



REPUBLIC OF SLOVENIA
ADVOCATE OF THE PRINCIPLE OF EQUALITY

ANNUAL REPORT 2017

Ljubljana, April 2018

Foreword of the Advocate of the Principle of Equality

In the past, there has been a long delay in the systematic work of promoting equality and the prevention of discrimination. The last report of the former advocate of the principle of equality was presented to the National Assembly in 2012, after which he did not report anymore because of the protest against the situation in which he worked. Last year, the first report of the newly created body – the Advocate of the Principle of Equality was presented in the National Assembly. It outlined the current situation and delays in this area, the difficulties encountered by the new independent state body, examples of initiatives received by the Advocate of the Principle of Equality and the standards for the functioning of Equality Bodies being a part of the European Network of Equality Bodies (Equinet).

All international documents on the promotion of equality and non-discrimination emphasize that National Equality Bodies, such as the Slovenian Advocate for the Principle of Equality, have an important systemic role in dealing with various forms of intolerance. The latest of this year's "ECRI General Policy Recommendation No. 2: Equality bodies to combat racism and intolerance at national level", the unofficial translation of which is also a part of this year's report, ranks the three main tasks of the Equality Body:

- promoting equality and preventing discrimination (including recording, research and awareness-raising);
- providing support to those who have been subjected to discrimination and participation in legal proceedings, and
- deciding on the complaints of discrimination received and imposing effective sanctions.

In order to be able to develop all three departments and appropriate administrative and technical support, which ensures the legal and autonomous functioning of the body, while performing all the substantive tasks defined in the Protection Against Discrimination Act, sufficient funds are a necessary condition to ensure working in accordance with national legislation and international recommendations and guidelines.

What can describe the situation of the new authority more graphically than the fact that for the first six months we were dealing with the argument that for independent functioning, the latter needs financial resources for the appropriate premises, since the work in one or two offices of the Ministry of Labour, Family, Social Affairs and Equal Opportunities is not the appropriate basis for the establishment of an independent and autonomous state institution? Only after a year of existence, in October 2017, we were able to move into suitable premises. How, then, should the Advocate of the Principle of Equality provide the legal protection for people prescribed by the law, if the basic conditions for work are not guaranteed to the institution?

The broad powers granted to the body in accordance with the directives of the European Union are in Slovenia prescribed by the Protection Against Discrimination Act and set the starting points for our work. However, even the Protection Against Discrimination Act is not consistent with how the procedures of the new body should be conducted. Therefore, we are trying to solve the dilemma of not clearly defined collision of the general administrative procedure and inspection supervision with the help of internal rules of procedure. Since there is a lack of relevant legal and other experts employed at the body, the treatment of proposals to address discrimination are time-consuming and long-lasting processes.

The picture of the work of the new body is better at its systemic part, where last year the first public opinion poll on discrimination in Slovenia was conducted. This showed that more than a third of the population thinks that in recent years the situation of inequality and discrimination in the country has deteriorated and people are largely unaware of where they can turn for help. In order to improve the situation, citizens expect a raise of awareness and information levels, strengthened relations between people, improved legal and regulatory arrangements, and improved education and training.

A number of meetings with NGOs have also affected the work of the new body, since they have often highlighted the systemic aspects of discrimination and expressed multiple expectations for our active participation in various projects. We are implementing international recommendations at the systemic level, as we are trying to establish a systematic overview of the discriminatory treatment at the national level. We have asked various government bodies to report on their policies and measures in the field of discrimination, without the cooperation of which it will not be possible to change the problematic discriminatory practices.

In ECRI General Policy Recommendation No. 2 is inter alia stated that the protection against discrimination authorities must have sufficient financial resources to carry out all legally prescribed duties and tasks with a real effect. Therefore, I must point out at this point that the newly established body in 2018 does not yet have the appropriate structure for the effective implementation of statutory tasks. Only for the tasks of administrative and technical support that are until 24 May 2018 conducted by the Ministry of Labour, Family, Social Affairs and Equal Opportunities, there are 19 people authorized to perform the functions of the secretariat, legal service, human resources management, financial services and main office services. Together with the Advocate of the Principle of Equality, as of 25 May 2018, there are only 5 employees and 3 interns, whose internships expire in the autumn.

Without new associates, an already small team, rather than discrimination content, and proposals for dealing with discrimination, will have to deal mainly with technical and administrative tasks in order to ensure the legal functioning of the body. The latter poses a danger that the content and other systemic tasks deriving from the Protection Against Discrimination Act will inevitably suffer. Procedural traps and inconsistencies in the text of the Protection Against Discrimination Act, the urgently constant argumentation of the reasons for the basic financial means, the failure to take into account our calls and the plans for the proper establishment of the organ reduce the effective and high-quality support for those who are in need of it.

I have already pointed out these worrying facts multiple times throughout the year of 2017 and also on the occasion of presenting the report for 2016 to the National Assembly. In June 2017, at the meeting of the Committee on Labour, Family, Social Affairs and Disability, in October 2017 at the meeting of the Commission on Petitions, Human Rights and Equal Opportunities, and in November 2017 at the Committee on Finance and Monetary Affairs. I stressed that failure to take into account financial proposals and basic requirements of the new emerging autonomous state authority means, consequently, the control over its functioning, thereby interfering with the independence and conditions for achieving the goals and efficiency of the body. Therefore, I invite the National Assembly to provide additional funds for the Advocate of the Principle of Equality for the years 2018 and 2019, in accordance with a written work plan, since less than half of the necessary funds have been received so far.

According to the law, citizens are entitled to an effective body, comparable with other European equality bodies, which must have the capacity to successfully deal with discrimination cases and create conditions for systemic reduction of the latter. For the Republic of Slovenia, it would be the lost opportunity, if after a few years turns out that the Protection Against Discrimination Act was only adopted to avoid high penalties from the European Commission, but with no true aim of fundamental changes in this field.

Due to all of the above, I cannot agree with the thesis that the growth of the organ must be gradual and slow, since this is only a mere attempt to justify an unacceptable situation in which the body cannot fully implement its statutory tasks. The Advocate of the Principle of Equality must carry out all the tasks prescribed by the law, not just some. At the time of the establishment, even the minimum funds for establishing and operating were not guaranteed to the body, let alone to carry out all statutory tasks!

I would like to thank the small team for their devoted work, colleagues at the Ministry of Labour, Family, Social Affairs and Equal Opportunities for technical and administrative assistance under Article 50 of the Protection Against Discrimination Act. I would also like to thank the Ministry of Public Administration for helping with the establishment of a new body.

In line with the second paragraph of Article 22 of the Protection Against Discrimination Act, I propose to the National Assembly of the Republic of Slovenia a regular annual report for 2017.

Miha Lobnik

ADVOCATE OF THE PRINCIPLE OF EQUALITY

Ljubljana, April 2018

SUMMARY

The regular annual report of the Advocate of the Principle of Equality for 2017 consists of several parts. At the beginning, there is a shorter review of the activities of the Advocate of the Principle of Equality in the previous year, followed by six substantive parts.

The first part describes the course of establishing the structure in 2017 and the activities for providing basic working conditions that the independent and autonomous state body needs. In 2017, the main focus was on establishing basic spatial, personnel and financial conditions for the functioning of the body. Only on 1 October was the body able to move to suitable business premises and only five people were employed, including the Advocate, and one trainee. Although Slovenia formally noted the independence of this body, the fact remains that the restriction of the necessary financial resources comparable to other equality bodies in the European area are disabling the autonomy and independence of the Advocate of the Principle of Equality. Financial malnutrition, moreover, leads to the urgent redirecting of resources into the legality of the functioning of the body itself and, to a lesser extent, to the implementation of statutory tasks. This chapter also provides an overview of the consultations and harmonization of the text of the Rules of Procedure of the Advocate of the Principle of Equality, since several issues arose last year requiring a deliberate approach to determining how to deal with discrimination proposals. On the basis of the opinions and legal recommendations obtained, the adoption of the Rules of Procedure is envisaged this year.

The second part relates to the treatment and identification of discrimination within the framework of the authority, which includes an overview of the received and completed initiatives and proposals to address discrimination in the period of 2012-2016. It continues with the statistical survey for 2017, which takes into account 79 received proposals for dealing with discrimination.

Within the substantive set of systematic tasks in the area of discrimination, data on cases of discrimination at the national level are presented. Three inspectorates found discrimination in the inspection procedures and found that the highest number of reported discrimination is in the field of employment and work; regarding access to goods and services, including the private sector and education and training. Individuals were discriminated against on the basis of the following personal circumstances: gender, religion or belief, citizenship and sexual orientation. In 2017, the police dealt with 13 cases of discrimination. From the point of view of systematic monitoring of the cases of discrimination at the national level in accordance with the requirements of the Protection Against Discrimination Law, the need for systemic harmonization of the manner of recording the cases of discrimination in the various institutions is evident.

The promotion of equal treatment at national and local level is presented through the data of ministries and municipalities on adopted and planned measures of normative and political nature. The responses received, and in particular the lack of answers, indicate a low level of awareness of the state and local authorities on the importance of preventing discrimination and promoting equality. In the future, there is a need to increase awareness of the promotion of equal treatment both within the policy framework as well as in the area of work and employment within the institutions.

The establishment of dialogue and the participation of the Advocate of the Principle of Equality with non-governmental organizations in 2017 is also within the third substantive part of the report. NGOs emphasize the role of the Advocate of the Principle of Equality, in particular, in raising awareness of discrimination, promotion of problems and reducing prejudice in the public, as well as informing about the opportunities people have when they are discriminated against.

The fourth round contains activities that took place in the past year in the field of international and bilateral cooperation. Cooperation was intensively carried out in 2017 within the framework of the European Union Agency for Fundamental Rights, the Equinet, the Council of Europe and the United Nations bodies. In bilateral cooperation in 2017, the focus was on organizing a public discussion on the issue of discrimination in the workplace, in terms of age and gender and the exchange of good practices with the Kingdom of the Netherlands.

The perception of discrimination in Slovenia includes a summary of the results and an overview of the most important data from last year's opinion polls. The survey was carried out on a representative sample by sex, age, region and education. The data show that more than a third of respondents believe that the fight against inequality is not appropriately (or not at all) provided. Approximately one fifth of respondents think that they have been discriminated against in the last 12 months.

An unofficial translation of the "ECRI General Policy Recommendation No. 2 "is presented in the sixth section in three aspects: a summary of key points, the text of the General Recommendation and the Explanatory Memorandum. The General Recommendation focuses on the key elements necessary for the establishment, independence and effective functioning of equality bodies which can later effectively affect the field of equality.

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1 ESTABLISHMENT OF THE ADVOCATE OF THE PRINCIPLE OF EQUALITY

1.1 ESTABLISHING AN ORGANIZATIONAL STRUCTURE OF AN INDEPENDENT BODY

Establishing a new independent state body is a demanding process, which depends to a large extent on having sufficient financial resources to enable the employment of suitable personnel and the management of spatial and work-necessary infrastructure.

On 21 April 2016, the National Assembly adopted Protection Against Discrimination Act (PADA), which provides the legal basis for the creation of a new independent and autonomous body - the Advocate of the Principle of Equality. With such an arrangement, the Republic of Slovenia approached the requirements of the European legal order. Prior to the adoption of the PADA, the procedure for violating European Union law was formally introduced against the state of Slovenia in a letter of formal notice from the European Commission: violation no. 2014/2093.

PADA entered into force on 24 May 2016, and since then, in accordance with Article 50 of the PADA, the period of two years has passed since the Ministry of Labour, Family, Social Affairs and Equal Opportunities (hereinafter: MDDSZEM) carries out administrative and technical tasks for the operation of the Advocate of the Principle of Equality. Five months after the entry into force of the PADA, the equality body was given its head with the appointment in the National Assembly, on 25 October, who took office on the following day with the decision of the Electoral Commission of the National Assembly.

The next month, the handover procedures and the examination of the documentation of the previous advocate were acquired. In accordance with Article 50 of the PADA, the preparation of formal registration procedures (registration number, tax number, budget funds...) and the establishment of a new body followed. On 1 January 2017, the Advocate of the Principle of Equality (hereinafter: Advocate) entered the budget as a direct budget user.

The Advocate started his work in October 2016 in one of the offices in the premises of the MDDSZEM and with one employee – himself. As of 1 October 2017, the body moved to its rented premises, and in October 2017, in addition to the Advocate, there were four other employees (two full-time employees and two fixed-term employees).

With perseverance and decisiveness, the organ was initially established, but we cannot yet talk about its development, since this year we are faced with an additional challenge, when the MDDSZEM will no longer provide administrative and technical support that is currently conducted by 19 authorized persons for the Advocate of the Principle of Equality. Therefore, when establishing an independent administrative and technical service, additional financial and personnel burdens are expected, which have not yet been taken into account in the current budget.

At this point we can conclude that the understandable dissatisfaction of the complainants was indirectly also caused by the absence of a transitional period in the PADA, which, with the appropriate financial budget of the body, would determine the time allocated to the technical, administrative, legal, spatial and personnel processes necessary for the operational and functional establishment of a new organ. In the past year, the establishment of an independently and autonomously functioning body has been a priority. For the stated reasons, it is still not possible to carry out all the tasks and duties of the body in accordance with Article 21 of the PADA.

1.1.1 Spatial capacities of the Advocate of the Principle of Equality

At the beginning of the year, spatial conditions were not managed properly and funds for renting independent premises were not provided. Thus, the Advocate and colleagues operated in two offices in the premises of the MDDSZEM until October 2017. Only on 1 October 2017, on the basis of the governmental guarantee of additional funds for the premises that allow normal working processes, the Advocate of the Principle of Equality was able to rent an office at Železna cesta 16.

1.1.2 Personnel capacities of the Advocate of the Principle of Equality

At the beginning of the year, spatial conditions were not managed properly and funds for renting independent premises were not provided. Thus, the Advocate and colleagues operated in two offices in the premises of the MDDSZEM until October 2017. Only on 1 October 2017, on the basis of the governmental guarantee of additional funds for the premises that allow normal working processes, the Advocate of the Principle of Equality was able to rent an office at Železna cesta 16.

1.1.3 Financial capacities of the Advocate of the Principle of Equality

In 2017, the Advocate spent a total of 225,352 euros of budgetary funds for its establishment and operation.

In the spring of 2017, the Advocate prepared its first precisely defined phase, material and financial plan for 2018 and 2019. In order to carry out a minimum amount of statutory duties and tasks, the Advocate for the year 2018 envisaged a financial plan in the amount of € 1,110,000. When the budget was amended, the Ministry of Finance allocated only € 500,000 to the Advocate for the 2018 budget, which amounts to less than half of the urgently needed budget funds.

Warnings of the Advocate that the funds allocated do not enable the implementation of all the statutory tasks, have additional argumentation also in Article 50 of the PADA, where the MDDSZEM provides administrative and technical assistance to the functioning of the body only until May 2018. After this period, the Advocate must provide adequate personnel infrastructure for independent operation (establishment of an independent secretariat, personnel and budgetary services and head office) and the implementation of tasks defined by law, which are related to the promotion of equality and the prevention of discrimination.

Based on the organizational structure deriving from the PADA, the recommendations of the European Commission for Combating Racism and Intolerance of the Council of Europe (ECRI) for equality bodies, and the work plan of the Advocate, the funds for the autonomous operation of the body are estimated at € 1,110,000 annually. The purpose of the Advocate's financial plan is to provide an appropriate structure that will enable the broader synergistic effects of such an organ to be achieved.

Although Slovenia has envisaged the independence of this body in the law, the fact remains that since the limitations of the necessary financial resources comparable to other equality bodies in the European area, we cannot talk about the actual autonomy and independence of this body. The financial malnutrition of the Advocate leads to the urgent redirecting of resources into the legality of the functioning of the body itself and to a smaller extent the implementation of statutory tasks.

Taking into account the long delay in the systematic work in this field, which was the reason for the European Commission's procedure against the Republic of Slovenia, which helped to this autonomous and independent body finally being founded, we can detect the risk that the content that the body should be implementing and providing are still only guaranteed in principle but not implemented in practice due to the lack of financial resources.

1.2 ORGANIZATION OF WORK

The organization of the Advocate's work is derived from the provisions of the PADA and is in line with the "ECRI General Policy Recommendation No. 2", adopted by the European Commission for Combating Racism and Intolerance of the Council of Europe (ECRI) at ministerial level this year.

Article 1 of PADA defines the purpose of the law, which is the protection against discrimination irrespective of their gender, nationality, racial or ethnic origin, language, religion or belief, disability, age, sexual orientation, gender identity or gender expression, social status, property status, education, or any other personal ground. Personal grounds that can be the basis for discrimination include, in addition to the above, pregnancy, parenting, health, skin colour, etc.

The Act defines protection against discrimination in various fields of social life, when enforcing human rights and fundamental freedoms, exercising rights and obligations and in other legal relationships in political, economic, social, cultural, civil or other fields.

In accordance with the powers and duties arising from the PADA, and taking into account ECRI General Policy Recommendation No. 2, the organizational structure of the Advocate is divided into:

- Department for systematic monitoring, promotion of equality and prevention in the area of discrimination,
- Department for counselling, advocacy and decision-making on discrimination,
- the Inspection Department and
- the Secretariat performing the support tasks.

<p>VI.</p> <p>A. Department for systemic monitoring, promoting equality and prevention</p> <p>A1. Logging, observation, monitoring</p> <ol style="list-style-type: none"> Internal statistics, enquiries, counselling, help, support, media, lodged applications, procedures, etc. (A, B, C, E, G, F) Logging, monitoring and analyses of inspection bodies' work (Art. 16 PADA) Monitoring discrimination, as it is heard and detected by other state bodies (courts and the police) Monitoring and logging of preventive measures taken by monitored bodies (promoting equality, Art. 14 PADA) Studying of new and existing legislative procedures - issuing opinions (by substance and effects) Logging work of ECtHR and international case law Acceding to and implementation of duties arising from international treaties, agreements and conventions, collection of observations and topics 8. Monitoring topics (personal circumstances, areas, forms) and collection of observations <p>A2. Research and enquiries by personal circumstances, areas, forms of discrimination, other relevant research (public opinion)</p> <p>A3. Dialogue - with key NGOs, discriminated groups, and with state institutions (A3.1.)</p> <p>A4.1. Opinions</p> <p>A4.2. Recommendations according to different parts and topics of monitoring Considering research, analyses and valuations of monitored data, processes and good practices, and from received applications</p> <p>A4.3. Proposals for adoption of special measures (positive discrimination)</p> <p>A5. Awareness-rising (in general public and among groups by circumstances, areas and form of discr.) to:</p> <ul style="list-style-type: none"> Prevent & eliminate discrimination, eliminate intolerance Foster diversity and good relations among different groups of society <p>A6. Education (of general public and groups by personal circumstances, areas, forms of discrimination and by subjects and groups)</p> <p>A7. Cooperation</p> <p>A8. International cooperation & exchange Equinet, bilateral cooperation, Council of Europe, European Commission, FRA, diplomatic missions, other</p> <p>A9. Reports, yearly and special</p>	<p>Organizational structure of the Advocate of the Principle of Equality (task and duties according to PADA)</p> <p> <input type="radio"/> Systemic aspect <input type="radio"/> CABINET <input checked="" type="radio"/> </p> <p>The Advocate of the Principle of Equality <i>individual aspect</i></p> <p>PUBLIC RELATIONS</p> <ul style="list-style-type: none"> programme PR institution PR promotion of institution's services
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<p>IV.</p> <p>B. Department for counselling, advocacy and decision-making on discrimination</p> <p>B1. Counselling and legal assistance</p> <ul style="list-style-type: none"> Informing on discrimination in general Counselling and legal assistance in cases of suspected discrimination Assistance and support with lodging application <p>B2. Advocacy</p> <ul style="list-style-type: none"> Participating in judicial proceedings (legal representation) (Art. 39) Accompanying to courts Initiating constitutional review <p>B3. Applications (reports) - 5th chapter of PADA (reception, considering, decisions → statistics inb A)</p> <p>Decision-making on discrimination (Transfer to C or termination → statistics in A)</p>	<p>III.</p> <p>C. Department for inspection</p> <ul style="list-style-type: none"> Motion to tackle discrimination Identifying discrimination according to PADA—findings Inspection Deciding <p>Decisions to eliminate discrimination</p> <ul style="list-style-type: none"> Order to bring an irregularity to an end (Art. 42., 3. 1.) Proposal for the adoption of adequate measures to prevent further discrimination and elimination of consequences in defined due time (Art. 42., 3. 2.) Prohibition of further discrimination (Art. 42., 3. 3.) Calls upon infringer to protect victim of disc. or person helping him/her from victimisation or elimination of consequences of incurred victimisation (37. 2.) Referral to a competent inspection, when the Advocate's decision ↑ would not be relevant (Art. 42., 4.) Proposal to initiate offence procedure at competent inspection—when infringer fails to comply (Art. 43) <p>Inspectorates—as offence authorities - Art. 44 Monitoring of issued sanctions and effects by inspectorate</p>
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<p>III.</p> <p>D. SECRETARIAT</p> <p>D1. Budget (initial tasks, regular tasks and duties, growth)</p> <p>D2. Finances (heading, planning, orders, (purchase) orders, travel forms)</p> <p>D3. HR (systematisation, HR plan, interviews, evaluations)</p> <p>D4. Infrastructure (premises, equipment, inventory)</p> <p>D5. IT (computers, telephones, ICT, webpage)</p> <p>D6. Head Office (All tasks...)</p> <p>D7. Rules of procedure and acts (All tasks...)</p>	<p></p> <p>REPUBLIC OF SLOVENIA ADVOCATE OF THE PRINCIPLE OF EQUALITY</p>
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Roman numerals = paragraphs from Article 21 of PADA (Tasks and powers of the Advocate)

1.3 PROCESS OF ADOPTING THE RULES OF PROCEDURE

1.3.1 Introduction

The Advocate in accordance with the third paragraph of Article 32 of the PADA (Official Gazette of the Republic of Slovenia, No. 33/2016) regulates its organization and procedure with Rules of Procedure and other general acts. PADA stipulates that the Advocate issues the Rules of Procedure within three months of the appointment. With the first activities related to the preparation of the Rules of Procedure, the Advocate began immediately after the start of work of the first public employee, i.e. in March 2017. Due to some unclear legal provisions, the Advocate submitted to the draftsman of PADA - MDDSZEM – in April 2017 an application for an opinion on some outstanding issues, dilemmas and draft rules of procedure and requested that the competent ministry consider whether the drafted Rules of Procedure follow the objectives and purpose that was drafted by the law maker through the adoption of PADA. The Advocate obtained the opinion of the MDDSZEM; at the same time, as it is evident from the timetable, it also kept a dialogue with other external stakeholders, including the Ministry of Justice, which also participated in the preparation of the PADA, and has, in relation to the very nature of the Rules of Procedure, taken a different view from the aforementioned MDDSZEM. The Advocate also engaged an external legal adviser who, during the period from 4 October 2017 until 22 November 2017, also cooperated and advised in the preparation of the Advocate's Rules of Procedure. In the spring of 2018, the Advocate prepared the latest version of the Rules of Procedure, in line with the observations presented at a joint meeting with the Ministry of Justice (hereinafter: the MP) on 28 November 2017 and asked the aforementioned Ministry to make submissions. At all times, the Advocate was also in the process of internal coordination of the Rules of Procedure in accordance with individual opinions obtained from other bodies and legal experts, as well as ECRI guidelines.

