



REPUBLIC OF
SLOVENIA



HUMAN
RIGHTS
OMBUDSMAN

Written submission by the Slovenian National Human Rights Institution in response to the questionnaire of the Advisory Committee on the Framework Convention for the Protection of National Minorities

March 2026

The Human Rights Ombudsman of the Republic of Slovenia (hereafter: the Ombudsman) welcomes the opportunity to provide input to the Advisory Committee on the Framework Convention for the Protection of National Minorities as part of the 6th monitoring cycle of the implementation of the Framework Convention in Slovenia.

The Ombudsman is a constitutional body mandated to protect and promote human rights in Slovenia, with A-status accreditation awarded in accordance with the Principles relating to the Status of National Institutions. Its mandate includes monitoring, research, issuing opinions and recommendations to authorities, human rights education, awareness-raising, and investigating complaints submitted by anyone who believes that their human rights or fundamental freedoms have been violated by a state authority, a local community authority, or a holder of public authority. The Ombudsman may initiate proceedings to review the constitutionality or legality of regulations and may file a constitutional complaint with the Constitutional Court in an individual case. The Ombudsman also acts as the national preventive mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

With regard to the rights and obligations set out in the Framework Convention for the Protection of National Minorities, the Ombudsman has observed several areas where improvement is needed to ensure full compliance with the Convention's requirements. The information provided in response to the Advisory Committee's questionnaire focuses on the issues on which the Ombudsman is able to provide input, based on its observations from handling complaints and its general monitoring of the situation.



6th monitoring cycle visit to the Republic of Slovenia under the Framework Convention for the Protection of National Minorities

Questionnaire

- 1. Please, provide updated information on legislative or policy changes in the field of anti-discrimination and minority protection since 2021. Were any provisions impacting the rights of national minorities, including the Roma community and other ethnic communities, adopted or amended during this monitoring cycle?***

Since 2021, several legislative and policy developments have taken place in the field of anti-discrimination and minority protection in Slovenia. The most relevant changes are outlined below.

Hate speech and hate crimes

In March 2023, Slovenia amended the **Criminal Code** by introducing a new third paragraph to Article 49, which sets out the general rules for the determination of penalties. The amendment explicitly provides that a discriminatory motive must be taken into account as an aggravating circumstance in sentencing. Courts are required to impose a harsher sentence where the motive for the offence is the victim's nationality, race, religion, ethnicity, sex, skin colour, origin, property status, education, social position, political or other belief, disability, sexual orientation, or any other personal circumstance.

In December 2024, amendments to the **Public Order and Peace Act** (ZJRM-1B) introduced a new misdemeanour prohibiting the use, display, dissemination or other public use, in a public place, of salutes, hymns, songs, flags, uniforms, insignia, slogans or other symbols, as well as related visual and audiovisual materials, characteristic of Nazism, fascism and their collaborationist organisations from the Second World War. The offence is committed where such conduct disturbs, upsets or threatens others and is punishable by a fine ranging from EUR 500 to EUR 1,000. The law provides narrowly defined exceptions for educational, scientific, artistic and journalistic purposes.

In 2024, Slovenia adopted the Act Implementing the **EU Digital Services Act** (ZIUETDS). Of particular relevance to hate speech and minority targeted illegal online content, ZIUETDS establishes a domestic judicial mechanism for the removal of illegal online content where Digital Services Act procedures have been exhausted. Jurisdiction is assigned to the District Court in Ljubljana, which may order the removal, disablement or restriction of access to content, impose warning notices, or adopt domain level measures. The Act explicitly requires that constitutional guarantees of freedom of expression and the principle of proportionality be respected and that the least restrictive measure be applied.

In September 2025, the National Assembly adopted a new **Media Act**. The Act strengthens enforcement of the prohibition of incitement to violence or hatred in the media, including content disseminated via digital platforms and by online content creators. Violations may result in misdemeanour sanctions. Furthermore, the Act restricts eligibility for certain forms of public funding where the editor in chief has, within the preceding two years, been convicted of the criminal offence of public incitement to hatred, violence or intolerance.

National Communities of Nations of the Former SFRY

In 2024, Slovenia adopted the **Act on the Realisation of Cultural Rights of Members of National Communities of Nations of the Former SFRY in Slovenia** (ZUKPPNS). The Act defines the covered communities as Albanians, Bosniaks, Montenegrins, Croats, Macedonians and Serbs who are residents of Slovenia.

The Act explicitly frames its scope as cultural rights, listing rights such as preserving and developing identity, cultivating culture, preserving cultural heritage and history, using mother tongue and script, creating and disseminating media content, and publishing. These rights are implemented primarily through project based activities. The Act also establishes state support mechanisms. The Ministry of Culture is tasked with financing or co financing cultural projects through public tenders, maintaining a register of representative organisations and providing support to the relevant government advisory body. The Ministry of Education is responsible for ensuring the provision of mother tongue and culture learning in primary and secondary education in accordance with the Act.

At the institutional level, the Act requires the Government to establish a dedicated council and sets out its mandate. The council addresses proposals submitted by representative organisations, adopts positions on government decisions affecting these communities, monitors the implementation of rights and identity preservation measures including language and media access, and submits annual reports to the Government and the National Assembly.

Roma

The Government of the Republic of Slovenia adopted the National Programme of Measures for Roma for the period 2021–2030 (NPUR 2021–2030) in December 2021. The Strategy for the Education of Roma in the Republic of Slovenia for the period 2021–2030 was adopted in 2022.

