESS.pdf.

the wider community defined by protected characteristics. In cases where the public prosecutor dismisses a complaint, members of the affected group or authorised organisations lack standing to pursue prosecution. This limitation was also noted by the European Commission against Racism and Intolerance.

The Ombudsman further recalls Recommendation No. 3 (2021), addressed to the Ministry of Justice, the Ministry of the Interior and the Ministry of Culture, calling for the preparation of appropriate legislative bases to ensure effective prevention of hate speech online, including on social networks. While certain elements have been addressed through amendments to media legislation and the implementation of the Digital Services Act framework, a comprehensive and coherent regulatory solution has not yet been established. The recommendation therefore remains only partially implemented and continues to be reiterated.

The discontinuation in 2022 of the independent online hate speech monitoring function previously carried out by the “Spletno oko” platform reduced systematic detection and documentation of online hate speech.

New competences have been assigned to the Agency for Communication Networks and Services of the Republic of Slovenia (AKOS), acting as the Digital Services Coordinator under legislation implementing the EU Digital Services Act, including supervisory powers over intermediary service providers, the authority to request information, order corrective measures and impose administrative fines, as well as coordination responsibilities within the EU oversight mechanism.

Since the entry into application of the Digital Services Act (DSA) in 2024, AKOS has received 49 complaints concerning alleged breaches of DSA obligations. Suspected infringements were identified in 17 cases and transmitted to the competent authorities in other Member States; one case was referred to the Police and three to the competent inspectorate. Approximately half of the proceedings were discontinued as falling outside the scope of the DSA or due to incomplete submissions.⁵⁰ The practical effectiveness of this framework in ensuring timely removal of illegal hate speech and facilitating effective criminal-law follow-up remains to be demonstrated.

Despite the establishment in 2023 of a Strategic Council for the Prevention of Hate Speech (Council), which issued 57 recommendations, no comprehensive national strategy and action plan with clearly defined objectives, institutional responsibilities, timelines and monitoring mechanisms has been adopted.

At the time of the establishment of the Council, the Ombudsman, as an A-status National Human Rights Institution operating in accordance with the Paris Principles, was not included in its composition. Following institutional intervention, participation was subsequently enabled on an ad hoc basis. A representative of the Human Rights Centre participated in the 6th session of the Strategic Council for the Prevention of Hate Speech on 9 June 2023, where she presented the Ombudsman’s work, positions and recommendations regarding the prosecution

⁵⁰ Agency for Communication Networks and Services of the Republic of Slovenia (AKOS), *MiPi Portal*, “Dve leti regulacije spletnih platform v Evropi: kaj se je spremenilo?” [“Two years of online platform regulation in Europe: what has changed?”], 19 February 2026, Available at: <https://www.mipi.si teme/informacijska-pismenost/dve-leti-regulacije-spletnih-platform-v-evropi-kaj-se-je-spremenilo>.

of hate speech in Slovenia. This participation did not extend to involvement in the drafting of the Council's findings and recommendations.

The Ombudsman considers that paragraph 9(a) remains only partially implemented.

6.1.1 Accountability of Public Officials

(Follow-up to paragraph 9(c))

The Committee recommended the adoption of a code of conduct for Members of Parliament addressing racist and xenophobic discourse. In June 2020, the National Assembly adopted a Code of Ethics for Members of Parliament, establishing general principles of dignity, tolerance and non-discrimination and providing for internal procedures in cases of violations.

While the establishment of this self-regulatory mechanism constitutes a positive development, its practical application has so far remained limited. In the first years of implementation, only one minor sanction was issued, and no violations were recorded in the subsequent mandate period, notwithstanding continued public controversies concerning statements made by Members of Parliament. Proceedings are conducted internally and no individualised public register of breaches is maintained.

Given the particular responsibility of public officials to refrain from discriminatory and xenophobic rhetoric the predominantly symbolic operation and limited transparency of the current mechanism reduce its deterrent and accountability effect.

The Ombudsman therefore considers that implementation of paragraph 9(c) in this respect remains incomplete.

