



REPUBLIC OF
SLOVENIA



HUMAN
RIGHTS
OMBUDSMAN

SUMMARY OF THE WORK OF THE HUMAN RIGHTS OMBUDSMAN OF THE REPUBLIC OF SLOVENIA FOR 2023

2023

ABOUT THE HUMAN RIGHTS OMBUDSMAN OF THE REPUBLIC OF SLOVENIA

Peter Svetina serves in the capacity of the Human Rights Ombudsman of the Republic of Slovenia.

The powers of the Human Rights Ombudsman of the Republic of Slovenia (hereinafter: Ombudsman) are determined by the Constitution of the Republic of Slovenia (Article 159), the Human Rights Ombudsman Act and 24 sectoral acts.

Human Rights Ombudsman of the Republic of Slovenia

Dunajska cesta 56, 1000 Ljubljana, Republika Slovenija Telephone number:
+386 1 475 00 50

Toll-free telephone number: 080 15 30

E-mail address: info@varuh-rs.si

Website: www.varuh-rs.si



1.1 INTRODUCTION BY THE HUMAN RIGHTS OMBUDSMAN

Dear Reader,

In the 29th regular annual report of the Human Rights Ombudsman of the Republic of Slovenia, we report on the work of the Ombudsman in 2023. In accordance with the Human Rights Ombudsman Act, the Human Rights Ombudsman of the Republic of Slovenia (Ombudsman) reports on its work and findings on the level of respect for human rights and fundamental freedoms, and reports on the legal security of citizens of the Republic of Slovenia to the National Assembly of the Republic of Slovenia with regular or special reports.

After the fourth year of my mandate, I must point out my concern that the urgent and necessary changes in society are taking place extremely slowly, because the feeling of powerlessness of individuals is growing in society, because these and other events are repeatedly eroding the confidence of the country's citizens and because the years of warning to solve key systemic reforms seem like a Sisyphean task. It is worrying that, regardless of the various governments, it increasingly seems that the key problem with these reforms is not a lack of courage, as every government expresses the desire for reforms, but above all a lack of vision and a constructive and inclusive dialogue between the various stakeholders. I would like to see the human being – the individual – at the centre of reforms, be it as a user or provider of public services. Solidarity and compassion for one's fellow man are increasingly put to the test. We are more and more becoming a society of individuals, in which everyone is only fighting for their piece of the pie, while those who are on the margins of society are increasingly left with nothing.

Strengthening the rule of law is essential

The year 2023 showed once again that we must always strive to respect the rule of law and that this is not just some kind of distant theoretical concept, but is concretely reflected both in the timely observance of the judgments of the Constitutional Court and in the observance of the recommendations of the Ombudsman and other independent supervisory institutions, and recommendations and judgments of international mechanisms, as well as in the adoption of legislation and measures, e.g. in the field of independent and effective justice, freedom of the media, the fight against corruption, and the functioning of civil society, which is not self-evident. Regarding these contents, the Ombudsman also prepared a report on the state of the rule of law in Slovenia in 2023, which we forwarded to the European Commission through the European Network of National Institutions for Human Rights. **Following numerous appeals and recommendations from the Ombudsman and the European Commission, in 2023 the decision of the Constitutional Court regarding the incompatibility of the Public Finances Act with the Constitution of the Republic of Slovenia due to non-respect of the financial autonomy of four independent state institutions was implemented in 2023, after a one-and-a-half-year delay, even though the deadline for its execution had already expired at the end of December 2021. The new law was accepted at the end of June 2023.** We have pointed out and are still pointing out many decisions of the Constitutional Court which have not been implemented for as much as a decade or more.

For several years now, we have been recommending that the government also establish a coordination mechanism for the enforcement of the decisions of the Constitutional Court, based on

the example of the successful coordination mechanism for the enforcement of the judgments of the European Court of Human Rights, but the recommendation remains unfulfilled. The government's stoic response that each ministry is responsible for its own department and that there is no need for additional coordination seems extremely cynical. Just looking at the statistics of unexecuted decisions of the Constitutional Court and also considering that the implementation of the decisions of the Constitutional Court most often requires the cooperation of several departments, and coordination often does not work well. There is also no review of how quickly and how intensively the departments approach the implementation of declaratory decisions of the Constitutional Court after a violation has been established. Regarding the relaxed attitude of the authorities towards disrespecting the decisions of the Constitutional Court, in the sense that too often the prevailing feeling is that only politically pleasing decisions or even only those with which the current coalition agrees should be implemented, or that the deadline for their implementation should be either as an instruction, i.e. non-binding and without legal (and political) sanction, I warn that such disregard of the decisions of the Constitutional Court represents a gross violation of the principle of the rule of law, and it is even more worrying that it causes a feeling of mistrust in the law and the state among people and significantly strengthens the feeling of inequality of individuals before the law, the feeling of inferiority of certain groups, and the feeling that Slovenia is turning from a democracy into an oligarchy dominated by corruption. We must not allow this. The rule of law in its most basic sense means that no one is above the Constitution and laws and that both the Constitution and laws and ratified international treaties must be respected regardless of whether we personally agree with them or not and how much financial resources are available for this need. **Therefore, we repeat recommendation (ongoing task) no. 2 (2021) that the government should establish a mechanism that would provide expert support regarding the implementation of so-called declarative decisions of the Constitutional Court.**

We also make a new recommendation that the National Assembly establish regular annual reporting by the government on the execution of the judgments of the Constitutional Court and separately also on the execution of the judgments of the European Court of Human Rights, with the aim of strengthening confidence in the rule of law. The aim is to strengthen the democratic dialogue between the legislative and executive branches of government and the transparency of the functioning of competent institutions regarding the enforcement of judgments of the Constitutional Court, and the goal is to strengthen the rule of law. This would reinforce the parliamentary aspect of oversight regarding compliance with Article 2 of the Constitution in the part that relates to the operation of the rule of law.

Recommendation 1: The Ombudsman recommends that the National Assembly of the Republic of Slovenia establish regular annual reporting by the Government of the Republic of Slovenia regarding the state of implementation of the decisions of the Constitutional Court of the Republic of Slovenia and separate judgments of the European Court of Human Rights.

For years, I have been pointing out the importance of independent state institutions – such as the Constitutional Court, the Ombudsman, the Court of Audit, the Commission for the Prevention of Corruption, the Defender of the Principle of Equality and the Information Commissioner – for the respect of human rights and fundamental freedoms, the functioning of a democratic society, and the rule of law, which has a well-developed system of checks and balances.

For a long time strong, independent and professional institutions are no longer only a matter of the legal order of an individual country, but are also a concern of the international community. The international standards being developed within the framework of the United Nations, the Council of Europe, and the European Union are increasingly clear in this regard. In order to strengthen this awareness, at the end of 2023, upon the 30th anniversary of the Human Rights Ombudsman Act and the Paris Principles on the Status of National Institutions for Human Rights, and the 75th anniversary of the General Declaration on Human Rights, we issued a publication entitled “International Standards for the Operation of the Ombudsman of the Republic of Slovenia”. **Based on our previous recommendations and agreement with the Ministry of Justice, the proposal for an amendment to the Human Rights Ombudsman Act was submitted for public consultation in June 2023,** the main purpose of which is to align the Ombudsman's mandate with the Venice Principles on the Protection and Strengthening of the Institution of the Ombudsman from 2019 and to establish the missing international control mechanisms in Slovenia as well (e.g. with regard to monitoring compliance with the Convention on the Rights of Persons with Disabilities, with regard to the prevention of trafficking in human beings, and regarding the full mandate of the Children's Rights Ombudsman). **However, it seems that there is no real interest or desire for internationally compatible changes that would, among other things, e.g. extend the competence of the Ombudsman to public services and the implementation of certain mandates in accordance with international standards.**

The welfare state must be strengthened

Even more problems are piling up regarding respect for the constitutional principle that Slovenia is a welfare state. It seems to be less and less like that. Economic, social, and cultural rights, as well as solidarity and collective rights, are equal to civil and political rights, although it often seems that the state understands them somewhat conditionally and therefore approaches their realisation with reluctance, thereby causing not only a violation of human rights, but many hardships for individuals, as well as vulnerable groups. This is particularly evident in regard to the extremely slow reforms related to ensuring the rights of the disabled and the elderly. **For years, I have been pointing out the importance of deinstitutionalisation and the need to ensure the right to live independently and to be included in the community, as defined by the Convention on the Rights of Persons with Disabilities.** Despite some progress at the declarative level, in 2023 we still find almost no examples of good practices, while at the same time we are also faced with prejudice and intolerance, because neither the state nor the municipalities do enough to raise awareness and strengthen a stimulating environment, and without this we cannot expect real progress.

Human rights and fundamental freedoms must be respected (examples of good practices)

I point out again that human rights are universal, inalienable, and belong to every individual. In 2023, we at the Ombudsman also pointed out many violations, solved specific cases, and gave many new recommendations. **I once again call on all those in charge to implement our recommendations quicker, as they are based on specific violations and findings, and they demand changes to either the legal framework or practice of the authorities as soon as possible, which will also prevent many new violations.** Adherence to respect for human rights should not only be at the declaratory level, but above all in concrete actions, which also includes the adoption of better regulations.

Since my desire is primarily to improve the situation, in this editorial I will focus mainly on the many systemic problems and identified violations that we dealt with in 2023 and which await a solution as soon as possible. As an illustration and encouragement that we can do it together, I would like to point out a few examples of good practices below:

- in October 2023, at the plenary session of the National Assembly of the Republic of Slovenia on the occasion of the presentation of the Ombudsman's Annual Report for 2022, **interpretation into Slovenian sign language was provided for the first time.**
- Following the intervention of the Ombudsman, an amendment to the Healthcare and Insurance Act was adopted in July 2023, which **entitles parents who stay with a sick child in hospital to financial compensation during temporary absence from work.** Parents can now stay in hospital with a sick child free of charge up to and including the child's 14th year of age, previously this only applied up to the age of 6.
- Also in July 2023, after several years of warnings, the National Assembly adopted a parliamentary **amendment to the Compensation to Victims of Crime Act**, which enables the right to state compensation even for persons who are not citizens of the Republic of Slovenia or other EU countries, which is particularly important for victims of human trafficking.
- In May 2023, we organised training on procedures before international committees under the fundamental conventions on human rights within the framework of the United Nations. At the beginning of 2024, in connection with the complaint of a minor refugee from Myanmar (of the Rohingya nationality) against Slovenia, we sent a contribution by the Ombudsman as an independent third party to the United Nations Committee on the Rights of the Child, in which similar violations regarding the lack of individual assessment by the Slovenian police are presented. non-recognition of minors, ignoring asylum applications and violations of the principle of non-refoulement, which the Ombudsman also detected in other border procedures with migrants around the same time (in 2021). **These appeal procedures are aimed at ensuring respect for international human rights standards by Slovenian authorities. Therefore, I once again urge Slovenia to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights as soon as possible.**
- **In March 2023, for the first time in the institution's history, as the Ombudsman, I gave an address at the plenary session of the United Nations Human Rights Council in Geneva.** The intervention related to the issue of environmental protection, and we also submitted our written statement to the UN Council. At the 52nd regular session of the UN Council, they also considered the Report of the United Nations Special Rapporteur for Human Rights and the Environment, David R. Boyd, on his visit to Slovenia in October 2022. We drew attention to the problem of the slow implementation of international commitments and the poor implementation of the Ombudsman's recommendations in the environmental field.

As a result of efforts in 2023, certain changes were only visible at the beginning of 2024, namely:

- **In January 2024**, after several years, the ZZSZ finally began to follow our recommendation to also provide the right to **borrow medical devices to temporarily immobile persons**. As of January 2023, the amendment to the mandatory health insurance rules no longer includes the condition that only insured persons with permanent immobility are entitled to certain types of medical devices.
- As Ombudsman, since 2019 I have been drawing attention to the issue of rare diseases. During this time, the Ombudsman has sent several inquiries to the Ministry of Health and held several meetings with current ministers. We checked how the activities for the preparation of the Register of Rare Non-Malignant Diseases and the drafting of the Work Plan in the field of rare diseases for the period 2021–2030 are progressing. Our intervention bore fruit. Since February 2024, **the Register of Rare Non-Malignant Diseases has been established, and the first patients are already being registered**. This will enable monitoring and improvement of patient care.
- **At the end of 2023, we were informed of the issue of the precarious existence of care and work centres (VDC), which were informed about the reduction of budget funding by more than 80 per cent with the financial starting points for 2024.** We reacted strongly to the decision of the government and the Ministry for Solidary-Based Future and emphasised that this risks the very foundations of the welfare state, and at the same time is a direct violation of the Constitution of the Republic of Slovenia, the Convention on the Rights of Persons with Disabilities, and the legislative framework of the Republic of Slovenia, whose mission is carried out by the VDCs. This time, I was successful in my appeals for financing arrangements, as the ministry announced shortly after my appeal that the funds are and will be provided.
- On the basis of the joint statement of the Ombudsman and non-governmental organisations on the renovation of the school system in the Republic of Slovenia from September 2023, the Ombudsman's recommendation was taken into account in the latest amendment to the Primary School Act, that children who are home-schooled should also be provided with the same level of knowledge as children who go to school. **However, we note that several other recommendations were not taken into account, or the solutions even went in the opposite direction to our recommendations, so the authorities responsible for education reform for the next decade still have much work to do, and above all, it must be taken into account that school is also an institution for upbringing and not just education, where the comprehensive development of the child should be in the foreground.**

As Ombudsman, I was also in regular contact with representatives of various branches of government last year and reminded them of the importance of respecting international and constitutional standards of human rights in everyday work and making concrete decisions. It is essential that human rights are accessible to everyone and that appropriate mechanisms and legal remedies are available to individuals in order to eliminate violations.

Number of cases dealt with, violations established, and new recommendations

In 2023, we considered a total of 6,225 cases. The cases considered related to violations of human rights and fundamental freedoms, and violations of the principles of good governance and fairness.

In 2023, we dealt with a total of 3,224 complaints. Some 436 or 16.67% were substantiated, of which 203 (181 the year before) were from the field of advocacy and 82 initiatives were from the field of the National Preventive Mechanism. Of the other completed complaints, 249 complaints were not substantiated, 1,385 complaints lacked the conditions for consideration (a complaint is referred to a legal procedure where no undue delays or significant irregularities are identified), and a smaller number of complaints (less than 1%) concerned either withdrawal consent for advocacy or comments on regulations. Some 369 complaints were not in the purview of the Ombudsman.