In March 2025, amendments to the **Financing of Municipalities Act** (ZFO-1E) introduced an explicit earmarking requirement and a reporting obligation regarding funds allocated to municipalities with Roma populations. The amendment was intended to strengthen oversight and ensure that such funds are primarily used to improve living conditions in Roma settlements.

In November 2025, the National Assembly adopted the **Act on Urgent Measures to Ensure Public Safety** (ZNUZJV). The law was introduced and fast-tracked in the wake of the death of Aleš Šutar in Novo mesto, an incident widely reported as involving a member of the Roma community and followed by heightened public tension.

The adoption of the Act took place in a broader context of intensified public and political discourse framing Roma communities in terms of security concerns, which is relevant when assessing its potential discriminatory effects in practice.

The Act introduced a series of security-oriented measures, including, the possibility to enforce certain outstanding obligations also 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 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.

In addition, during field visits and direct communication, Roma reported to the Ombudsman that enforcement measures have in some cases adversely affected the ability to ensure children’s access to education. In particular, the seizure of movable property, including vehicles, has reportedly made it more difficult for families to provide transport for children to school.

ZNUZJV introduced additional powers for the police in areas designated as security-risk areas. Among other measures, the police may use technical surveillance tools in such areas, including photography and video recording, as well as automatic number plate recognition, subject to authorisation by an investigating judge. In January 2026, the Roma settlement Brezje-Žabjak in Novo Mesto was formally designated as a “security-risk area.” On 2 April 2026, the area around the Roma settlement in Dobruška vas in Škocjan, was also classified as a security-risk area. According to the Novo Mesto Police Directorate, the security assessments for the areas of Brezje-Žabjak and Dobruška vas indicate a high likelihood of the occurrence of mass criminal offences and misdemeanours, as well as threats to life, personal safety, and property.¹

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

¹ <https://www.sta.si/3540987/policija-kot-varnostno-tvegano-obmocje-razglasila-tudi-dobrusko-vas-v-obcini-skocjan>

enforcement against monetary social assistance. The Ombudsman expressed serious concern regarding enforcement against subsistence-level benefits, in light of the principles of human dignity, proportionality and the protection of vulnerable groups, 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 of the adopted legislation had been conducted.

The law includes several other provisions affecting the Roma community. Articles 14 and 15 regulate payment of social and family benefits (the child allowance) in kind if children's school or integration obligations are not met. Article 24 provides that the Centre for Social Work (CSW) must assume temporary guardianship over the property of a minor parent (a person under 18) and their child until the parent reaches adulthood. Each year after the child's birth, the court must review whether such guardianship is still necessary. The CSW must also assess whether the child's interests are at risk and propose protective measures (e.g. removal of the child) under child protection law. If the minor parent is under 15, the CSW must propose appointing the CSW itself as guardian. The CSW also checks whether family benefits (child or care allowance) should be provided in material form. Article 25 requires municipalities with Roma settlements to ensure that at least 10% of public works jobs are allocated to members of the Roma community. Most of these provisions have not yet been implemented, so data on their enforcement are limited. The Ombudsman is currently reviewing all of these provisions for human-rights compliance.

Disaggregated Data

In January 2023, the new Personal Data Protection Act (ZVOP-2) entered into force, providing, as an exception in the public sector, the possibility of processing disaggregated data on ethnic affiliation. Such data may be processed, on the basis of freely given consent, for a very limited range of purposes where the processing of special categories of personal data is necessary to ensure certain rights or equal treatment of members of national and ethnic communities. However, the introduction of this legal possibility has not yet led to the systematic collection of disaggregated data in practice.

2. Please, provide a general assessment since 2021 of the situation of national minorities in the Republic of Slovenia, including the Italian and Hungarian national communities, the Roma community, and persons belonging to other ethnic communities.

The Ombudsman's findings based on received individual complaints and its general assessments of the position and rights of national and ethnic minorities are presented in the Ombudsman's annual reports (in Slovenian) in a chapter "National and Ethnic Communities".²

² Annual Report of the Human Rights Ombudsman of the Republic of Slovenia for:

- 2021, pages 133-153, <https://www.varuh-rs.si/assets/uploads/publications/64/2024/letno-porocilo-vc-p-rs-za-letno-2021.pdf>
- Annual report for 2022, pages 138-166, <https://www.varuh-rs.si/assets/uploads/publications/63/2024/letno-poroc-ilo-vc-p-rs-za-letno-2022.pdf>
- Annual report for 2023, pages 150-177, <https://www.varuh-rs.si/assets/uploads/publications/1545/2024/letno-porocilo-vc-p-rs-za-letno-2023-a.pdf>

Roma

Housing

The Ombudsman has been repeating, largely unsuccessfully, the same recommendations for years regarding the improvement of the human rights situation of members of the Roma community. The recommendations focus on access to water, sanitation and electricity, the legal and municipal regulation of settlements, the adoption of detailed municipal sectoral programmes, and the collection of data on equality, inclusion, educational performance and employment.

Most Roma in southeast Slovenia live in segregated Roma settlements that often lack basic living conditions, including access to drinking water, sanitation and electricity.

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 municipal 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).³

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.⁴ 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.

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.

The Ombudsman has consistently emphasised that improving housing conditions, access to drinking water, sanitation and a healthy environment constitutes a statutory obligation of

- Annual report for 2024, pages 162-187, <https://www.varuh-rs.si/assets/uploads/publications/2565/2025/letno-porocilo-vcp-rs-za-letno-2024.pdf>

³ 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.