6.1.2 Organisations and Activities Promoting Racial Hatred

(Follow-up to paragraph 9(c))

The Committee recommended the adoption of measures to combat racist and xenophobic discourse, including through the prohibition of organisations and activities promoting racial hatred and violence. While recent legislative developments have strengthened the regulation of hate speech and extremist symbolism, public manifestations involving extremist symbols continue to be reported.

In February 2026, a group of approximately 14 individuals gathered in Koper displaying Nazi symbols, performing Nazi salutes and using offensive slogans. The gathering was not formally notified, but the police had prior information that it would take place and were present at the location. According to the police, the participants temporarily disrupted public order and then dispersed. The police identified certain individuals and initiated criminal and misdemeanour proceedings, while also collecting information on a possible organiser. According to media reports, images of the gathering were shared on the social media profile of an extreme right-wing group.

The police further indicated that, in cases of non-notified or spontaneous gatherings, the absence of a formally identified organiser may affect the application of measures under the legislation governing public assemblies.⁵¹

⁵¹ S. Neubauer, (STA), "Zakaj policija ni preprečila shoda neonacistov v Kopru, čeprav je zanj vedela?" ["Why did the police not prevent the neo-Nazi gathering in Koper, although they were aware of it?"], *N1*, 8 February 2026, Available at: <https://n1info.si/novice/slovenija/zakaj-policija-ni-preprečila-shoda-neonacistov-v-kopru-ceprav-je-zanj-vedela/>; STA, "Shod neonacistov v Kopru: Policija preiskuje sum

6.2 Hate-Motivated Violence and Hate Crime

(Articles 2 and 6 of the Convention)

6.2.1 Racist Motive as an Aggravating Circumstance

(Follow-up to paragraph 9(b))

In March 2023, Slovenia amended the Criminal Code through the Act Amending the Criminal Code (KZ-1J), introducing a new third paragraph to Article 49. The amendment explicitly provides that discriminatory motive related, *inter alia*, to the victim's nationality, race, religion or ethnic origin must be taken into account as an aggravating circumstance in sentencing. This legislative development constitutes formal progress in addressing the Committee's recommendation in paragraph 9(b).

6.2.2 Racially Motivated Violence and Protection of Vulnerable Groups

The Ombudsman expresses serious concern regarding cases of racially motivated violence, including violence against children and foreign nationals, and observes shortcomings in the effective identification, investigation and qualification of racist motive.

At the end of 2025, in Maribor, an unidentified individual sprayed a Black child in the face with tear gas while the child was walking with his mother. The incident was confirmed by the Police. The Ombudsman publicly condemned the attack and called for a prompt, thorough and impartial investigation, emphasising the need to assess any potential racist motive. The Ombudsman further recalled that Article 49 of the KZ-1, as amended in 2023, provides that discriminatory motive based on nationality, race, religion, ethnic origin or other personal characteristics shall be taken into account as an aggravating circumstance in sentencing. The case underscores the importance of ensuring that possible hate elements are duly examined and addressed within criminal proceedings.

In September 2025, an Indian student was physically attacked by a group of young individuals in Ljubljana without apparent provocation. According to police information, the incident has been investigated as the criminal offence of violent behaviour. While the police indicated that the motive had not yet been established, publicly reported circumstances raised questions as to whether the attack could have been ethnically or racially motivated.⁵² The case highlights the importance of ensuring that potential discriminatory motives are carefully examined and, where relevant, appropriately reflected in the legal qualification of the offence.

Allegations of racially motivated police conduct were raised in 2025 in relation to a police intervention involving two Black foreign workers with refugee status. The Ombudsman examined the matter following a complaint and continues to monitor its developments. It was alleged that disproportionate force was used against one individual, including the use of physical force and incapacitating spray, resulting in serious injuries and loss of consciousness, and that force continued to be applied thereafter. It was further alleged that the second individual was subjected to racially offensive remarks during the procedure. Concerns were also expressed regarding possible racial profiling, the proportionality of the use of restraints,

kaznivih dejanj" ["Neo-Nazi gathering in Koper: Police investigate suspected criminal offences"], *Dnevnik*, 8 February 2026, Available at: <https://www.dnevnik.si/novice/kronika/shod-neonacistov-v-kopru-policija-preiskuje-sum-kaznivih-dejanj-2783477/>.