2 TREATMENT AND DETECTION OF DISCRIMINATION IN THE FRAMEWORK OF THE AUTHORITY

2.1 LEGAL DEFINITION OF DISCRIMINATION

Article 1 of the PADA defines the purpose and content of the law, which is to provide protection against discrimination for individuals, on the basis of their personal grounds. PADA summarizes, in particular, the personal circumstances listed in the Constitution of the Republic of Slovenia and in the Penal Code (Official Gazette of the Republic of Slovenia, No. 50/12 - official consolidated text, 6/16 - popr., 54/15 and 38/16). These personal circumstances are: gender, nationality, racial or ethnic origin, language, religion or belief, disability, age, sexual orientation, gender identity or gender expression, social status, property status, education, or any other personal ground. Personal grounds that can be the basis for discrimination include, in addition to the above, pregnancy, parenting, health, skin colour, etc.

Article 2 of the PADA provides protection against discrimination in various fields of social life, when enforcing human rights and fundamental freedoms, exercising rights and obligations and in other legal relationships in political, economic, social, cultural, civil or other fields.

The PADA in various articles, in accordance with the EU Directives, as the third aspect of the definition of discrimination identifies different forms of discrimination where special attention is given to the more severe forms of discrimination.

For the existence of discrimination, the purpose of the perpetrator discriminating against anyone is not necessary; it is enough that discrimination has occurred or could have occurred. Protection against discrimination is also guaranteed by law to persons who are in any way (in law or in fact) connected with a person with a particular personal circumstance (e.g. spouse, relative, etc.), and persons who are discriminated against due to a particular personal ground that is attributed to them, which they do not actually have.

In order to determine discrimination, it is therefore necessary to establish the form of discrimination, define the area in which discrimination has taken place and the personal grounds upon which discrimination is occurring. Only such practices are legally considered discrimination. If either of these three criteria are not met despite the presence of the other two elements, the act cannot be legally defined as discrimination.

2.2 INITIATIVES AND APPLICATIONS OF DISCRIMINATION FOR THE PERIOD OF 2012-2016

Upon handing over the work of the previous advocate, it turned out that a large amount of the open cases for the period 2012-2016 had not yet been closed. The vast majority were initiatives and applications that should be dealt with in accordance with the Implementation of the Principle of Equal Treatment Act (hereinafter: ZUNEO). From 24.5.2016 until 31.12.2016, there were already proposals for the treatment of discrimination that have to be dealt with in accordance with the PADA.

In the period 2012-2016, 258 applications and proposals for dealing with discrimination were received; of which 192 cases were closed, and 66 cases are still pending.

In 2012, 45 applications and initiatives were received, 43 were closed, 2 cases are under consideration. In 2013, 54 applications and initiatives were received by the body, 51 were closed, another 3 cases are under consideration. In 2014, 46 applications and initiatives were received, 43 were closed, and 3 cases are still pending. In 2015, 45 applications were received and initiatives, 32 of them were closed, 13 cases are still under consideration. In 2016, 68 applications, complaints and proposals for discrimination were received, 23 cases were closed, and another 45 cases are under consideration.

Table: Review of applications of discrimination for the period of 2012–2016

	Received cases	Closed cases	Cases being dealt with
Together	258	192	66
2016	68	23	45
2015	45	32	13
2014	46	43	3
2013	54	51	3
2012	45	43	2

2.3 APPLICATIONS OF DISCRIMINATION IN 2017

Below is an analysis of the applications of discrimination received in 2017. Treatment of the applications of discrimination is fully regulated by the PADA.

In 2017, the Advocate registered 82 cases as applications of discrimination, but three cases did not correspond to the application of discrimination and were not taken into account in the following tables. The 2017 survey therefore only takes into account the 79 applications received.

The main reason for non-compliance with the applications of discrimination is the failure to adopt the Rules of Procedure due to dilemmas when regulating the proper procedure for dealing with applications. In the year 2017, when discussing the Rules of Procedure, a number of issues were raised that require a deliberate and long-term approach to determining the way to deal with discrimination applications. Therefore, an exchange of views and coordination with some ministries and legal experts took place in the past year. On the basis of the opinions and legal recommendations obtained, adoption of the Rules of Procedure is foreseen in May this year. The content and procedure for adopting the Rules of Procedure is described in Chapter 4: The process of adopting the Rules of Procedure.

In addition, in 2017, the main focus was on establishing the basic spatial, personnel and financial conditions for the functioning of the body. At the beginning of the year, spatial conditions were not

managed properly and funds for renting independent spaces were not provided. Only on 1 October was the Advocate able to move to suitable business premises and only five people were employed at that time, including the Advocate and one trainee. The implementation of procedures for employment and other procedures that ensure the transparency and lawful functioning of the body have largely marked the year 2017, taking into account the severe financial malnutrition of the body.

2.4 STATISTICS OF APPLICATIONS RECEIVED IN 2017

The review of the statistics of the applications received in 2017 describes the personal grounds upon which the applicants claim discrimination, as well as the areas of life where they were allegedly discriminated against. Also, data on the form of discrimination reported in 2017 are covered.

2.4.1 The personal grounds of the alleged discrimination

The most frequently alleged personal ground of discrimination in 2017 was disability (in 11 cases or 13.92 per cent). The alleged personal circumstances of gender, religious beliefs and racial or ethnic origin appeared in 10 cases, or 12.66 per cent. In 2017, there were no proposals to address discrimination in which discrimination would be alleged for the following personal grounds: language, gender identity, sexual expression and education.

In the table below, the sum of listed personal grounds is not counted in the total number of initiatives (79) received in 2017. The reason for this is that one case can claim discrimination on the basis of multiple personal grounds at the same time or personal grounds as the cause of discrimination not being specified at all.

Table 1: Alleged personal grounds of discrimination

I. Alleged personal grounds of discrimination	No.	%
1 gender	10	12,66
2 nationality	3	3,80
2.1 race or ethnic origin	10	12,66
2.2 language	0	0,00
3 religion or belief	10	12,66
4 disability	11	13,92
5 age	3	3,80
6 sexual orientation	4	5,06
7 gender identity	0	0,00
8 gender expression	0	0,00
9 social status	3	3,80
10 property status	2	2,53
11 education	0	0,00
12.1 other – citizen of another EU member state	1	1,27
12.2 other – citizen of a third country	1	1,27
NP (no data)	27	34,18

2.4.2 Areas of life where discrimination is occurring

In 2017 there were as many as 18 cases of discrimination in the area of access to goods and services available to the public, including housing. 16 cases were in the area of employment and working conditions, including the termination of employment contracts and wages. This is followed by the area of social protection, including social security and health care, where there were 9 cases and the area of education, with 8 applications for dealing with discrimination. In 2017, there was no case in the field of membership and involvement in the organization of workers or employers or in any organization whose members perform a particular profession, including the benefits provided by such organizations.

In the table below, the sum of these areas of life is not counted in the total number of initiatives (79) received in 2017, as one case may include suspicion of discrimination in several areas of life at the same time or in none of the areas listed.

Table 1: Areas of life where discrimination is occurring

II. Areas of life where discrimination is occurring	No.	%
1. conditions for obtaining employment, self-employment and profession, including selection criteria and employment conditions, notwithstanding the type of activity or the level of occupational hierarchy, including promotion	5	6,33
2. accessing all forms and all levels of career orientation and consulting, vocational and professional education and training, further vocational training and retraining, including internship	2	2,53
3. employment and working conditions, including termination of employment contracts and wages	16	20,25
4. membership and inclusion in workers' or employers' organisations or any organisation whose members perform a certain vocation, including benefits provided by such organisations	0	0,00
5. social protection, including social security and health care	9	11,39
6. social benefits	1	1,27
7. education and schooling	8	10,13
8. accessing goods and services available to the public, including housing facilities and the supply of housing facilities	18	22,78
NP (no data)	10	12,66

2.4.3 Forms of discrimination

PADA lists various forms of discrimination. The most often alleged form of discrimination is direct discrimination (60 cases or 75.95 percent). The second most common form of discrimination is harassment (18 cases or 22.78 percent), followed by indirect discrimination (13 cases or 16.46 percent), and incitement of discrimination in 6 cases or 7.59 percent. In 2017, the Advocate did not receive any proposal to deal with discrimination that would claim the following form of discrimination: sexual harassment or instruction to discriminate.

In the table below, the sum of these areas of life is not counted in the total number of initiatives (79) received in 2017 - one example can show the characteristics of several forms of discrimination at the same time.

Table 3: Forms of discrimination

III. Forms of discrimination	No.	%
Indirect discrimination	13	16,46
Direct discrimination	60	75,95
Harassment	18	22,78
Sexual harassment	0	0,00
Instructions on discrimination	0	0,00
Inciting discrimination	6	7,59
Victimisation	4	5,06

2.4.4 Severe forms of discrimination

The most commonly claimed severe form of discrimination is persistent and repeated discrimination in 31 cases, or 39.24 percent. In 30 cases, or 37.97 percent, mass discrimination is individually filed and in 28 cases, or 35.44 percent, discrimination that has or could have consequences for the person subject to discrimination that are difficult to remedy.

In the table below, the sum of these areas of life is not counted in the total number of initiatives (79) received in 2017 – one example can show the characteristics of several forms of discrimination at the same time.

Table 4: Severe forms of discrimination

IV. Severe forms of discrimination	No.	%
Multiple discriminations	8	10,13
Mass discrimination (collectively lodged application)	2	2,53
Mass discrimination (individually lodged application)	30	37,97
Persistent and repeated discrimination	31	39,24
Discrimination with consequences difficult to remedy	28	35,44
Discrimination of children	7	8,86
Discrimination of other weak persons	7	8,86
Delivering or disseminating racist, religious, national and sexually discriminatory appeals, inducing, abetting or inciting hatred and discrimination, and broader public haranguing which promotes discrimination	1	1,27

2.4.5 Month of filing the application

The month in which most of the applications were submitted in 2017 was January – 15 proposals to address discrimination. Followed by June with 11 suggestions. In the remaining months, the proposals submitted were fairly moderate, except in November when only 1 application came to the body. It is interesting that in 2016, exactly in November, one month after the appointment of the head of the new body, the most applications were received.

Table 5: Month of filing the application

Month of filing the application	No.	%
January	15	19,99
February	6	7,59
March	5	6,33
April	9	11,39
May	7	8,86
June	11	13,92
July	4	5,06
August	6	7,59
September	3	3,80
October	7	8,86
November	1	1,27
December	5	6,33

2.4.6 Anonymity of applicant

In 2017, the application for the hearing was anonymous only in 4 cases or 5.06 percent. In 75 cases or 94.94 percent, the applicant was known.

Table 6: Anonymity of applicant

Anonymity of applicant	No.	%
Anonym applicant	4	5,06
Known applicant	75	94,94

2.4.7 Source of applications

The most common applications are directly filed by the injured party (53 cases or 67.09 percent). In 2017, there were 10 or 12.66 percent withdrawals of applications by other state bodies, and 11 or 13.92 percent of indirectly submitted applications for dealing with discrimination.

Table 7: Source of applications

Source of applications	No.	%
Directly from the victim	53	67,09
Indirect	11	13,92
Hand the case over to another authority	10	12,66
NP (no data)	3	3,80
NR (irrelevant)	2	2,53

2.4.8 Manner of submitting the application

E-mails prevail (32 cases) among the ways of submitting an application for discrimination, followed by a form on the Advocate's website (24 cases). From 2016, the number of proposals submitted via regular mail increased, the same as in the previous year. Only 1 application for dealing with discrimination was submitted over the phone.

Table 8: Manner of submitting the application

Manner of submitting the application	No.	%
E-mail	32	40,51
Forms on the website	24	30,38
Post	20	25,32
Phone	1	1,27
In person – record	0	0,00
In person – brought in	0	0,00
NP (no data)	2	2,53

2.4.9 Type of applicant

In 2017, the majority, i.e. 69, submitted applications were filed by natural persons, while 7 proposals for consideration were submitted by legal entities.

Table 9: Type of applicant

Type of applicant	No.	%
Natural person	69	87,34
Legal entity	7	8,86
Institution	1	1,27
NP (no data)	2	2,53

2.4.10 Collective or individual applicants

Collective application means that the Advocate of the Principle of Equality received an application from multiple applicants simultaneously. Also, legal entities were considered as collective applicants.

Only in 5 cases was there a collective applicant, and the remaining 74 proposals were filed by individuals.

Table 10: Collective or individual applicants

Applicant	No.	%
Collective	5	6,33
Individual	74	93,67

2.4.11 Gender

Applications for dealing with discrimination were in 43 cases, more than 50 per cent of all that were filed, submitted by men. Meanwhile, women filed only 24 applications, which is a good 30 per cent. In the case of collective applicants or institutions as applicants, the data was recorded as NR - not relevant.

Table 11: Gender

Gender	No.	%
Female	24	30,38
Male	43	54,43
Non-binary	0	0,00
Other	0	0,00
NP (no data)	3	3,80
NR (irrelevant)	9	11,39

2.4.12 Region

The region with the largest number of applications is Osrednjeslovenska region (27 proposals or one third of all proposals), followed by Podravska region (12 proposals or more than 15 percent). In almost 30 percent of the applications the region is not visible.

Table 12: Region

Region	No.	%
1. Pomurska	2	2,53
2. Podravska	12	15,19
3. Koroška	0	0,00
4. Savinjska	2	2,53
5. Zasavska	0	0,00
6. Spodnjeposavska	2	2,53
7. Jugovzhodna Slovenija	4	5,06
8. Osrednjeslovenska	27	34,18
9. Gorenjska	2	2,53
10. Obalno-kraška	3	3,80
11. Goriška	0	0,00
12. Notranjsko-kraška	1	1,27
NP (no data)	22	27,85
NR (irrelevant)	2	2,53

2.4.13 The perpetrator

The most commonly claimed perpetrator in 2017 was a legal entity, which is in 54 cases or in two thirds of all cases. Only in 12 cases was the alleged perpetrator a natural person.

Table 13: Alleged perpetrator

Perpetrator	No.	%
Natural person	12	15,19
Legal entity	53	67,09
System, legislation	0	0,00
NP (no data)	5	6,33
NR (irrelevant)	9	11,39

We categorized perpetrators into three bigger groups – legal entities subjected to private law, legal entities subjected to public law and authoritative and legal entities subjected to public law – non-authoritative. Each of these categories splits further in multiple groups; the division can be seen in table 14 – Groups and sub-groups of perpetrators.

Table 14: groups and sub-groups of alleged perpetrators

Perpetrator – more detailed	No.	%
PRAVNA OSEBA JAVNEGA PRAVA – OBLASTVENA	5	6,33
Court	1	1,27
Administration unit	1	1,27
Centre for social work	3	3,80
PRAVNA OSEBA JAVNEGA PRAVA – NEOBLASTVENA	12	15,19
Institution	12	15,19
School	0	0,00
Educational centre	0	0,00
PRAVNA OSEBA ZASEBNEGA PRAVA	23	29,11
Employer	9	11,39
Service provider	14	17,72
NP (no data)	13	16,46

The most frequently cited category is a legal entity subjected to private law, which is in 23 cases. A legal entity subjected to public law – non-authoritative was listed in 12 cases, and a legal entity subjected to public law – authoritative was cited in 5 cases.

Within the category of legal entities subjected to private law, in 14 cases a perpetrator was the service provider (over 17%) and the in 9 cases (over 11%) the employer.

In the category of legal entities subjected to public law – non-authoritative the most listed was a public institution, found in 12 cases, more than 15%.

Within the category of legal entities subjected to public law – authoritative, the most frequently listed is the Centre for Social Work in 3 cases, followed by the court and the administrative unit in one case each.

2.4.14 The alleged systemic basis for discrimination

7 applications, or a good 8% of all applications, assert a systemic or legal basis for discrimination. In 37 proposals or over 46 percent, systemic discrimination cannot be detected. For the remaining 34 applications, it was not clear whether the systemic basis for discrimination was alleged.

Table 15: The alleged systemic basis for discrimination

The alleged systemic basis for discrimination	No.	%
Yes	7	8,86
No	37	46,84
NP (no data)	34	43,04
NR (irrelevant)	1	1,27

3 SYSTEMIC DUTIES OF THE EQUALITY BODY IN THE FIELD OF DISCRIMINATION

3.1 DATA ON THE DISCRIMINATION CASES ON NATIONAL LEVEL

Chapter 3 of the PADA also requires the Advocate to monitor the state of discrimination in Slovenia. In accordance with Article 16 of the PADA, the Advocate and competent inspectors collect anonymised data on the number of cases of discrimination under consideration of individual personal grounds, forms of discrimination and individual areas discrimination is occurring. Inspectors provide these data to the Advocate once a year. This information is collected and used for monitoring, planning and management of non-discriminatory policies and for scientific research purposes.

Within the framework of the tasks and powers specified in Article 21 of the PADA, the Advocate is obliged to monitor the general situation in the Republic of Slovenia in the field of protection against discrimination and the situation of persons with certain personal grounds. In order to comply with the provisions of the law on the monitoring of the general state of affairs in the Republic of Slovenia in the field of protection against discrimination and the situation of persons with certain personal grounds, the Advocate forwarded to the competent authorities a request for the transmission of data on the number of cases of discrimination in 2017 according to individual personal grounds, forms and areas of discrimination.

The collection of such data by the inspection bodies is determined by Article 16 of the PADA: " The Advocate and competent inspection services from Article 44 of this Act shall collect anonymised data on the number of discrimination cases discussed according to individual personal circumstances, forms of discrimination and individual fields from Article 2 of this Act. The inspection services shall submit these data to the Advocate once a year. The data from the preceding paragraph shall be collected and used for monitoring, planning and managing the non-discriminatory policy and for scientific and research purposes."

In accordance with Article 21 of the PADA, the Advocate, in order to monitor, record and evaluate the situation in the field of protection against discrimination in the Republic of Slovenia, collects data on the cases dealt with, which fulfil the signs of a criminal offense under Article 297 of the Penal Code (KZ-1) public incitement to hatred, violence or intolerance related to any personal ground (gender, nationality, race or ethnic origin, jet, religion or belief, disability, age, sexual orientation, sexual identity and sexual expression, social status, education or other) and as such could be the acts of discrimination in accordance with the PADA.