⁴ 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-sidravn-organiministrstvaministrstvo-za-kohezijo-in-regionalni-razvojjavne-objave-ministrstva-za-kohezijo-in-regionalni-razvoj/>.

municipalities under ZRomS-1, and that the State retains ultimate responsibility for ensuring that these obligations are effectively fulfilled in practice.

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 the Roma Community in the Republic of Slovenia Act (ZRomS-1). Government reporting confirms significant variability in the adoption and implementation of such programmes across municipalities. 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 had not fulfilled their 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), systemic shortcomings have been identified in the transparency, targeting and monitoring of their use. As further detailed in the response to Question 8, these deficiencies led to legislative amendments adopted in 2025 (ZFO-1E), which introduced explicit earmarking requirements and reporting obligations.

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, access to infrastructure, and does not result in the consolidation of existing patterns of spatial separation.

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.

Education

The Ombudsman regularly draws attention to the close connection between living conditions for children with school performance and (later) employability. The Ombudsman's inquiry about the schooling of Roma children during the first wave of the COVID-19 pandemic indicated that numerous Roma children face deprivation and special challenges and are in an explicitly poor and comparably worse situation than other students, not only during distance learning measures during the pandemic but in general.

A 2022 Institute for Ethnic Studies report found only 21.3% of Roma pupils complete all nine grades of primary school, with the southeastern region averaging just 12.3%.

Although the National Programme of Measures of the Government of the Republic of Slovenia for Roma for the period 2021–2030 NPUR 2021–2030⁵ 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.⁶ 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

⁵ Government of the Republic of Slovenia, National Programme of Measures of the Government of the Republic of Slovenia for Roma for the period 2021–2030 (NPUR 2021–2030), adopted on 23 December 2021.

⁶ NPUR 2021–2030, p. 18.

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.⁷ ECRI reported that 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. Insufficient knowledge of Slovene has been cited as one of the reasons for such placement.⁸

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.

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.⁹ 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 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

⁷ Government Report 2023–2024, Chapter 2.5, p. 9.

⁸ ECRI, para. 89.

⁹ ECRI, para. 89.

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.

Health

The Ombudsman also draws attention to the worrying data on the health of the Roma. The research published by the National Institute of Public Health in 2018 showed that the average life expectancy for Roma men is 48 years and 63 years for women, which is, on average, almost 20 years less than the general population of Slovenia (with an average life expectancy of 77 years). The share of premature mortality among Roma is 69%, significantly higher than the average for Slovenia, 19 %. The research also showed that the mortality rate of Roma children from the age of one to the age of five is seven times higher compared to children of the same age in the entire population, that Roma women have a very high rate of hospitalisations due to conditions related to pregnancy, childbirth and the postpartum period (16 times higher than entire population), and that Roma have a higher rate of hospitalisations due to respiratory diseases, infectious and parasitic diseases, circulatory and gastrointestinal diseases. The Institute concluded that the health of Roma in Slovenia is generally affected mainly by socio-economic factors such as unsuitable living conditions, low level of general and health literacy, multigenerational unemployment, poverty, multiple disadvantage and social exclusion.¹⁰

The distinction between "autochthonous" and "non-autochthonous" Roma

The distinction between "autochthonous" and "non-autochthonous" Roma persists despite recommendations to eliminate it. The Act on Local Self-Government mandates Roma representation in municipal councils only in areas with "autochthonous" Roma populations, excluding urban areas like Ljubljana and Maribor, and some other municipalities with Roma populations. The Ombudsman has consistently maintained that the use of autochthonous settlement as a criterion for determining the scope of specific 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.

Early and forced marriages continue to raise concerns in relation to members of the Roma community. 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

¹⁰ 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, Available at: https://nijz.si/wp-content/uploads/2022/07/javnozdravstveni_pristopi_romi.pdf.

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.

Access to work

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.¹¹ 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).¹² 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

In 2024, the Ombudsman found shortcomings in the **police response** to repeated reports of extortion by an illiterate Roma woman with very limited knowledge of Slovenian. Despite several reports, no action was taken, although the law requires special consideration for vulnerable victims. The shortcomings were not intentional but resulted from a failure to give sufficient attention to her personal circumstances. Only after the Ombudsman's intervention did the police conduct an interview and allow her to file an oral criminal complaint.

In 2025, a marked intensification of hostile **public discourse** targeting Roma¹³ was observed, including statements allegedly conditioning access to basic services, such as drinking water, on compliance with specific obligations¹⁴, and generalised attribution of criminality to the Roma community following individual incidents.

¹¹ Government Report 2023–2024, Chapter 2.2 (Employment), p. 13.

¹² Ibid.

¹³ See Chapter 3.7: Security Policies, Stigmatization and Collective Attribution of Criminality (2025–2026).

¹⁴ 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/>

Italian and Hungarian national minority

In 2024, the Ombudsman addressed alleged discrimination in notarial procedures, noting that where notaries lack sufficient knowledge of Italian or Hungarian, parties may be directed to court interpreters and required to bear translation costs, placing them in a worse position than Slovenian speaking parties. The Ombudsman issued a recommendation to the Ministry of Justice to ensure adequate legal bases enabling equal use of Italian and Hungarian in notarial procedures in bilingual areas.