⁵² P. Lovšin, "Pretepeni indijski študent spregovoril za Dnevnik: Molče so ga obstopili in pretepli" ["Beaten Indian Student Speaks to Dnevnik: They Silently Surrounded and Assaulted Him"], *Dnevnik*, 29 September 2025, Available at: <https://www.dnevnik.si/novice/kronika/pretepeni-indijski-student-spregovoril-za-dnevnik-najstniki-so-ga-molce-obstopili-in-pretepli-2757824/>.

and irregularities in the handling of personal belongings. The police rejected the allegations and stated that force was applied in response to non-compliance and resistance, and that the loss of consciousness was attributable to intoxication.⁵³ The matter remains pending before the Ministry of the Interior. The case underscores the importance of ensuring effective, impartial and institutionally independent mechanisms for the examination of allegations in which racial bias may be implicated.⁵⁴

In March 2026, representatives of the civil society organisation *Ambasada Rog* reported a series of coordinated physical attacks against foreign nationals in Ljubljana, including migrant workers and international students, some of whom were described as persons of non-European origin. According to publicly available information, the attacks occurred in public spaces, in particular at public transport locations such as *Bavarski dvor* and the main bus station, predominantly in the evening hours when individuals were returning from work, and involved groups of masked individuals who allegedly targeted persons perceived as foreigners, approached them from behind, forced them to the ground and inflicted repeated blows, as well as the use of incapacitating spray. In one reported case, an Indian worker was attacked at a bus stop, knocked to the ground and beaten until sustaining visible facial injuries, while in another case a foreign worker of African origin was reportedly sprayed in the face with tear gas by two masked individuals. Several similar incidents were reported within a short period of time, including repeated attacks at the same location, indicating a consistent pattern in the method, timing and targeting of victims. Publicly available information further referred to allegations that the attacks were linked to a group identifying itself as the “Slovenian Defence Guard” (*Slovenska obrambna straža*), whose members have reportedly publicised and endorsed such acts on social media, including references to violence against migrants and the display of extremist symbols in previous public gatherings. The incidents were reported to the police; however, according to statements by representatives of *Ambasada Rog*, in certain cases victims allegedly encountered difficulties when attempting to report the attacks, including situations in which statements were not formally recorded or where victims were issued fines in connection with the events, and in some instances the conduct was treated as a minor offence or mutual disturbance, including where victims acted in self-defence.⁵⁵

6.2.3 Qualification and Recognition of Hate Motive in Practice

In 2024 and 2025, the Ombudsman of the Republic of Slovenia addressed incidents involving repeated homophobic attacks against the *Mariborka* bookshop in Maribor, a venue visibly associated with and supportive of LGBTIQ+ persons. The reported conduct included threatening graffiti, dissemination of extremist messages, verbal abuse, calls to violence, intimidation, attempts to physically attack staff, a raised-arm salute, spitting on and damaging a rainbow flag, as well as attempts to remove or destroy it. In one incident, a perpetrator attempted to cut down the flag while threatening a staff member.

⁵³ Ž. U., “Protest proti rasno motiviranemu policijskemu nasilju” [“Protest against Allegedly Racially Motivated Police Violence”], *Delo*, 23 October 2025, Available at: <https://www.delo.si/novice/slovenija/protest-v-ljubljani-proti-domnevne-rasno-motiviranemu-policijskemu-nasilju>.

⁵⁴ See also section 6.2.5 Independent Police Oversight.

⁵⁵ M. Gorenc, “Teden / Občuten porast rasističnega nasilja: Člani Slovenske obrambne straže naj bi bili po Ljubljani pretepali tuje delavce in študente” [“Week / Noticeable increase in racist violence: Members of the Slovenian Defence Guard allegedly assaulted foreign workers and students in Ljubljana”], *Mladina*, No. 11, 20 March 2026, Available at: <https://www.mladina.si/247518/obcuten-porast-rasisticnega-nasilja/>.

The 2024 case primarily concerned an attack reported in November, where the Ombudsman condemned the expression of hatred and intolerance and stressed the obligation of competent authorities to respond effectively. In 2025, however, the Ombudsman examined a complaint specifically addressing the handling of criminal reports related to a series of such incidents, including those from June 2024.