Among 232 substantiated complaints, the Ombudsman identified 262 violations of human rights and fundamental freedoms (defined in the Constitution of the Republic of Slovenia) or other irregularities (violation of the principle of fairness and good governance, unjustified delay of the procedure or obvious abuse of power according to the ZVarCP) and in 2022, 222 violations. To these 262 violations, 203 cases in the field of child advocacy must be added, in which we did not identify violations, but which were treated as substantiated complaints and therefore counted among the 436 substantiated complaints. The greater number of violations of rights compared to the number of substantiated complaints is the result of the greater number of violations found in each complaint. Thus, during the consideration of the complaint, in some cases we found three or more violations of human rights and fundamental freedoms or other irregularities. Among the substantiated complaints, we once again **established by far the largest number of violations of the principle of good management (Article 3 ZVarCP), namely 65 violations. This is again followed in terms of frequency by 22 violations of unjustified delay of procedures (Article 24 ZVarCP) and 21 violations of equality before the law (Article 14 of the Constitution). Next are 20 violations of the rights of persons with disabilities (Article 52 of the Constitution), 14 violations of the right to social security (Article 50 of the Constitution), as well as 14 violations of the right to health care (Article 50 of the Constitution), 7 violations of the principle that Slovenia is a legal and welfare state (Article 2 of the Constitution) and the protection of human personality and dignity (Article 21 of the Constitution), 6 violations each of equal protection of rights (Article 22 of the Constitution) and other rights and 5 violations of the right to a legal remedy (Article 25 Article of the Constitution) and the right to personal dignity and security (Article 34 of the Constitution).**

We found these 262 violations of human rights and fundamental freedoms or other irregularities at various authorities, namely the Ministry of Labour, Family, Social Affairs and Equal Opportunities (in 55 cases) and at administrative units (in 23 cases). This order of the most frequent offenders has remained unchanged for several years, which is particularly worrying, as it points to systemic problems that are not being remedied. The mentioned offenders are followed by the number of identified violations by the **Ministry of Health (in 18 cases), local self-government – municipalities (in 15 cases), the Ministry of the Interior (in 14 cases), courts (in 14 cases), centres for social work (in 10 cases), the Government of the Republic of Slovenia (in 9 cases), the Institute for Pension and Disability Insurance, institutions for serving prison sentences and the Ministry of Education (in 6 cases each) and other institutions (in 15 cases).**

It should be emphasised that the number and share of substantiated complaints among resolved complaints are not a true indicator of the state of human rights protection in Slovenia. Firstly, because every person whose human rights are violated by the authorities does not necessarily turn to the Ombudsman, and secondly, because one substantiated complaint in which we find a systemic irregularity can mean the violation of the rights of hundreds or even thousands of people. This is also why, on the basis of data obtained from publicly available sources, we open our own complaints and broader issues in individual areas. In 2023, **on our own initiative, we opened 36 complaints and 75 broader issues**, to which must be **added all the visits to places of deprivation of liberty (these were carried out by the National Preventive Mechanism)** and around 200 cases in the field of **operations of the Centre for Human Rights and International Cooperation**.

On the basis of all our activities in 2023, i.e. consideration of complaints, opening up of broader substantive issues, operation of various organisational units, visits, preparation of expert analyses, studies, and perceptions, **we are making a total of 86 new recommendations this time** (which is two more than in 2022), of which:

- 77 are recommendations which in general concern individual segments of society or society as a whole and the observance of human rights in society, and
- an additional 9 recommendations that represent the ongoing tasks of various authorities.

Slow implementation of the Ombudsman's recommendations

In this year's report, we specifically highlight **more than 80 of the most relevant past recommendations, which remain either unimplemented or partially unimplemented**, which is less than in previous years, which nevertheless indicates a positive trend, but I point out again that key recommendations and reforms still remain unimplemented. **We welcome the government's reporting in the response report on the status of implementation of our new and current past recommendations.** We still draw attention to the need for greater coordination of responses to recommendations that relate to several departments. More consistent and faster implementation of our recommendations can significantly contribute to raising the level of respect for human rights and fundamental freedoms in Slovenia for everyone and at the same time contribute to a higher quality of life for individuals. **I especially point out that last year's recommendation no. 1 (2022), with which we proposed that the Government of the Republic of Slovenia establish special coordination that would deal with the recommendations of the Ombudsman, which refer to several government departments, and that it should prepare a unified position and a work plan for the implementation of these recommendations, has not been implemented, so we repeat it.**

Vulnerable groups and substantive fields

Equality before the law and prohibition of discrimination remains one of the more diverse areas of work. The number of cases covered remains around 100, and in terms of specificity, equal opportunities for persons with disabilities also still prevails. Out of a total of 51 initiatives considered in the field, 12 were substantiated, of which 8 were in the field of persons with disabilities, and one regarding equal opportunities based on gender identity or orientation.

Regarding **LGBTIQ+** rights, I regret to point out that 2023 was **most marked by expressions of violence, especially at the Pride Parade**, first in Ljubljana and then in Maribor. I publicly condemned this and called for sanctions for this type of violence. In September, I also met with representatives of societies active in the field of LGBTIQ+.

With regard to equal opportunities for **persons with disabilities**, **the MDDSZ's own commitment that, upon the first amendment of the ZInvo, it will determine the authority for management and decision-making in misdemeanour proceedings from Article 34 of the ZInvo has still not been fulfilled**. Despite the clarifications of the MDDSZ, we insist that by not setting at least a 30-day deadline for public participation in the preparation of the regulation, as in the case of the first proposal of the ZInvo from 09/10/2023 (in which only a seven-day deadline was set) and in the case of the second ZInvo proposal from 22/11/2023 (in which the deadline was too short by at least 16 days), the drafter of amendments to the Disabled Persons Organisations Act (ZInvo) violated the minimum recommendations of the Resolution on Normative Activity and the principles of good governance and interfered with the right to public participation in the management of public affairs from Article 44 of the Constitution. It is worth remembering that the ZInvo proposals from 09/10 and 22/11 are not identical, and for this reason alone the deadlines for cooperation cannot be added together, but the total deadline was less than 30 days (only 21 days).

Disappointment also remains regarding the inaccessibility of the Sežana Centre for Social Work for the Disabled, as the premises are on the second floor of the building and therefore inaccessible to many people. **When reviewing the actual situation in September 2023, we found that the accessibility of CSD Sežana was not regulated and that the prospects for the future are also bad in this regard. After almost a year of elapsed time due to other urgent obligations, even the first meeting with the director of the centre for social work, intended to settle the matter, was cancelled. If the case does not vividly illustrate the impotence of the state, at least in the foreseeable future, to regulate something as clear and at the same time necessary as the physical accessibility of one of the centres for social work specifically for the disabled, then likely nothing does. The Ombudsman also identified worrying circumstances in relation to the provision of interpreters for Slovenian sign language.**

In the field of persons with disabilities, we can point out as a positive move the adaptation of ATMs for persons with disabilities, which should not remain isolated. Nova Ljubljanska Banka – NLB d.d. installed the first ATM adapted for use by blind and partially sighted people in Ljubljana, on Trg mladinskih delovnih brigad square, and also designated 52 locations throughout Slovenia where the **ATMs** will be adapted. However, the majority of ATMs remain inaccessible to persons with disabilities. The Banking Association of Slovenia (ZBS),

on their own initiative, asked for opinions related mainly to the use of ATMs for blind and partially sighted persons. **We welcome the initiative of the ZBS and its members to prepare everything necessary for the implementation of solutions during the transitional periods of the ZDPSI and ZIMI, which will facilitate the provision of banking services for the disabled, both when visiting bank branches and ATMs, as well as when using bank websites and applications for making payments and other services. The Ombudsman also successfully intervened regarding the marking of a parking space for persons with disabilities in the Municipality of Ljubljana.**

We also monitor the implementation of the Convention on the Rights of Persons with Disabilities. **Enabling physical access to facilities in public use and access to information, communications, and other services intended for the public, including for persons with disabilities, is an important element of ensuring equal opportunities for persons with disabilities, which is why we opened several broader issues in this regard. We are concerned that, despite discussions on this matter, the state has still not established an independent body to promote, protect, and monitor the implementation of the Convention on the Rights of Persons with Disabilities, in accordance with Paragraph 2 of Article 33 of this Convention.**

In the field of **social protection**, the Ombudsman handled a total of **648 cases** in 2023, of which 227 were complaints in the field, of which 42 or **23.86%** were substantiated. **In particular, the percentage of substantiated complaints stands out in the case of social benefits, assistance, and scholarships (40%) and in relation to social services (31.82%). It is extremely worrying that in the field of social security, out of 12 new recommendations in 2022, 5 recommendations were rejected due to disagreement, all of them related to personal assistance.** Therefore, it is hardly surprising that in 2023, among the discussed cases related to social services, cases related to **personal assistance** stood out in terms of frequency. **When considering some comparable complaints, we at the Ombudsman took the position that the provisions of the Personal Assistance Act (ZOA) are violated when the procedure for re-evaluating the entitlement to personal assistance is carried out if no changed needs of the user in terms of types and hours of personal assistance services or other circumstances justifying the re-evaluation have been previously detected/identified. The Ministry of Labour, Family, Social Affairs and Equal Opportunities accepted the position in principle and gave an assurance that it will also draw attention to this to all disability care coordinators.** Regarding the proposal of the new law on personal assistance (OA), we also pointed out the need for the regulation of the right to OA to be included **in the systemic regulation of various forms of care, assistance or support for all persons who urgently need the help of another person. Unfortunately, we do not see these in the current vision of the welfare state. The various forms of assistance available to individuals, with various possibilities of their mutual combinations, must be systemically and comprehensively regulated, because this is the only way to ensure the constitutional coherence of the entire system and at the same time protect individual rights.**

In 2023 the Ombudsman received a worrying and significantly increased number of complaints in the field of social care, which describe various forms of violence against residents of retirement homes. As a society, we must always and everywhere have zero tolerance of violence, and ensure that victims are able to speak about it and find a safe environment. **At the same time, according to the Ombudsman, it is also necessary to invest in ensuring safety, training, and education for everyone, especially those professional groups who**

encounter the elderly in their work. The findings from the responses of the managements of retirement homes to the Ombudsman's inquiries can be summarised in the conclusion that the key problem is the lack of suitable personnel. These are sought-after personnel who are absolutely necessary for the proper care and nurturing of the most vulnerable groups, so efforts must be made to create an orderly working environment, which of course also means adequate working conditions and decent pay. Only in this way will the country be able to curb this alarming problem of lack of personnel in the field of social and health care. The key is to act on this immediately. In addition to the above-mentioned acute problem, the Ombudsman underlines that special attention must also be paid to the holistic educational aspect with an emphasis on values such as solidarity, empathy, and emotional maturity.

We were active in the field of institutional protection and deinstitutionalisation in 2023, but unfortunately, our attempts to secure urgent reforms of the existing system were unsuccessful. At the Ministry for Solidary-Based Future, we tried unsuccessfully to provide users of institutional care, regardless of age, with means for at least basic survival in the event of absences from the institution announced several days in advance. We were no more successful with our warnings about the increasingly problematic necessity to provide capacities for the institutional care of persons who cannot remain at home due to their health condition, which is why we are making a new recommendation this year. In addition to all the other consequences, the most obvious of which is that, with this, the individual occupies a much more expensive place in the health service system and also makes it impossible for the health system to be able to treat someone else who actually needs medical treatment. We also draw attention to the challenging situation and hardships in which adult children and others who help elderly sick parents and other relatives find themselves, especially in the current circumstances, when both spatial and personnel capacities for institutional care and help at home are limited. This aspect of reality should also be adequately addressed by the state.

Regarding other content in the field of social care, we welcome the increasingly strong efforts of the general public, various organisations, and institutions for the digital inclusion of the elderly, but we are critical of the provision of appropriate assistance to persons between the ages of 18 and 26 years of age.

The field of healthcare and health insurance is one of the numerically strongest fields in terms of the number of complaints. In 2023, the Ombudsman dealt with a total of 448 cases in the field of healthcare and health insurance, of which a good three-quarters belong to the field of healthcare, and less than a quarter to the field of health insurance. Of the 90 resolved complaints (among the 127 considered in the field), a good fifth of the complaints were substantiated, i.e. 20 (18 from the field of healthcare and 2 from the field of health insurance). The biggest frustration is that a number of questions in the field of healthcare have remained unanswered for many years. This is particularly difficult to understand when it comes to vulnerable groups such as children, the elderly, and the disabled. We are aware that the problem did not arise yesterday and cannot be solved tomorrow, but at every opportunity, and we have been warning about this for many years, it must be solved today. As part of my work, I also met regularly and often with ministers and various representatives of the professional and lay public in the field of healthcare.

Already in the first days of 2023, with the example of a long line waiting in front of ZD Bežigrad, it was clear that something is seriously wrong in the healthcare system. Therefore, we are making a new recommendation to the Ministry of Health to regulate the area so that there will be no unacceptable differences between clinics and that patients will be able to see a doctor when they need one. We stress that it is not just a shortage of doctors, but a chronic shortage of all other medical personnel. The problems with which complainants continue to turn to the Ombudsman point to anomalies in the system that need a serious approach. One of these is the problem of long waiting times in the field of psychological and psychiatric treatment of children, which represents a violation of the constitutionally guaranteed rights of this vulnerable group and the international legal commitments adopted by Slovenia. The Ombudsman is aware of obscenely long queues at emergency departments, some patients wait for treatment for 16 hours or more. There is nothing fundamentally new about solving unacceptable waiting times in many areas of healthcare and dentistry. We have also come across quite a few cases where patients cited problems with a referral or ordering a health service. Problems included deletion of referrals, difficulty in contacting a health care provider, long waits for an examination date, etc.

The situation is also becoming more and more acute with patients who have completed hospital treatment, some of them elderly, others after acquired brain injury, who still need urgent hospital medical care. We have already written about this problem: the original solution was the establishment of so-called nursing hospitals. These were deleted from the draft law on long-term care on the grounds that this area will be regulated differently. In 2023, the Ombudsman also dealt with the problems of adults with autism who face problems with diagnosis. We welcome the readiness of NIJZ regarding the implementation of additional training for experts in CDZO and CDZOM in autism and other spectrum autistic disorders. Problems still remain in the field of regulation of homeopathy. The Ministry of Health drags out the regulation of the mentioned area from year to year.

On our own initiative, we also familiarised ourselves with the draft text of the Act on Assistance in the Voluntary Termination of Life, as it states, without prior consultation, that the supervision of the procedures for assistance in the voluntary termination of life should be carried out by the Ombudsman. I would like to point out that the Ombudsman is not a professional medical institution that could carry out supervision, as the proponents of the law envisioned. It is equally controversial that human rights ombudsmen or related institutions do not carry out such procedures in any other country. This is performed by supervisory bodies or commissions, which are specially designated and made up of experts, especially in the field of healthcare. When weighing the questions on the mentioned topic, which opens up a series of ethical and legal issues, it is absolutely necessary to simultaneously regulate the accessibility and effectiveness of palliative care at the national level, as the Ombudsman has pointed out several times in the past.

In 2023, the Ombudsman also addressed two broader issues in the field of healthcare in connection with maternity hospitals, namely the method of notifying the healthcare services after a new mother has been discharged from the maternity hospital, and the discharge of new mothers with the placenta. Due to the established violation of the principle of equal protection of rights in accordance with Article 22 of the Constitution, the Ombudsman recommended to the Ministry of Health that the practice of notifying healthcare services be unified, but that the burden of responsibility for notification should not be transferred to new mothers.