Already in 2018, the Ombudsman addressed the issue of the use of minority languages in judicial proceedings, following a complaint submitted by a member of the Hungarian national community. The case concerned enforcement proceedings based on authentic documents, for which the Ljubljana Local Court has exclusive jurisdiction at first instance under the Courts Act. As this court is located outside bilingual areas, Hungarian is not in official use in its proceedings. The Ombudsman noted that, as a result, members of the Hungarian national community may be required to submit applications in Slovene or bear translation costs. The Ombudsman further highlighted that the centralisation of jurisdiction in such cases was introduced for reasons of efficiency, without sufficient consideration of its impact on the exercise of minority language rights. In this context, the Ombudsman also raised concerns regarding the compatibility of the existing arrangement with Slovenia's obligations under the Framework Convention for the Protection of National Minorities, in particular with regard to the effective use of minority languages in judicial proceedings. The legal provision establishing such exclusive jurisdiction remains in force.

The Ombudsman also noted concerns that the design solution of new biometric identity card forms did not adequately reflect the equality of official languages in bilingual areas, following a submission from the MPs representing the Italian and Hungarian communities. The Ombudsman recommended that the Minister of the Interior amend the Rules on the Implementation of the Identity Card Act so that the design of the identity card form reflects the equal status of official languages in the Republic of Slovenia. This recommendation was fully implemented.

In education, the Ombudsman reported that in 2023 an amendment introduced a new legal basis allowing children with special needs who reside outside the ethnically mixed area to be directed, under the applicable rules on placement of children with special needs, also to schools with Italian as the language of instruction or to bilingual schools that provide adapted or special education programmes.

Regarding special electoral rights, the Ombudsman identified structural weaknesses in record keeping and archiving. For the Hungarian community, the Ombudsman reported that, with one exception, the special voting right was recognised in all cases submitted from 2014 to 2022, but that the overall number of statements since 2002 remains unreliable due to inconsistent record keeping and loss of archived documentation. For the Italian community, the Ombudsman noted that detailed criteria under the electoral framework were adopted by most municipal self governing communities, with differences in practice across municipalities.

Discrimination – general

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

The development of targeted policies and measures is also hampered by the **lack of data collection disaggregated by protected ground**.

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.

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 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.

The Ombudsman 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.

3. Please, provide updated information and disaggregated data on the number of reports and complaints received by the Human Rights Ombudsman concerning acts of discrimination (including online) on ethnic, linguistic or religious grounds affecting persons belonging to national minorities. What trends have been observed during this monitoring cycle? What measures are taken to address possible under-reporting among minority communities?

In 2021, the Ombudsman handled 27 complaints regarding the position and rights of national or ethnic minorities in Slovenia. 19 of these were related to the position and rights of the Roma community and its members, six to the position and rights of the Italian and Hungarian national communities and their members, and two to other national or ethnic communities.

In 2022, the Ombudsman handled 27 complaints. 11 were related to the position and rights of the Roma community and its members, five to the position and rights of the Italian and Hungarian national communities and their members, and two to other national or ethnic communities.

In 2023, the Ombudsman handled 36 complaints. 23 were related to the position and rights of the Roma community and its members, seven to the position and rights of the Italian and Hungarian national communities and their members, and four to other national or ethnic communities.

In 2024, the Ombudsman handled 37 complaints. 24 were related to the position and rights of the Roma community and its members, seven to the position and rights of the Italian and Hungarian national communities and their members, and two to other national or ethnic communities.

In 2025, the Ombudsman handled 52 complaints. 46 were related to the position and rights of the Roma community and its members, and six to the position and rights of the Italian and Hungarian national communities and their members.

See the answer to Question 10 regarding measures to address possible underreporting among minority communities.

4. Please, provide information on co-operation between the Human Rights Ombudsman and the Advocate of the Principle of Equality in cases concerning discrimination or hate speech affecting national minorities.

The Human Rights Ombudsman and the Advocate of the Principle of Equality cooperate primarily through the exchange of information and positions in cases concerning discrimination.

The Ombudsman informs complainants about the mandate and competences of the Advocate of the Principle of Equality in cases where the Ombudsman does not have the competence to examine the complaint.

5. Please, describe how the Ombudsman collaborates with law enforcement authorities and prosecutors in cases of discrimination, hate speech or hate crime. Do you have updated data on the number of complaints which led to investigations, prosecutions or sanctions?

The Ombudsman handles complaints alleging misconduct by law enforcement authorities and monitors their practices in specific areas.

In 2021, the Ombudsman published an analysis of prosecutorial practice concerning the criminal offence of public incitement to hatred, violence, and intolerance, covering the period

from 2008 to 2018. For this purpose, the State Prosecutor's Office provided the Ombudsman with all relevant prosecutorial case files.¹⁵

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 2024¹⁶. 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.¹⁷ Since 2020, cases involving hate motives have been internally marked within prosecutorial practice in order to facilitate identification and tracking.¹⁸

The available data from an analysis of prosecutorial case files for the period 2019–2023 prepared by the Peace Institute 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.¹⁹

¹⁵ The analysis of the prosecution of hate speech in Slovenia under Article 297 of the Criminal Code (KZ-1) was 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.varuhrs.si/fileadmin/user_upload/pdf/Razne_publikacije/Sovrazni_govor_knjizica2.pdf.

¹⁶ 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.

¹⁷ 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>

¹⁸ *Ibid.*, p. 128.

¹⁹ 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%BEEa-Kogov%C5%A1ek-%C5%A0alomon-Sergeja-Hrvati%C4%8D_LOWRESS.pdf.

6. Please, provide information regarding the possibility for the Ombudsman to launch investigations on its own initiative in cases concerning minority rights, including in situations involving alleged police misconduct or systemic failures at municipal level.

The Ombudsman has the authority to initiate investigations on its own initiative, including in cases concerning minority rights. The Ombudsman actively uses this power, particularly in situations involving the rights of national minorities.

