



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Slovenia
<b>Title:</b>	Equality Body Annual Report
<b>Date:</b>	4 June 2018
<b>Expert:</b>	Neža Kogovšek Šalamon
<b><u>Context</u></b>	
<b>Issue at stake:</b>	The new Advocate of the Principle of Equality issues its second annual report
<b>Ground of discrimination:</b>	All grounds
<b>Source:</b>	National Equality Body, policy development
<b>Field:</b>	All fields
<b>Applicable law:</b>	Protection against Discrimination Act, Article 22 (2)

### Content

**Policy development:** In April 2018 the Advocate of the Principle of Equality, the new equality body in Slovenia, released its Annual Report for 2017.<sup>1</sup> In line with Article 22 (2) of Protection against Discrimination Act (PADA), the Advocate has the duty to submit the annual report for the previous year to the National Assembly, by 30 April at the latest.

The 134-page report consists of six parts and serves several purposes. Among other things, the report aims to illustrate the process of creating the legal personality, adoption of bylaws and hiring personnel for this independent body. In 2017, the Advocate's focus was on relocating from one small office based in the premises of the Ministry of Labour, Family, Social Affairs and Equal Opportunities to appropriate work premises, and ensuring suitable human and financial resources for its work. Currently it comprises the Head of the Advocate, 5 employees and 3 interns. Given the lack of sufficient resources the Advocate considers that its complete autonomy and financial independence are still not guaranteed.

There are three thematic departments in the organizational structure of the Advocate: 1) Department for monitoring, awareness raising and prevention (A); 2) Department for establishing discrimination, counselling and legal advice (B), and 3) Department for inspection procedures (C). According to the annual report for 2017 Departments B and C have no concrete results yet – no cases have been decided in 2017 and no inspection procedures were initiated. The reason stated in the annual report is related to the problem with the unclear procedure defined in the Protection against Discrimination Act. This act suggests that the Advocate first conducts an administrative procedure in order to examine the discrimination complaint and issues a decision following this procedure. If discrimination is found through the administrative procedure, the Advocate carries out an inspection procedure and issue a second decision based on this inspection procedure. After both final acts have been issued in the two procedures further legal remedies can be used. Hence, the law foresees two procedures conducted by one body in one single case of

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<sup>1</sup> <http://www.zagovornik.si/wp-content/uploads/2018/04/Redno-letno-poro%C4%8Dilo-Zagovornika-na%C4%8Dela-enakosti-za-letno-2017.pdf>.

discrimination, which is unprecedented. The lack of clarity of this procedure described in the law has refrained the Advocate to issue decisions in discrimination cases. As the procedure is not sufficiently precise and illogically defined, the Advocate strived to resolve these problems with the adoption of a bylaw (Rules of Procedure). The rules drafting process has been coordinated among State sectors with the involvement of relevant ministries and a number of external legal experts.

In spite of the lack of issued decisions the report still contains statistics on cases that are pending before the Advocate. Between 2012 and 2016<sup>2</sup> the Advocate received 258 complaints. 192 cases were closed while 66 cases are still pending. In 2017 the Advocate received additional 79 complaints. Most of the 2017 complaints refer to disability (11), followed by race/ethnic origin (10), religion (10), gender (10), sexual orientation (4), age (3), while 31 complaints refer to other grounds either not covered by the directive or the ground is not specified.

The Advocate's Department A on monitoring has been very active as it gathered information from other State bodies on their work related to the prevention of discrimination, carried out consultations with civil society organisations, conducted public opinion polls, awareness raising events and promotional activities. Based on the consultation process with other State bodies the Advocate found that there is a great need for a systemic data collection on discrimination cases by all relevant institutions. The report also provides an overview of the activities in the field of international and bilateral cooperation carried out in 2017. Furthermore, the report presents the results of a survey conducted by the Advocate, showing that at least 30% of respondents in Slovenia are not satisfied with the fight against inequality. Roughly 20% stated they've been discriminated against at some point in the last 12 months.

**Key points of analysis:** This is the second Advocate's report released after 2012. While the strengthened equality body is organised as an independent body, its complete autonomy is still not guaranteed as it is not supported by sufficient human and financial resources. The value of the report is that it provides broad types of information addressing various audiences. For example, information on the types of discrimination described in complaints will be interesting for researchers, students and civil society focusing on non-discrimination. The description of the state of affairs concerning the process of the establishment of a new body will be informative for those following policy developments, as well as for the audiences expecting the new equality body to produce immediate results. Finally, the information about the new competences, tasks and powers entrusted to the equality body by the 2016 Protection against Discrimination Act will be relevant for the audiences doubting the relevance of this body, as well as for potential new complainants.

**Internet link source:**

<http://www.zagovornik.si/porocilo/redno-letno-porocilo-za-letno-2017/>.

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<sup>2</sup> Before 2016 when the new Advocate of the Principle of Equality was established as a new body with independent legal personality, in Slovenia the tasks of the equality body were carried out by one civil servant. Such position existed between 2005 and 2016.