With the purpose of monitoring and a comprehensive assessment of the situation in the field of protection against discrimination, the Advocate also asked the Ombudsman for data on cases of discrimination from 2017.

3.1.1 Examined cases of discrimination in 2017 – inspectorates

The Advocate sent a request for a data transfer in accordance with Article 16 of the ZVarD to the addresses of 25 inspection bodies:

1. Information Commissioner,
2. The Public Agency for Civil Aviation of the Republic of Slovenia,
3. The Agency for Communication Networks and Services of the RS,
4. The Public Agency of the Republic of Slovenia for Medicinal Products and Medical Devices,
5. Labour Inspectorate of the Republic of Slovenia,
6. Inspectorate of the Republic of Slovenia for Agriculture, Forestry, Hunting and Fisheries,
7. The Inspectorate of the Republic of Slovenia for Culture and Media,
8. The Inspectorate of the Republic of Slovenia for Internal Affairs,
9. The Defense Inspectorate of the Republic of Slovenia,
10. Inspectorate for protection against natural and other disasters,
11. The Inspectorate of the Republic of Slovenia for Education and Sport,
12. The Public Sector Inspectorate,
13. Inspectorate of the Republic of Slovenia for Infrastructure,
14. Health Inspectorate of the Republic of Slovenia,
15. Market inspectorate of the Republic of Slovenia,
16. The Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning,
17. The Financial Administration of the Republic of Slovenia,
18. Budget Supervision Office of the Republic of Slovenia - Budgetary Inspectorate,
19. The Administration for Food Safety, Veterinary and Plant Protection,
20. Administration of the Republic of Slovenia for Maritime Affairs - Maritime inspection,
21. Chemicals Bureau - Chemicals Inspection,
22. Administration of the Republic of Slovenia for Radiation Protection - Radiation Protection Inspection,
23. Metrology Institute of the Republic of Slovenia - Metrological Control Sector,
24. The Nuclear Safety Administration of the Republic of Slovenia - Nuclear Safety Inspection,
25. Ministry of Public Administration - Directorate for Information Society - Electronic Signature Inspector.

3.1.2 Analysis of data on the cases of discrimination dealt by inspectorates in 2017

Of the 25 inspection bodies that the Advocate sent an application for the transmission of anonymised data, 17 respondents replied. 8 inspectorates did not reply: Inspectorate for Agriculture, Forestry, Hunting and Fisheries, Inspectorate for the Interior, Inspectorate for the Public Sector, Inspectorate for Infrastructure, Administration for Food Safety, Veterinary and Plant Protection, Radiation Protection Administration - Radiation Protection Inspection, Metrology Office - Metrological Control Sector, Nuclear Safety Administration - Radiation Safety Inspectorate.

Out of the 17 responses received in the year 2017, 13 inspection bodies did not deal with any cases of discrimination by individual personal grounds, forms of discrimination and areas of the latter. These inspection bodies are: Public Aviation Agency, Budget Supervision Office, Culture and Media Inspectorate, Agency for Communication Networks and Services, Chemicals Bureau, Inspectorate for Protection against Natural and Other Disasters, Inspectorate for the Environment and Spatial Planning, Financial Management, The Maritime Administration, the Health Inspectorate, the Public Agency for Medicinal Products and Medical Devices, the Information Commissioner and the Electronic Signature Inspector.

Table: Review of data on the cases of discrimination dealt by inspectorates in 2017

	Inspection institution	No. of received discrimination applications	No. of cases in which discrimination was found	Notes

1	Market inspectorate of the Republic of Slovenia	7	4	Anonymized case summaries also submitted
2	Labour Inspectorate of the Republic of Slovenia	/	11	Underlined the difficulties with recording discrimination cases by personal circumstances, areas of life and forms of discrimination
3	The Defense Inspectorate of the Republic of Slovenia	5	0	In 3 cases, discrimination was not found, one case was time-barred, and one case remained open
4	The Inspectorate of the Republic of Slovenia for Education and Sport	9		9 of the received cases were referred to the Advocate of the Principle of Equality
5	The Public Agency for Civil Aviation of the Republic of Slovenia	0		
6	Budget Supervision Office of the Republic of Slovenia - Budgetary Inspectorate	0		
7	The Inspectorate of the Republic of Slovenia for Culture and Media	0		
8	The Agency for Communication Networks and Services of the Republic of Slovenia	0		
9	Chemicals Bureau - Chemicals Inspection	0		
10	Inspectorate for protection against natural and other disasters	0		
11	The Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning	0		
12	The Financial Administration of the Republic of Slovenia	0		
13	Administration of the Republic of Slovenia for Maritime Affairs - Maritime inspection	0		
14	Health Inspectorate of the Republic of Slovenia	0		
15	The Public Agency of the Republic of Slovenia for Medicinal Products and Medical Devices	0		
16	Information Commissioner	0		
17	Electronic Signature Inspector	0		

Three inspectorates found discrimination in the inspection procedures.

With regard to access to goods and services available to the public, **the Market Inspectorate** dealt with 7 cases and found discrimination in 4 cases with the following personal grounds: gender, sexual orientation, citizenship and local affiliation.

The Labour Inspectorate found discrimination in 11 cases, out of which 5 cases were in violation of the prohibition of discrimination against candidates in employment, and in 6 cases the discrimination of workers during the duration of the employment relationship with the rights arising from employment relationships took place (annual leave, public announcement of a vacancy, posting workers waiting for work at home...). In the cases identified, there has been discrimination due to the following personal grounds: religion or belief, gender, family relationship or personal acquaintance with the responsible person at the employer, the duration of employment and the long-term absence from work for the reasons regarding health.

In most of the cases listed there was direct discrimination (7 cases), in 3 cases there was indirect discrimination, and in 1 case victimization. In one of the identified cases of indirect discrimination, there was also a severe form of discrimination used, based on several personal grounds that could include pregnancy, maternity, parenthood, disability etc.

The Defense Inspectorate found out in 5 cases examined that in 3 cases there was no discrimination, 1 case was time-barred, and 1 case has not yet been closed.

In 2017, **the Inspectorate for Education and Sport** received 9 applications for violation of the PADA provisions. All 9 cases were resigned to the Advocate of the Principle of Equality.

According to the data received from the inspectorates, the highest number of reported discrimination cases was in the field of employment and work; also in the field of access to goods and services, including the private sector and in the field of education and training. The applications addressed by the Defense Inspectorate are in most cases related to the field of work and career advancement.

Data in the field of discrimination also coincides with the framework estimates of applications received by the Advocate in 2017. 18 applications were from the area of access to goods and services available to the public, and 16 applications were made in the field of employment conditions and working conditions, including the termination of the employment contract and salaries.

Despite the fact that the Health Inspectorate did not address any case of discrimination in the field of health care, the Advocate received 9 applications that claimed discrimination in the area of social protection, including social security and health care.

In the presented cases, the inspectorates found that persons were discriminated against on the basis of the following personal grounds: gender, religion or belief, citizenship, sexual orientation, local affiliation and others.

The Advocate found in the analysis of the applications that arrived at the Advocate that the most often alleged personal ground was disability, followed by the alleged personal ground of gender, religious belief and racial or ethnic origin, which each appeared in 10 cases.

3.1.3 Cases of discrimination in 2017 dealt with by the Law Enforcement

In accordance with Article 21 of the PADA, the Advocate, in order to monitor, record and submit an assessment of the situation in the field of protection against discrimination in the Republic of Slovenia, also collects data on the cases dealt with which fulfil the signs of a criminal offense under Article 297 of the Penal Code (KZ-1), i.e. public incitement of hatred, violence or intolerance related to any personal ground (gender, nationality, race or ethnic origin, language, religion or belief, disability, age, sexual orientation, sexual identity and sexual expression, social status, education or other) and as such could be acts of discrimination in accordance with the PADA.

In 2017, the police dealt with 13 cases of suspicion of a criminal offense of public promotion of hatred, violence or intolerance under Article 297 of the Penal Code. Examples included the following elements: ethnicity (4), ethnic origin (3), religion (2), skin colour (1), race (1), political or other belief (1), violence (1), intolerance, incitement (2), hatred (2), promotion (8).

In accordance with the ninth paragraph of Article 148 of the Code of Criminal Procedure, 5 criminal charges against unknown perpetrators were made to the competent district state prosecutor's offices, while in 2 cases criminal charges were brought against known perpetrators. Pursuant to the tenth paragraph of Article 148 of the Criminal Procedure Code, 4 reports against unknown perpetrators were submitted to the competent district state prosecutor's offices, while reports were filed against known perpetrators in 2 diameters.

Table: Review of cases of discrimination in 2017 dealt with by the Law Enforcement

State authority	No. of cases of discrimination dealt with	Number of cases in which discrimination was found
Law enforcement	13	There were 7 reports of charges sent to district courts and 6 reports

In the same way as in the police, as with the inspectorates, due to various systems of recording and recording cases of discrimination, the problem of structured review of data was shown in the form defined by the PADA; in the context of personal grounds, areas and forms of discrimination. In the view of the detailed monitoring of the cases of discrimination at the national level in accordance with the requirements of the PADA, the need for a systematic harmonization of the manner of recording the cases of discrimination considered is evident.

3.1.4 Cases of discrimination in 2017 dealt with by the Ombudsperson

In accordance with Article 21 of the PADA, which imposes on the Advocate the monitoring and assessment of the situation in the field of protection against discrimination, the Advocate also asked the Ombudsperson for information on the cases related to discrimination in 2017.

The Ombudsperson will present the cases of discrimination received in 2017 separately in his annual report on pages 103-139, section 2.2 Discrimination and Intolerance.

3.2 PROMOTING EQUAL TREATMENT ON NATIONAL AND LOCAL LEVELS

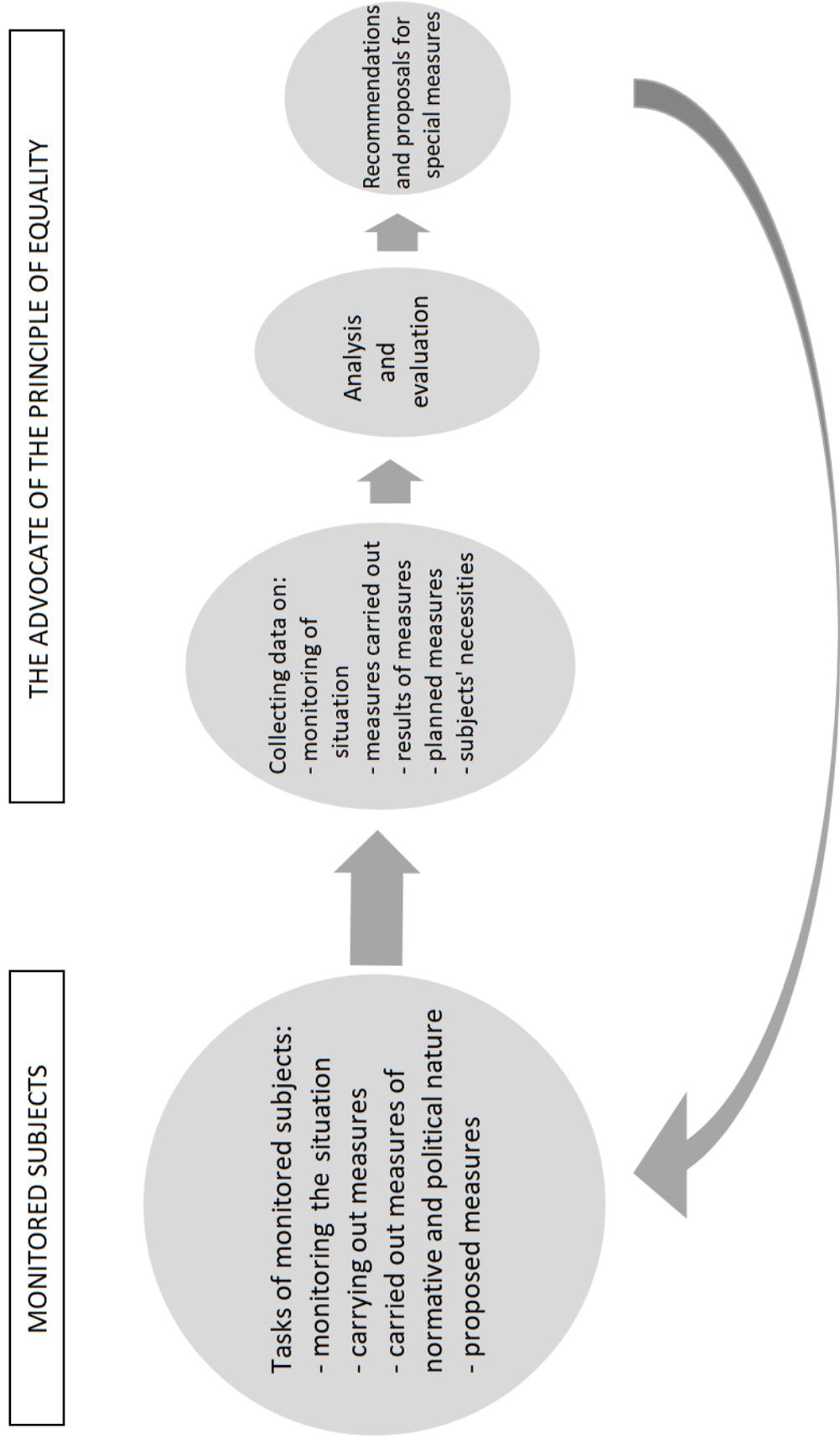
In accordance with Chapter 3 of the PADA, which deals with the promotion of equal treatment, the Advocate is obliged to monitor the process of creating conditions for the equal treatment of all persons by state bodies, local communities, self-governing national communities and holders of public authority in their field (entities that Advocate is following). Chapter 3 of the PADA imposes on the Advocate of the Principle of Equality the monitoring of the situation of discrimination in Slovenia and obliges the competent ministries and government departments responsible for individual areas or groups of persons with a particular personal ground to take measures to adopt measures on equal treatment prepared in cooperation with the social partners and associations, institutions or private institutions active in the field of equal treatment, protection of human rights and fundamental freedoms, protection against discrimination against vulnerable groups or legal or social assistance to discriminated persons (NGOs).

On the basis of an analysis of the situation from the point of view of equal treatment, special measures may be taken by state bodies, self-governing local communities, holders of public powers, employers, educational institutions, economic operators and other subjects, depending on the nature of their work and the field of operation. In accordance with Article 18 of the PADA, special measures pursue the legitimate aim of eliminating the less favourable situation of persons with a particular personal ground, based on analyses of the existence of a less favourable situation, and are necessary and appropriate means to eliminate such a situation. Entities that take special measures regularly check their merits or justification for further implementation.

Monitoring and promoting equal treatment is planned in five steps:

1. Inquiries on the status of plans, performances and effects of equal treatment in individual subjects that the Advocate monitors;
2. Entities supported by the Advocate shall provide the latter with information on the situation and the measures taken or implemented for equal treatment;
3. The Advocate performs the analysis and evaluation of the collected data;
4. The Advocate provides recommendations or proposals for the adoption of specific measures to the entities it is monitoring and assessing;
5. The Advocate prepares for state bodies, local communities, self-governing national communities and holders of public authority the appropriate educational trainings - awareness raising and presentation of individual good practices from both Slovenia and other countries.

Promotion of equal treatment



3.2.1 Ministries' reports on measures taken to promote equal treatment

3.2.1.1 Introduction

In Article 14, PADA defines state bodies, local communities, self-governing national communities and holders of public authority as bearers of tasks for promoting equal treatment. They are obliged, within their respective spheres of competence, to create conditions for the equal treatment of all persons, regardless of any personal ground, by raising awareness and monitoring the situation in this field and by taking measures of a normative and political nature. In addition, that Article stipulates that ministries and government departments responsible for specific areas defined in the PADA or for groups of persons with a particular personal ground shall prepare proposals for measures in their field of work.

In the context of promoting equal treatment of all persons, measures are envisaged which, within the sectoral competences of ministries and government services, lay down measures and policies that address the prevention of discrimination. In this case, ministries and government services are not meant only as employers, but also as policy-makers who follow the principles of equal treatment and non-discrimination in specific areas with specific measures.

3.2.1.2 Overview of measures and activities to promote equal treatment by ministries

In accordance with the PADA, the Advocate on 29 March 2017 and subsequently on 19 May 2017 called on the ministries to provide information on what measures and activities of a normative and political nature were aimed at creating the conditions for equal treatment of all persons in the year 2016 and what measures and activities are planned in 2017. The responses of ministries are listed in the order that they were received.

Of the 14 ministries, 8 ministries responded, namely:

- Ministry of Finance,
- Ministry of Foreign Affairs,
- Ministry of Labour, Family, Social Affairs and Equal Opportunities,
- Ministry of Education, Science and Sport,
- Ministry of Environment and Spatial Planning,
- Ministry of Agriculture, Forestry and Food,
- Ministry of Defense,
- Ministry of Culture.

3.2.1.3 Analysis of measures and activities to promote equal treatment by ministries

Of the 14 ministries that received the Advocate's request to provide information on the implemented and planned measures with which the body creates the conditions for equal treatment of all persons, 8 of them responded, namely: Ministry of Finance, Ministry of Foreign Affairs, Ministry of Labour, Family, Social Affairs and Equal Opportunities, Ministry of Foreign Affairs the Ministry of the Environment and Spatial Planning, the Ministry of Agriculture, Forestry and Food, the Ministry of Defense and the Ministry of Culture.

The Ministry of Labour, Family, Social Affairs and Equal Opportunities and the Ministry of Culture represent a model for active action in the field of protection against discrimination. For the years 2016 and 2017, the Equal Opportunities Division listed activities, workshops and measures in particular in the area of gender inequality (promotion of women in entrepreneurship, analysis of access to the labour market and employment of women, promotional activities to promote active paternity...). Information leaflets and posters were published, various ICT technologies were used (websites, radio, video ads). The Directorate for the labour market and employment mainly works in the field of employment, organizing education and training. The Ministry of Culture mentioned cultural public tenders and projects aimed at ethnic minorities in Slovenia and socially weak citizens.

Some ministries listed activities based primarily on the aspect of the ministry as an employer and less from the point of view of the ministry as the drafters of sectoral policies, which include measures to promote equality and non-discrimination. As an example, the Ministry of Foreign Affairs stated the equal treatment of natural persons regardless of gender, age, religious belief, etc., in accessing employment, applying for a job, choosing, ensuring equal rights at the workplace, etc is ensured. The Ministry of Defense also proposed some measures and activities that do not represent concrete measures: improvement of management style, change in organizational culture, clear information delivery, open communication, measures and changes that would help to improve the working atmosphere... Also, the Ministry of Environment and Spatial Planning most of the time covers the observance of laws and regulations on employment and protection against discrimination, and also lists some internal regulations adopted in 2016 from the point of view of promoting equality (a rulebook concerning personal circumstances of disability, contracts concerning membership in trade unions, rules on the prevention of discrimination and violence and public tender, which enables socially weak individuals to benefit from certain services and counselling).

It is to be noted that many ministries are not aware of their role, duties and responsibilities in promoting equality at the level of sectoral measures and policies.

Some ministries, such as the Ministry of Agriculture, Forestry and Food and the Ministry of Education, Science and Sport (in the case of the Office for Youth), have listed measures and activities implemented by other organizations, but financially supported by the ministry. At the first ministry, they are referring to the Association of Women Farmers of Slovenia, who represent a non-governmental, voluntary organization. The Office for Youth emphasizes the Youth Program and the Program for Youth. In both cases, apart from the description of the activities of the aforementioned organizations, it is clearly emphasized that the ministries provide these organizations with financial support only, but they themselves do not carry out certain activities, take measures, etc.

The Ministry of Finance has specified a measure which enables the public official to enable the disabled person to have the presence of an interpreter for the sign language if he expresses an interest in interpretation, while at the Ministry of Foreign Affairs, priority was given to the disabled worker in the parking area of the ministry. At the Ministry of the Environment and Spatial Planning, the Ministry of Defense and the Ministry of Finance, they stressed that they have established a new position of an advisor to help employees.

In accordance with the systematic tasks of monitoring and promoting equal treatment, the Advocate has so far carried out the following stages:

- inquiries on the status of plans, performances and effects of equal treatment in individual subjects that the Advocate monitors;
- entities supported by the Advocate shall provide the latter with information on the situation and the measures taken or implemented for equal treatment;
- the Advocate performs the analysis and evaluation of the collected data.

In 2018, the Advocate is arranging the organization of specific trainings on the prevention of discrimination and the promotion of equal treatment of all persons for the upcoming years.