In the field of **disability and pension insurance**, in 2023 we handled approximately the same number of cases as the year before (around 175), and among the 48 complaints resolved, 12 were substantiated (which is 25%). **It is worrying that every fourth complaint that the Ombudsman deals with in this area is substantiated.** In our opinion, there are several reasons for this, but much of it can be attributed mainly to the **unfulfilled commitments of the Institute for Pension and Disability Insurance of Slovenia (ZPIZ) in the field of consistent implementation of the provisions of the General Administrative Procedure Act when deciding on rights from pension and disability insurance and inconsistent observance of the principle good management.** The rights arising from pension and disability insurance are a reflection of the principle of solidarity and are mostly of a more permanent nature. Fear and uncertainty about the future and the unknown, **long-announced and unrealised pension and disability insurance reform** also contribute to this. **The Ombudsman's main findings can be summed up** in non-compliance with the deadlines for decision-making on pension and disability insurance rights, i.e. the length of procedures, low pensions, unintelligibility of documents and insufficient explanation of administrative acts, inadequate definition of disability that is not harmonised with the Convention on the Rights of Persons with Disabilities, non-harmonisation of individual regulations in the field of disability insurance, difficulties in recruiting and integrating persons with disabilities into society, the inconsistency of individual bodies (experts and others) that give opinions (decide!) on disability, the "controversial" nature of expert bodies regarding the determination of disability, and also in other procedures from pension and disability insurance. For example, we dealt with several cases where an individual received a decision from the ZPIZ that they were able to work, and the ZRSZ issued a decision to the same individual that they were unemployable, i.e. unable to work. In view of the discussed complaints and the established inconsistency of the legislation, **we recommend that the government unify and harmonise the definition of disability with the Convention on the Rights of Persons with Disabilities in all regulations and thus ensure the harmonisation of internal legislation with this convention and the Constitution. We recommend that the Ministry of Labour, Family, Social Affairs and Equal Opportunities reform the system of determining disability and introduce only one body for determining disability, and that together with the Ministry of Health, it should change the provisions of public regulations that place persons with mental health disorders in a less favourable position than other persons with disabilities with comparable limitations.**

We discussed the rights and position of the **elderly** in various substantive areas, such as social care, healthcare, and disability and pension insurance, as well as in the context of restrictions on personal freedom and the National Preventive Mechanism. It is an extremely important issue of modern society, for which it is essential to find concrete long-term solutions as soon as possible. We also point out zero tolerance for violence in society, including against the elderly. When considering the complaints, we note that the elderly are **still often victims of bureaucratised and (over)complicated procedures.** **In the Ombudsman's opinion, activities to provide care for the elderly should be placed high on the priority lists of all competent institutions.** At the consultation in the National Assembly of the Republic of Slovenia on the situation of the elderly and pensioners, for example, I drew attention to issues such as long-term care, digitalisation,

growing intolerance, the economic situation of the elderly, growing poverty, and the availability of health services. I also constantly point out the importance of intergenerational understanding and cooperation, which, from the point of view of the future of society, are key to sustainable development and progress. **Also in 2023, we addressed the issue of digital literacy for the elderly and once again pointed out that it is essential to ensure the possibility of choice regarding the use of technologies and that it is essential to be able to access the same services by phone and in person.** This is especially true for access to doctors, where telephone lines are often unreachable, and complex or non-functioning portals and websites often cause distress even for skilled users of technology.

Regarding the rights of **women**, we did not consider many complaints in 2023, but we continued to monitor this area. **We followed the adoption of the Resolution on the National Programme for Equal Opportunities for Women and Men 2023–2030 and we welcome its adoption in September 2023.** We also report to international partners about worrying figures regarding the incidence of femicide in Slovenia. We also perceive the plight of women who bear a large share of care not only for children, but also for sick or elderly parents and relatives. This area should be given more attention in the coming years, as it is a largely overlooked problem in society. Violence against women and in the family remains a problem in society, and there are still too few measures and safe houses available. It is a crime that cannot be merely observed. Even in the field of employment, **despite the great progress achieved in recent decades, gender gaps still exist.**

In the field of **children**, we handled 489 cases in 2023, of which 255 were complaints in the field, in which 14 substantiated complaints were closed out of a total of 172. In most cases, we established a violation of the rights of children with special needs. Ensuring contact between children and their parents in the case of divorced parents and the area of alimony, child allowances, and management of children's property also remain problematic. At the same time, we also dealt with issues of children's rights within the framework of **child advocacy** (203 initiatives), as well as within other areas and vulnerable groups where intersectional discrimination is of particular concern. **In relation to the situation of children, more than 15 of our recommendations remain unimplemented or partially implemented, and given the topicality of the topic, we also give another 10 new recommendations and draw attention to 3 ongoing tasks of the authorities.**

Also in 2023, we **warned that protracted legal proceedings are a problem that has an even more negative impact on children and their development than protracted proceedings have on clients in general. In proceedings related to decision-making about children and their rights, a critical factor is the lack of court experts, especially clinical psychologists and child psychiatrists.** Unfortunately, the situation in this area is not improving significantly. We have also regularly warned that **state authorities have a positive duty to protect children's rights and benefits.** In the international environment, Slovenia is on the map of countries with good protection in the field of children's rights. We visited many primary and secondary schools or high schools, either as part of technical days or as part of a specific subject, e.g. within the subject of civic education, and in doing so, we want to make children aware of the importance of human rights for them and for society as a whole.

We were disappointed that the recommendations from the Children's Parliament were neither considered nor mentioned anywhere in the proposed amendment to the Education Act.

We also pointed out that the needs of the surrounding population, including the needs of school children, must be taken into account when conducting training activities of the Slovenian Armed Forces (for example, the Poček training ground and the Municipality of Postojna), as well as the appropriate conditions for conducting their lessons. **Noise can have a negative impact on learning, language skills, motivation, and concentration, thus affecting memory and the performance of more or less demanding tasks; it can also cause irritability and behavioural disorders.** We also drew attention to the importance of healthy food for children in schools and kindergartens, as we discussed several cases in this regard.

With regard to children with special needs, we issue a reminder that an immediate response to perceived problems in the area of integrated early treatment of preschool children with special needs is essential for adequate protection of their rights. We welcome the decision of the Ministry of Education to actively focus on systemic changes that will improve the possibilities for the inclusion of children with special needs in music schools. In our opinion, people who have certain deficits, obstacles, or disorders should be able to pass the matura with adjustments. Otherwise, rights protected by the Convention on the Rights of Persons with Disabilities and Article 4 of the ZMat may be interfered with, as well as Article 11 of the ZIMI. We considered the case of comparable use of rights. If a student cannot attend a school residential trip due to health problems, simply because it is not clear how the necessary presence of an additional child's companion will be financed, the child's constitutional rights are violated. **We therefore recommend to the Ministry of Education that all children who have health problems and who, due to the fact that they would not have to be provided with a companion, would not be able to attend a school residential trip, but would like to, be adequately provided with a companion.**

A very important topic that was once again in the foreground in the past year is the mental health of children and adolescents. A condition for children's good health is their good mental health. **At the same time, as we have done for many years, we also point out the critical shortage of child psychiatrists, clinical psychologists, and other experts, and we also draw attention to the fact that care for children with special needs is still not systemically regulated, but rather depends on the awareness of individuals and their individual efforts. All this has a direct impact on the length of legal proceedings involving children and young people, which is completely unacceptable.**

In the field of **social activities**, the majority of cases come from the field of education, including higher education (as many as 99 out of 109 cases), and four complaints were substantiated. When considering a case regarding the right to subsidised accommodation for students with disabilities, we asked the MVZI to reformulate Article 17 of the Rules on Subsidised Student Accommodation to make it more understandable and take into account the special needs of students with disabilities (e.g. additional points for assigning a single room upon presentation of a certificate from a specialist doctor) and that it will be valid as soon as in the 2024/2025 academic year. With regard to the announced reform of the school system, **we estimate that the curricula for primary and secondary schools are too extensive and require too much factual learning of details from pupils and students, and too many different contents which can be accessed online with one click these days.**

A thorough reflection on the shrinking of curricula is needed, in order to make room for the introduction of the contents of the publication on common goals and their placement in the knowledge catalogues from 2023. A concrete shift towards less static and more movement-oriented education is also needed. There is also a need for dialogue with the teacher-training faculties in order to train them in these skills. The Ombudsman, however, also wishes to see a suitable solution to the **spatial overload of elementary schools with an adapted programme**, within the framework of the aforementioned education reform. The Ombudsman was informed about the big problems with overcrowding that the Janez Levca Center Ljubljana (CJV), Helene Puhar Kranj Primary School, and some others have. **The Ombudsman advocates the introduction of inclusive education, which, as a right, derives from Article 24 of the Convention on the Rights of Persons with Disabilities, and in Slovenia we are still very far from that.**

In the field of sports, in 2023 I met with the Ombudsman for Athletes' Rights, with representatives of the Sports Union of Slovenia, and with the president of the Slovenian Olympic Committee. We exchanged opinions on perceived rights violations in sport, working conditions, and attitudes in certain industries. We must eliminate inequality and discrimination based on gender, industry, etc., not only in terms of access to sports infrastructure, which is a common problem in practice, but in the broader sense of the word.

In the area of **regulated activities**, we dealt with 156 cases in 2023, of which only three were substantiated, namely one each from the areas of communal economy, transport and concessions. Most of the initiatives were related to the field of **communal economy, followed by the field of transport**. Seemingly minor problems with the use of public services (e.g. waste removal) can represent an almost insurmountable obstacle, especially for elderly citizens, and the responsiveness of the competent services is often poor. One such example is **when, with the help of the CSD and in communication with other stakeholders, the Ombudsman eliminated the main obstacle for reconnecting the complainant to the electricity network**. Several complainants also contacted us in connection with **high prices in the field of energy products**.

In the field of transport, however, we made a new recommendation that the Ministry of Infrastructure, together with the DRSI, examine the possibility of increasing personnel capacities, which could be used to strengthen expert services in the field of national road maintenance, with the aim of taking all the required measures arising from provisions of the Roads Act (ZCes-2). We still insist that it is imperative that the government and the National Assembly prepare and adopt the necessary regulations as soon as possible, which will enable the realisation of the right to drinking water enshrined in the Constitution. It is a matter of concern that the draft of the Economic Public Services for the Protection of the Environment Act (ZGJSVO) has been in interdepartmental coordination since September 2023, and at the same time we also draw attention to the continued lack of effective public participation in the drafting of regulations, especially in the area of the environment.

In the field of **environment and spatial planning**, significantly more complainants contacted the Ombudsman in 2023 than the year before. We dealt with 213 cases; of 80 complaints in the field, we resolved 39, and 6 complaints were substantiated, which is a good 15%. **I could certainly summarise in general that in this area, communication between the authorities**

and (potentially affected) residents is extremely poor. In Slovenia, we have on the one hand hyperregulation and on the other the lack of a legislative framework, as it is faced with the absence of clear rules, the lack of coordination of individual intertwining areas of the environment and spatial planning, and excessively long decision-making procedures. At the same time, the ineffectiveness of regulation or the deficiency of monitoring arrangements is also problematic. Just last year, I publicly warned several times that the preparation of regulations in the field of the environment and spatial planning is still often not in line with the right of the public to participate in the adoption of environmental regulations, and this leads to a departure from the strict observance of laws and international acts, including the Aarhus Convention.

In terms of content, the problem of noise stands out in several cases, which is also attributable to non-respect of a constitutional decision. We also encountered problems and conflicts in the placement of wind farms (on Pohorje) and long-term facilities (Kemis d.d. recycling centre, located in the area of the Municipality of Vrhnika, the area of hop plantations in the City Municipality of Slovenj Gradec, and other facilities, e.g. asphalt bases) in space. Even the Constitutional Court, with decision no. U-I-203/23-7 of 23/11/2023, suspended the enforcement of the relevant Article 146 of the Building Act (GZ-1) until the final decision, on the basis of which such buildings can acquire a so-called permit for a facility with longer use, and thus a warning about the danger to the environment and space, where irreparable damage can occur based on the implementation of reckless legislative solutions. **We issue a reminder that the vagueness of the responsibility between the legislator and the enforcer of the law is ultimately paid for only by the environment and the individuals who live in it.** We also dealt with the issue of ensuring air quality due to the impact of small heating devices and with various issues related to water. Through last year's complaints, we once again perceive the issue of legal protection of individuals in specific proceedings and ensuring the rights of the public in the management of public affairs.

Regarding **other administrative matters**, the number of cases considered does not vary significantly from previous years. Among the 232 cases, 66 complaints were discussed, 38 of which were resolved and 11 of which were substantiated. This is mostly due to the length of time it takes to make decisions in individual cases. In 2023, we started addressing the broader issue of **non-harmonisation of normative regulation in the areas of water protection and agricultural land.** We note once again that **the issue of the ineffectiveness of inspection procedures under the former jurisdiction of IRSOP, now IRSOE, is not being satisfactorily resolved.** Among the special administrative procedures, the majority of complaints related to tax matters, where the long-term resolution of complaints at the Ministry of Finance is still problematic. However, we also encountered **non-responsiveness of municipalities in issuing opinions regarding the assessment of compensation for the use of building land and related complaints**, which caused a delay in the tax authority's decision-making as well as the understandable ill will of the complainants. **With regard to the specific complaint, the Ombudsman recommends that FURS check the consistency and correctness of the fulfilment of the explanatory duty – with the awareness that pension recipients are elderly people, who mostly do not access information on websites, but generally rely only on explanations or the help they receive directly from the employees of the financial administration.**

In the **area of housing**, a good fifth more cases were considered in 2023 compared to the previous year – a total of 135, although in no case was it established that the complaint was substantiated. **Most of the complainants turned to the Ombudsman because of dissatisfaction with the living conditions in rented and non-profit apartments.** In particular, clarifications were given regarding legal options. Unfortunately, it turned out once again that despite the fact that suitable market apartments, both for rent and purchase, are attainable more often than not, the current situation and the future of young people (families) are concerning, **and the inadequacy of active policy management in solving the housing issue of the inhabitants of the Republic of Slovenia is unfortunately no longer in question.** In the desire to outline the comprehensive regulation of the housing sector, we have opened another extremely important issue, as we have detected and already called for the elimination of the **systemic disorder in the area of serviced apartments, therefore we suggest that the Ministry for Solidary-Based Future approach a comprehensive overhaul of the legislation in that regard.** The complainants, who included tenants of serviced apartments as well as potential tenants of serviced apartments, mainly criticised the **unclear conditions for renting a serviced apartment and the failure to provide care in serviced apartments**, as stipulated in Article 9 of the Rulebook on Standards and Norms of Social Welfare Services. We also draw attention to the **unequal position of tenants** who live alone and have no descendants or relatives who could enter into a tenancy agreement as joint guarantors, compared to tenants who have the option to obtain a guarantor. In the area of housing matters, we repeat last year's recommendation that **with the aim of ensuring the accessibility of built facilities for everyone, the government also provide funds for the co-financing of the construction of lifts in multi-storey buildings or privately owned facilities with less than five floors – it should also provide legal bases and funds for subsidies following the example (!) of subsidies for energy renovation of buildings.**