7. In its Fifth Opinion, the Advisory Committee expressed concern regarding increasing hate speech and intolerant public discourse. Please, provide updated data in this area and describe any activities undertaken by your office to combat hate speech and promote tolerance.

Since 2021, Slovenia has introduced legislative amendments aimed at strengthening the regulation and sanctioning of racist hate speech and propaganda. For further details, please refer to the response to Question 1.

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.²⁰ There are no comprehensive official data available on the prevalence of hate speech.

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

²⁰ Human Rights Ombudsman of the Republic of Slovenia, *Kazenskopravni 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>.

half of the proceedings were discontinued as falling outside the scope of the DSA or due to incomplete submissions.²¹ The practical effectiveness of this framework in ensuring the 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 Ombudsman 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 of hate speech in Slovenia. This participation did not extend to involvement in the drafting of the Council's findings and recommendations.

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 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.

²¹ 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>.

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 has consistently highlighted concerns regarding hate speech and intolerant discourse over more than a decade. Annual reports since at least 2012 have repeatedly pointed to problems related to the ethics of public speech and the persistence of discriminatory narratives in public and political discourse. Despite the existence of a legal framework, the Ombudsman has continuously observed shortcomings in its practical implementation and stressed the need for a more comprehensive approach, including education, awareness-raising and stronger institutional responses.

The Ombudsman has continued to repeat and emphasise the following recommendations issued since 2021 concerning the effective prosecution of hate speech and the improvement of the legal framework.

3 (2021), reiterated in 2022, 2023, 2024

The Ombudsman recommends that the Ministry of Justice, the Ministry of the Interior, and the Ministry of Culture promptly begin preparing appropriate legislative bases to enable the effective prevention of online hate speech, including on social media platforms.

2s (2021), reiterated in 2022, 2023, 2024 – permanent task

The Ombudsman recommends that, when dealing with the criminal offence under Article 297 of the Criminal Code (KZ-1), the police, prosecutors, and courts also assess the impact of the offence on the victim or the community, in line with the European Commission Guidelines on the practical application of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law.

4 (2021), reiterated in 2022, 2023, 2024

The Ombudsman recommends that the Ministry of Justice prepare legislative amendments enabling subsidiary prosecution for the criminal offence under Article 297 of KZ-1, so that it would be available not only to the specific victim against whom the offence was committed, but also to a broader range of affected persons or entities.

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 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.

In the reporting period the Ombudsman has also prepared comments on draft amendments to the Media Act, has continuously publicly raised concerns about hate speech and intolerant discourse, and has participated with expert contributions at conferences and public events addressing this issue.

8. In its Fifth Opinion, the Advisory Committee urged the authorities to ensure access to basic infrastructure and adequate housing in Roma settlements and to strengthen monitoring of municipal obligations. Please, provide information on any monitoring activities undertaken by your office concerning the implementation of the Roma Strategy and the use of additional funding allocated to municipalities with Roma settlements.

For a considerable period, the Ombudsman has critically assessed the processes of municipal and legal regulation of Roma settlements and has called for ensuring access to adequate housing for Roma, including security of tenure and access to basic services such as safe drinking water, sanitation and electricity. The Ombudsman has also proposed that the Government strengthen its efforts to prepare a special law for the urgent regulation of Roma settlements.

The Ombudsman noted that there is no state authority responsible for systematically monitoring the situation and progress in ensuring access to water, electricity and sewage in Roma settlements and their legalisation. It also remains unclear how, and on what basis, municipalities that were asked to provide data on Roma settlements determined whether a settlement is considered Roma, given that no official data exist in this regard. Considering that the spatial regulation of Roma settlements, from the perspective of protecting the rights of Roma community members and those of neighbouring residents, has been one of the most pressing issues for decades, the Ombudsman reiterated the recommendation to establish a framework and procedure for the systematic monitoring of this area.

In his annual reports, the Ombudsman regularly highlighted the problem of **municipalities failing to adopt detailed sectoral programmes** and measures for the implementation of the special rights of members of the Roma community, as required by the Roma Community Act. In the Ombudsman's view, these programmes and measures are essential for planning the spatial regulation of Roma settlements, including access to water, sanitation and electricity, for promoting the inclusion of Roma in the education system, and for encouraging their employment. The absence of such programmes and measures negatively affects the integration of Roma into Slovenian society and seriously jeopardises the realisation of their human rights and special rights, as well as the rights of residents living in or near Roma settlements. These documents are also important for ensuring the proper, transparent, efficient and economical use of public funds allocated to municipalities with Roma populations under the Financing of Municipalities Act.

In October 2025, the Ombudsman examined how many of the 20 municipalities in which the Roma community is guaranteed at least one representative under the Local Self Government

Act had adopted the required programmes and measures, and whether these were also valid for 2025. As many as nine municipalities stated that they had not fulfilled their statutory obligation.

For these reasons, the Ombudsman once again proposes that the Government of the Republic of Slovenia designate the competent ministry to carry out supervision of the legality of the work of municipalities that have not yet adopted the required detailed sectoral programmes and measures, and to require them to fulfil their legal obligations.

The Ombudsman monitored the **use of additional funding allocated to municipalities with Roma settlements** under Article 20a of the Financing of Municipalities Act ZFO-1 through thematic review, direct correspondence with the Government and the issuance of formal recommendations for legislative amendment.

In 2023, in a case concerning the Roma settlement Smrekec, the Ombudsman questioned the justification for a municipality's failure to implement basic infrastructure improvements, including access to drinking water, electricity and sanitation, despite the municipality having received substantial state funds under Article 20a of ZFO-1 in the preceding years. The Ombudsman recalled that municipalities with recorded Roma settlements receive annual state budget funds amounting to 3.5 percent of appropriate municipal expenditure to co finance obligations toward a permanently settled Roma community.