Most ministries try to follow the provisions of the PADA and the Employment Relationship Act, which are related to equal treatment. Specific measures have been adopted, in most cases at the level of rules, general acts or recommended measures to promote equal treatment at the workplace. The answers received in most cases show a lack of awareness on the importance of promotion of equal treatment within sectoral policies and measures dictated only by the field of work of a particular ministry. It is also worrying that six ministries did not respond at all to the Advocate's request. These ministries are: Ministry of the Interior, Ministry of Justice, Ministry of Economic Development and Technology, Ministry of Infrastructure, Ministry of Public Administration and Ministry of Health.

Given that this is the first ever information about the measures and activities of the ministries on promotion of equal treatment, the answers received, and the lack of the latter point to the degree of ignorance of the ministries about the importance of discrimination and the promotion of equality. The current situation shows that, in the future, it will be necessary to increase awareness on the importance of promotion of equal treatment both within the policy framework and in the field of work and employment within the organizations. To this end, the Advocate will arrange the organization of trainings and workshops on the topic of non-discrimination and the promotion of equal treatment of all persons for the ministries and other institutions. The purpose of such education would be to raise awareness of the various options available to individual

ministries in order to contribute to the systematic reduction of discrimination and the promotion of equality in the framework of measures of a normative and political nature in their field. At the same time, due to limited financial resources, the Advocate does not currently have the human resources to carry out the necessary education, preventive and awareness-raising projects.

3.2.2 Municipalities' report on measures to promote equal treatment

3.2.2.1 Introduction

According to the PADA, the Advocate asked all municipalities to provide information on what measures and activities were taken in 2016 in order to create the conditions for equal treatment of all persons, and what measures and activities are planned for 2017. The letter he sent has also pointed out that it is not merely about the measures that the municipalities implement as employers in relation to employees, but also about the measures aimed at creating the conditions for equal treatment of all persons within the local operation of the municipalities.

In accordance with Article 14 of the PADA, the Advocate forwarded the request to 11 city municipalities: Ptuj, Slovenj Gradec, Velenje, Celje, Koper, Kranj, Nova Gorica, Ljubljana, Maribor, Murska Sobota and Novo Mesto. He received 3 answers, from: Municipality of Velenje, Municipality of Ptuj and the Municipality of Ljubljana.

3.2.2.2 Analysis of measures and activities by city municipalities

Of 11 municipalities to which the Advocate submitted a request for data transmission, only 3 responded.

As can be seen from the thorough answer of the Municipality of Ljubljana, their measures and activities for the promotion of equal treatment cover a wide spectrum of all personal grounds and areas of possible discrimination both in terms of normative and political measures.

The Municipality of Velenje has highlighted three main projects, which are mostly aimed at preventing discrimination based on personal grounds of disability, age and wealth. It also implements measures to prevent discrimination within the municipal administration.

The Municipality of Ptuj has conducted workshops on reconciling work and family and preventing violence.

In accordance with the systematic tasks of monitoring and promoting equal treatment, the Advocate has so far carried out the following stages:

- inquiries on the status of plans, performances and effects of equal treatment in individual subjects that the Advocate monitors;
- entities supported by the Advocate shall provide the latter with information on the situation and the measures taken or implemented for equal treatment;
- the Advocate performs the analysis and evaluation of the collected data.

In 2018 the Advocate will arrange the organization of specific educational trainings on the topic of non-discrimination and the promotion of equal treatment of all persons.

The lack of answers by individual urban municipalities is a worrying fact that hinders the awareness of the importance of promoting equality and preventing discrimination at a local level. The answers of the three city municipalities indicate that there are great differences between individual municipalities and a level of awareness of the importance of equal treatment of all persons. By the number of specific measures, the Municipality of Ljubljana stands out strongly, but on the basis of only two responses from other municipalities, we cannot draw conclusions upon the whole state of promoting equal treatment at the level of local self-government. Given the ineffectiveness of city municipalities, the outlines of the general ignorance of their role in preventing discrimination and promoting equality at the local level are manifested.

Given that this is the first ever information disclosed on the measures and activities of municipalities to promote equal treatment (in 2017, the Advocate turned to city municipalities only), the current situation shows that in the future, there will be a need to strengthen awareness of the promotion of equal treatment both within local policies as well as from the aspect of the field of work and employment within the municipal

administration. For this purpose, the Advocate is arranging the organization of educational trainings and workshops on the topic of non-discrimination and the promotion of equal treatment of all persons, as well as on the topic of possibilities for monitoring subjects with various measures of normative and political nature. However, due to limited financial resources, the Advocate does not currently have the human resources to carry out the necessary education and preventive and awareness-raising projects.

3.3 COOPERATION AND DIALOGUE WITH NON-GOVERNMENTAL ORGANIZATIONS

3.3.1 Introduction

In accordance with Articles 14 and 15 of the PADA, the Advocate cooperates with the Government of the Republic of Slovenia and other state authorities shall cooperate with social partners and associations, institutions or private bodies (non-governmental organisations), which work in the field of equal treatment, protection of human rights and fundamental freedoms, protection of vulnerable groups against discrimination, and legal or social assistance for people subject to discrimination.

In this regard, non-governmental organizations (NGOs) in Slovenia are a very important element, representing one of the forms of citizens' participation in the management of the state and society and are also an important provider of publicly-beneficial services in various fields. Some NGOs have been active in the fields of equal treatment, protection of human rights and fundamental freedoms or social assistance for discriminated persons for many years.

In 2017, the Advocate began to establish a dialogue and held meetings with 15 non-governmental organizations in the area of human rights and the promotion of equality:

- Amnesty International Slovenije,
- Društvo za nenasilno komunikacijo,
- Društvo Ključ – Center za boj proti trgovini z ljudmi,
- Društvo SOS telefon za ženske in otroke – žrtve nasilja,
- Ekvilib inštitut,
- Društvo za človekove pravice in človeku prijazne dejavnosti Humanitas,
- Mirovni inštitut,
- Društvo za osveščanje in varstvo – center antidiskriminacije (OVCA),
- Slovenska filantropija, Združenje za promocijo prostovoljstva,
- Slovenska fundacija za Unicef,
- Pravno – informacijski center nevladnih organizacij – PIC,
- Zavod PIP – Pravni in informacijski center Maribor,
- Združenje proti spolnemu zlorabljanju,
- Zveza Društev upokojencev Slovenije,
- Zveza prijateljev mladine Slovenije.

Conversations with other NGOs according to personal grounds, areas and forms of discrimination will be continued by the Advocate in the current year.

3.3.2 Analysis of the views exposed by non-governmental organizations during the dialogue

General about discrimination

NGOs highlighted the personal grounds that they identified as the most relevant: gender (violence against women, discrimination against motherhood, sexual violence, emphasizing the existence of several personal grounds at the same time (intersectional discrimination): especially women, age and property), Roma issues, discrimination based on national and ethnic backgrounds and religious belief that is on the rise. They rarely listed discrimination upon other personal grounds. They also pointed out children being an important vulnerable group. The areas of discrimination that have been exposed are work and employment, the real estate market and social protection.

How do they see the role of the Advocate and his work

Most NGOs that met with the Advocate in 2017 pointed out that they see the role of the Advocate, especially in raising people's awareness of what discrimination is, promoting issues, reducing prejudice in the public, and informing people about what their options are if they are discriminated against. The Advocate is supposed to carry out research in the field of discrimination (which they themselves consider to be insufficient), take judicial cases and concern legal issues (including the creation of a case-law database), and to ensure mutual monitoring of activity, on-line communication and providing support for NGOs in writing shadow reports and at strategic litigation. Some see the Advocate as an intermediary in establishing communication between state authorities and NGOs.

Major systemic problems in relation to discrimination

NGOs note that for every personal ground that is the cause of discrimination, at least one issue of a systemic nature is unresolved. In addition, victims are often not informed or empowered to report discrimination. In particular, they have highlighted financial malnutrition or even the abolition of funding, lack of clear or incorrect legislation, and a lack of research and review of case-law.

Participation of NGOs with state bodies and other institutions

Most NGOs cooperate with various state institutions, in particular, with competent ministries, inspectorates, police, courts, etc., in one way or another. Different NGOs have different experiences with individual institutions. In some ministries there is a problem of establishing a contact and communication. As one of the main needs where the Advocate could help, they stressed the establishment of contact with the state institutions. The cooperation with the police and inspections is mostly evaluated quite positively. Most NGOs also work with the Ombudsperson and they evaluate their cooperation very differently. Certain NGOs cooperate to a large extent with Centres for Social Work and with some other institutions (the President of the state, the President of the National Assembly, the Prosecutor's Office ...). They also noted that cooperation often depends on the personal commitment of an individual who works in a particular institution.

3.4 BILATERAL COOPERATION

Bilateral co-operation is a part of international cooperation at a concrete level between the two countries. These are specific arrangements and good practices that make national equality bodies more effective. Bilateral co-operation allows the exchange of opinions and good practices first hand.

In the framework of international bilateral cooperation, as part of the discussions with the Embassy of the Kingdom of the Netherlands, the idea of a concrete interaction between the Advocate and the comparable Dutch institution emerged. The cooperation was realized in October 2017 with a visit of a delegation from the Netherlands Institute of Human Rights, an exchange of experiences and opinions on the development of the body (peer review) and the organization of a public discussion on discrimination in the workplace in terms of gender and age in Ljubljana. Last year's cooperation ended in December 2017 with the visit of representatives of the Advocate in Utrecht, who attended the education and presentation of the Dutch equality body and visited one of their non-governmental organizations for combating discrimination - Art. 1 Midden Nederland.

Visit of the representatives of the Netherlands Institute of Human Rights in Slovenia and expert peer review of the functioning of the Slovenian equality body / October 2017

In October, a Delegation from the Dutch equality body visited the Advocate in order to carry out a professional peer review and to mutually exchange good practices. During the visit, the Advocate was hosting the representatives of the Dutch equality body in its new premises and explained to them the challenges facing the establishment of a body that was formally defined in 2016 through the PADA. The Dutch guests contributed to the development of the organ with valuable experience and recommendations, and on 19 October they attended a public discussion on the topic of discrimination in the workplace in terms of age and gender, organized by the Advocate in cooperation with the Dutch Embassy. The Commissioner for the principle of equality, dr. Carina van Eck, also participated as a speaker at a public consultation (page 11, chapter 1.2 Organization of an international event on raising awareness about equality).

Visit of representatives of the Advocate to the Netherlands Institute for Human Rights and a meeting with the non-governmental organization Art. 1 Midden Nederland on prevention of discrimination / December 2017

On 5 December 2017, representatives of the Advocate visited the Dutch equality body – the Netherlands Institute for Human Rights in Utrecht. The program presented by the Institute's staff, which was established in 1994, was practically oriented. The Dutch colleagues presented the work of their institute in various aspects: the functioning of the reception office, assistance and support for victims of discrimination, the hearing process of both parties involved, and presenting the content interaction in various fields: law, public relations and foreign policy, or management of policies; individual cases, influence in court proceedings ... Representatives of the Advocate were introduced to the way the Dutch-related institution works, what powers it has, what can it do and what the procedures are in the case of reporting discrimination or a violation of human rights. They also attended the hearing in the case of the reported discrimination and visited the reception office of the Institute which takes care of received applications, communication with customers, and assistance and information. They were also presented with the field of public relations and its relevance to the field of awareness raising and preventive work. The Dutch Institute places great emphasis on prevention, education and awareness-raising, on soft approaches and improvement of systemic regulation, and on warnings of systemic discrimination within the traditional and historical perception of individual aspects of human life.

4 PERCEPTION OF DISCRIMINATION IN SLOVENIA – PUBLIC OPINION POLL

4.1 SUMMARY OF PUBLIC OPINION POLL RESULTS – DISCRIMINATION IN SLOVENIA

4.1.1 About the public opinion poll

At the end of 2017, the Advocate conducted a survey on discrimination in Slovenia, aimed at gaining insight into public opinion about discrimination among the general population. It was carried out by the Institute for Market Research and Media called Mediana, whose sample frame was the population of the Republic of Slovenia aged between 15 to 75 years. The survey was carried out on a sample (N = 1011), which is representative for Slovenia by gender, age, region and level of education. The data collection took place in the second half of October and early November 2017.

The survey involved 51 percent of men and 49 percent of women, divided into six age categories, ranging from 15 to 75 years. Respondents had a different level of education, more than half (53 percent) completed vocational or secondary education. One fifth (20 per cent) belonged to the category that completed the most elementary school or less, and just under a third (26 per cent) completed a higher level of education.

About half of the respondents (54 percent) were from rural or village environments, whilst the other half (46 percent) came from an urban environment. Respondents also came from various Slovenian regions, namely: Pomurska, Podravska, Koroška, Savinjska, Zasavska, Spodnjeposavska, South-east Slovenia, Osrednjeslovenska, Gorenjska, Goriška and Notranjsko-kraška and Obalno-kraška.

A good two-thirds (66 percent) of respondents were not religious, and by nationality, they were mostly Slovenians. Only 6 percent of respondents belong to other nationalities such as: Serbs, Croats, Bosnians, Hungarians, Macedonians and others.

The respondents differed in terms of employment status, with only half of them employed (45 percent), almost a third are pensioners (26 percent), while the rest are still in school, unemployed or self-employed. Their income mostly stretches from 400 euros to more than 1,200 euros a month, while some do not have their own income or did not want to answer the question about revenues (10 percent).

4.1.2 A summary of the key findings of the public opinion poll

The opinion poll shows that the respondents most often considered discrimination as unequal treatment due to **skin colour or race (19 percent)**, unequal treatment **in general (16 percent)**, and unequal treatment due to **religion or belief (15 percent)**. In this regard, an individual response could be classified into several categories.

According to the first paragraph of Article 4 of the PADA, discrimination is defined as "any undue actual or legal unequal treatment, differentiation, exclusion, limitation or failure to act due to **personal grounds**, the result or consequence of which is hindrance, reduction or nullification of equal recognition, enjoyment or exercise of human rights and fundamental freedoms, other rights, legal interests and benefits.". The respondents were able to give up to three answers, and according to the sum of the percentages of the first, second and third statements, personal grounds, which were the most frequent reason for discrimination are: **ethnicity, sexual orientation, religion or belief and social status**. About one quarter of the respondents believe that in Slovenia **the most frequent targets of discrimination are Roma**, followed by **homosexuals, refugees and members of the lower social strata**.

The respondents were able to choose not more than three responses from the **areas of discrimination**, and according to the percentages of the first, second and third indication, it is evident that discrimination is the most widespread in the area of **labour and employment, justice, police procedures**, followed by **social and health care**.

More than a third of respondents (36 percent) believe that in recent years **the situation of inequality and discrimination in the country has deteriorated**. Among those who believe that they have been the target of discrimination in the last 12 months, this proportion is higher and amounts to 45 percent. In addition, a fifth of respondents (22 percent) believe that discrimination is one of the more widespread problems in the country. A good third of respondents (38 percent) believe that discrimination is at the same level as other problems in the country.

The fact is that nearly 40 percent of the population is interested in information on inequality and discrimination in Slovenia. In the meantime, **almost half of the population (47 percent) wants to receive information on the topic of discrimination by the Advocate**. Among those who believe that they have been discriminated against in the last 12 months, almost 60 percent would like to obtain information on discrimination from the Advocate.

There are worrying results that show that **about two thirds** of respondents **are not aware** of a single **legal act** aimed at preventing and eliminating discrimination, and that almost **two thirds** of respondents **do not know even one body** promoting equality and protecting against discrimination.

Real awareness of the existence of the new body for protection against discrimination – the Advocate of the Principle of Equality – is almost negligible; to the question "Do you know which autonomous state bodies in Slovenia are competent to fight inequality and ensure protection against discrimination?" only a very low percentage of respondents stated the Advocate of the Principle of Equality. The most frequently mentioned body was the Ombudsperson, which was indicated by 28 percent of those surveyed.

Respondents' answers to the question of how to combat inequality and prevent discrimination paint a more worrying picture, as **more than a third (36 percent) of them think that the fight against inequality is not appropriately (or not at all) taken care of**. Those who consider that inequality and discrimination is not adequately taken care of suggested the following improvements to the existing situation: more emphasis should be placed on raising people's awareness, strengthening relations between people, improving the legal and regulatory framework, and improve education and training.

About **one fifth** of the population **would definitely report discrimination** if they were to witness it or find out about it. If the respondents in the survey or their immediate target were discriminated, they would first have contacted their **family members for support**, followed by the **Ombudsperson, friends** and **colleagues** and they would less turn to personal attorneys, the police and the inspectorate.

4.1.3 Summary of key responses with the alleged personal experience of discrimination

Approximately **one fifth** of respondents (17 percent) believes that they have been **the target of discrimination** in the last 12 months; 11 percent have experienced discrimination in the last 12 months multiple times, and 6 percent of discriminated against have define discrimination as a one-time event. Among them, **almost half were discriminated against in the workplace**, followed by **health care, public administration and education**. The most frequent personal grounds of discrimination were **age, social status, health status and education**.

It is a worrying fact that **75 percent** of those who consider themselves discriminated against in the last 12 months **did not use any procedures to protect their rights**. A good half of those who did not use any procedures, as a reason for their decision, indicated a **mistrust that anything could change**.

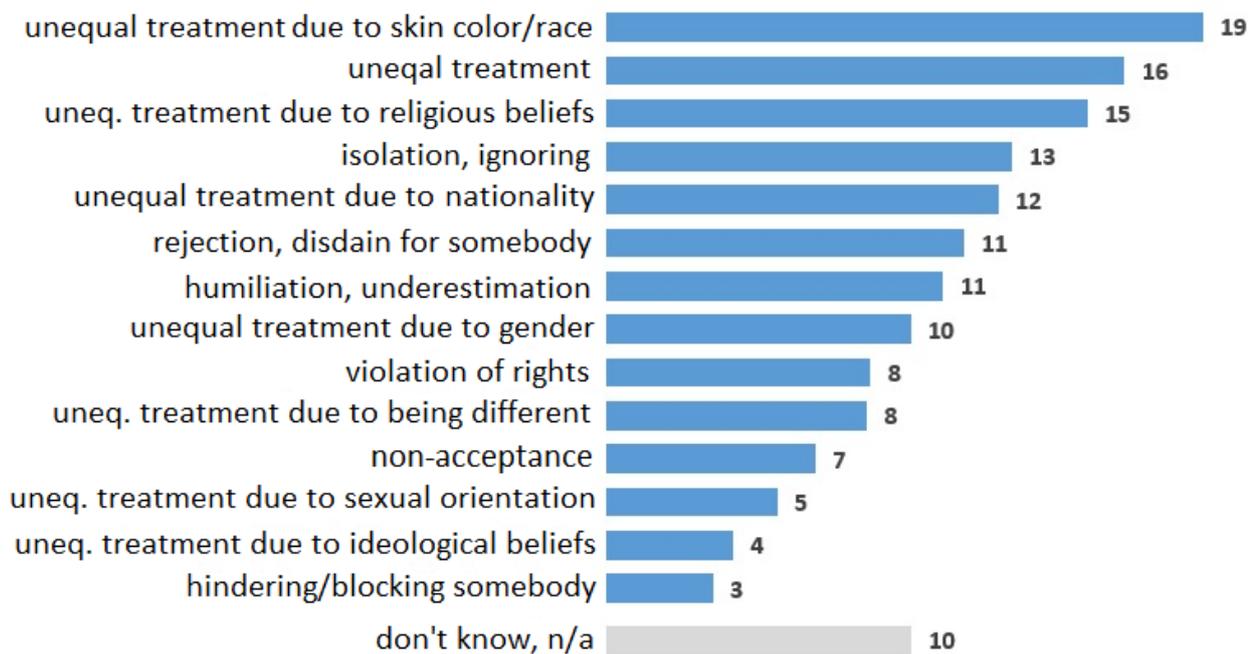
Respondents who thought that they were discriminated against in the last 12 months were asked to describe the experience they had which they considered to be discriminative. The analysis of their answers showed that as many as **70 percent of cases can correspond to the definition of discrimination, as defined by the PADA**; other cases are mainly about other inappropriate behaviour or guilt.