Regarding the situation of **employed and unemployed persons**, it should be pointed out that we dealt with a comparable number of cases compared to the previous year. Some 183 and 20 cases were considered, but only four complaints in the field of working conditions and none in the field of the unemployed were substantiated. Taking into account the legal restrictions regarding the Ombudsman's powers in this area and in relation to non-authoritative entities (for example, private employers), we were able to **help the complainants mainly with various pieces of advice and guidance on where to turn with the problem they are facing.** However, within the framework of the complaints on conditions in retirement homes, we also considered complaints that drew attention to inadequate working conditions for employees, e.g. an example of mobbing, inappropriately arranged working hours, violence against employees, inadequate pay, overwork and frustration of employees and, in connection with this, overly demanding working conditions and personnel shortages. **The Ombudsman recognises the importance of efforts to care for employees, so I point out that the government must strive for appropriate legal regulation of the field, especially regarding the issue of wage disparities. The Ombudsman has been pointing out the need for an appropriate amendment to the Public Sector Salary System Act since 2018, when we addressed recommendation no. 51 (2018), in which we recommend that the MJU give priority to consideration of amendments to the Public Sector Salary System Act. We assess the recommendation as unrealised. Given the topicality and acuteness of the problem, we are making a new extended recommendation, issuing a reminder that special attention should be paid to the lowest-paid employees in the public administration and incoming staff in areas where there is an acute shortage of staff.**

With regard to **freedom of expression**, in all specific sub-areas, the number of cases considered decreased in 2023 – of a total of 57 cases considered, of which 13 were complaints in the field, only one was substantiated. The issues remain very diverse in terms of content, and most of the time they are conditioned by current events or topics on the public, and especially the political, arena – from gender, abortion, and religion to the war in Ukraine. We received a **report of hate speech against Jews on the platform X**, which the complainant became aware of by certain named users of the said online platform. **I condemn all hate speech. Half a decade ago, the Ombudsman addressed a recommendation to the Ministry of Culture that it should do everything within its powers to determine how to protect the public interest, measures to eliminate irregularities, with regard to the implementation of the norms of the prohibition of the spread of hatred in the media (Article 8 ZMed), and sanctions against media outlets that allow the publication of hate speech. Not only has this Ombudsman's recommendation not yet been implemented, but it is also not mentioned anywhere in the proposal of the Media Act (ZMed-1) dated 13/12/2023, nor is it otherwise possible to understand the contents relevant from the point of view of the implementation of this recommendation.** Such an approach of the MK is worrying, additionally because the legislator itself recommended that “all institutions and officials at all levels take into account the recommendations of the Human Rights Ombudsman of the Republic of Slovenia, from the twenty-fourth regular Annual Report of the Ombudsman of the Republic of Slovenia for 2018”. **In any case, we still consider that the ministry has already been sufficiently clearly informed about which aspects of the existing legislation require changes. We also warn that the publication of fake news reduces the public's trust in media reporting, while credible media are among the essential actors of a democratic society. It also condemns any attacks on journalists and their reporting.**

In the field of **freedom of conscience and religious communities**, we dealt with extremely few cases (3) in 2023, of which there was only one complaint in the field, which was not substantiated. In the specific complaint, however, we emphasised that **religious communities do not belong to the category of subjects whose actions the Ombudsman can deal with**, as they are not state bodies, local self-government bodies, or holders of public powers. Article 7 of the Constitution stipulates that the state and religious communities are separate and that the functioning of religious communities is free.

In the substantively very broad field of **protection of dignity, personal rights and security and privacy**, the protection of personal data and other aspects of privacy is by far the most prominent among the discussed matters. However, among the total of 147 cases dealt with, of which 35 were complaints in the field, of which 10 were substantiated, the most substantiated complaints (as many as 6) were in the area of prevention, suppression, and punishment of human trafficking.

The Ombudsman has been paying special attention to the **issue of human trafficking on our own initiative** for several years. **Several of our recommendations in this area remain unfulfilled, but we welcome the fact that the Compensation for Victims of Crime Act has been amended so that it no longer distinguishes between citizens of Slovenia and the EU and third countries. However, in our opinion, the implementation of this recommendation does not mean the elimination of all obstacles in the field of compensation for victims of human trafficking, which is also pointed out by the Group of Experts for Action against Trafficking in**

Human Beings within the framework of the Council of Europe (GRETA). Since 2020, we have also proposed that the authorities establish a national reporting body to combat human trafficking within the institution of the Ombudsman and provide it with staff, departmental, and financial resources. This solution was included in the proposal of the Act on the Ombudsman, which was in public discussion during the summer of 2023, but its adoption has not yet occurred.

In the field of **assembly, association, and participation the management of public affairs**, we dealt with 18 cases, of which 9 were complaints in the field, but we did not detect any violations, which is not surprising given the absence of elections or referendum events in 2023. **We discussed the exercise of the right to vote in relation to the number of polling stations, since after 2011 there was a visible decrease in the number of polling stations in some electoral districts (Jesenice, Idrija, and Šmarje pri Jelšah).** During the highlighted ten-year period, when the number of polling stations decreased, no one contacted the Ombudsman claiming that due to the abolition or consolidation of polling stations, it was difficult or even impossible for them to vote in the elections. In accordance with the current regulation, district election commissions or municipal election commissions have the authority to determine polling stations. The current regulation does not specify any special conditions and criteria for determining polling stations that would affect the **number of polling stations.** **We note that none of the Final Reports of the OSCE/ODIHR Election Evaluation Mission (in 2011, 2017, 2018, or 2022) identify any problems regarding the potential (too) small number of polling stations or the (too) large distance of polling stations from voters' residences.** The importance of the accessibility of polling stations for persons with disabilities is highlighted. **The OSCE/ODIHR also does not have a clearly defined maximum acceptable distance between the polling station and the voter's residence.** The EU Agency for Fundamental Rights (FRA) sums up the warnings of (Slovenian) disability organisations that it is **unacceptable when the distance between the polling station and the voter's residence is 10 or more kilometres.**

In the area of **restriction of personal freedom**, we handled 293 cases in 2023, which is almost a fifth less than the year before. However, among the 78 complaints considered, 13 were substantiated, mostly from the complaints of prisoners and detainees. The Ombudsman considers it essential to **strengthen the basic and further training for employees in the prison system, therefore, even in the process of drafting of the new Enforcement of Criminal Sanctions Act, the Ombudsman welcomed the decision to establish a penology academy**, which will provide professional education and training for employees in the prison system, and it will also house a research centre and all proposed changes and additions aimed at improving the position of judicial officers and other employees in the prison system, including the proposed amendment to the law with a legal basis for regulating the provision of professional psychological assistance and support for institutional workers and also their immediate family members. **This time too, the Ombudsman established that one of the main problems in the field of enforcement of criminal sanctions remains the overcrowding of correctional institutions (ZPKZ).** The Council of Europe also warned of a large increase in the number of incarcerated persons (especially after the lifting of anti-coronavirus measures) in the report on the state of prisons in 46 member states for 2022. **The average number incarcerated persons in the period from January 2021 to January 2022 in our country grew as much as by 23 per cent. The overcrowding of ZPKZ increased even more in 2023. An extreme and unacceptable example is ZPKZ Ljubljana, where we recorded 209 per cent occupancy on 10/01/2024.** The problems

of overcrowding are also doubled by **the shortage of judicial officers, which is already becoming critical**. Due to overcrowding and a lack of judicial police officers, institutions were forced to cancel escorts to courts and medical institutions outside the institution in as many as 1,416 cases in 2023. Cancellations of escorts affect the prolongation of court proceedings or the violation of the right to a trial within a reasonable time and the right to provide medical care. **The Ombudsman therefore assesses the situation in our ZPKZ as worrying. We also lack measures for greater or additional use of alternative measures that could replace the execution of detention and prison sentences.**

An additional problem is the **large share of foreigners in our ZPKZ, which is growing rapidly**. Because of language barriers, working with them is particularly challenging, and their coexistence with other incarcerated persons is also difficult. Comprehensible communication with incarcerated persons is of decisive importance for the effective enforcement of the rights of incarcerated persons, which is why the Ombudsman has already recommended to URSIKS that it examine the possibilities of organising courses or lessons in Slovenian or another world language in ZPKZ (also) for detainees who do not understand Slovenian.

With regard to the **position of persons in the psychiatry forensic unit**, we draw attention to the **still unresolved issue of the preparation and publication of the list of providers of the security measure of mandatory psychiatric treatment at liberty for the entire country**, as well as to the unfulfilled recommendation that the government should consider the findings of the working group as soon as possible for the establishment of a specialised unit for the treatment of persons with the most severe forms of mental health disorders and make further decisions regarding its establishment.

Regarding the situation of persons with mobility restrictions in psychiatric hospitals and social welfare institutions, we draw attention to living conditions (overcrowding), treatment, care, and attitude of medical and other staff towards patients, residents, or users, to restrictions on visits and other issues, including long waiting times for admission to institutional care, where necessary, **but also premature institutionalisation**. In this regard, we specifically call for the **competent ministries and other institutions to strengthen the development of care so that institutional care will truly be the last resort**.

In the broader field of **justice**, we handled a total of 840 cases in 2023, of which 398 were complaints. In the field, 165 complaints were dealt with in substance, of which 140 were resolved, and 13 were substantiated, of which the majority were in the field of criminal proceedings. However, the proportion of substantiated complaints cannot be a reflection of the evaluation of the functioning of the judiciary, as it is closely related to the limited powers of the Ombudsman in relation to the judicial branch of government in accordance with Article 24 of the Human Rights Ombudsman Act. **We can be satisfied with the responses of those in charge when dealing with complaints, as they regularly responded to inquiries and other interventions**. Once again, we note that there have been no changes or additions to the applicable legal regulation (including the necessary changes and additions to the tax legislation) to **make pro bono legal assistance more accessible**. **Already with recommendation no. 55 (2022), we encouraged the competent executive authorities to ensure the necessary financial, personnel, and spatial conditions for the functioning of the courts. This recommendation represents an ongoing task and is therefore repeated**. In 2023, the Constitutional Court of the Republic of Slovenia specifically highlighted the material aspect of judicial independence in **decision no. U-I-772/21 dated 01/06/2023**, which concluded that the **regulation of judg-**

es' salaries is inconsistent with the constitutional principle of judicial independence. The Constitutional Court of the Republic of Slovenia set a six-month deadline for the legislator to eliminate the identified unconstitutionality, taking into account that the legislator and the government have been familiar with the issue in question for a long time. Nevertheless, this **decision of the Constitutional Court was not implemented within the specified time**, which is worrying.

The content of the considered complaints related to **court proceedings** has not changed significantly compared to previous years. **In one of the cases under consideration, in 2023 we used the option of filing a request for constitutionality assessment under the Constitutional Court Act, as we believe unconstitutional the regulation of Article 169 of the Criminal Procedure Act (ZKP),** which does not provide for a response to the state prosecutor's appeal against the decision of the extrajudicial senate, which rejected the request for an investigation. **In the Ombudsman's opinion, in such cases, the person into whom the prosecutor requested an investigation should be given the opportunity to express their views on the appeal filed even before the decision of the High Court.** In 2023, among other things (for example, in addition to the amended KZ-1J), an amendment to the **Administrative Disputes Act (ZUS-1C)** was also adopted, which enables faster and more efficient resolution of cases, but not the previously announced amendment to the Enforcement and Security Act. Unfortunately, **a law has not yet been drafted that would comprehensively regulate the treatment of juvenile offenders** (for example, shortening the duration of detention, introducing mandatory defence with a lawyer from police custody onwards, etc.).

With the **proposal of the new Courts Act**, which regulates the functioning of the courts, the Ministry of Justice announced system changes that will enable more efficient operation of all courts, more uniform handling of cases by individual districts, and thus faster decision-making. The Ombudsman particularly welcomed the **regulation of the allocation of cases with the help of an information system based on clearly defined rules in advance, in order to eliminate inconsistent practice in the allocation of cases**, especially in the pre-allocation of cases in the event of a judge being overworked or a long absence, which was also pointed out by the Ombudsman. **In 2023, the Ombudsman approached the European Court of Human Rights as a third party in the case of X and others against Slovenia with a proposal for intervention, and our intervention was approved.** We highlighted the issue that we presented in our **Annual Report for 2021 (pp. 696-700)** based on the case under consideration "Breach of the right to a natural judge" and at the same time recommended that when (re)allocating court cases, courts should consistently take into account in advance certain criteria in accordance with the provisions of the Courts Act and the Rules of Courts, as the Constitution protects the right to judicial protection, which also includes the right to a natural or legal judge. At the same time, it is worth reiterating that we have repeatedly warned that every state body, including the courts, must always consider the best interests of children when making decisions in accordance with the Convention on the Rights of the Child. This applies in all cases and in all positions. The Ombudsman also constantly points out the need to conduct proceedings in which decisions are made about children's status as quickly as possible.

In the field of **police procedures, private security, detectives, and security guards**, we handled a total of 145 cases in 2023, but only 6 of the 40 complaints in the field (of which 35 were resolved) were substantiated (5 in the field of police proceedings and one in the field of private security).

As in previous years, **the complainants accused the police of inappropriate or unequal treatment, non-acceptance or non-treatment of reports of criminal acts or police inaction, lengthy investigation of crimes, excessive use of force, bias in treatment, inadequate communication, and others.** We paid special attention to monitoring the implementation of the **recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the Méndez Principles in Slovenian police practice when questioning suspects,** as well as **deficiencies in the recording of medical documentation** regarding facts and circumstances that are necessary and important for assessing the consistency between the claimed way of injury to the victim and the actual injuries found. Last but not least, we point out the need for **efficiency and transparency of the online application for notifying victims of criminal acts. Once again, we can praise the cooperation and responsiveness of the MNZ and the Police to our intervention in the context of various inquiries and interventions with criticism, opinions, and proposals.**

In the field of **national and ethnic communities,** the largest number of complaints related once again to the Roma community or its members (out of a total of 23 complaints, 8 were substantiated). In total, we dealt with 64 cases in the field, and the share of substantiated complaints was high and accounted for more than one third. **In 2023, on the initiative of the Ombudsman and the Minister for Slovenes Abroad and around the world, the work of the Ombudsman was presented to Slovene communities outside the borders of our country, for the first time in history, by organising six online meetings on the ZOOM platform, where the participants also had the opportunity to ask questions.** Specifically, the aforementioned meetings were aimed at the Slovenian community in Germany, the rest of Europe, South America, North America, Australia, and the Western Balkans. The relatively varied events regarding Slovenians abroad did not go unnoticed, but no special possibilities for the Ombudsman's intervention in this regard were otherwise revealed.