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 about whether these funds were being used for their intended purpose and questioned whether Article 20a funds 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 Roma Community Act.

Following this engagement, the Government acknowledged that the wording of Article 20a 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 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.**

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 such funds.

In 2025 the Ombudsman addressed the Government Office for National Minorities regarding the **monitoring and evaluation of the National Programme of Measures for Roma 2021–2030**, which foresees three evaluations to assess progress and adjust measures. The first evaluation, due by mid 2023, has not been prepared as a standalone document.

Although certain thematic evaluations were carried out in 2023 and 2024 within the framework of the National Roma Platform, Slovenia still lacks a comprehensive, institutionalised and methodologically unified system for monitoring and evaluating the Programme. The Ombudsman noted that this represents a deviation from the Programme's commitments and weakens transparency and accountability.

A key obstacle remains the limited collection of disaggregated data. While the new Personal Data Protection Act allows such data collection under strict conditions, systematic data gathering has not yet been established in practice. The Ombudsman has repeatedly recommended, since 2019, the introduction of systematic disaggregated data collection.

The Ombudsman stressed that evaluation and reporting obligations stem not only from the Programme itself but also from the Roma Community Act, which requires annual reporting to the National Assembly. International human rights bodies, including CERD and ECRI, as well as the EU Roma Strategic Framework, have likewise called on Slovenia to ensure reliable, disaggregated data and effective monitoring of Roma inclusion policies.

The Ombudsman concluded that without systematic evaluation, regular monitoring and transparent reporting, effective implementation of the Programme cannot be ensured. The Government is therefore recommended to establish a permanent and systematic monitoring and evaluation mechanism, based on reliable and disaggregated data collected in line with the principles of voluntary self identification, informed consent and data protection, in order to improve transparency, accountability and the long term situation of the Roma community.

The Ombudsman warned that legalisation barriers can block even basic infrastructure improvements, referring to the case of the **Krušče settlement** in Brežice, which remains not legally regulated primarily because structures were built on land owned by others and without the required construction documentation. The Ombudsman noted that, under the current legal framework, there is no legal basis obliging or enabling a municipality to provide even temporary access to electricity for residential structures without a building permit, which limits municipal capacity to address basic deprivations through ad hoc measures.

Unresolved land ownership relations in such settlements prolong interference with residents' human rights and fundamental freedoms, while municipal plans to resolve ownership issues may remain postponed if they depend on future legislative amendments. For monitoring purposes, these findings demonstrate that assessing minority protection in the field of housing requires close attention not only to the legal framework but also to whether municipalities translate it into transparent procedures, continuous outreach, and workable implementation pathways for legalisation and access to basic services.

The Ombudsman noted a concrete **example of good municipal practice** in Črnomelj, where the municipality followed the Ombudsman's proposal and additionally informed Roma about a public call for non-profit housing through the Roma councillor, Roma members of the municipal working body, the municipal staff member implementing the call, and with support from the centres for social work. The Ombudsman recorded that this outreach had measurable results, including 11 applications submitted by Roma, the allocation of non-profit apartments to two Roma families, and the allocation of municipal apartments to five Roma families in 2023.

In the 2023 Annual Report, the Ombudsman recommended that the Government of the Republic of Slovenia **encourage municipalities with Roma settlements to include, in their detailed sectoral programmes and measures, strategies, objectives, and actions aimed at strengthening housing policy for members of the Roma community.**

In response to this recommendation, the Ministry for a Solidary Future stated that members of the Roma community are not disadvantaged in procedures for obtaining public rental or non-profit housing. At the same time, it emphasised that they cannot be treated as a priority category of applicants, as applicants are unable to demonstrate formal affiliation with the Roma community under the existing legal framework.

The Ombudsman could not agree that members of the Roma community cannot be considered a priority category of applicants for public rental or non-profit housing (solely) because, under the current legal arrangements, “an applicant cannot demonstrate formal affiliation with the Roma community.” In 2025, the Ombudsman addressed the Ministry for a Solidary Future with the question of whether it had considered establishing a legal basis for processing personal data on national or ethnic origin for the purpose of treating members of the Roma community as a priority category of applicants for public rental or non-profit housing. The Ministry explained that it is planning amendments to the Housing Act which, among other things, will regulate the types of rental housing and the procedures for their allocation. Within this process, it will also consider priority categories. It further stated that representatives of vulnerable groups, including members of the Roma community, will be invited to participate in drafting the amendments, and that it will examine the possibility of establishing a legal basis for processing personal data on national or ethnic origin for the purpose of treating members of the Roma community as a priority category of applicants for public rental or non-profit housing.

9. The Fifth Opinion noted limited awareness among some minority communities of the role and mandate of the Ombudsman. Please, provide information on awareness-raising activities carried out during this monitoring cycle to promote knowledge of your mandate among minority communities.

The Ombudsman was surprised by the observation regarding the limited awareness among some minority communities of its role and mandate, as it had previously undertaken numerous activities in the field of the rights of national communities, both on its own initiative and in response to initiatives from representatives who had approached the Ombudsman.

Nevertheless, in response to the Committee's recommendation, the Ombudsman adopted an activity plan for 2023 aimed at increasing awareness of its mandate among minority and ethnic communities and strengthening its contacts with them.