4.2 A DETAILED OVERVIEW OF THE RESULTS OF THE PUBLIC OPINION POLL

4.2.1 A general overview of the perception of discrimination

4.2.1.1 Interpretation of the concept of discrimination

Question: What do you personally understand comes under the term 'discrimination'? (expressed as a percentage of 100 percent for each category)

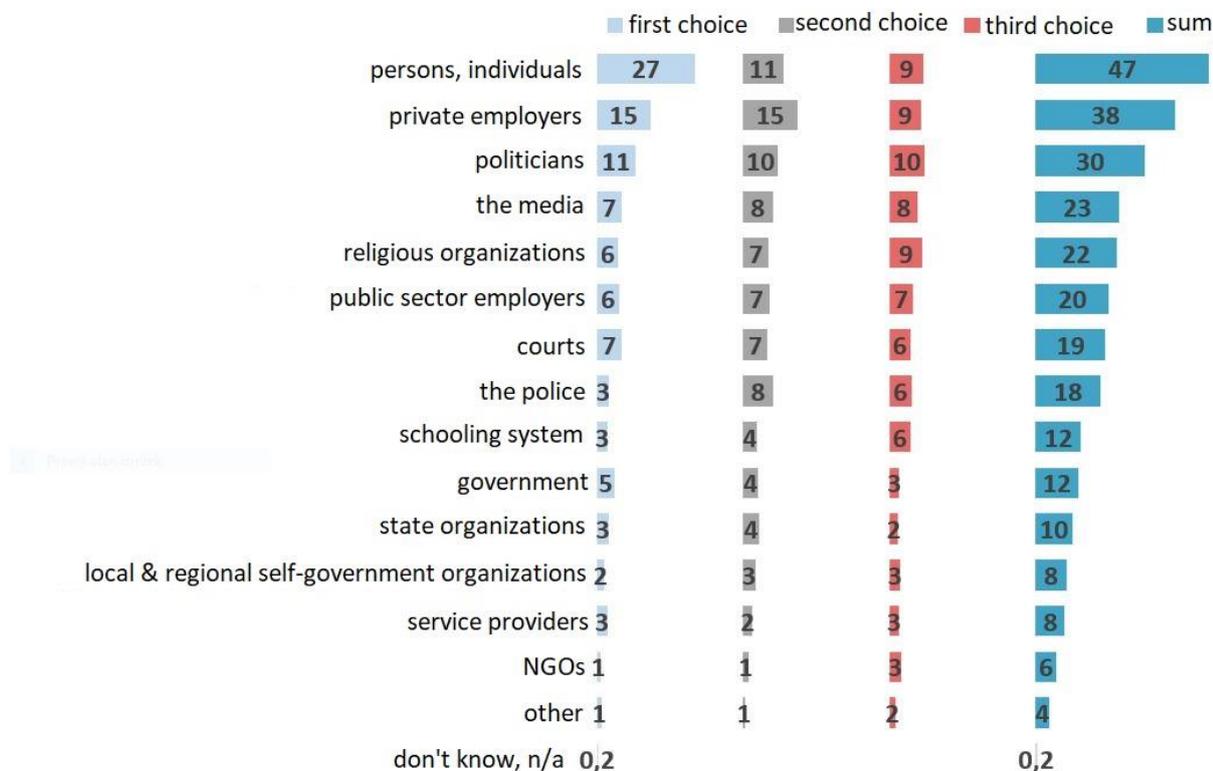


The answers to the first question provide an insight into the understanding of the concept of discrimination among the respondents. Respondents are most likely to see discrimination as unequal treatment due to skin colour and race (19 percent), unequal treatment in general (16 percent), and unequal treatment due to religious beliefs (15 percent). More than 10 percent described discrimination as isolation, ignoring (13 percent); unequal treatment on grounds of nationality (12 percent); resentment or rejection of the person (11 percent), and humiliation or underestimation (11 percent). However, every tenth respondent did not know how to describe discrimination.

* The graph shows the responses of the respondents who provided open and post-coded answers, which means that an individual answer could be classified into several categories.

4.2.1.2 Perpetrators of discrimination

Question: Who in Slovenia, in your opinion, most often discriminates others? (expressed as a percentage of 100 percent for each category)



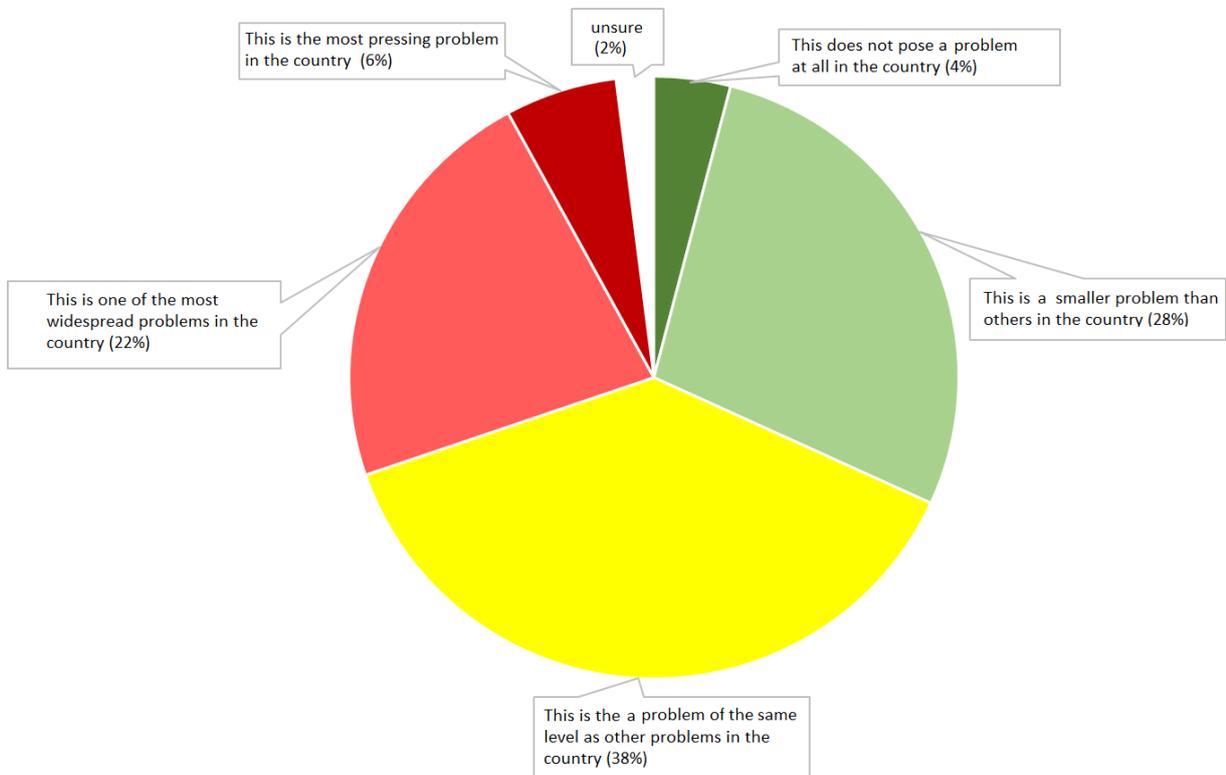
On the question of who discriminates the most in Slovenia, respondents were able to give more answers, and according to the percentages of the first, second and third statements it is evident that discrimination is most often performed by persons, individuals (47 percent), private employers (38 percent) and politicians (30 percent). According to respondents, the rarest perpetrators are non-governmental organizations (6 percent), service providers (8 percent) and organizations of regional and local self-government (8 percent).

According to the first paragraph of Article 4 of the PADA, discrimination is defined as “According to the first paragraph of Article 4 of the PADA, discrimination is defined as any undue actual or legal unequal treatment, differentiation, exclusion, limitation or failure to act due to personal grounds, the result or consequence of which is hindrance, reduction or nullification of equal recognition, enjoyment or exercise of human rights and fundamental freedoms, other rights, legal interests and benefits.” The first paragraph of Article 5 of the PADA stipulates that equal treatment must be ensured, which means “the absence of direct and indirect discrimination due to any personal circumstance of a person, including the absence of any other treatment which in compliance with this Act denotes discrimination.” The purpose and content of the PADA written in Article 1 assures “protection of all persons against discrimination irrespective of their gender, nationality, racial or ethnic origin, language, religion or belief, disability, age, sexual orientation, gender identity or gender expression, social status, property status, education, or any other personal circumstance (hereinafter: personal circumstance) in various fields of social life, when enforcing human rights and fundamental freedoms, exercising rights and obligations and in other legal relationships in political, economic, social, cultural, civil or other fields.” All forms of discrimination, from direct to indirect, harassment, sexual harassment, instructions for discrimination, appeals towards the latter and victimization, are also prohibited.

* When interpreting the answers, the sum of the percentages of the first, second and third choice of respondents is given. The question was open. There were several possible responses that were ranked.

4.2.1.3 The prevalence of discrimination in Slovenia

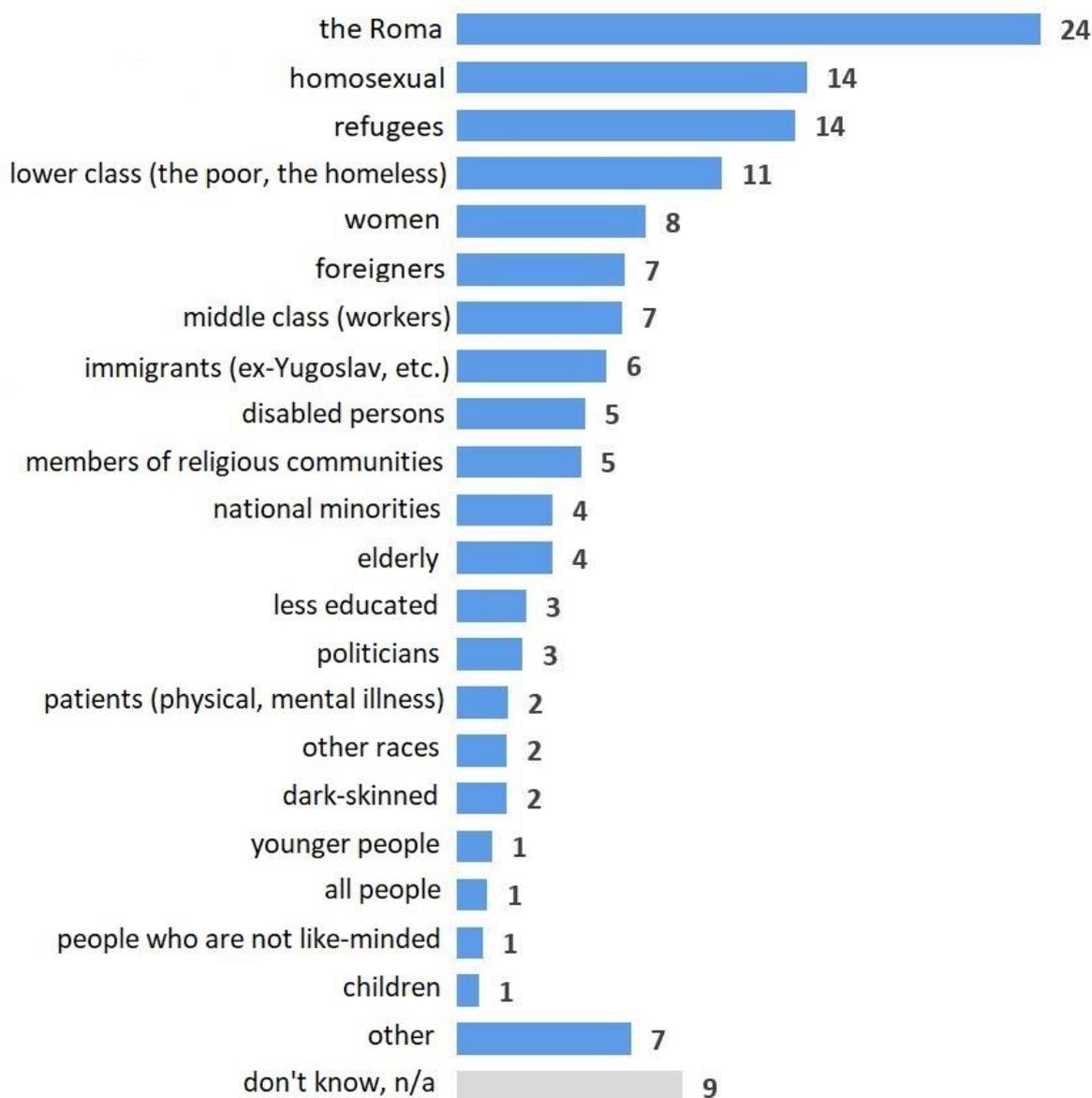
Question: To what extent, in your opinion, is the problem of discrimination widely spread in Slovenia? (expressed as a percentage)



6 percent of respondents think that discrimination is the most pressing problem in the country. A good fifth (22 percent) believe that discrimination is one of the more widespread problems in the country. A good third of respondents (38 percent) believe that discrimination is a problem of same level as other problems in the country. Less than 5 percent of respondents answered that discrimination in Slovenia does not pose any problems at all.

4.2.1.4 Victims of discrimination, according to the respondents

Question: Who, in your opinion, is most often a target of discrimination in Slovenia? (expressed as a percentage of 100 percent for each category, multiple responses possible)

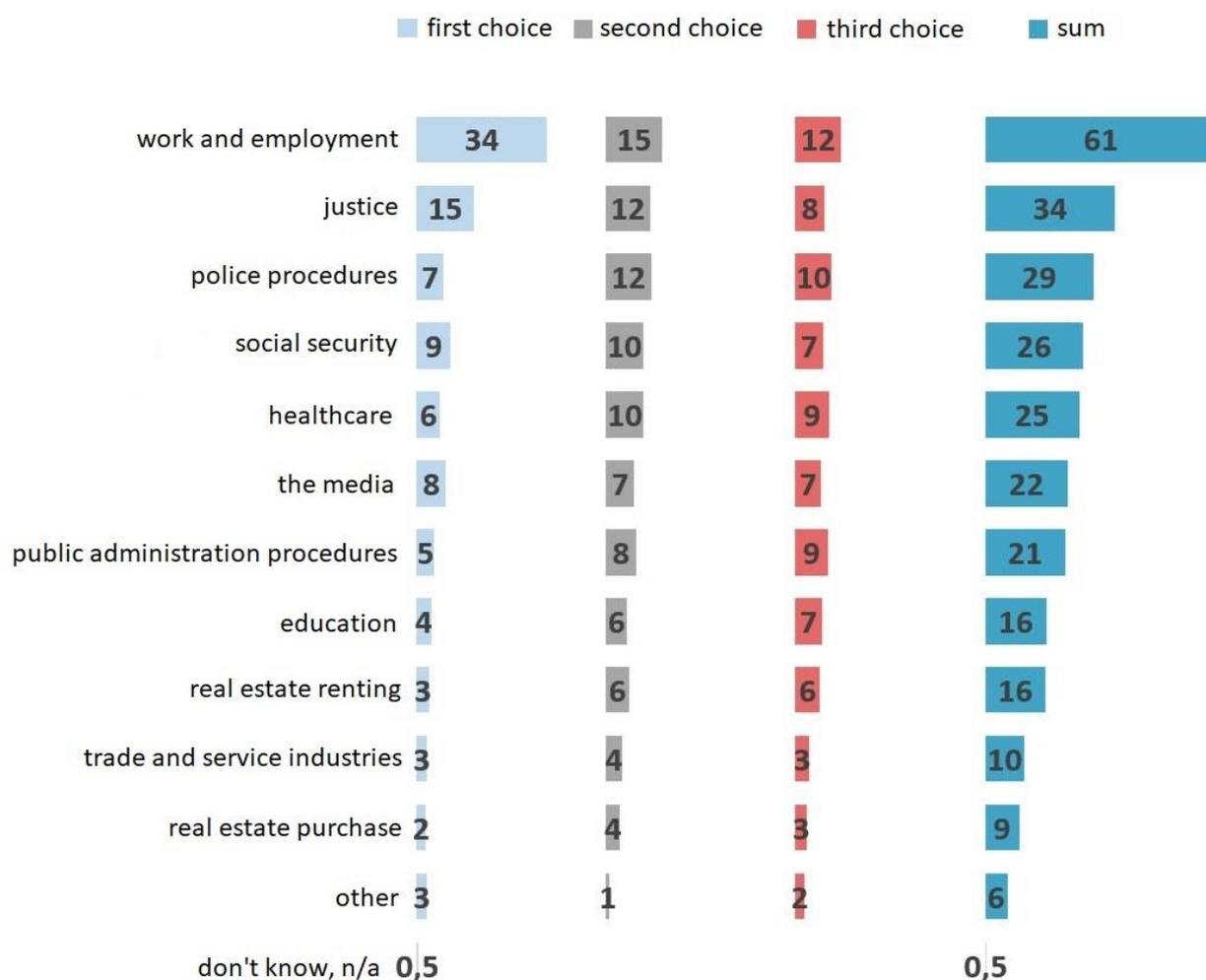


The respondents were able to give multiple answers at the same time and they believe that in Slovenia the most frequent targets of discrimination are the Roma (24 percent), homosexuals (14 percent), refugees (14 percent), representatives of lower social strata (11 percent), women (8 percent), foreigners (7 percent), representatives of middle class (7 percent) and immigrants (6 percent).

* The graph shows the answers of the respondents to a question of the combined type, to which several answers could have been given.

4.2.1.5 Areas of discrimination according to the respondents

Question: In which of the following areas, in your opinion, discrimination in Slovenia is the most widespread? (expressed as a percentage of 100 percent for each category)

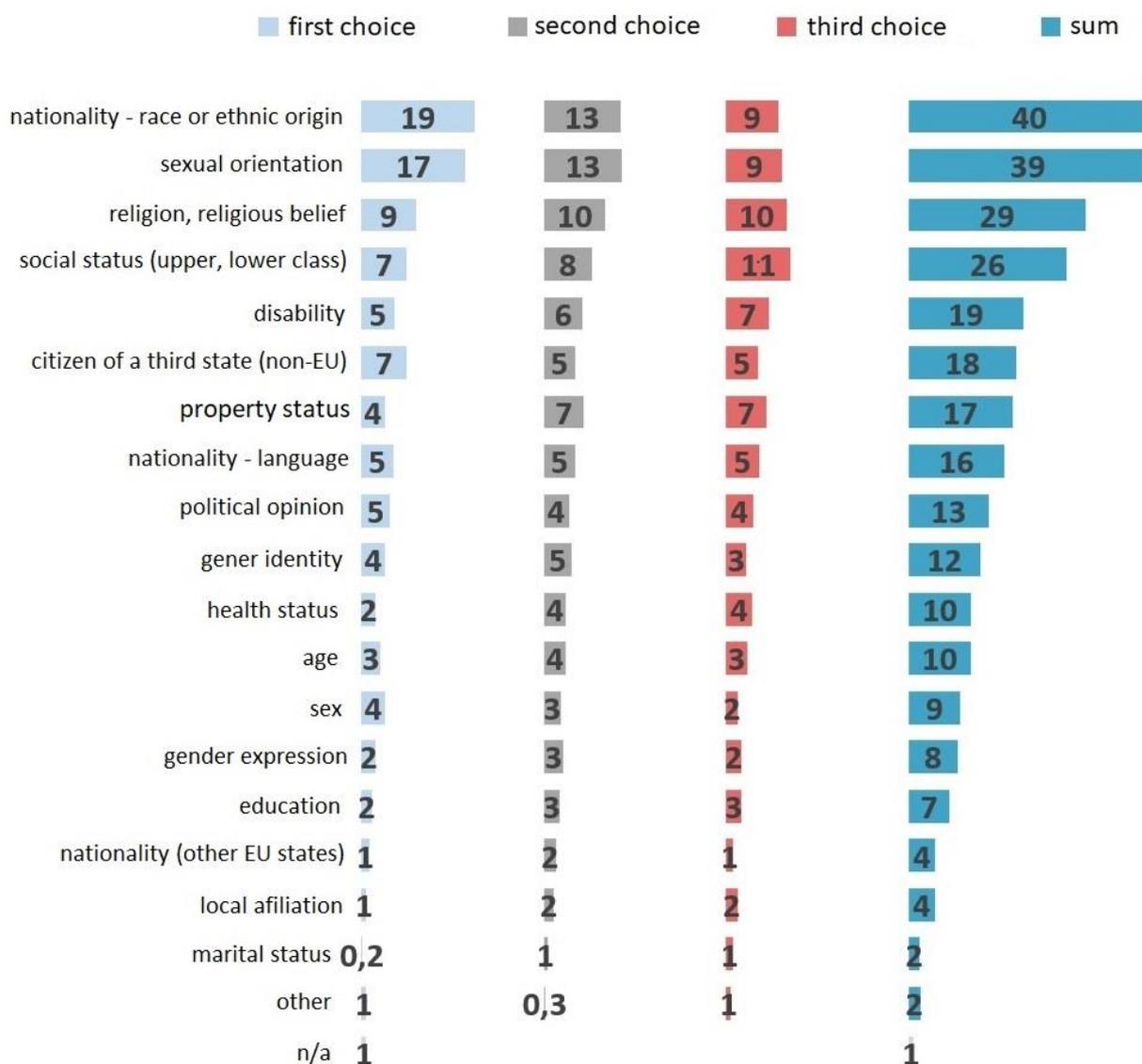


On the question about the area of the most widespread discrimination in Slovenia, the respondents were able to provide up to three answers. The percentages of the first, second and third indications indicate that discrimination is the most widespread in the fields of work and employment (61 percent), the judiciary (34 percent) and police procedures (29 percent). On the other hand, it is believed that discrimination in Slovenia is the least widespread in the purchase of real estate (9 percent), in trade and other service activities (10 percent), in renting property (16 percent), and in education (16 percent).