Regarding the **situation of the Roma community,** it should be noted once again that the determination of all relevant circumstances in so-called Roma affairs remains a difficult and thankless task. **On various occasions, we emphasise that access to drinking water is of vital importance for every person, because water is used to fulfil basic needs, such as drinking, washing, laundering clothes, preparing food, personal hygiene, and cleaning the home. Access to drinking water is a human right that derives from the national legal order (Articles 34 and 70a of the Constitution) and also from the international legal order, which defines that adequate access to drinking water must be guaranteed to everyone, regardless of the legal status of the land on which they live. All kinds of accusations by Roma against the state or municipality(s) remain far from rare, but according to the Ombudsman's findings, they often turn out to be unsubstantiated. We recommend that the government encourage municipalities with Roma settlements to include strategies, goals, and measures for strengthening housing policy for members of the Roma community in their detailed regional programmes and measures.**

I would also like to point out that **the Ombudsman has already welcomed the systemisation for the position of Roma assistant,** which began to be implemented on 1 September 2021. However, in a more critical tone, it should be pointed out that **the employment contract for Roma assistants (still) states that they are companions for physically challenged persons –** and not Roma assistants.

With regard to the situation of **foreigners**, in 2023 we once again dealt with the largest number of cases regarding the entry, exit, and stay of foreigners in the country – among the 124 complaints received, 26 were substantiated, which represents more than one third. In general, it is typical for the field of foreigners that the proportion of substantiated complaints is high, and in total we established violations in as many as 40 cases. **Also in 2023, the majority of foreign cases dealt with by the Ombudsman related to the length of the proceedings.** In this respect, the situation remains most critical in the Ljubljana and Maribor administrative units, but it is not unknown elsewhere (e.g. Slovenske Konjice, Koper, etc.). We remain of the principled position that **systemic reasons, which are said to have lasted for several years and are said to have deteriorated in recent years, cannot be an excuse for the authority not to proceed and make a decision within the required deadline.** In circumstances where the administrative unit has been faced for a long time with factors that make administrative procedures in the area of enforcement of the ZTuj-2 lengthy, the administrative authority should therefore, taking into account the Convention on the Rights of the Child, also consider matters relating to children as a priority, and to strive to solve them quickly (e.g. a newly issued residence permit enables the child to fully integrate into school and other forms of social life). **In 2023, we established several times that the proceedings in a specific case involving a minor was taking too long, whereby the deadline of five working days set by Article 67 of the ZUP for the authorities to request that the client eliminate the shortcomings of an incomplete or incomprehensible application and to set a suitable deadline for this was greatly exceeded. Unsurprisingly, the further process also proved to be too long. We also recorded a case where the proceedings lasted more than four months. Of course, we also noted that instruction deadlines were significantly exceeded in several cases with adult clients.**

The Ombudsman was informed by one of the refugee counsellors about two administrative disputes that she, as a representative, had initiated before the Administrative Court. As the Ombudsman has already dealt with complaints concerning the locking of the Asylum Centre's accommodation premises on several occasions and has also dealt with the mentioned issue within the framework of supervisory visits to this institution, the Ombudsman is counting on the fact that his findings could contribute to the clarification of issues relevant to the court's decision in the above-mentioned cases, and drafted and submitted an application to the court based on Article 25 of the ZVarCP (amicus curiae application). In May 2023, the Administrative Court issued judgments (which became final on 04/07/2023), by which they accepted the filed lawsuits and found in the judgment that the Republic of Slovenia had in admissibly interfered with the plaintiffs' right to the protection of personal freedom from Article 19 of the URS. In explaining the judgments, the court largely relied on the Ombudsman's role as amicus curiae, which was not presented by MNZ, as the counterparty.

Also in 2023, we dealt with a case in which the **problem of the clients' lack of awareness that they must have a regular status until the decision on the permanent residence permit was revealed.** The parent of three minor children did not know that, **despite the timely application for a permanent residence permit, an application for the extension of the temporary residence permit must be submitted for the continued legality of the stay.** This has the consequence that, due to the suspension of the temporary permit, the authority cannot take into account extenuating circumstances for obtaining a permanent residence permit. We have already dealt with similar cases, so **we recommend that the Ministry of Public Administration, together with the administrative units, check the possibilities of establishing customer notification in such a way that all those who apply for a permanent residence permit are**

systematically, timely, and comprehensibly informed that they must have a regulated status until the decision on a permanent residence permit.

Unfortunately, it turns out again and again that **complications related to the so-called erased are still not over**. Last year, we presented in more detail the **issue of providing social welfare services to foreigners without a permanent residence permit**, and in this regard, we also recommended that the government draft legislative changes, based on which foreigners who, due to the impossibility of removal from the country or for other reasons, are dependent on state assistance are guaranteed access to the necessary social security in a clear and predictable manner. **The response to this Ombudsman's recommendation unfortunately shows that even the current government has no serious intentions to implement it, so we are repeating last year's recommendation.**

Operation of the Ombudsman's organisational units

In 2023, the Ombudsman also carried out the tasks and powers of the National Preventive Mechanism (NPM), which we present in a special report. In 2023, on the basis of a public announcement, we announced a call for tenders for inclusion on the list of medical experts – who, with the necessary expertise that the Ombudsman does not have, will help to establish, clarify, or judge facts that would point to cases of torture and other forms of cruel, inhuman, or degrading treatment or punishment, or to support the NPM in its visits to places where people are deprived of their freedom – five expert doctors were chosen (a specialist in emergency medicine, two specialists in psychiatry, a specialist in general surgery and a specialist in orthopaedics). The NPM also included these in some of its visits in 2023.

In 2023, **the NPM visited 87 places of deprivation of liberty, namely 22 different VDC locations, 21 PP, 15 homes for the elderly, 13 different SC locations, 6 ZPKZ, four special SVZ, 3 PB, 2 KC and 1 CUDV.** All but two of the visits **were carried out without prior notice**, and eight of them were control visits (during which the NPM particularly checked the implementation of recommendations from previous visits). The NPM drafts a comprehensive (final) report on the findings established at the visited institution. **This report also contains proposals and recommendations to eliminate identified irregularities or deficiencies and improve the situation, including measures to reduce potential improper behaviour in the future.** During these visits, the NPM gave a total of 578 recommendations, which denotes an additional increase compared to the past or previous years (when we gave 571 in 2022, 501 in 2021, and 329 the year before that), **of which the majority were given to care and work centres (146), police stations (119), retirement homes (114), prisons (76), and psychiatric hospitals (49).** We are pleased to note that almost 300 of these recommendations have already been implemented, and almost 230 have been accepted, we are still waiting for a response regarding the other recommendations, 20 have not been accepted, and we are still waiting for a response regarding one recommendation.

Child advocacy strengthens children's voices. In 2023, we received 101 complaints regarding the appointment of an advocate. In 2023, 85 children were assigned an advocate: again, the most from the area of Ljubljana and its surroundings, the north-eastern part of Slovenia, and the Gorenjska area. The average age of a child who has been appointed an advocate is 10.84 years. Of all the complaints received, in 45 cases the complainants were parents; in 19 cases a CSD; in 29 cases the district courts; in 3 cases others, and in 5 cases children.

As part of advocacy, we also promote assistance to victims of violence and support efforts regarding the empowerment of victims and how to report violence. In 2023, we also conducted an **Expert Consultation of child advocacy participants on the topic "The importance of advocacy in caring for children's mental health."** Namely, the children in advocacy mostly come from families that are often deeply wounded. The reasons why children end up in the advocacy process are many, complex, and can be the result of several factors. Severe hardships are common when a child does not want to hold a grudge against either of them during the phase of parental separation.

The Centre for Human Rights implements the general mandate of the Ombudsman as a national human rights institution accredited with status A under the Paris Principles (1993). This mandate includes promotional activities, education, and training, as well as the organisation of consultations, cooperation with civil society, providing general information on the types and forms of complaints to international bodies, and cooperation in international organisations and associations. In 2023, as part of the Centre's operation, we organised several educational consultations and workshops, which were very well attended and touched on all aspects of presenting the importance of respecting human rights in all segments of life.

Also in 2023, I met with many organisations and **representatives of civil society**, so we are making a new recommendation in this regard, which represents an ongoing task.

Recommendation 1 (ongoing task): The Ombudsman recommends that all authorities take appropriate measures to strengthen and increase the effectiveness of the dialogue between authorities and civil society (non-governmental organisations, trade unions, citizens' initiatives, etc.) both in the preparation, implementation, and control of national and local regulations and in the preparation of findings on the implementation of international human rights standards in Slovenia.

The Council of the Ombudsman for Human Rights, which is an advisory body of the Ombudsman, consisting of various experts, members of civil society, and representatives of state institutions, **held three sessions** in 2023. I regret that for the second year, the much-needed recommendation, which I adopted on the basis of **the discussion at the Council, has still not been implemented, that the ministries establish a central contact point for the preparation of an assessment of the compliance of regulations or measures with human rights and fun-**

damental freedoms, and that in government materials, following the example of several countries, a mandatory explanation is added to the regulation regarding the compliance of the regulation with human rights and fundamental freedoms.

International cooperation

In 2023, we were also internationally active: **we continued to strengthen relations in international associations and international organisations and participated in a total of more than 60 different international events, both regionally and globally.**

Conclusion

In this introduction, I did not want to draw attention to all the recommendations, identified shortcomings, and violations of human rights and fundamental freedoms. I hope that these pages gave you at least some insight into the scope of our work. **The year-round operation of the Ombudsman and all recommendations and examples are presented in more detail in the report in front of you,** which includes the following contents:

- the first part, which is intended to review the work and operations of the Ombudsman and to describe the functioning of the various organisational units of the Ombudsman;
- the second part, which shows the content of the Ombudsman's work by individual vulnerable groups and substantive areas, as well as a general assessment of the situation, an overview of the implementation of the Ombudsman's past recommendations, and a presentation of new recommendations;
- an appendix containing a more detailed description of the Ombudsman's activities in 2023 in some areas of work, including explanations of certain new recommendations and expert explanations of the Ombudsman's positions.

Once again, **the Ombudsman's Report on the Implementation of the National Preventive Mechanism Against Torture and Other Cruel, Inhuman or Degrading Punishments or Treatment** is an independent part of the Ombudsman's report, published in a separate publication

This year again, the Annual Report and the NPM Report are only published in electronic versions, and they are also available on our website. I repeat that such an approach is appropriate because the report is primarily intended for the National Assembly of the Republic of Slovenia and other state bodies and institutions. However, we would like to point out that in cases where publications are intended primarily for individuals, it is also necessary to keep in mind that not everyone has access to information and communication technologies, or that this may be restricted for them. For this purpose, only the Summary of the Work of the Ombudsman of the Republic of Slovenia for 2023 is printed, as we would like to inform the general public about some of the key findings and their work in this way.

Dear Reader,

I must once again highlight the importance of the autonomy and independence of the Ombudsman's operations, which includes financial and substantive independence. We are a state institution whose mandate is based on the Constitution and law, and we are committed to high international standards in our work. We function as a bridge between the state and civil society, where work never ceases, and after the fourth year of my mandate, I can conclude that there remains a great deal of work and challenges ahead of all of us in many fields. My colleagues and I want to do our best to contribute to changes for the better and to be a strong voice for all those who are not heard. However, I also underline that without the cooperation and active engagement of all stakeholders in the system of checks and balances, there will be no tangible progress will be made.

The year 2023 was particularly marked by the unprecedented dimensions of the floods that hit Slovenia on 4 August. With all the shocking events and stories, they also brought cooperation, with people helping according to their abilities, and solidarity. We will be dealing with their consequences and the devastation they caused in the material, mental, and spiritual sense for years to come. Those responsible in the country must understand that it is extremely important to provide effective and quick help to people in such situations. It must be taken into account that the human right to (and respect for) a home protects values such as security, privacy, and the social and emotional attachment of an individual to a certain place that they consider their home. That is why remedial measures, taking professional criteria into account, must also follow people's expectations and wishes as much as possible.

I am sure I am not the only one who believes that the awakening that difficult events bring us can be translated into wider action and engagement. During crises, we manage to collaborate well, when crises pass, we collaborate a little worse, and much worse again when we look at crises from the distance of time. We must remind ourselves again and again how successful we were when we were able to find answers to challenges in cooperation. When we manage to forget about political, historical, religious, social, material, and all other divisions and put people in need, compassion and solidarity first. When I speak of solidarity, I do not mean only its social, material, or financial aspect, with which we sometimes relieve our soul and clear our conscience. **Solidarity is above all a relationship with a person in need.** It is empathy, kindness, and justice. It is responsibility for one another, protection of one's fellow man, care for their well-being, community concern. The responsibility for this lies with the state and with us as individuals. The equivalent of both responsibilities is respect for dignity. However, I hope that we will repeatedly resort to all the good that the floods have awakened in us. When we heartily and sincerely put a neighbour, a friend, a stranger – a fellow human being – in the foreground.

Finally, I would like to thank my Deputy Ombudsmen, colleagues, and everyone who worked with the Ombudsman in the past year. **I hope for continued good cooperation in the future, especially regarding the implementation of our recommendations, and, as usual, I hope I will be able to announce in next year's report that we have realised them more successfully.** It is the responsibility of each of us to respect and strengthen human rights and freedoms in our work and life, thereby building a better and fairer country.

Peter Svetina

Human Rights Ombudsman

ACCESS TO THE OMBUDSMAN AND OPERATIONS OUTSIDE THE HEAD OFFICE IN 2023

Information on the visits of the Ombudsman in his capacity as the National Preventive Mechanism (hereinafter: NPM) is provided in the chapter on the NPM.

20

IN 2023 WE RECEIVED

36.146

INCOMING DOCUMENTS

(in 2022 35,374)

23

WE GENERATED

9.350

OUTGOING DOCUMENTS

(in 2022 8,555)

In 2023, we held **8 business meetings outside our head office**, where the Ombudsman, together with his deputies, also conducted in-person interviews and visited various institutions. By doing business outside our head office, the Ombudsman wishes to become more accessible to persons who cannot come to the Ombudsman's headquarters for a conversation due to distance or other reasons. The locations the Ombudsman visited this year are as follows: **Ankaran, Lendava, Celje, Maribor, Nova Gorica, Ptuj, Slovenj Gradec and Velenje.**

SINGLE ENTRY POINT

People turn to the Ombudsman with complaints regarding alleged violations of human rights and fundamental freedoms, as well as general questions that only require clarification or referral to another (competent) body, which represents a large part of the tasks of expert colleagues and colleagues of the Secretary-General. The single point of entry (SEP), established in 2020 to addressing such questions and problems and optimise the work of the entire institution, strives to improve the quality of work enhance the Ombudsman's openness and accessibility.

The work of the single entry point includes:

- classification of complaints
- answering all phone calls for the expert service
- daily reception of all announced and unannounced individuals who visit the Ombudsman in person
- drafting of replies to complaints received as courtesy copies, clarifications, and anonymous complaints

The complaints received are delegated to the single entry point:

- if the received message was sent to the Ombudsman as a courtesy copy, and the case requires no intervention by the Ombudsman.
- if it is an anonymous complaint and requires no intervention by the Ombudsman.
- the case is clearly not in the Ombudsman's power
- if it is a matter clearly outside the competence of the Ombudsman.
- it is evident from the complaint that the complainant has not yet contacted the competent authorities.
- if the complainant only seeks advice.
- if hypothetical questions are concerned.
- if the complaint is unclear.
- the Ombudsman has already taken a position regarding a specific issue.
- the complaints are incomplete.