The plan envisaged the distribution of a brochure describing the Ombudsman's mandate and explaining how individuals can address the institution; meetings with representatives of minority and ethnic communities; visits to Roma settlements; organising Ombudsman “business days outside the office” in areas where the Italian and Hungarian communities live; and presenting the Ombudsman's mandate to Roma councillors.

The Ombudsman presented its mandate and the draft awareness-raising activity plan to representatives of minority and ethnic communities at the Follow-up Meeting on the implementation of the Framework Convention for the Protection of National Minorities, organised by the Advisory Committee in Ljubljana in November 2022. On that occasion, the Ombudsman also invited representatives of minority and ethnic communities to meet with the institution and to submit proposals on what additional measures could be taken to enhance its visibility among them.

On the margins of this event, a representative of the Ombudsman met with representatives of national communities who had expressed interest, including representatives of the German community and the Albanian community. In 2023, the Ombudsman and the Deputy Ombudsman also met with representatives of the Albanian and Serbian communities. The Ombudsman also received the Ambassador of Hungary, and discussed, inter alia, the position of the Hungarian self-governing national community in Slovenia.

At the beginning of 2023, the Ombudsman translated its brochure presenting its work and mandate into Albanian, Croatian, Serbian, Bosnian and Macedonian, complementing the existing translations into Italian, Hungarian, German and three Roma language variants. The brochures in Roma languages were distributed during visits to Roma settlements, at events for Roma councillors, and were also provided to the Government Office for National Minorities for use at its events.

In January and February 2023, the Ombudsman held its monthly “business days outside the office” in Ankarani (an area where the Italian minority lives) and Lendava (an area where the Hungarian minority lives). These visits are organised to ensure access to the Ombudsman for individuals who cannot attend meetings at its headquarters in Ljubljana due to distance or other reasons. In February 2023, the Ombudsman also presented its work and mandate to Roma councillors at an event organised by the Government Office for National Minorities.

In 2023, representatives of the Ombudsman carried out a series of visits to six Roma settlements in Črnomelj, Beltinci, Dolga vas and Grosuplje, where they also participated in the consultation “Ensuring Access to Drinking Water in Roma Settlements”.

At the event organised by the Government Office for National Minorities entitled “Training in Support of the Work of Newly Elected Representatives of the Roma Community in Local Self-Government Councils,” the Ombudsman presented its mandate and work to Roma councillors and explained how they can address the institution. Brochures in Roma languages and in Slovenian were also distributed.

On 15 September 2023, the Deputy Ombudsman presented the Ombudsman’s Annual Report at an event organised by the association Preporod in Murska Sobota. Roma councillors were also in attendance.

In 2024 and 2025, representatives of the Ombudsman held several discussions with members of the Roma community and, in addition to the initiatives received, also addressed cases on their own initiative.

10. Please, provide information on the human and financial resources allocated to the Human Rights Ombudsman to fulfil its mandate, including in relation to minority protection. Have there been any changes since the adoption of the Fifth Opinion?

The Human Rights Ombudsman is financed from the State budget. The allocated financial resources in recent years have been as follows: EUR 3,593,694 in 2021, EUR 3,831,134 in 2022, EUR 3,913,552 in 2023, EUR 4,011,410 in 2024, EUR 4,414,512 in 2025, and EUR 4,842,000 in 2026. The overall budget shows a steady increase since 2021.

The Ombudsman's Office operates with a multidisciplinary team of legal advisers and other professional and administrative staff necessary to carry out its broad constitutional and statutory mandate, including the protection of the rights of persons belonging to national minorities.

Financial resources are not earmarked for specific thematic areas. This also applies to minority protection: activities in this field are financed from the Ombudsman's general budget and are integrated into its overall mandate and work.

11. In its Fifth Opinion, the Advisory Committee noted concerns regarding the follow-up to the Ombudsman's recommendations in cases concerning national minorities. Could you please provide updated information on the current practice in this regard?

The Ombudsman cannot, in general, be fully satisfied with the follow-up to its recommendations, including in cases concerning national minorities.

Please find below an overview of the Ombudsman's recommendations issued since 2021 that are relevant in this context. The majority of these recommendations have not yet been fully implemented, or they are reiterated by the Ombudsman, as they are considered to constitute ongoing or permanent tasks for the authorities.

At the same time, some recommendations have been implemented, demonstrating a degree of progress in specific areas.

Implemented recommendations:

The parliamentary group of the Italian and Hungarian national communities, represented by MP Ferenc Horváth, approached the Ombudsman alleging indirect discrimination against candidates for the Petőfi Award when applying for Zois Scholarships. Zois Scholarships are prestigious national merit-based scholarships awarded to talented secondary school and university students in Slovenia for exceptional academic achievements. Due to specific public co-financing requirements in the Rules on Zois Scholarships, achievements in the Petőfi competition—organised by a Hungarian minority institution funded through the Ministry of Culture—were not recognised. The Ombudsman found that, although the aim of ensuring uniform quality standards was legitimate, the measure disproportionately disadvantaged the

Hungarian minority and that the same objectives could have been achieved through less restrictive means.

Following the Ombudsman's intervention, the Rules were amended to also recognise competitions funded directly by ministries, including the Ministry of Culture. The Ombudsman concluded that the initiative was well-founded and the intervention successful.

The Ombudsman recommended that the Government of the Republic of Slovenia submit to the National Assembly amendments to the Financing of Municipalities Act (ZFO-1), providing that funds allocated to municipalities with Roma populations must be earmarked and primarily used to improve the living conditions of members of the Roma community (which is an explicit statutory obligation of municipalities under Article 5(1) of the Roma Community Act (ZRomS-1)). 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 such funds.