The 2025 case revealed shortcomings in how the authorities handled the reported incidents. In several instances, the prosecution concluded that the acts did not meet the legal threshold for the criminal offence of public incitement to hatred under Article 297 of the Criminal Code and therefore did not pursue criminal prosecution, but treated the conduct as a misdemeanour. In another case, the act was treated only as damage to property, and the prosecution was discontinued because the financial damage was considered too minor.

In a separate case concerning the removal and damage of a rainbow flag, the act was treated only as damage to property, and the prosecution was discontinued because the financial damage was considered too minor.

The Ombudsman therefore stressed that the competent authorities must not limit their assessment to whether the legal elements of public incitement to hatred are fulfilled, or whether the conduct constitutes a minor offence. They must also examine whether the acts amount to other criminal offences committed directly against specific persons (such as threats, violence, or violations of equality), and whether they were motivated by discriminatory grounds, in particular sexual orientation or association with the LGBTIQ+ community. Such motive must be duly recognised as an aggravating circumstance under Article 49 of the Criminal Code.

The Ombudsman further highlighted the need to clearly distinguish between hate speech (which concerns the incitement of others) and hate-motivated crime (which involves acts directly targeting victims). Failure to make this distinction may lead to inadequate legal qualification and insufficient protection of victims.

The case also demonstrated the risk of trivialisation, where the focus is placed primarily on the low material value of the damage (e.g. damage to a flag), rather than on the discriminatory motive and the broader impact of such acts on the targeted community. The Ombudsman stressed that hate-motivated offences do not affect only the individual victim, but also create fear and insecurity within the wider community to which the victim belongs.

Following the Ombudsman's intervention, internal professional reviews within the prosecution service identified certain irregularities and inconsistencies in the handling of the cases, including premature conclusions. Additional training and awareness-raising measures for prosecutors were subsequently implemented, and further steps were taken to strengthen the understanding and consistent prosecution of hate-motivated offences.

Although sexual orientation is not explicitly covered by the Convention, the case illustrates the broader importance of proper identification and legal qualification of offences committed with a discriminatory motive, as well as the obligation of the State to ensure an effective response to such acts.

6.2.4 Legislative Gaps Affecting the Recognition of Hate Motive

In November 2025, the ZNUZJV reclassified theft of low-value property and minor property damage (up to EUR 500) as misdemeanours rather than criminal offences. As a consequence, such conduct no longer falls within the scope of the Criminal Code and does not allow for the

application of Article 49 KZ-1, which provides that discriminatory motive based on personal characteristics, including race or ethnic origin, shall be treated as an aggravating circumstance.

This legislative development has practical implications. In early 2026, a criminal proceeding concerning the theft of a rainbow flag⁵⁶ was discontinued by a court on the grounds that, following the entry into force of ZNUZJV, the act no longer constituted a criminal offence but a misdemeanour. The reclassification resulted in the termination of the criminal process, including the possibility of applying the aggravating circumstance of discriminatory motive under Article 49 KZ-1.

Acts involving minor property damage are frequently directed against symbols, premises or property associated with minority communities. Within the misdemeanour framework, there is currently no equivalent mechanism ensuring formal recognition of discriminatory motive as an aggravating element, nor systematic recording of such motive. Similar concerns have been noted in domestic legal commentary.⁵⁷

6.2.5 Independent Police Oversight

(Follow-up to paragraph 9(d))

In its concluding observations, the Committee recommended the establishment of a system independent of the Ministry of the Interior to investigate allegations of unlawful police conduct.

Police oversight in Slovenia continues to operate primarily within the executive branch through ministerial supervision and internal control mechanisms under the Ministry of the Interior. No structurally and operationally independent body has been established with a comprehensive mandate to investigate allegations of unlawful police conduct, including cases involving potential racial bias.

A Special Department within the Specialised State Prosecutor's Office (SDT) investigates and prosecutes criminal offences committed by police officers and other officials vested with police powers. However, its mandate is confined to criminal-law responsibility and does not extend to maladministration, discriminatory practices or systemic deficiencies falling short of the criminal threshold. Internal complaint procedures remain within the executive structure. The Ombudsman may examine individual complaints, but does not function as a specialised police oversight authority with binding investigative or sanctioning powers.