Complaints and phone calls

In **2023, the SEP dealt with 1164 complaints** (in 2022, 1056 complaints) **and accepted 2913 calls** (in 2022, 2859 calls). **The SEP dealt with a total of 4077 cases in 2023** (in 2022, 3915 cases).

Openness of the institution

The SEP ensures the openness of the institution, as expert colleagues receive **every announced or unannounced visitor** every day and provide them with information about the Ombudsman's powers, the procedure for filing a complaint, and the legal options available to them. At the SEP, complainants receive written explanations regarding the cases submitted to the Ombudsman as courtesy copies and requesting explanations, advice, and views. Official minutes are kept of all telephone and personal conversations, of which the Ombudsman and the relevant Deputy Ombudsman are also informed.

6.225

CASES WERE DEALT WITH BY THE OMBUDSMAN IN 2023

In 2022, we dealt with 5,975 cases, which denotes a **4.18% increase** in 2023.

2.913

INTERVIEWS

with callers, including 2,620 with callers who had not (yet) filed complaints.

2.360

newly opened complaints

864

complaints carried forward from previous years or reactivated in 2022 and resolved again.

INTERVIEWS

27

during meetings held outside the head office.

23

with children

38

with complainants from the field of child advocacy

2.616 or 81.1 %

were completed:

3.224

COMPLAINTS

were addressed by the Ombudsman in 2023, of which, on 31 December 2023:

554 or 17.2 %

were resolved.

54 or 1.7 %

were re-activated.

436

or **16.67 %** complaints were substantiated, of which 204 were from the field of advocacy:

81 or 3.10 %

Complaints from the field of advocacy, where the advocate was not appointed.

243 or 9.72 %

complaints were not substantiated.

1.385 or 52.83 %

complaints provided no further conditions for consideration.

369 or 14.11 %

complaints did not fall within the Ombudsman's field.

2 ali 0.08 %

represented a withdrawal of consent in the field of Advocacy.

21 ali 0.80 %

complaints related to regulations.

82 ali 3.12 %

of complaints were from the field of the National Preventative Mechanism.

The Ombudsman established that the allegations of violations of human rights of fundamental freedoms in **232 complaints were substantiated** and that at least one (or more) fundamental human rights and freedoms (according to the Constitution of the RS) and that the principles of justice and good governance were not respected.

Among 232 substantiated complaints, the Ombudsman established **262 human rights violations** and fundamental freedoms (defined in the Constitution of the RS) and other irregularities, such as violations of equality before the law and violations of the principle of good governance.

To these 262 violations **203 cases of from the field of child advocacy must be added**, in which we did not establish specific violations, but they are treated as substantiated complaints and therefore included among the 436 substantiated complaints

The greater number of rights violations compared to the number of substantiated complaints is the consequence of the greater number of established specific violations in individual complaints. Thus, among the complaints dealt with, in some cases we identified two or more violations of human rights and fundamental freedoms or other irregularities.

STATISTICS ACCORDING TO FIELDS

2023	CONSIDERATION OF CASES				
FIELD OF WORK	COMPLAINTS IN THE FIELD	ENTRY POINT - COMPLAINTS	ENTRY POINT - INTERVIEWS	TOTAL CASES IN 2022	TOTAL CASES IN 2023
EQUALITY BEFORE THE LAW AND PROHIBITION OF DISCRIMINATION	51	33	13	106	97
PROTECTION OF DIGNITY, PERSONAL RIGHTS, SAFETY, AND PRIVACY	35	60	52	127	147
FREEDOM OF CONSCIENCE AND RELIGIOUS COMMUNITIES	1	1	1	10	3
FREEDOM OF EXPRESSION	13	32	12	61	57
ASSEMBLY, ASSOCIATION, AND PARTICIPATION IN THE MANAGEMENT OF PUBLIC AFFAIRS	9	6	3	35	18
NATIONAL AND ETHNIC COMMUNITIES	34	3	27	29	46
FOREIGNERS	118	52	80	271	250
RESTRICTION OF PERSONAL LIBERTY	78	32	183	390	293
PENSION AND DISABILITY INSURANCE	58	45	72	1186	175
HEALTHCARE AND HEALTH INSURANCE	134	108	214	453	456
SOCIAL SECURITY	227	107	315	565	449
LABOUR LAW MATTERS	31	62	90	180	183
UNEMPLOYMENT	5	4	11	24	20
OTHER ADMINISTRATIVE MATTERS	66	67	99	280	232
JUDICIAL SYSTEM	165	233	442	814	840
POLICE PROCEEDINGS, PRIVATE SECURITY SERVICE, DETECTIVES, AND TRAFFIC WARDENS	40	43	62	151	145
ENVIRONMENT AND SPATIAL PLANNING	80	61	72	144	213
REGULATED ACTIVITIES	30	58	68	135	155
SOCIAL MATTERS	76	43	70	121	189
HOUSING MATTERS	26	36	73	105	135
PROTECTION OF CHILDREN'S RIGHTS	255	44	190	369	489
NATIONAL PREVENTIVE MECHANISM	127	0	8	132	135
CHILD ADVOCACY	347	0	98	449	445

FIELDS OF WORK

A. Vulnerable groups addressed

- 1.1. FREEDOM OF CONSCIENCE AND RELIGIOUS COMMUNITY
- 1.2. NATIONAL AND ETHNIC COMMUNITIES
- 1.3. EMPLOYED AND UNEMPLOYED PERSONS
- 1.4. WOMEN
- 1.5. CHILDREN
- 1.6. PERSONS WITH DISABILITIES
- 1.7. ELDERLY
- 1.8. LGBTIQ+
- 1.9. FOREIGNERS

B. Substantive fields discussed

- 2.10. EQUALITY BEFORE THE LAW AND PROHIBITION OF DISCRIMINATION
- 2.11. PROTECTION OF DIGNITY, PERSONAL RIGHTS, SAFETY, AND PRIVACY
- 2.12. FREEDOM OF EXPRESSION
- 2.13. ASSEMBLY, ASSOCIATION AND PARTICIPATION IN THE MANAGEMENT OF PUBLIC AFFAIRS
- 2.14. RESTRICTION OF PERSONAL LIBERTY
- 2.15. PENSION AND DISABILITY INSURANCE
- 2.16. HEALTHCARE AND HEALTH INSURANCE
- 2.17. SOCIAL SECURITY
- 2.18. OTHER ADMINISTRATIVE MATTERS
- 2.19. JUDICIAL SYSTEM
- 2.20. POLICE PROCEEDINGS, PRIVATE SECURITY SERVICE, DETECTIVES, AND TRAFFIC WARDENS
- 2.21. ENVIRONMENT AND SPATIAL PLANNING
- 2.22. REGULATED ACTIVITIES
- 2.23. SOCIAL ACTIVITIES
- 2.24. HOUSING MATTERS

The Ombudsman supervises the authorities and restricts arbitrary interference with human rights and fundamental freedoms.

The Ombudsman is an independent state institution that takes care of the protection and promotion of human rights in Slovenia.

NATIONAL PREVENTIVE MECHANISM

In cooperation with selected non-governmental organisations, the Ombudsman also carries out the tasks and powers of the National Preventive Mechanism (DPM). The purpose of the execution of these tasks is to enhance the protection of persons deprived of their liberty against torture and other forms of cruel, inhuman, or degrading treatment or punishment. When carrying out the tasks and exercising the powers of the NPM, the Ombudsman visits all places in Slovenia where individuals who deprived of their liberty have been or could have been placed based on an act issued by the authorities. These are preventive visits.

Places of deprivation of liberty in Slovenia include:

- prisons (ZPKZ) and all their units and Radeče Juvenile Correctional Facility
- expert centres for children and adolescents with emotional and behavioural disorders or educational institutions (SC),
- crisis centres for children and adolescents (KC),
- certain social care institutions – retirement homes, special social care institutions (SVZ), education, work and care centres (CUDV), and occupational activity centres (VDC)
- psychiatric hospitals (PB)
- detention rooms in police stations (PP) and Ljubljana Police Detention Centre,
- the Centre for Foreigners in Postojna (CT) in the Asylum Centre in Ljubljana with branches (particularly reception facilities),
- detention rooms operated by the Slovenian Armed Forces
- all other places as per Article 4 of the Optional Protocol (for example, police intervention vehicles and others).

In 2023, the NPM visited 87 places of deprivation of liberty, namely 22 different locations of VDC, 21 PP, 15 retirement homes, 13 different locations of SC, 6 ZPKZ, 4 special SVZ, 3 PB, 2 KC and 1 CUDV. All visits (with the exception of two) **were conducted without prior announcement**, and eight of them were follow-up visits (during which we checked the realisation of recommendations from previous visits).

The NPM drafts a comprehensive (final) report on the findings established at the visited institution after each visit. This report also contains proposals and recommendations to eliminate established irregularities and improve the situation, including measures to reduce the potential of improper treatment in the future. In 2023, the visited institutions **received a total of 578 recommendations.**

Each group conducting a visit consists of representatives of the Ombudsman and selected non-governmental organisations. **The nongovernmental organisations who cooperated with the Ombudsman in the implementation of NPM tasks in 2023 are: Novi paradoks – Slovensko društvo za kakovost življenja, Društvo Pravo za vse, SKUP – Skupnost privatnih zavodov, PIC – Pravni center za varstvo človekovih pravic in okolja, Zavod Mirovni inštitut Ljubljana, Zveza društev upokojencev Slovenije, Spominčica – Alzheimer Slovenija – Slo-**

vensko združenje za pomoč pri demenci, Slovenska fundacija za UNICEF, Zveza prijateljev Mladine Slovenije and Zveza sožitje – Zveza društev za pomoč osebam z motnjami v duševnem razvoju Slovenije.

The National Preventive Mechanism annually drafts a more detailed independent report on its work, which constitutes a part of the Ombudsman's Annual Report. The NPM report for 2023 is its sixteenth.

CHILD ADVOCACY

Advocacy strengthens the voice of children. The advocate ensures that a child trusts them with their opinion and then conveys this opinion to those who should hear it, i.e. the courts, centres for social work, and other bodies that decide on the future of a child's life. The advocate is not the legal representative of the child, they are not a court expert who would evaluate what is good for the child. It only allows children's voices to be heard in procedures and other matters, and thus decision-making about their benefits can be of a higher quality and without delay. **In 2023, an expert consultation of children's advocacy participants was held with the theme** "The importance of advocacy in caring for children's mental health".

In 2023, advocacy received 101 requests to appoint an advocate. Eighty-five children were assigned an advocate in 2023: this time, the most from the area of Ljubljana and its surroundings, the north-eastern part of Slovenia and the Gorenjska area. **The average age of a child appointed an advocate is 10.84 years.** An advocate was appointed **43 times** (it is possible for several children at the same time), **15 complaints** are still under consideration. Of all the complaints received, 45 times the complainants were parents; 19 times a CSD; 29 times the district courts; 3 times the complainants were others, and 5 times the complainants were children.

THE OMBUDSMAN AS A NATIONAL HUMAN RIGHTS INSTITUTION

Since January 2021, the Ombudsman has been accredited with status A according to the Principles on the Status and Functioning of National Institutions for Human Rights (Paris Principles), adopted by the United Nations General Assembly on 20 December 1993 with resolution 48/134. Also in 2023, the Ombudsman advocated for the implementation of the recommendations of **the Accreditation Subcommittee (SCA), which recommends some additional improvements to the state of Slovenia regarding the legislative framework of the institution's operation.** Whether the Ombudsman (still) meets the conditions for (re) accreditation with status A according to the Paris Principles will be checked again **five years after accreditation in accordance with the established system. The Ombudsman will continue to strive for high professionalism, independence, and ensuring plurality in his work.** The year 2023 marked the 30th anniversary of the adoption of the Paris Principles at the international and national level, as well as the Global Alliance of National Human Rights Institutions and the 10th anniversary of the European Network of National Human Rights Institutions (ENNHRI). The Ombudsman is an active member in both associations.

CENTER FOR HUMAN RIGHTS

The Center for Human Rights, as an organisational unit of the Ombudsman, fulfils its general mandate as a national institution for human rights. In terms of promotion, information, education, and the provision of general information, the Center implemented a number of projects in 2023, among which it co-organised a workshop for representatives of civil society and the professional public on the cooperation of civil society organisations in the implementation of the state's obligations based on the United Nations international treaties on human rights and consultation on human rights in the economy, the 2nd public competition for diploma, master's, and doctoral theses in the field of human rights and published the 3rd public competition, and conducted three training events for leading civil servants within the framework of the Administrative Academy. In 2023, the Center published **a publication on the international standards of operation of the Ombudsman**, with which it also marked the 30th anniversary of the adoption of the Ombudsman Act and the Paris Principles and the 75th anniversary of the adoption of the Universal Declaration of Human Rights. The Center also participated in a regional project regarding the promotion of the rule of law and the implementation of the EU Charter on Fundamental Rights at the national level.

In 2023, the Center for the Ombudsman prepared **several international reports or contributions**, including a report on the state of the rule of law in Slovenia for 2023 for ENNHRI and the European Commission, a third-party intervention before the European Court of Human Rights in case X and others against Slovenia, an overview regarding the implementation of the recommendation of the Committee of Ministers of the Council of Europe on the position of national institutions for human rights, the Ombudsman's comment on the 22nd national report on the implementation of the European Social Charter, the Ombudsman's contribution as a third party regarding an individual application to the United Nations Committee on the Rights of the Child. The Ombudsman (NPM) also prepared an alternative report for consideration of Slovenia's fourth periodic report before the United Nations Committee against Torture.

In 2023, the Ombudsman actively cooperated with various segments of civil society in Slovenia and at the European level.

THE HUMAN RIGHTS COUNCIL

The Human Rights Council **is the Ombudsman's consultative body** to promote and protect human rights and fundamental freedoms and enhance legal security. The Council operates under the principle of professional autonomy. Plural representation enables the establishment of effective cooperation between civil society, science, and public authorities when drafting the Ombudsman's findings about the level of observance of human rights, fundamental freedoms and legal security in the Republic of Slovenia. The term of the Council's members is tied to the Ombudsman's term of office. **The Council includes the following members:** Alenka Jerše, Darja Groznik, mag. Jelena Aleksić, mag. Lea Benedejčič, dr. Margerita J. Banič, dr. Marko Rakovec, mag. Nataša Briški, Nataša Voršič, Neli Dimc, dr. Patrick Vlačič, Peter Pavlin, dr. Robert Masten, dr. Sara Ahlin Doljak, dr. Vasilka Sancin, mag. Žiga Vavpotič, and Luka Glavač Gavrilović.