* When interpreting the answers, the sum of the percentages of the first, second and third choice of respondents is given. The question was closed. Respondents could give up to three answers that were ranked.

4.2.1.6 Reasons for discrimination - personal grounds according to the respondents

Question: What characteristics are most frequently a reason for discrimination in Slovenia in your opinion? (expressed as a percentage of 100 percent for each category)

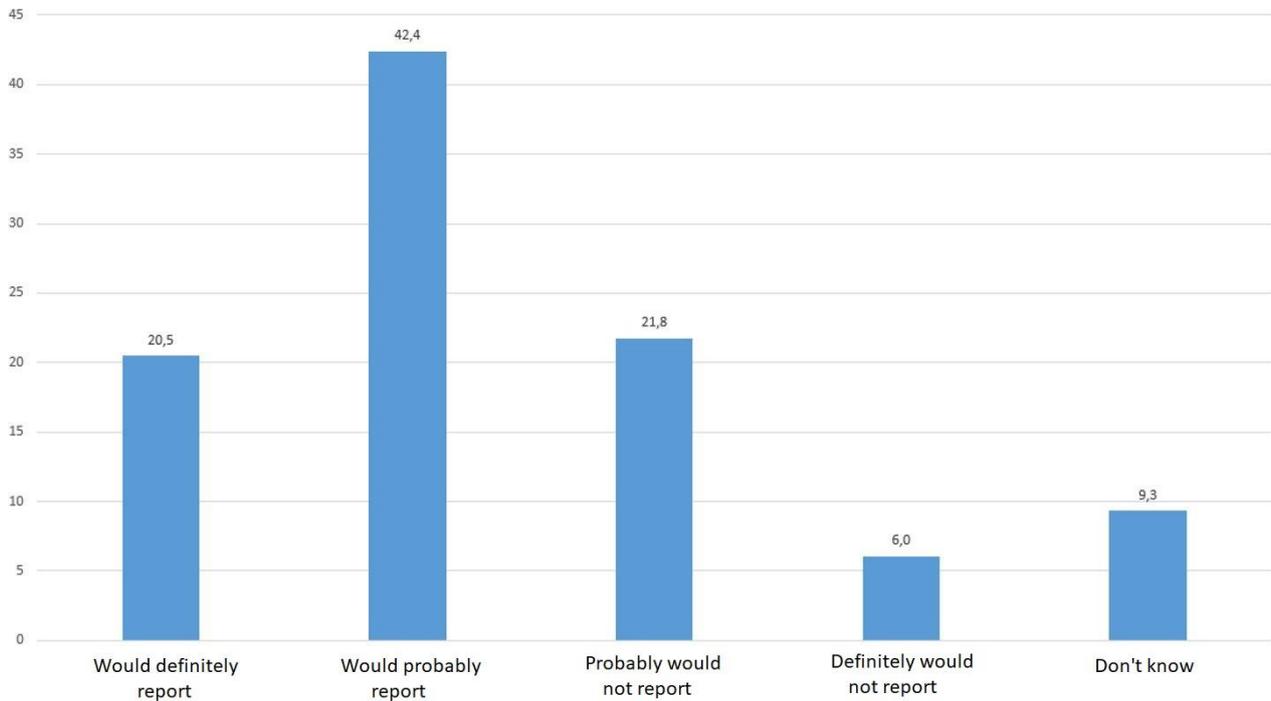


When asked which personal grounds are most often the cause of discrimination, the respondents were able to provide up to three answers. According to the percentages of the first, second and third statements, personal grounds, which are the most frequent reason for discrimination are: ethnicity (40 percent), sexual orientation (39 percent), religion (29 percent) and social position (26 percent). Less than 5 percent of the respondents stated the marriage status (2 percent), local affiliation (4 percent), and the citizenship of the other European Union member states (4 percent).

* When interpreting the answers, the sum of the percentages of the first, second and third choice of respondents is given. The question was of a mixed type. The respondents could give up to three answers that were ranked.

4.2.1.7 Reporting discrimination

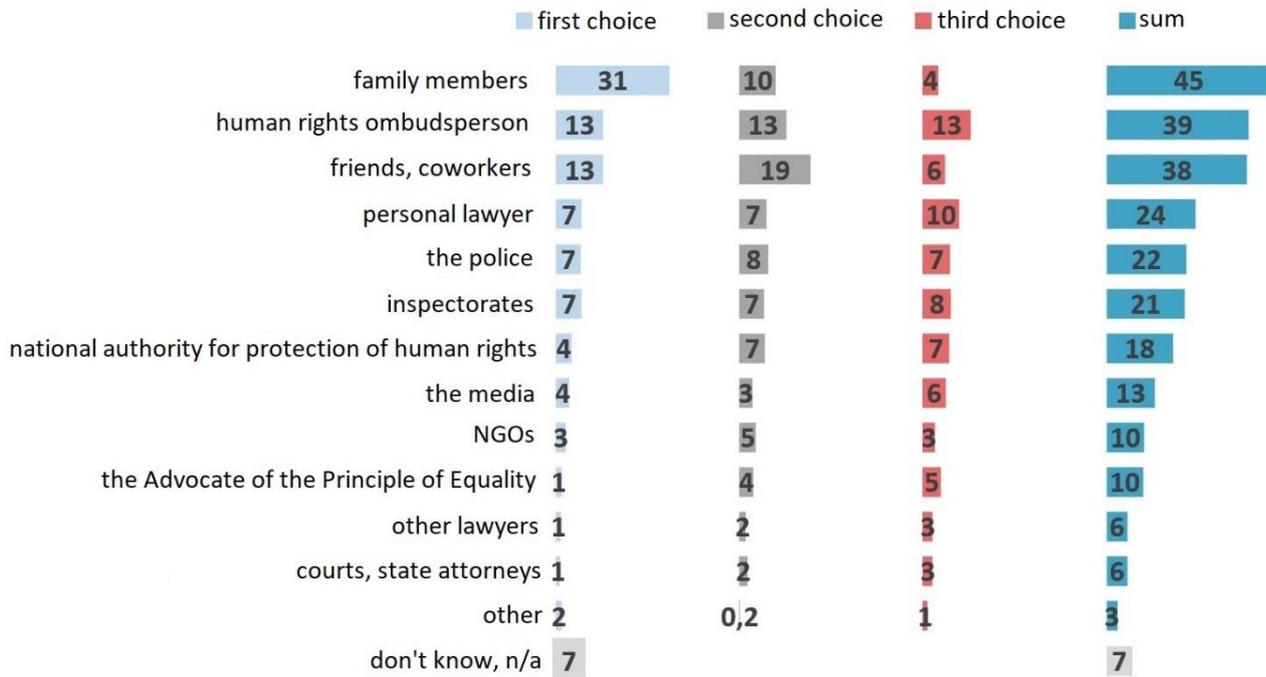
Question: How likely is it for you to report discrimination to other people if you were to witness the latter or find out about it? (expressed as a percentage)



In the case of individuals being witnesses of discrimination or finding out about it, 42 percent of respondents would have reported this behaviour in all likelihood, and 20 percent would definitely report discrimination. 22 percent of respondents were unlikely to report discrimination, and only 6 percent would certainly not report discrimination.

4.2.1.8 To whom would you turn to help?

Question: To whom would you first turn to for help if you personally or any of your loved ones were discriminated against by a person or organization? (expressed as a percentage of 100 percent for each category)

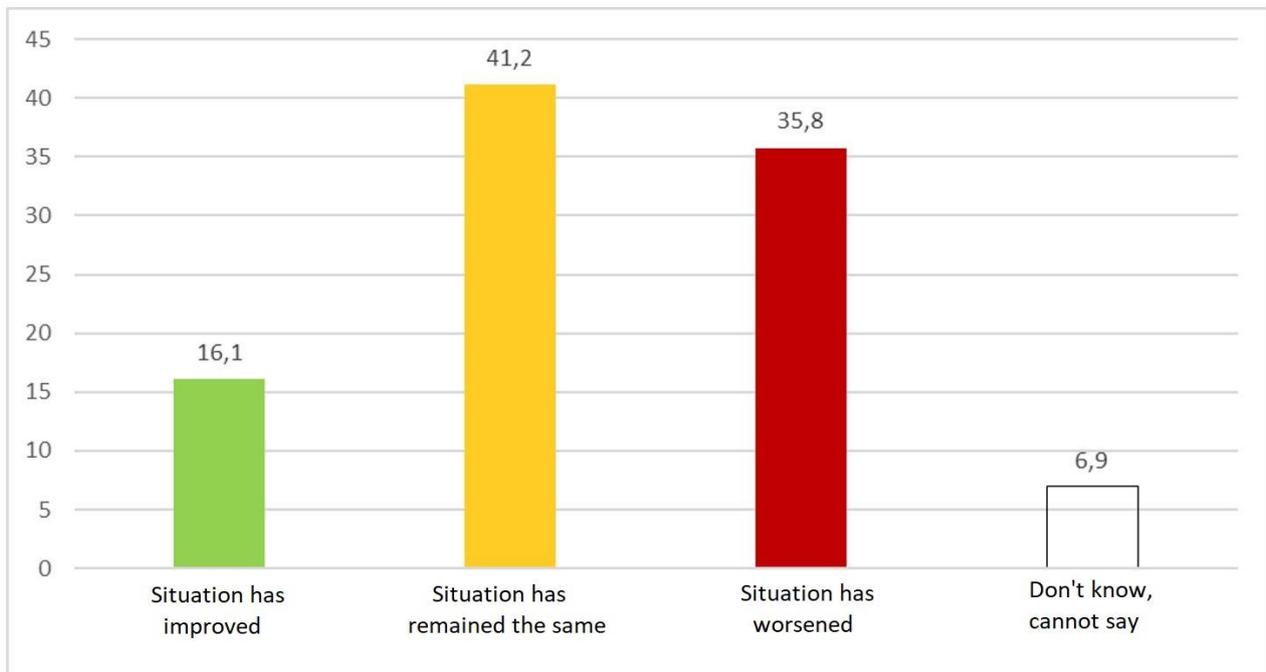


In answering the question of who to turn to for assistance in the event of discrimination, the respondents could give up to three answers. According to the sum of the percentages of the first, second and third allegations, it is evident that in the case of discrimination, they would first contact the family members (45 percent), the ombudsperson (39 percent) and friends or colleagues (38 percent). Almost a quarter would turn to personal attorneys (24 per cent), to the police (22 per cent) or to the inspectorate (21 per cent).

* When interpreting the answers, the sum of the percentages of the first, second and third choice of respondents is given. The question was of a mixed type. The respondents could give up to three answers that were ranked.

4.2.1.9 What is the situation with regard to the prevention of discrimination in recent years?

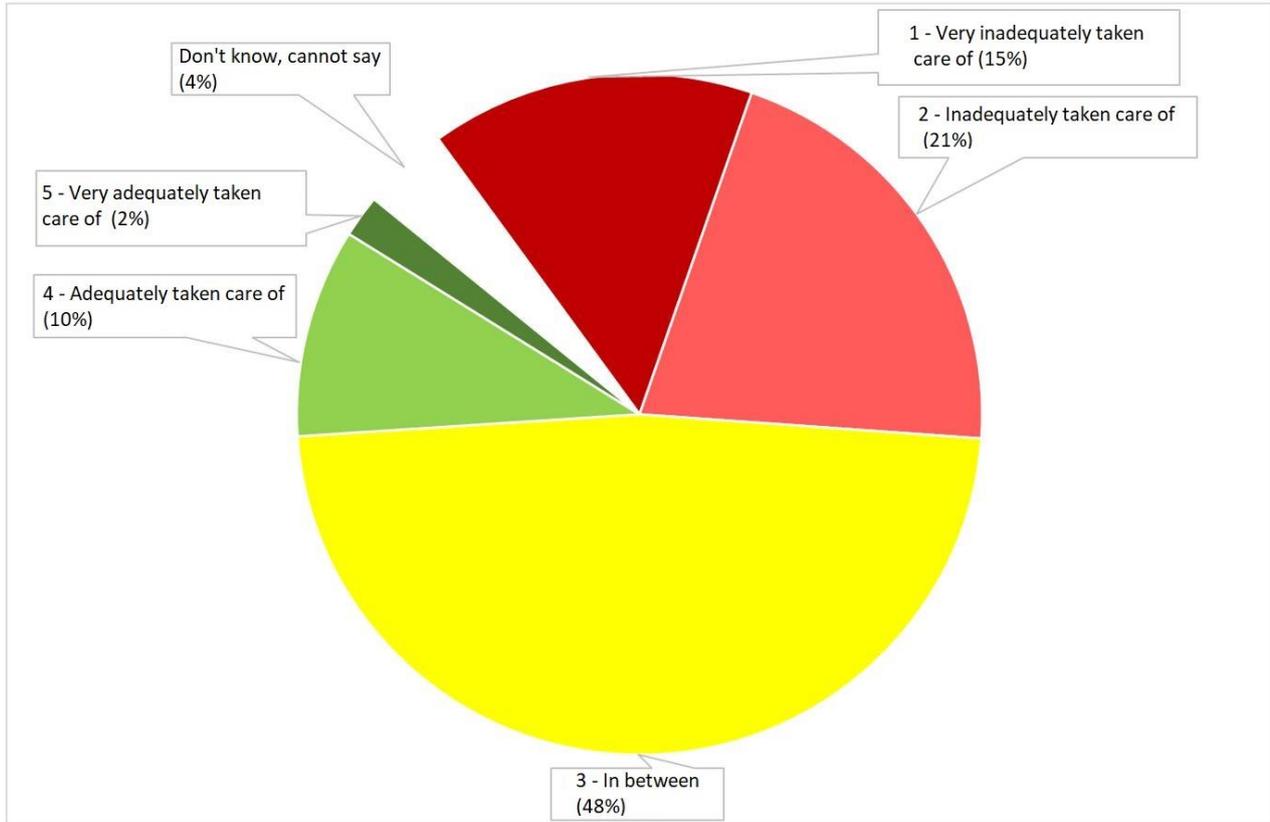
Question: Do you think that the situation regarding discrimination and inequality in Slovenia has improved in recent years, remained the same, or worsened? (expressed as a percentage)



More than 36 percent of respondents believe that the situation of discrimination and inequality in Slovenia has deteriorated in recent years, and 41 percent believe that it has remained the same. Only 16 percent of respondents believe that the situation on the field of preventing discrimination has improved in recent years.

4.2.1.10 How is the prevention of discrimination organized in the country?

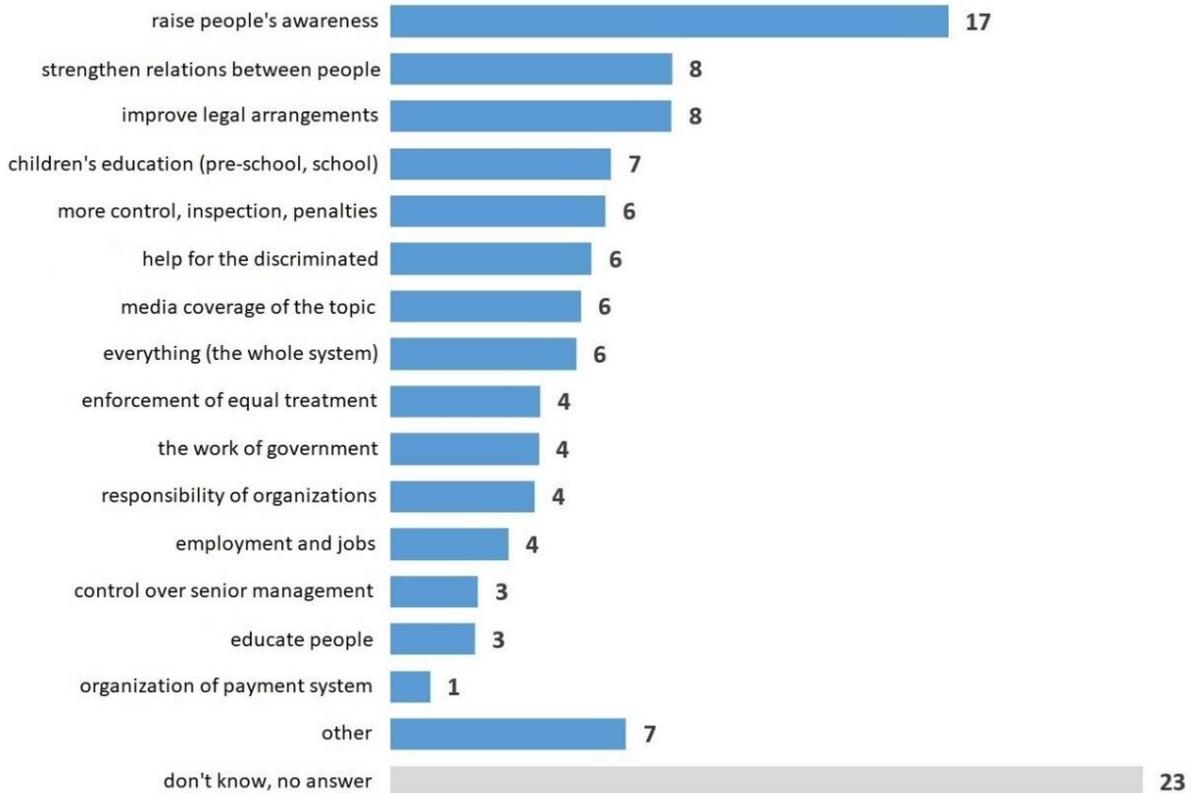
Question: Do you think that in Slovenia proper care is taken to combat inequality and prevent discrimination? (expressed as a percentage)



Respondents' answers to the question of how to tackle inequality and prevent discrimination paint a worrying picture, as 15 percent believe that discrimination is not adequately taken care of at all and 21 percent say that it is generally not adequately taken care of. Only 2 percent of the respondents think that the prevention of discrimination and the fight against inequality are taken care of, and 10 percent that discrimination is being adequately taken care of.

4.2.1.11 How to improve the situation in the field of discrimination prevention

Question: What do you think should be improved? (expressed as a percentage of 100 percent for each category)

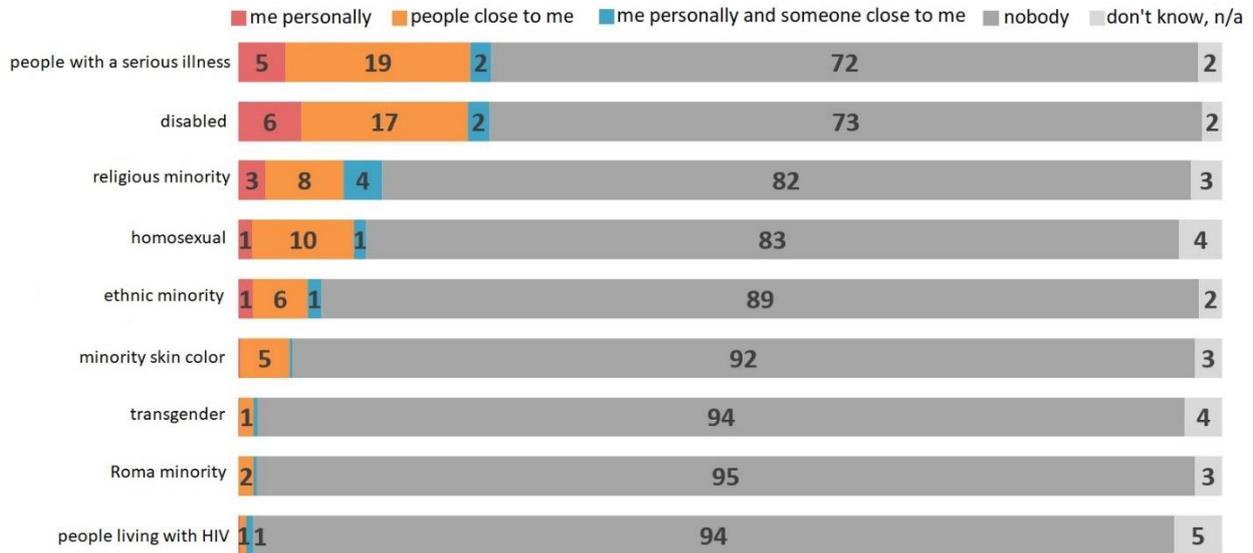


Those who consider that the inequality and discrimination ("not adequately taken care of at all", "not adequately taken care of", "something in the middle") are not adequately taken care of, are proposing the following: more emphasis should be given to raise people's awareness (17 percent), strengthen relations between people (8 percent), improve legal arrangements (8 percent) and improve education and training (7 percent).

* The graph shows the answers of the respondents to an open type question. The answers given were encoded and individual responses can be classified into several categories.