Already in its 1998 Annual Report, the Ombudsman emphasised that effective protection against unlawful conduct by public authorities requires complaint mechanisms that are independent, impartial and structurally separated from the authority whose actions are being reviewed. It was underlined that formal legal remedies are often insufficient to address improper conduct, including abuses of authority, omissions or violations of fundamental rights, particularly where such conduct does not directly affect the legality of a formal decision. Complaint procedures must not be handled by the same persons or structures involved in the contested conduct, as institutional proximity may compromise both actual and perceived

⁵⁶ See section 6.2.3. Qualification and Recognition of Hate Motive in Practice.

⁵⁷ Legal commentary has highlighted that the reclassification removes the possibility of applying enhanced sanctions for discriminatory motive in cases of low-value theft and minor property damage and may hinder systematic identification and handling of such motives. See: Pravna mreža za varstvo demokracije, "Nemožnost pregona sovražnega motiva pri novih prekrških" ["Inability to prosecute the hateful motive in newly introduced misdemeanours"], 15 December 2025, Available at: <https://pravna-mreza.si/objave/nemoznost-pregona-sovraznega-motiva-pri-novih-prekrskih/>.

impartiality. Internal supervisory systems, while necessary, cannot substitute for an independent review body positioned outside the hierarchical structure of the authority concerned.

In the absence of such a mechanism, particularly in cases where racist motive may be alleged, public confidence, effective accountability and equal protection before the law remain at risk.

The Ombudsman therefore considers that paragraph 9(d) has not yet been implemented.

7 RATIFICATION OF OTHER TREATIES

(Follow-up to paragraph 18)

7.1 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Slovenia has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to date.

In 2025, the Ombudsman sought clarification from the Ministry of Labour, Family, Social Affairs and Equal Opportunities regarding the State's position on ratification. The Ministry indicated that, in its assessment, the rights protected under this instrument are largely ensured through existing domestic legislation and other international obligations binding upon Slovenia, while stating that the possibility of ratification may be examined in the future

The recommendation issued by the Committee in 2016 therefore remains outstanding.

7.2 International Convention on the Reduction of Statelessness

On 30 January 2025, the National Assembly adopted the Act ratifying the Convention on the Reduction of Statelessness of 30 August 1961. The instrument subsequently entered into force for Slovenia in 2025. With this, Recommendation No. 51 of the Human Rights Ombudsman from its 2019 Annual Report was finally implemented, in which the Ombudsman had urged the Ministry of the Interior, the Ministry of Foreign Affairs and the Government of the Republic of Slovenia to take all necessary steps to initiate the ratification procedure, and the National Assembly to adopt the ratification act without delay.

The Convention on the Reduction of Statelessness establishes safeguards concerning acquisition and loss of nationality, in particular to prevent children from being left stateless and to ensure that deprivation or renunciation of nationality does not result in statelessness. During the ratification process, it was indicated that certain amendments to the Citizenship Act are required to ensure full alignment with these safeguards, notably with regard to children born in Slovenia who cannot acquire the nationality of their parents and safeguards preventing the release of minors from nationality without the guarantee of another nationality.

The Committee's recommendation has been formally implemented through ratification. Full implementation will depend on the adoption of the necessary legislative amendments and their effective application in practice.

7.3 Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

Slovenia signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in September 2009 but has not ratified it to date.

The Ombudsman has repeatedly recommended that the competent authorities initiate and complete the ratification procedure. Despite these recommendations, no legislative steps have been finalised and the ratification process has not been substantively advanced.

Ratification would enable individuals to submit communications to the UN Committee on Economic, Social and Cultural Rights concerning alleged violations of rights protected under the International Covenant on Economic, Social and Cultural Rights, after exhaustion of domestic remedies.

The Ombudsman reiterates the recommendation that Slovenia proceed without further delay with ratification, as an additional safeguard for the effective protection of economic, social and cultural rights, including in contexts where racial discrimination intersects with socio-economic marginalisation.