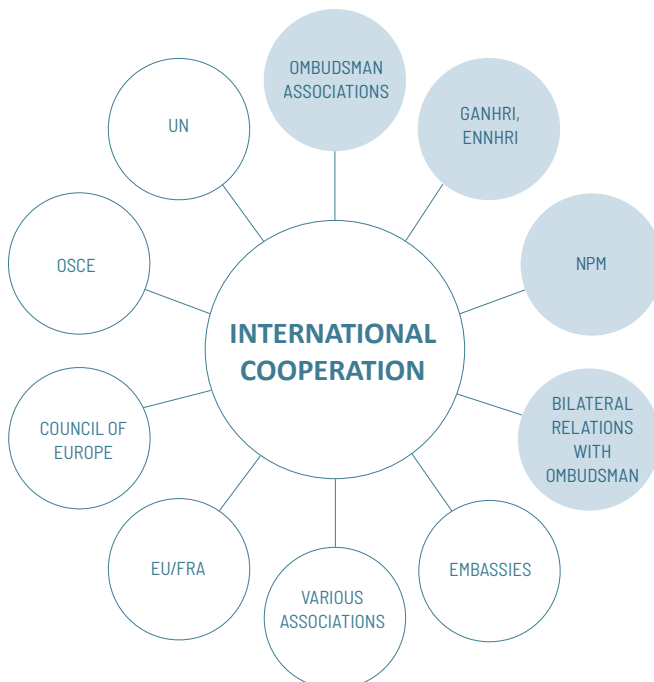
The Council met three times in 2023. The first session (i.e. the ninth in the current mandate 2019–2025) was held at the Ombudsman's head office on 16 January 2023. It was intended to review the Annual Report of the Ombudsman of the Republic of Slovenia for 2021 and discuss this topic. **The second session** was held at the Ombudsman's head office on 29 May 2023. The Council members were presented with the ENNHRI report on the state of the rule of law in the EU and the report of the European Commission on the state of the rule of law in the EU and its member states, with an emphasis on the situation in the Republic of Slovenia. **The third session** was held at the Ombudsman's head office on 18 September 2023. Council members discussed the issue of human rights in the economy.

INTERNATIONAL COOPERATION

In 2023, the Ombudsman continued to be actively involved on the international stage, participating in various international events and training and enhancing bilateral relations and cooperation, and for the first time since the Covid-19 epidemic, the events were mostly held live.

In 2023, the Ombudsman participated in more than 60 international events.

Ombudsman Peter Svetina, who is the vice-president of the International Institute of Ombudsmen (IOI) and one of the directors of the IOI for Europe, was unanimously elected in 2023 as the first vice-president of the Mediterranean Association of Ombudsmen (AOM).



NEW RECOMMENDATIONS FROM THE ANNUAL REPORT OF THE OMBUDSMAN FOR 2023

1.1. Ombudsman's Introduction

1. The Ombudsman recommends that the National Assembly of the Republic of Slovenia establish regular annual reporting by the Government of the Republic of Slovenia regarding the state of implementation of the decisions of the Constitutional Court of the Republic of Slovenia and separate judgments of the European Court of Human Rights.

1 (ongoing task). The Ombudsman recommends that all authorities take appropriate measures to strengthen and increase the effectiveness of the dialogue between authorities and civil society (non-governmental organisations, trade unions, citizens' initiatives, etc.) both in the preparation, implementation, and monitoring of national and local regulations and in the preparation statement on the implementation of international human rights standards in Slovenia.

1.8. Human Rights Council

2. The Ombudsman recommends that the Government of the Republic of Slovenia ensure that their direct addressees respond to his recommendations in a reasoned manner. The government should also ensure that the addressees of the Ombudsman's individual questions and inquiries actually answer them and do not simply forward the matter to the body that is otherwise substantively competent to decide on the matter.

3. The Ombudsman recommends that the Government of the Republic of Slovenia consistently conduct public debates that will actually enable dialogue with all interested members of the public. This is necessary in order to achieve a broad consensus regarding the content of each regulation. The government should therefore clarify any permissible exceptions in the form of a departure from public participation and use them very restrictively.

1.9. Center for Human Rights

4. The Ombudsman recommends that the Government of the Republic of Slovenia transfer the primary responsibility for the implementation of the National Action Plan for the Respect of Human Rights in the Economy, adopted in November 2018, including the coordination of activities for its implementation and reporting on its implementation, from the Ministry responsible for international and European affairs to the ministry responsible for the economy, and the latter should also review the need to update the content of the action plan itself.

5. The Ombudsman recommends to the Government of the Republic of Slovenia that, when establishing a national centre for artificial intelligence, it ensures that among the tasks of the mentioned centre will be the examination and consideration of the functioning of artificial intelligence with regard to respect for human rights and fundamental freedoms.

2 (ongoing task). The Ombudsman recommends that competent institutions for the training of civil servants and officials, such as the Administrative Academy, the Police Academy and the Centre for Education in Justice, include in their education and training programmes to a greater extent contents related to the application of the European Union Charter of Fundamental Rights at the national level.

2.2 National and ethnic groups

6. The Ombudsman recommends that the Minister of the Interior arrange for amendments to the Rules on the Enforcement of the Identity Card Act, according to which the design solution of the identity card form will reflect the equality of official languages in the Republic of Slovenia.

7. The Ombudsman recommends that the Government of the Republic of Slovenia encourage municipalities with Roma settlements to include strategies, goals, and measures to enhance the housing policy for members of the Roma community in their detailed regional programmes and measures.

8. The Ombudsman recommends that the Government of the Republic of Slovenia propose to the National Assembly the adoption of an amendment to the ZFO-1, according to which the funds intended for municipalities with a Roma population should be spent primarily to improve the living conditions of members of the Roma community (which is the explicit statutory duty of municipalities according to Article 1 of the ZRomS-1).

2.3 Employed and unemployed persons

9. The Ombudsman recommends that the Government of the Republic of Slovenia prepare an appropriate amendment to the Public Sector Salary System Act and adopt the basis for appropriate legal regulation of the area, paying particular attention to the issue of wage disparities. Here, more attention should be focused primarily on the lowest-paid (public) employees and incoming staff, for whom appropriate salary regulation will encourage them to decide to perform work in areas where there is an acute shortage of staff. This also applies to those who take on demanding and responsible positions.

10. The Ombudsman recommends that the Ministry of Public Administration review the existing provisions related to the legal regulation of determining or giving consent to the regular work performance of principals, while at the same time considering the possibilities for improvements and preventing risks of arbitrariness.

11. The Ombudsman recommends that the Ministry of Labour, Family, Social Affairs and Equal Opportunities examine the possibilities for a different legal arrangement that would increase the legal security of already selected job candidates, either by bringing them closer to the provisions of the ZJU, or by a different, clearer entry of the text in ZDR-1 – for example, in such a way that workers or candidates for employment, as the weaker party, would be better protected and aware of their rights, and could ask the new employer to sign an employment contract with the start of work at a later date, and then only after signing this terminate the contract with the current employer.

12. The Ombudsman recommends that the Ministry of Labour, Family, Social Affairs and Equal Opportunities amend Article 63 of the ZUTD in such a way that the employee will not lose the right to unemployment compensation when, due to the employer's regular dismissal in violation of the provisions of the Labour Relations Act (ZDR- 1), which determines the special protection of the employee against termination, they did not request an arbitration decision or judicial protection to secure their rights, because they did not know that, as a protected category, different rules regarding termination apply to them.

2.5 Children

13. The Ombudsman recommends to the Ministry of Education that the introduction of the possibility of offering dietary meals to all schools be as quickly as possible, as this ensures a significantly higher level of protection of children's rights.

14. The Ombudsman recommends to the Ministry of Education that all children who have health problems and who, due to the fact that they would not be able to provide a companion, would not be able to attend school residential trips, but would like to, be provided with a companion accordingly.

15. The Ombudsman recommends that the Government of the Republic of Slovenia prepare the appropriate legal basis as soon as possible, so that all secondary vocational education students will be guaranteed the financing of meals while undertaking practical training with work as part of their educational programme.

16. The Ombudsman recommends that the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Ministry for Solidary-Based Future, and the Ministry of Health respond quickly to perceived problems in the area of integrated early treatment of preschool children with special needs, as this is necessary for adequate protection of their rights.

17. The Ombudsman recommends to the Ministry of Education that individuals be given the opportunity to pass the matura with adjustments based on their deficits, obstacles, or disorders. Otherwise, rights protected by the Convention on the Rights of Persons with Disabilities as well as Article 4 of the ZMat and Article 11 of the ZIMI may be interfered with.

18. The Ombudsman recommends to the Ministry of Defence and the Ministry of Education that the needs of the surrounding population, including the needs of school-going

children and the appropriate conditions for carrying out their lessons, be taken into account when carrying out training activities of the Slovenian Army.

19. The Ombudsman recommends that the Ministry of Education pay more attention to the suitability of the learning environment to ensure suitable conditions for providing services, especially to the most vulnerable groups of children.

20. The Ombudsman recommends that the Ministry of Education to pay attention to the trend of increasing the workload of various services in the fields of social welfare, education, and health, which concern the frequent spatial and almost always present staffing problems.

21. The Ombudsman recommends that the Ministry of Education and the Ministry of Labour, Family, Social Affairs and Equal Opportunities, in cooperation with other competent authorities, consider the findings and proposals of the 33rd National Children's Parliament and define each finding and proposal and take them into account when making decisions which concern children.

22. The Ombudsman recommends that the Ministry of Education consider the adopted joint statement of the Ombudsman and non-governmental organisations in legal solutions relating to educational programmes in this area, and in the preparation of the announced renewal of the national education programme 2023–2033.

3 (ongoing task). The Ombudsman recommends that the Ministry of Labour, Family, Social Affairs and Equal Opportunities ensure legal deadlines are not exceeded in decision-making processes.

4 (ongoing task). The Ombudsman recommends that the Ministry of Health and the Ministry of Justice adequately solve the shortage of clinical psychologists and child psychiatrists, as this directly affects the length of time it takes to make decisions in court proceedings that concern children.

5 (ongoing task). The Ombudsman recommends that the Ministry of Health and the Ministry of Labour, Family, Social Affairs and Equal Opportunities ensure fast and high-quality medical care for children and adolescents with mental health disorders.

Recommendations no. 40, 47 and 50 and recommendation (ongoing task) no. 6 from other parts of this Annual Report.

2.6 Persons with disabilities

Recommendations 14, 16, 17, 19, 22, 25, 27, 28, 30, 36, 41, 42, 43, 52, 53, 54, 56, 58, 60, 75, 76 and 77 and recommendations (ongoing tasks) 5 and 7 from other chapters of this annual report refer to **persons with disabilities**.

2.7 Older persons

Recommendations 26, 28, 30, 46, 55, 57, 58, 62 and 77 and **recommendations (ongoing task) 7** from other chapters of this annual report refer to **older persons**.

2.9 Foreigners

23. The Ombudsman recommends that the Ministry of Public Administration, together with the administrative units, check the possibilities for establishing customer information in such a way that all those applying for a permanent residence permit are systematically, timely, and comprehensibly informed that they must have an arranged status until the decision on the permanent residence permit.

Recommendations 29 and 31 from others parts of this annual report also apply to **foreigners**.

2.10 Equality before the law and prohibition of discrimination

24. The Ombudsman recommends that the Ministry of the Digital Future to draft an appropriate amendment to Article 2 of the ZDSMA, which will eliminate ambiguities regarding taxpayers under the category of »persons under public law under the law governing public procurement«.

25. The Ombudsman insists on the recommendation that the Association of Interpreters for Slovenian Sign Language publish the content of its website in Slovenian sign language.

26. The Ombudsman recommends that the Ministry of Labour, Family, Social Affairs and Equal Opportunities provide additional funds for the establishment of an accurate and transparent scheme for the availability of interpreters (specifically for each day and hour) and more transparent ordering of interpretation services.

27.¹ The Ombudsman recommends that the Ministry of Justice cooperate as thoroughly as possible (in accordance with Article 75 of the Courts Act) with the Supreme Court of the Republic of Slovenia regarding the purchase of the corresponding equipment ((microphones for sound capture and screens for the real-time display of recognised speech) for software that will enable real-time subtitling of live court hearings and the purchase of which is planned in 2024), as well as any other equipment, and spatial conditions that would prove to be necessary in the future in removing obstacles regarding the accessibility of courts for persons with disabilities.

¹ Given in relation to the explanations of the Supreme Court of the Republic of Slovenia in relation to recommendation no. 16 (2022), presented in the previous section.

2.14 Restriction of personal freedom

28. The Ombudsman recommends that the Ministry of Labour, Family, Social Affairs and Equal Opportunities and the Ministry for Solidary-Based Future strengthen the development of care in the community in cooperation with other competent authorities with the goal that institutional care is truly the last resort.

29. The Ombudsman recommends that the Ministry of the Interior ensure continuous monitoring of the return of foreigners in accordance with the Return Directive (Directive 2008/115/EC) and Article 69 of the Foreigners Act (ZTuj-2).

30. The Ombudsman recommends that the Ministry for Solidary-Based Future fulfil as soon as possible the agreed obligations from the meeting on 11/04/2023, held at the Supreme Court of the Republic of Slovenia regarding the regulation of the issue of protected departments of social welfare institutions.

31. The Ombudsman recommends that the Office of the Government of the Republic of Slovenia for the Care and Integration of Migrants take all necessary measures so that the accommodation, care, and treatment of minors can be implemented in practice as soon as possible in accordance with the Regulation on the Method of Ensuring Adequate Accommodation, Care, and Treatment of Unaccompanied Minors.

32. The Ombudsman recommends that the Administration of the Republic of Slovenia for the Enforcement of Criminal Sanctions take all the necessary measures to ensure that institutions for serving prison sentences ensure continuous and timely recording and updating of all relevant data that affect the duration or end of detention.

33. The Ombudsman recommends that the Administration of the Republic of Slovenia for the Enforcement of Criminal Sanctions should, in cooperation with other responsible parties, examine the possibilities for optimising the conditions in the premises intended for the outdoor movement of incarcerated persons. In this sense, potential activities should also be designed, which can additionally provide suitable conditions for physical activity outdoors, which can contribute to improving the mental and physical health of incarcerated persons. This approach should also include the development of effective strategies to promote a healthy lifestyle, taking into account the current limitations and possibilities in institutions.

34. The Ombudsman recommends that the Ministry of Justice and the Administration of the Republic of Slovenia for the Enforcement of Criminal Sanctions examine and, if necessary, adjust the current arrangements for unsupervised visits to detainees overnight. It is recommended to ensure equal treatment of detainees and convicts in the possibility of such visits, taking into account the exceptions dictated by the nature of the criminal procedure, when the court can prohibit or limit individual visits to detainees.

35. The Ombudsman recommends that when reporting on the use of coercive means, the Administration of the Republic of Slovenia for the Enforcement of Criminal Sanctions ensure that judicial police officers make individual official notes based on their own perceptions. The notes must accurately reflect the perspective of the individual police officer, including information that they directly perceived. It is important to ensure that judicial officers who have used coercive means will not conduct interviews to assess

their use, which will contribute to greater objectivity of the assessment. It is also crucial that judicial officers receive regular training on the importance of this type of objective and accurate documentation, which in specific cases can contribute to the reliability of assessing the justification, legality and professionalism of the use of coercive means.