4.2.1.12 Affiliation to vulnerable groups

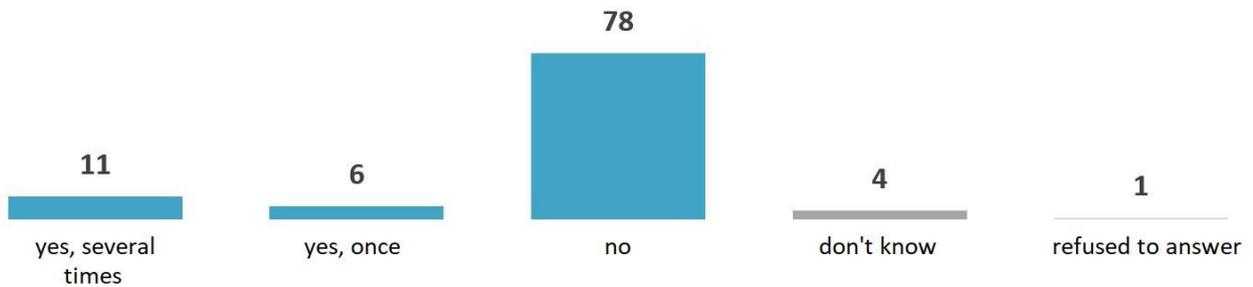
Question: Do you personally, or who of your closest people (partners, relatives, friends) belong to one of the following social groups? (expressed as a percentage of 100 percent by category)



Of all those involved in the survey, the majority of respondents has in their inner circle those with a serious illness (26 percent), a disabled person (25 percent), a member of a religious minority (15 percent), a homosexual person (12 or more) percent), a member of a national minority (8 percent) and a person of another skin colour (5 percent).

4.2.2 Personal experience of discrimination

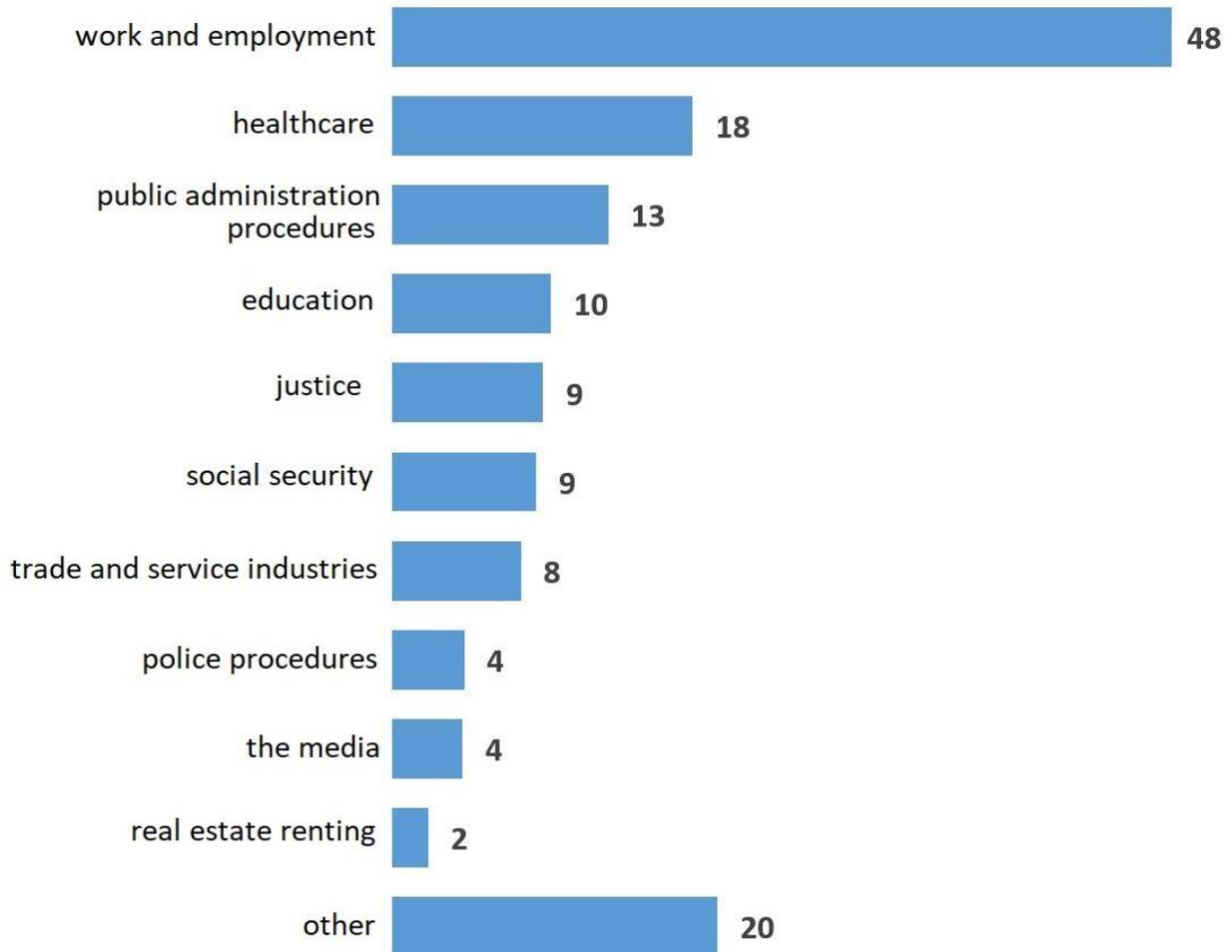
Question: Have you personally been a target of discrimination in the last 12 months? (expressed as a percentage)



In order to present an assessment of the situation of discrimination in Slovenia, the respondents answered the question of whether they were the target of discrimination in the last 12 months. Almost a fifth of respondents (17 percent) believe that they have experienced discrimination in the last 12 months. Of this, 11 percent experienced discrimination in the last 12 months multiple times, and 6 percent identified discrimination as a one-time event. 78 percent of respondents said that they were not victims of discrimination over the past 12 months.

4.2.2.1 Areas of discrimination

Question: In what area have you been discriminated against? (expressed as a percentage of 100 percent for each category)

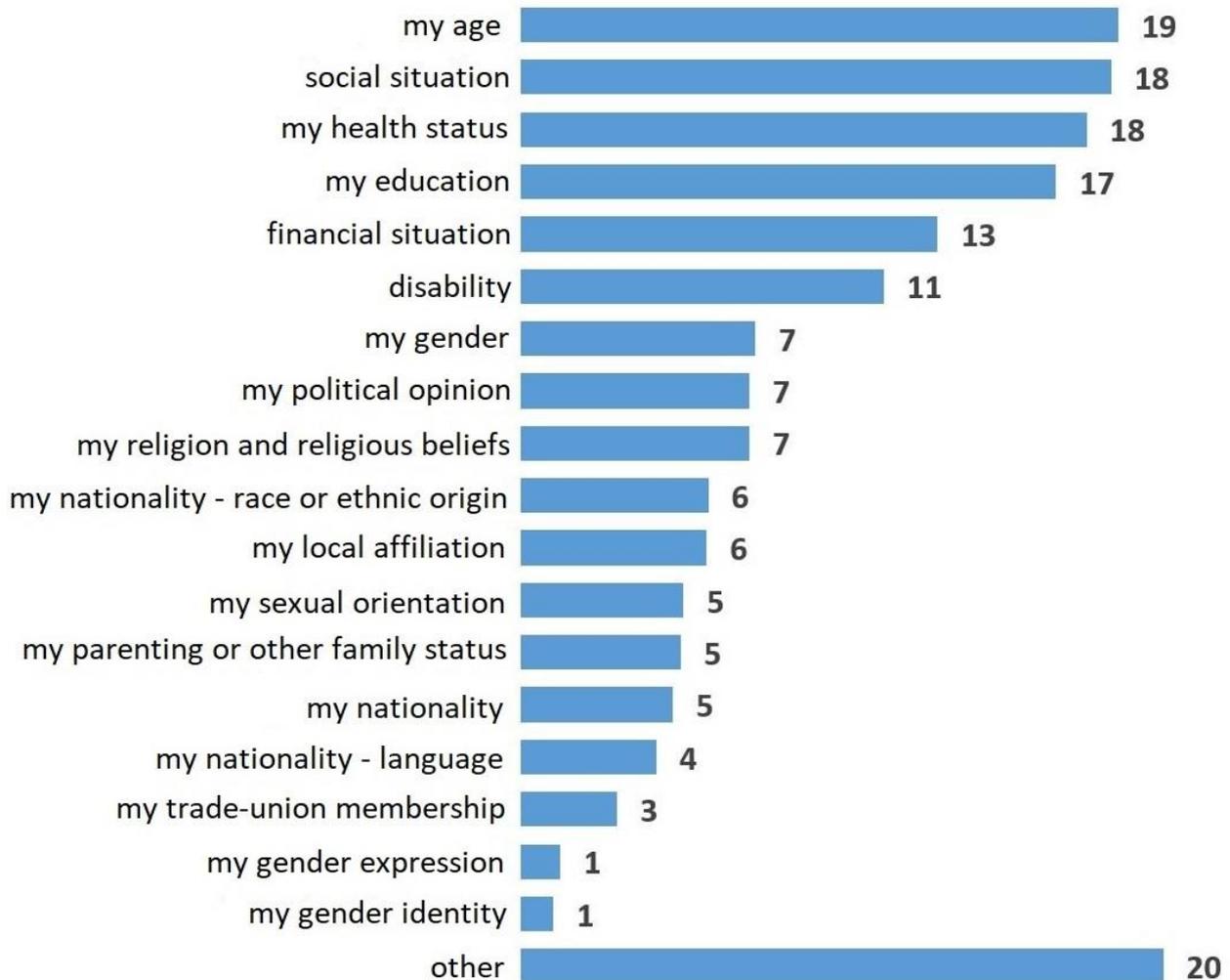


Of the 17 percent of respondents who responded that they were discriminated in the last 12 months, almost half answered that they were discriminated against in the field of work and employment (48 percent), and almost one fifth said that they experienced discrimination in the field of health care (18 percent) and in procedures in public administration (13 percent).

* The graph shows the answers of the respondents to the question of the combined type, to which several answers could be given.

4.2.2.2 Personal grounds of discrimination

Question: Because of what personal ground or characteristics have you been discriminated against? (expressed as a percentage of 100 percent for each category)



17 percent of respondents who consider that they have been discriminated against in the past 12 months have referred to age (19 percent), their social status (18 percent), their health status (18 percent), their level of education (17 percent), assets (13 percent) and disability (11 percent).

* The graph shows the answers of the respondents to the question of the combined type, to which several answers could be given.

4.2.2.3 To what extent have they turned to help due to discrimination

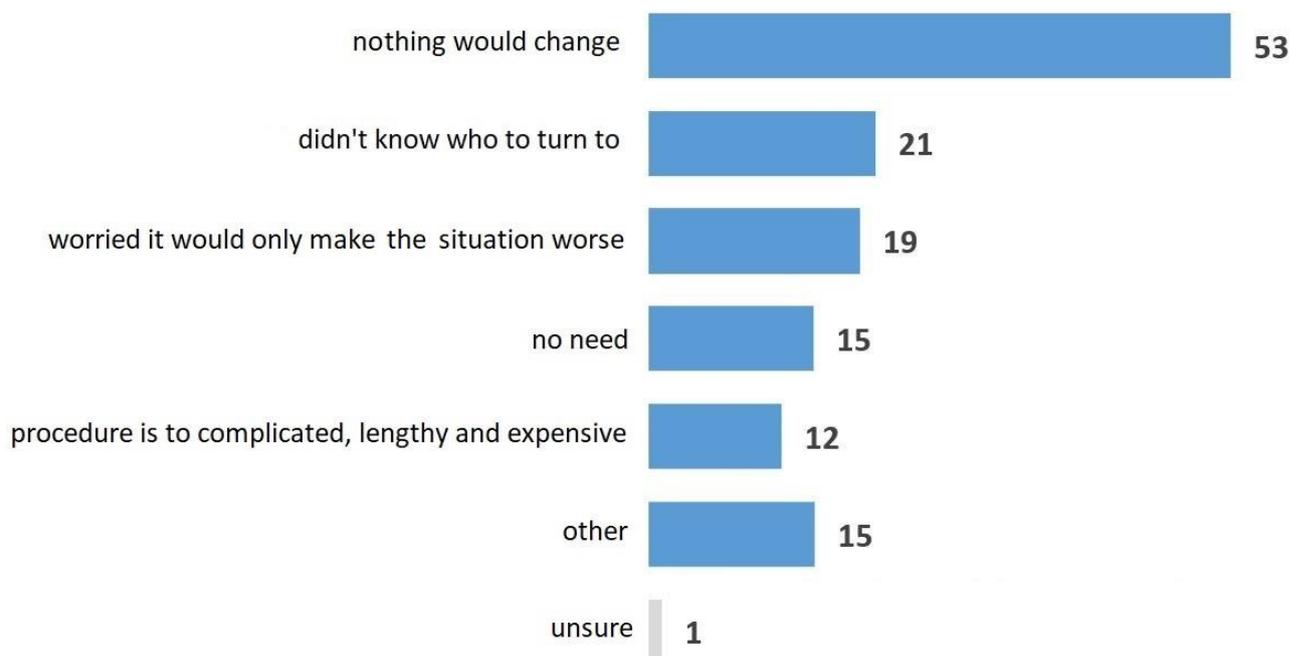
Three quarters of those who believe that they have been discriminated against in the last 12 months (17 percent) **did not use any procedures** to protect their rights, as they feel that nothing would change, they do not know who to turn to or they believe that this would only make things worse. **Only a quarter** of those who believe that they have been discriminated against in the past 12 months **turned to help**.

The respondents who indicated that certain procedures have already been used have, among other things, provided the following answers:

- "Mobbing application, talk with the director, help of the labour union."
- "Report to the police."
- "Becoming a member of a labour union."
- "Labour-Social Court."
- "I asked the lawyer about it."
- "Inspectorate for Labour."
- "Inquiries about their rights, acquaintance with the law on education, mediation at relevant ministries."
- "Free legal aid and the Ombudsperson."
- "I filed a request for the correction of irregularities."

4.2.2.4 Reasons why they did not turn to help

Question: Why did not you use any procedures? (expressed as a percentage of 100 percent for each category)



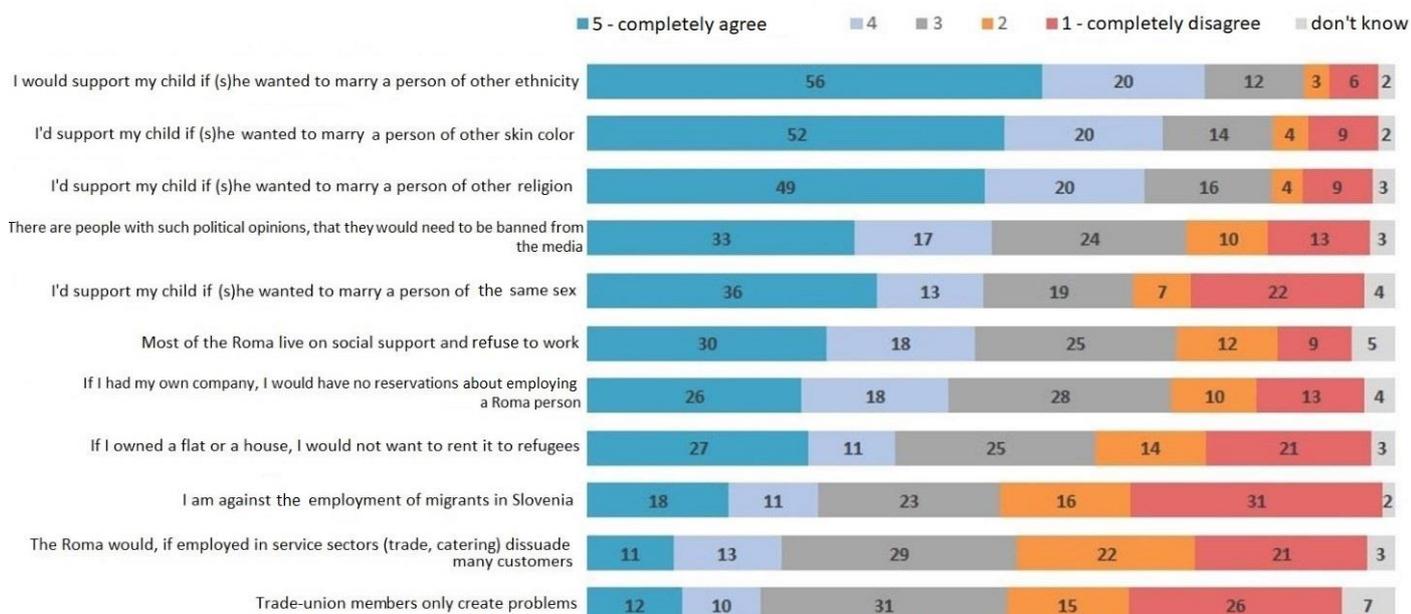
Among those who were the target of discrimination in the last 12 months and who did not use any procedure for protecting their rights as a reason for this, respondents in the largest number state the answer that nothing would change (53 percent), that they did not know, to whom to turn (21 percent) and a fear of things getting worse (19 percent). The frequent choice of the answer "I did not know who to turn to" indicates a lack of awareness among respondents, which also includes ignorance of bodies and legal acts aimed at preventing and eliminating discrimination. To a large extent (19 percent), the fear of the respondents is expressed in order to make the situation in which they were even worse. This indicates the fear of victimization, which according to Article 11 of the PADA is defined as "exposing a person subject to discrimination, or a person helping the aforementioned person, to unfavourable consequences due to actions which they take to prevent or eliminate discrimination".

* The graph shows the answers of the respondents to the question of the combined type, to which several answers could be given.

4.2.3 Other views of respondents on discrimination

In the following two sets of questions, respondents expressed their agreement or disagreement with specific assertions. An analysis of the answers to the general views on discrimination showed a relatively high degree of tolerance among the participants in the survey.

Question: To what extent do you agree with the following points? (expressed as a percentage)



Respondents (about 70 percent) would not oppose the marriage of their child with a person of another nationality, skin colour or religion, and slightly less (almost 50 percent) would be supportive of a marriage to a person of the same sex.

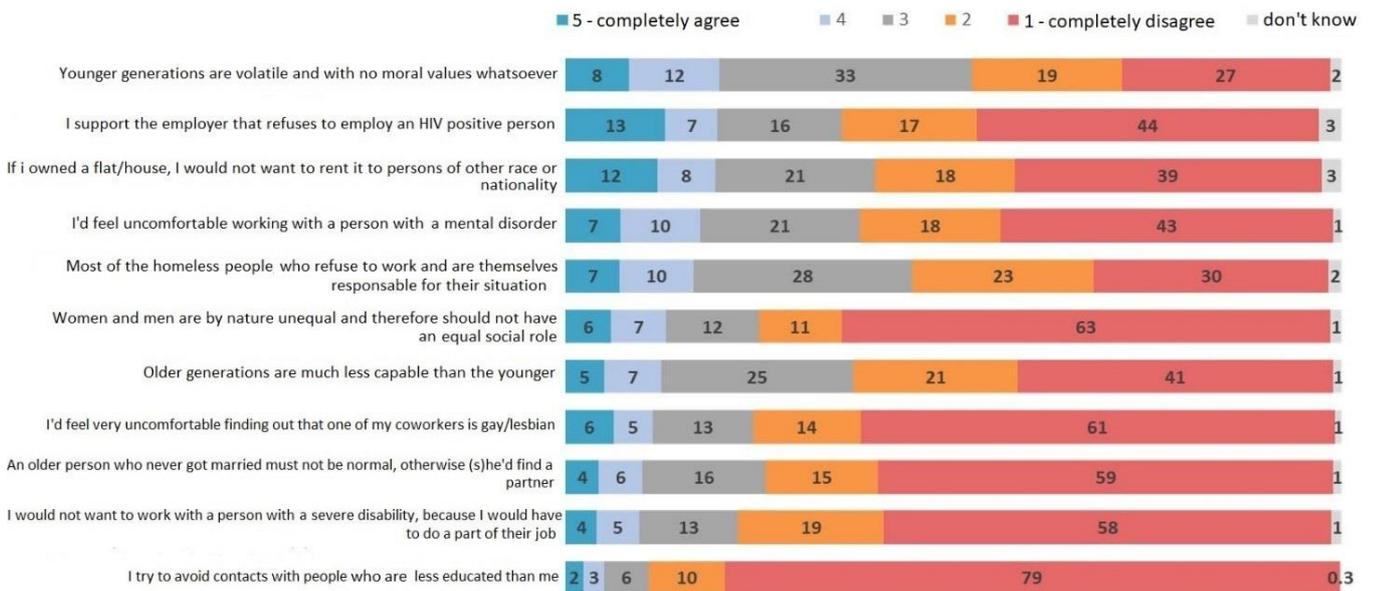
The majority would even rent a house to a person of another nationality or race without major reservations, while only a little over a third would even rent their apartment to refugees.