The Ombudsman recommended the adoption of appropriate personal data protection legislation and sectoral legislation establishing a specific exception for the collection of disaggregated data by personal circumstances, for the purpose of promoting equal treatment and equal opportunities, while respecting applicable domestic and international data protection standards. This recommendation was partly implemented.

Since January 2023, the Personal Data Protection Act (ZVOP-2) 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).

The Ombudsman recommended that the Minister of the Interior amend the Rules on the Implementation of the Identity Card Act so that the design of the identity card form reflects the equal status of official languages in the Republic of Slovenia. This recommendation was fully implemented.

Not yet fully implemented or considered a permanent task:

Roma

13 (2024)

The Ombudsman recommends that the Government of the Republic of Slovenia adopt measures to ensure access to drinking water for residents of the Roma settlement Smrekec.

14 (2024)

The Ombudsman recommends that the Government of the Republic of Slovenia adopt measures to remediate soil and watercourse pollution in the Roma settlement Smrekec.

7 (2023), reiterated in 2024

The Ombudsman recommends that the Government of the Republic of Slovenia encourage municipalities with Roma settlements to include, in their detailed sectoral programmes and measures, strategies, objectives, and actions aimed at strengthening housing policy for members of the Roma community.

7 (2021), reiterated in 2022, 2023, 2024

The Ombudsman recommends that the Ministry of Health adopt effective measures to improve the health status of Roma and eliminate the pronounced health inequalities between Roma and the majority population. In this regard, the Ombudsman also recommends regular monitoring of the effectiveness of measures through health and healthcare indicators.

51 (2023)

The Ombudsman proposes that the Ministry of Labour, Family, Social Affairs and Equal Opportunities strengthen the staffing and professional capacity of social work centres to ensure the best possible treatment and support for service users.

3 (2022), reiterated in 2023

The Ombudsman recommends that the Ministry of Natural Resources and Spatial Planning prepare an analysis of:

- how many municipal spatial plans regulating Roma settlements have been adopted since the entry into force of the Roma Community Act (ZRomS-1);
- how many Roma settlements are still not included in municipal spatial plans and which they are;
- for how many structures in Roma settlements building permits have been obtained since the entry into force of ZRomS-1, enabling members of the Roma community to secure access to water, electricity, and sewage services;
- and how many structures in Roma settlements still lack building permits.

13 (2020), reiterated in 2021, 2022, 2023

The Ombudsman recommends that the Ministry of Agriculture, Forestry and Food prepare, already in 2021, amendments and supplements to the Agricultural Land and Forest Fund of the Republic of Slovenia Act (ZSKZ), specifically by amending Article 16b(1) to allow the free transfer of ownership of land to municipalities where the designated land use has previously been changed to building land for the purpose of legalising Roma settlements.

Italian and Hungarian National Communities

12 (2024)

The Ombudsman recommends that the Ministry of Justice ensure appropriate legal bases to enable the equal use of the Italian and Hungarian languages in notarial proceedings in bilingual areas.

Disaggregated data

6 (2019), reiterated in 2021, 2022, 2023, 2024

The Ombudsman recommends that the competent authorities enable and ensure the systematic collection of disaggregated data by protected personal characteristics across all areas of social life in order to accurately determine the state of and trends in (in)equality in society. Furthermore, the Ombudsman recommends that the competent ministry assume leadership of the informal working group tasked with resolving the issue of collecting disaggregated data in accordance with Article 62(1) of the State Administration Act (ZDU-1). If agreement between ministries cannot be reached, the Government of the Republic of Slovenia should decide on the disputed issue in accordance with Article 62(2) of ZDU-1.

Hate Speech and Hate Crimes

72 (2024)

The Ombudsman recommends that the Police continue training programmes that include the identification and handling of criminal offences with elements of hatred, and ensure that such training is ongoing and accessible to all police officers. At the same time, the Ombudsman calls for continued cooperation with non-governmental organisations and experts in the field of protecting vulnerable groups, which could further contribute to more effective handling of such unlawful conduct and strengthening trust between the Police and vulnerable groups.

3 (2021), reiterated in 2022, 2023, 2024

The Ombudsman recommends that the Ministry of Justice, the Ministry of the Interior, and the Ministry of Culture promptly begin preparing appropriate legislative bases to enable the effective prevention of online hate speech, including on social media platforms.

2s (2021), reiterated in 2022, 2023, 2024 – permanent task

The Ombudsman recommends that, when dealing with the criminal offence under Article 297 of the Criminal Code (KZ-1), the police, prosecutors, and courts also assess the impact of the offence on the victim or the community, in line with the European Commission Guidelines on the practical application of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law.

2 (2021)

The Ombudsman recommends that the Supreme State Prosecutor's Office formally align its legal position regarding the prosecution of the criminal offence of public incitement to hatred, violence, or intolerance under Article 297 of KZ-1 with the 2019 judgment of the Supreme Court of the Republic of Slovenia, also taking into account the findings of the European Commission against Racism and Intolerance (ECRI) from March 2022.

4 (2021), reiterated in 2022, 2023, 2024

The Ombudsman recommends that the Ministry of Justice prepare legislative amendments enabling subsidiary prosecution for the criminal offence under Article 297 of KZ-1, so that it would be available not only to the specific victim against whom the offence was committed, but also to a broader circle of affected persons (either any member of the targeted group or authorised organisations).

1s (2021)

The Ombudsman recommends that all participants in public debate, especially politicians, avoid statements and writings that incite inequality, hatred, or intolerance based on any personal circumstance, and that they respond to and condemn such instances without delay if they occur.