36. The Ombudsman recommends that the Ministry of Justice systematically check and ensure adequate care, security, and specialised treatment for imprisoned persons with severe mental disorders in all prison institutions. Special attention should be paid to ensuring their safe stay, medical and social care, and the necessary rehabilitation programmes, because during the period of deprivation of liberty, in addition to protection with an appropriate level of ensuring the safety of the persons themselves and others, appropriate specialised treatment must also be provided, which will take into account their specific needs.

37. The Ombudsman recommends that the Administration of the Republic of Slovenia for the Enforcement of Criminal Sanctions adopt all measures necessary to maintain the confidentiality of medical data of imprisoned persons.

38. The Ombudsman recommends that all correctional institutions take into account the warning of the Administration of the Republic of Slovenia for the Enforcement of Criminal Sanctions that the institution for serving a prison sentence is obliged to offer a replacement meal to an incarcerated person who misses a regular meal in the institution due to being escorted to an external institution.

39. The Ombudsman proposes to the Ministry of Health that when preparing changes or additions to the ZNB, it ascertains the adequacy of the (legal) basis for the adoption of restrictive measures in psychiatric hospitals or other (health) institutions in the event of unfavourable epidemiological conditions, namely with the aim of protecting health and life patients.

40. The Ombudsman recommends to the Ministry of Education and Culture that in expert centres that operate on the basis of the act on the treatment of children and adolescents with emotional and behavioural problems and disorders in education and that are faced with a lack of capacity, they should provide adequate accommodation options.

6 (ongoing task). The Ombudsman recommends that the Ministry of Education and the Ministry of Health monitor the results of the system's operation and look for opportunities to improve the currently applicable programmes and introduce new ones. On the other hand, it is important that professionals who work directly with children and adolescents with emotional and behavioural disorders, addictions to illegal drugs, and more complex problems, together with their employers, constantly improve their knowledge and skills and ensure appropriate work conditions and motivation for work. The Ombudsman also points out that when dealing with children and adolescents, attention must be paid to the provision of Article 3 of the Convention on the Rights of the Child, which ensures that the interests of children and adolescents have priority over the interests of all others, which means that it is necessary to systematically and within a reasonable time ensure that recognised good work methods are available to all who need them.

2.15 Pension and disability insurance

41. The Ombudsman recommends that the Government of the Republic of Slovenia unify and harmonise the definition of disability with the Convention on the Rights of Persons with Disabilities in all regulations and thus ensure the harmonisation of internal legislation with this Convention and the Constitution.

42. The Ombudsman recommends that the Ministry of Labour, Family, Social Affairs and Equal Opportunities reform the disability assessment system and introduce a single authority for disability assessment.

43. The Ombudsman recommends to the Ministry of Labour, Family, Social Affairs and Equal Opportunities and the Ministry of Health to change the provisions of public regulations that place people with mental health problems in a less favourable position than other persons with disabilities with comparable limitations.

7 (ongoing task). The Ombudsman recommends that the Pension and Disability Insurance Institute ensure that all documents it issues – forms, administrative acts and others – are clear, unambiguous, and consistent with the principle of good governance, and that administrative acts contain all legally defined components and are also adequately explained.

2.16 Healthcare

44. The Ombudsman proposes to the Ministry of Health to ensure adequate and equal access for patients to outpatient clinics at the primary level through all different communication channels, especially improving telephone accessibility.

45. The Ombudsman proposes that the Ministry of Health ensure a sufficient number of family medicine doctors and to enable all residents of the Republic of Slovenia who do not have a personal doctor or who are identified in Outpatient Clinics as undefined to choose a doctor.

46. The Ombudsman notes that there are still no guaranteed facilities for the rehabilitation of persons after completed hospital treatment. These are people who have finished hospital treatment, but need medical treatment and care and are not able to live independently or their relatives do not know how to take care of them. The Ombudsman proposes that the Ministry of Health and the Ministry for Solidary-Based Future establish capacities at the national level with the necessary personnel and other conditions, which would offer a longer-term possibility of accommodation and care for these persons.

47. The Ombudsman suggests that the Ministry of Health take measures to reduce waiting times in the field of orthodontic treatment.

48. The Ombudsman proposes to the Ministry of Health and the National Institute of Public Health that, in cooperation with health care providers, they eliminate problems with the information system, which result in the deletion of patient referrals.

49. The Ombudsman proposes that the Ministry of Health decide on the application for asserting the right to compensation due to vaccination (against Covid-19, etc.) within the statutory deadline.

50. The Ombudsman proposes to the Ministry of Health to unify the practice in the case of notifying the healthcare services after discharge from the maternity ward, whereby, in order to achieve improvement in the quality of health care and coordination of work between individual institutions, mutual cooperation should be enhanced and the responsibility for informing the healthcare services after the discharge from the maternity hospital should be transferred from the maternity hospital to new mothers.

2.17 Social affairs

51. The Ombudsman proposes to the Ministry of Labour, Family, Social Affairs and Equal Opportunities to additionally reinforce centres for social work in terms of personnel and expertise in order to provide the best possible treatment and support to users.

52. The Ombudsman recommends that the Ministry of Labour, Family, Social Affairs and Equal Opportunities prepare legislation in the field of personal assistance so that it will be possible to understand who and under what conditions people can be entitled to personal assistance and to what extent.

53. The Ombudsman recommends to the Ministry of Labour, Family, Social Affairs and Equal Opportunities that in the new legislation in the field of personal assistance (and in legislation in general) instead of the term permanent impairment (or other relevant circumstances), the term long-term impairment (circumstances) should be introduced with the determination minimum period of duration when the defect (circumstance) is considered long-lasting.

54. The Ombudsman recommends to the Ministry of Labour, Family, Social Affairs and Equal Opportunities that when recognising the right to personal assistance, comparability and proportionality between the scope of the right and its nature, the type of disability, and the subjective significance of this for the applicant should be ensured.

55. The Ombudsman recommends that in the field of providing institutional accommodation for persons who are unable to stay at home due to their health condition, but at the same time there are no indications for hospital treatment, the Ministry for Solidary-Based Future, should at least achieve the goal of establishing nursing units in 2024 with at least two contractors.

56. The Ombudsman recommends to the Ministry of Labour, Family, Social Affairs and Equal Opportunities to immediately change the provisions of the Act on the Social Inclusion of Disabled Persons, which will eliminate discrimination against persons with mental health problems and the inequality of other persons with disabilities who do not have rights from disability and pension insurance.

57. The Ombudsman recommends that in view of the situation on the real estate market, the Ministry of Labour, Family, Social Affairs and Equal Opportunities amend the Act on Social Welfare Benefits so that, with regard to the entry of prohibitions on encumbrance and alienation (in favour of the Republic of Slovenia) for recipients of cash social assistance and protection allowance, the existing limit of the value of owner-occupied real estate in which recipients live is raised (120,000 euros).

58. The Ombudsman recommends that the Ministry for Solidarity-Based Future ensure that in the event of absences from the institution announced several days in advance, users of institutional care, regardless of age, will be provided with funds for at least basic survival, namely or from the savings that the absence brings with regard to the cost of institutional care residence or otherwise.

59. The Ombudsman recommends that the Ministry of Labour, Family, Social Affairs and Equal Opportunities adjust the legislation in the field of exercising rights from public funds so that for persons between 18 and no more than 26 years of age who are in full-time education and their parents or other related persons do not have the means to support themselves, it is guaranteed that the right of these persons to education will not be interfered with by the fact that the legislation in the field of public funds considers that their duty to support their parents or other related persons takes precedence over their right to education.

60. The Ombudsman recommends to the Ministry of Labour, Family, Social Affairs and Equal Opportunities that, in 2024, it ensure appropriate legal regulation of the position of recipients of rights under the Social Inclusion of Persons with Disabilities Act between the ages of 18 and 26, who are in full-time education, in the field of enforcement rights from public funds.

2.18 Other administrative matters

61. The Ombudsman recommends that the Government of the Republic of Slovenia ensure adequate responsiveness and communication in relation to citizens, and after considering their complaint, give them a substantive answer.

62. The Ombudsman recommends that the Financial Administration of the Republic of Slovenia ensure that taxpayers, where the second payer of the pension is considered a non-main payer, are duly informed of the amendment to Article 127 of the Income Tax Act (ZDoh-2) when submitting the tax return.

2.19 Justice

63. The Ombudsman recommends that the National Assembly of the Republic of Slovenia abolish and implement the decision of the Constitutional Court no. U-I-772/21 dated 01/06/2023 as soon as possible, thus eliminating the identified discrepancy in the regulation of the salary situation of judges.

64. The Ombudsman recommends that the Supreme Court of the Republic of Slovenia and the Ministry of Justice check and, if necessary, supplement the existing guidelines for (both written and oral) communication in court premises. At the same time, the Ombudsman emphasises that it is crucial to regularly assess the effectiveness and relevance of these guidelines, namely with the aim of ensuring that a professional, respectful, and impartial communication environment is maintained in courtrooms. This also includes refreshing or educating judicial staff on these standards in order to preserve the integrity and dignity of the judicial system and ensure respect for the human rights of all involved.

8 (ongoing task). The Ombudsman recommends to the Ministry of Justice that it continue activities to improve the position of the judiciary in terms of more efficient trials.

9 (ongoing task). The Ombudsman recommends to the courts that, in every case under consideration, they should strive to ensure that the procedures are carried out without delays and unjustified delays, and especially within the deadlines already set by law.

2.20 Police proceedings, private security, detectives, and wardens

65. The Ombudsman recommends that the Police regularly remind police officers during training and additional education of the importance of careful, accurate, and chronological recording of their tasks during pre-detention/detention.

66. The Ombudsman suggests to the Ministry of the Interior and the Police that, within the framework of possible investments, they pay attention to the appropriate equipment of police stations to enable outdoor movement during detention. The Ombudsman also recommends that the exercise of the right to freedom of movement be more clearly defined in the brochure Notice on the Rights of Persons Deprived of Their Liberty, which would contribute to a greater awareness of detained persons about this right and thus to its consistent realisation.

67. The Ombudsman proposes to the Ministry of Internal Affairs and the Police that, as part of efforts to upgrade professionalism and respect for human rights in police procedures, it provide a translation of the Principles of Effective Interrogation and Information Gathering, known as the Méndez Principles. They should publish the translation and use the principles as an additional source of knowledge for police officers in ensuring respect for human rights in interrogation procedures.

68. The Ombudsman recommends that the Ministry of the Interior should more effectively ensure the implementation of the recommendation of the Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT), whereby the medical examination in the case of the use of coercive means must contain a record of objective medical findings based on a thorough examination of the person on whom they were used (including the type, location, size and specific characteristics of each individual injury observed); an important component of the doctor's record should also be an assessment of the consistency between the alleged unacceptable behaviour and the findings of the objective medical examination.

69. The Ombudsman recommends that the Ministry of Health ensure more effective implementation of the recommendation of the Committee for the Prevention of Torture and Inhumane and Degrading Treatment or Punishment (CPT) that the medical examination in the case of the use of coercive means must contain a record of objective medical findings based on a detailed examination of the person were these used (including the type, location, size and specific characteristics of each individual injury observed); an important component of the doctor's record should also be an assessment of the consistency between the alleged unacceptable behaviour and the findings of the objective medical examination.

70. The Ombudsman recommends to the Police that, with the aim of greater clarity, accessibility and efficiency of the online application for notifying victims of crimes, the notification in the application, which is published on the Police's website, should be supplemented or rearranged in such a way that, before submitting the application, the user can be clear about what specific information they can expect and how they can proceed if they do not receive this information. Both on the website and in automatic e-mails received by users, clear contact information should also be included for injured parties who need additional explanations or help in connection with the submitted claim or in case of ambiguity in the e-message received.

2.21 Environment and spatial planning

71. The Ombudsman recommends to the Government of the Republic of Slovenia that, in the spirit of unconditional respect for the principles of the rule of law, it should immediately abolish the decision of the Constitutional Court of the Republic of Slovenia no. U-I-441/18-23 of 06/07/2022 which established the unconstitutionality of the Regulation on limit values of noise indicators in the environment, since within the set deadline, i.e. by 22/07/2023, she did not. At the same time, it specifically recommends to the government that it also direct attention to the obviously weak interdepartmental cooperation, primarily between the Ministry of the Environment, Climate and Energy and the Ministry of Health, and that, within the scope of its powers, it also addresses this problem appropriately and immediately.

72. The Ombudsman recommends that the Ministry of the Environment, Climate and Energy proceed as soon as possible with the amendment of the Regulation on the Method of Using Sound Devices that Cause Noise at Gatherings and Events, with which it will address all perceived shortcomings in practice.

73. The Ombudsman recommends ensuring the rapid response of the Building Inspectorate in cases of reports of non-compliance with the decision of the administrative unit, with which the construction is suspended due to the renewal of the procedure and thus the effective implementation of Paragraph 3 of Article 93 of the GZ-1.

2.22 Regulated activities

74. The Ministry of Infrastructure should, together with the Directorate of Infrastructure of the Republic of Slovenia, taking into account the adopted joint personnel plan of the state administration bodies and budget resources, examine the possibilities of increasing personnel capacities, which could strengthen professional services in the field of state road maintenance, with the goal that all required measures arising from the provisions of the ZCes-2 will be taken on time.

2.23 Social activities

75. The Ombudsman proposes to the Ministry of Higher Education, Science and Innovation that Article 17 of the Regulation on Subsidising Students Work Placements, which talks about »a student who is disabled according to the law governing the employment rehabilitation and employment of persons with disabilities«, should be reformed so that it is more understandable to students with special needs to which it refers.

76. The Ombudsman proposes to the Ministry of Labour, Family, Social Affairs and Equal Opportunities that the Instructions for Completing the Application Form for Disability Insurance be harmonised with the current legislation.

2.24 Housing matters

77. The Ombudsman recommends that in view of the recognised disorder in the field of serviced apartments, the Ministry for Solidary-Based Future conduct a comprehensive overhaul of the legislation.



Summary of the work of the Human Rights Ombudsman of the Republic of Slovenia for 2023

Publisher: Human Rights Ombudsman of the Republic of Slovenia

Editors: Dr Simona Drenik Bavdek, Assistant Head of the Centra for Human Rights,
and Nataša Mazovec, Senior Adviser

Translation: Jezikovne storitve Peresce

Photo: Tamino Petelinšek (STA)

Design and layout: Aljaž Primožič

Printing: Prima IP d.o.o.

Number of copies: 30

Ljubljana, May 2024

Annual and special reports of the Human Rights Ombudsman of the RS are also published on the website www.ombudsman.si

The reproduction of parts of this publication is only permissible by reference to its source.

ISSN 2712-6390 (printed edition)

The publication is free of charge.



REPUBLIC OF
SLOVENIA



HUMAN
RIGHTS
OMBUDSMAN