44 percent of the respondents would employ Roma people in their own company, while 48 percent of respondents believe that most of the Roma live with social assistance and do not want to work.

Respondents do, in general, not have an excessively positive attitude towards refugees, which is evident from the answer that almost 40 percent do not support the employment of refugees in Slovenia.

Half of the respondents agreed that there are people who, due to their political views, should be banned from appearing in the media (50 percent).

Question: To what extent do you agree with the following points? (expressed as a percentage)



The least respondents try to avoid contact with people who are less educated (5 percent), they do not want to have people with serious disabilities for a colleague (9 percent) and think that with older people who are not married, something is wrong (10 percent).

11 percent of respondents would feel uneasy if they found out that one of their colleagues was homosexual and 75 percent of respondents would have no problem with this.

Respondents demonstrated a great deal of solidarity and disagreement with discrimination in the workplace due to the candidate's health, as almost two thirds (61 percent) would not be supportive towards an employer who would not want to employ a person with HIV. However, 17 percent of respondents would be uncomfortable working with a person with a mental disorder.

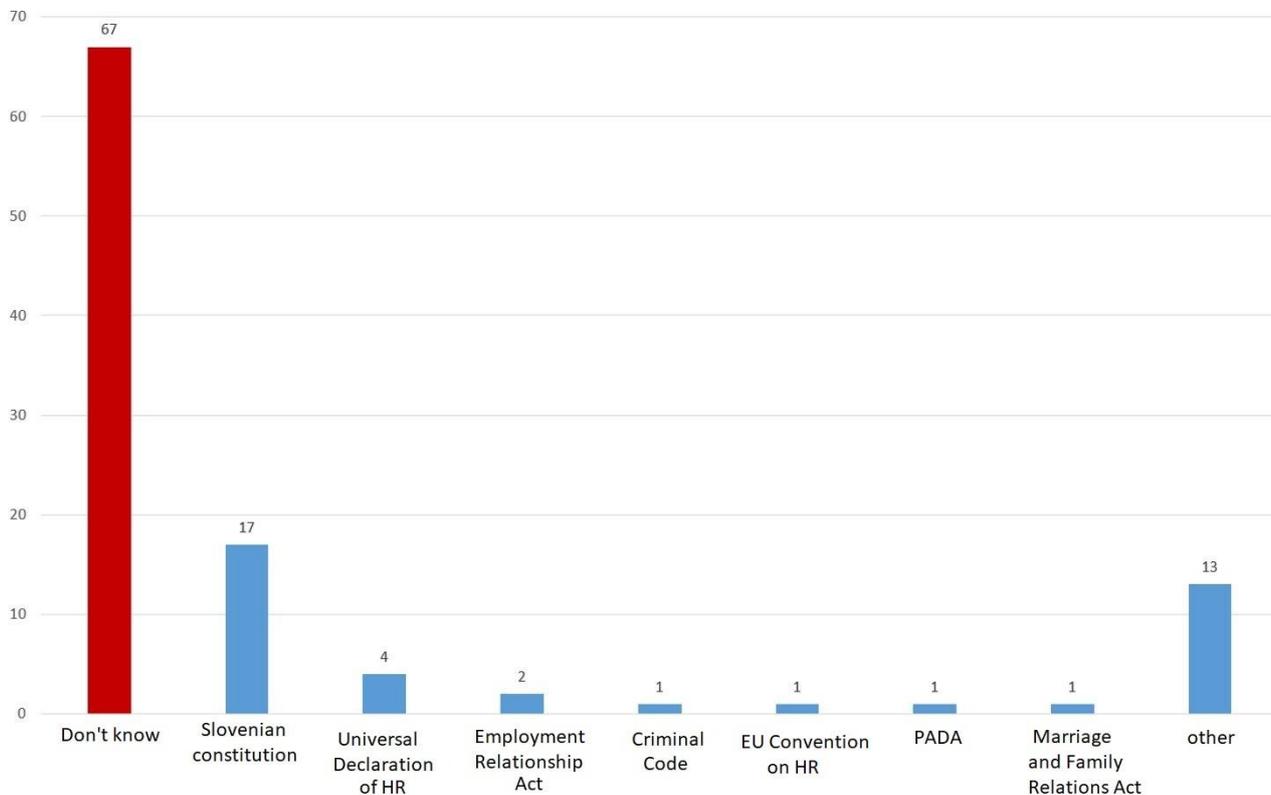
More than two thirds of the respondents stated that they disagree with the claim that women and men are not the same in nature and therefore cannot have an equivalent social role, while 6 percent agree.

A good third of respondents (41 percent) do not perceive people of older generations as less capable and does not see a problem with the elderly people that have never been married (about 80 percent).

Most respondents (80 percent) do not even try to avoid contact with people who are less educated than they are.

4.2.4 Knowledge about legislation and institutions in the field of non-discrimination

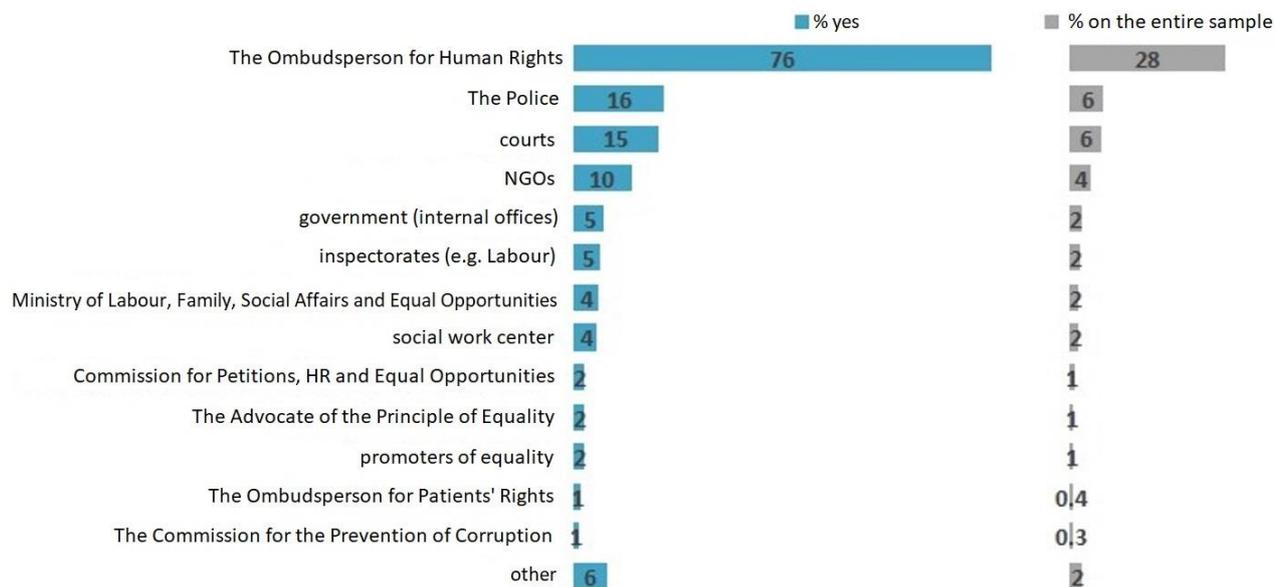
Question: Which legal acts do you think are intended to prevent and eliminate discrimination in Slovenia? (expressed as a percentage of 100 percent for each category)



The results of the opinion poll shows that about two thirds (67 percent) of respondents do not know a single legal act that would aim at preventing and eliminating discrimination and fewer than a fifth would state the Constitution of the Republic of Slovenia as a legal act.

* The graph shows the answers of the respondents to an open type question, on which several answers could be given.

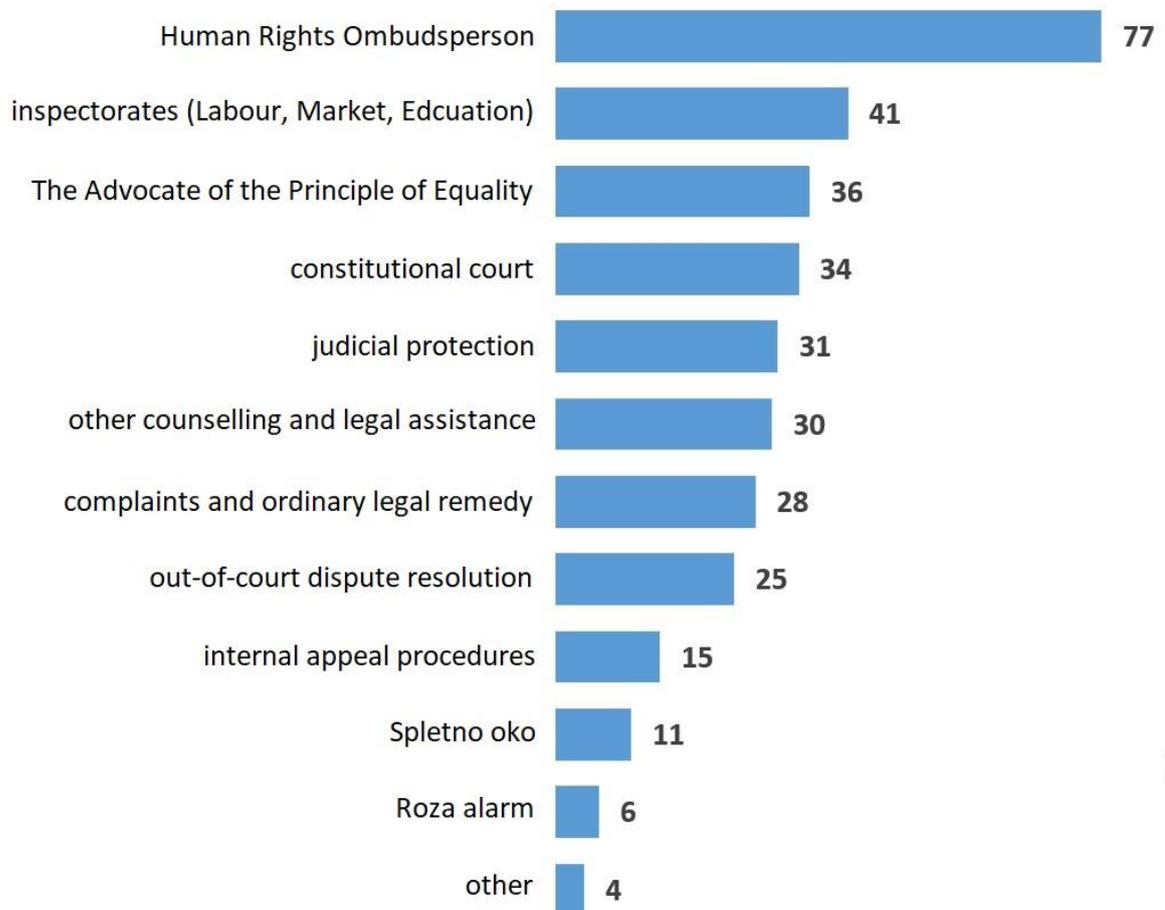
Question: Do you know which autonomous state authorities in Slovenia are responsible for combating inequality and protecting against discrimination? Which one? (expressed as a percentage of 100 percent for each category)



Just under two thirds of respondents (63 percent) do not know a single authority to fight inequality and protect against discrimination. Among the respondents only a little over a third (37 percent) spontaneously reported at least one anti-discrimination body. The highest number of respondents who answered that they know the independent body listed the Ombudsperson (76 percent), the police (16 percent) and the courts (15 percent) as the competent state authorities for combating inequality and protecting individuals against discrimination. Only 1 percent of respondents indicated the Advocate of the Principle of Equality.

* The graph shows the answers of the respondents to an open type question, on which several answers could be given.

Question: Do you know who (which organizations, organs) can you contact in Slovenia if you were the target of discrimination? (expressed as a percentage of 100 percent)

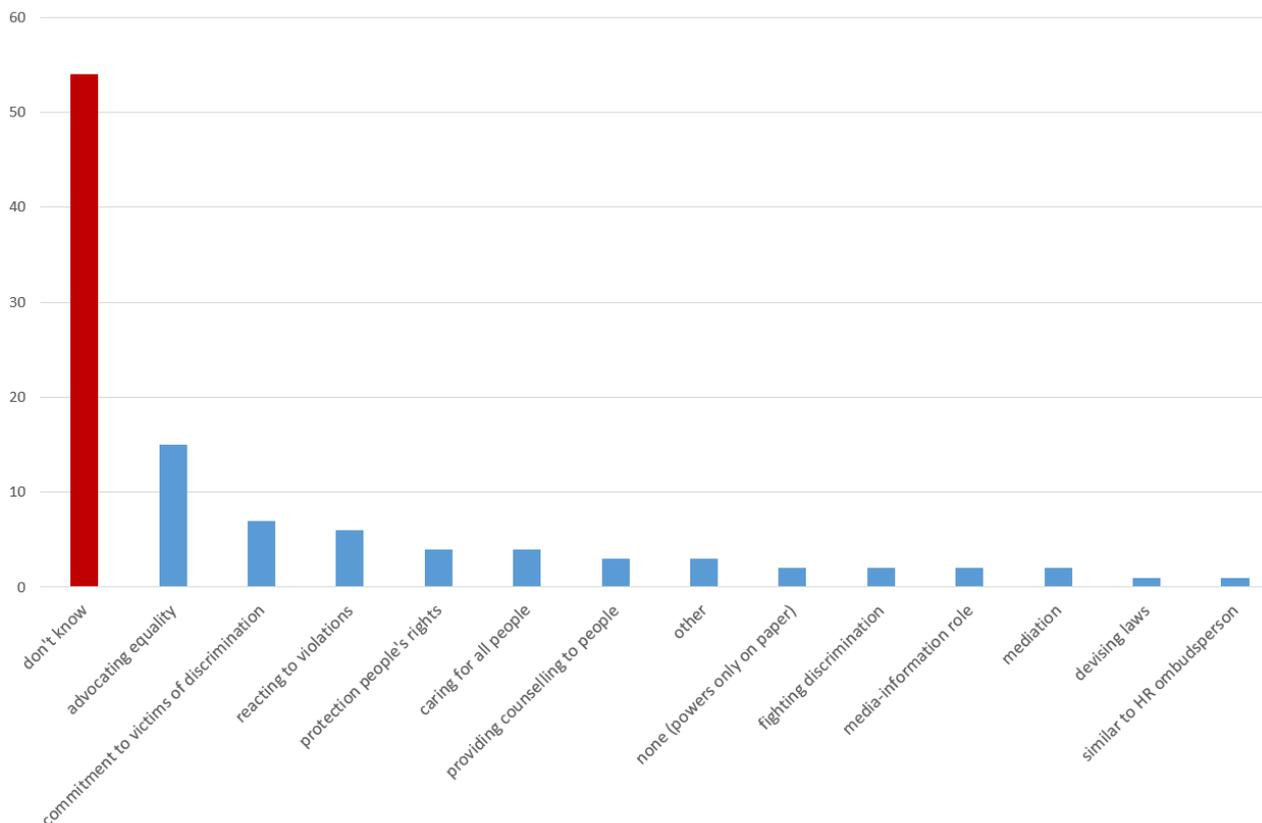


With the help of a supported recourse, the majority of respondents among the organizations and bodies that individuals can turn to in case of discrimination, identified the Ombudsperson (77 percent), various inspectorates (41 percent), the Advocates of the Principle of Equality (36 percent) and the Constitutional Court (34 percent).

* The graph shows the answers of the respondents to the question of the combined type, to which several answers could be given.

4.2.5 Knowledge about the role of the Advocate of the Principle of Equality

Question: What kind of functions do you think that the Advocate of the Principle of Equality is performing? (expressed as a percentage of 100 percent for each category)



More than half of the population (54 percent) does not know which functions the Advocate performs.

Only 15 percent of respondents think that the Advocate performs the function of advocating for equality (for example, between races, religions ...), helps the discriminated ones (7 percent) and reacts to violations (6 percent).

* The graph shows the answers of the respondents to the question of the combined type, to which several answers could be given.

Question: To what extent are you interested in information related to inequality and discrimination in Slovenia?

The survey also found that almost **40 percent of respondents were interested in information** on inequality and discrimination in Slovenia.

Question: Would you like more information on the subject of discrimination by the Advocate of the Principle of Equality?

Almost half of the respondents (47 percent) **want more information** on the topic of discrimination **by the Advocate**.

5 DICTIONARY OF TERMS

Discrimination shall be any undue actual or legal unequal treatment, differentiation, exclusion, limitation or failure to act due to personal circumstances, the result or consequence of which is hindrance, reduction or nullification of equal recognition, enjoyment or exercise of human rights and fundamental freedoms, other rights, legal interests and benefits.

Equal treatment shall be the absence of direct and indirect discrimination due to any personal circumstance of a person, including the absence of any other treatment which in compliance with this Act denotes discrimination. It should also be guaranteed to a person who is actually or legally connected to a person who is in certain personal circumstances; and a person who is discriminated against because of incorrect conclusions about the existence of certain personal circumstances.

In Slovenia the protection of all persons against discrimination is ensured, irrespective of their gender, nationality, racial or ethnic origin, language, religion or belief, disability, age, sexual orientation, gender identity or gender expression, social status, property status, education, or any other personal circumstance (hereinafter: personal circumstance) in various fields of social life, when enforcing human rights and fundamental freedoms, exercising rights and obligations and in other legal relationships in political, economic, social, cultural, civil or other fields.

Areas of discrimination –ensuring protection against discrimination or equal treatment of all persons in all fields of decision making, legal transactions and other operations or conduct, particularly in regard to:

- conditions for obtaining employment, self-employment and profession, including selection criteria and employment conditions, notwithstanding the type of activity or the level of occupational hierarchy, including promotion;
- accessing all forms and all levels of career orientation and consulting, vocational and professional education and training, further vocational training and retraining, including internship;
- employment and working conditions, including termination of employment contracts and wages;
- membership and inclusion in workers' or employers' organisations or any organisation whose members perform a certain vocation, including benefits provided by such organisations;
- social protection, including social security and health care;
- social benefits;
- education and schooling;
- accessing goods and services available to the public, including housing facilities and the supply of housing facilities.

Direct discrimination occurs if a person or group of people are, were or could be treated less favourably in the same or similar circumstances due to certain personal circumstances than another person or a group of people is, was or would be treated.

Indirect discrimination occurs when a person or a group of people in certain personal circumstances is, was or could be in a less favourable position than other people due to an apparently neutral provision, criterion or practice, unless this provision, criterion or practice is objectively based on a legitimate objective and the means of attaining this objective are appropriate and necessary.

Harassment is unwanted conduct related to any personal circumstance, which has the effect or purpose of creating an intimidating, hostile, degrading, humiliating or offensive environment for a person and which violates the dignity of that person.

Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct or behaviour of a sexual nature that occurs with the effect or purpose of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

Instructions on discrimination are any instructions the result of which is, was or could be discrimination in the sense of this Act, which also includes an instruction not to prevent or eliminate discrimination.

Inciting discrimination is any incitement of other persons to carry out actions the result of which is, was

or could be discrimination as per the provisions of this Act. Prohibited severe conduct particularly includes delivering or disseminating racist, religious, national and sexually discriminatory appeals, inducing, abetting or inciting hatred and discrimination, and broader public haranguing which promotes discrimination.

Victimisation is exposing a person subject to discrimination, or a person helping the aforementioned person, to unfavourable consequences due to actions which they take to prevent or eliminate discrimination.

Multiple discrimination is occurring when a person is discriminated against simultaneously due to several personal circumstances;

Mass discrimination is occurring when several people are discriminated against simultaneously by disputable conduct, particularly if motivated by hatred or contempt for people with certain personal circumstances;

Persistent or repeated discrimination is also a severe form of discrimination.

Discrimination which has or could have consequences for the person subject to discrimination that are difficult to remedy regarding damage caused to the person's legal position, rights or obligations, particularly if directed at children or other weak persons.

Special measures are temporary measures whose objective is to ensure the realisation of the right to equal treatment, equal opportunity or actual equality and participation in the fields of social lives of people who are in a less favourable position due to certain personal circumstances. Special measures shall be adopted in order to prevent or eliminate consequences of such a position or provide a substitute for a less favourable position. Special measures shall particularly include: incentive measures providing special benefits or introducing special incentives for persons in less favourable positions in a certain field or environment (1); positive action which gives advantage to people in certain personal circumstances when they meet the prescribed criteria and conditions to an equal extent, and which may be applied particularly in the case of evident disproportion regarding the possibilities of accessing the enforcement of rights, or accessing goods, services or benefits (2).

The above explanations are taken from the Protection Against Discrimination Act.