

REPLIES TO QUESTIONNAIRE ON THE FOLLOW-UP MEASURES OF THE DURBAN WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

Core Questions

Republic of Slovenia

Question 1: Can you assess the implementation of the Durban Declaration and Programme of Action in your country?

The European Union and its Member States has developed its own regional strategy to combat racism. In 2000, the EU adopted two major pieces of legislation: the **Racial Equality Directive** and the **Employment Equality Directive**, both of which entered into force in 2004 in all Member States and which address discrimination on the grounds of race, ethnic origin, religion, disability, age, and sexual orientation. In order to monitor the implementation of the Racial Equality Directive, the European Commission has set up a network of legal experts to provide information and advice on recent developments concerning its implementation. The Employment Equality Directive urges EU Member States to take concrete measures to end racial discrimination in the workplace.

Furthermore, a **Framework Decision on Racism and Xenophobia** was enacted by the Council of the European Union in April 2007. This distinctive legal tool criminalizes acts of racism and xenophobia throughout the EU Member States, thus preventing impunity for crimes motivated by racism or xenophobia. Finally, the year 2007 marked the 10th anniversary of the European Year against Racism, which enabled considerable progress in the elimination of racial discrimination. In 2007, the EU celebrated the European Year of Equal Opportunities for All, which raised public awareness of the implementation of European legislation on non-discrimination. By joining the EU, Slovenia adopted all EU commitments and policies.

It should be noted that the Durban Declaration and Programme of Action are an appropriate basis for all future activities aimed at their implementation. We believe that a new Programme of Action is unnecessary; we should, however, commit ourselves to the identification of areas where the Durban Declaration and Programme of Action have not been (successfully) implemented, as well as to the exchange of experience and examples of good practice.

In 2004, the National Assembly adopted the **Implementation of the Principle of Equal Treatment Act** constituting the basic regulation in the fight against discrimination. The Equal Treatment Act provides a common basis for the equal treatment of all persons in all spheres of society, particularly in employment, employment relations, participation in trade unions or employers' organisations and other professional organisations, social protection, including social security and health care, welfare benefits, education, and access to and supply of goods and services, including housing. Equal treatment is ensured irrespective of **sex, national origin, race or ethnicity, religion or belief, disability, age, sexual orientation, or any other personal circumstance**.

The **Act Amending the Implementation of the Principle of Equal Treatment Act** which entered into force on 25 July 2007, adapts Slovenian legislation to the EU acquis. The Equal Treatment Act has transposed the provisions of **Council Directive 2000/43/EC of 29 June**

2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation into Slovenia's legal order. The Equal Treatment Act also modifies the institution of the Advocate of the Principle of Equality.

Question 2: Can you assess contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance as well as initiatives in this regard with a view to eliminating them in your country?

The adoption of the Durban Declaration and Programme of Action provided the international community with a universal and generally acceptable framework and strategy for the fight against racism, racial discrimination, xenophobia, and related intolerance. The Republic of Slovenia recognises the importance of solidarity, respect, tolerance, and multiculturalism in modern society. Numerous activities are underway in Slovenia to encourage understanding, tolerance, pluralism, and respect for diversity, and thus to create an inclusive society.

The Criminal Police Directorate closely follows developments in racial discrimination, racism, and xenophobia, and:

- Several times a year informs the Peace Institute (*Mirovni Inštitut*) – a contact point aimed at following the fight against these issues in the international arena – of the measures taken by the police;
- Draws up half-year and annual reports on developments regarding such crime;
- Periodically informs *Spletno oko* – a non-governmental organisation following xenophobia and racism on the Internet – of the measures taken by the police.

Question 3: Please identify concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the effective implementation of the Durban Declaration and Programme of Action.

With regard to activities aimed at eliminating intolerance in Slovenian society, the Human Rights Ombudsman and the Office for Equal Opportunities should be mentioned as important institutions dealing with discrimination and its elimination. The Office also encompasses the **Advocate for Equal Opportunities for Women and Men** and the **Advocate of the Principle of Equality**. The latter performs his or her tasks independently and addresses cases of alleged discrimination in accordance with the Equal Treatment Act. The Advocate of the Principle of Equality draws attention to violations and advises on their elimination. Procedures adopted by the Advocate of the Principle of Equality are informal and free, and thus accessible to a wider public. The Advocate in addition provides general information, reports, and advice, thus underlining the importance of the prevention of discrimination.

The Government Office for National Minorities has been actively engaged in the fight against discrimination; it follows the implementation of constitutional and statutory provisions regulating the special **rights of the Italian and Hungarian national communities**, and the implementation of the special rights of the Slovenian Roma community if the latter do not come within the scope of other state or local authorities. Its recent important activities include the drafting of the **Roma Community Act** (adopted by the National Assembly in March 2007) and the **Resolution on the Italian and Hungarian National Communities** in the Republic of Slovenia (adopted by the Government in July 2007). In accordance with the

Roma Community Act, the Republic of Slovenia has been finalising a national programme of measures to improve the status of the Roma. A series of measures will be aimed at preventing intolerance and discrimination, and promoting understanding and respect for diversity.

The Ministry of Culture is responsible for the inclusion of minority community members in the field of cultural production. At the end of 2005, the Minister established an internal project group for human rights, which has thus far addressed the following areas: the implementation of international pacts on human rights, including a unified data collection method enabling reporting on the implementation of pacts to international bodies; the new Radiotelevizija Slovenija Act in connection with human rights; the social integration of vulnerable groups into cultural life and the society in general; the protection of the diverse cultural heritage, etc.

Respect for diversity and awareness of the cultures of minority communities has also been promoted by various publications (newspapers, books, etc.) prepared and issued by minority communities in Slovenia, as well as programmes on national and local radio and television stations.

In addition, numerous seminars on discrimination and minority protection have been organised for civil servants, trade unions, journalists, and others (e.g. the judiciary) who deal with various minority groups in their work. Within the project *Let's Face Discrimination*, the Human Rights Ombudsman organised numerous seminars targeted at specific groups and aimed at addressing discrimination issues.

As regards the objectives of the Durban Declaration and Programme of Action, the Equal Treatment Act as the basis for the fight against discrimination has the following features:

- It prohibits discrimination on the grounds of any personal circumstances; in this regard, the Act explicitly refers to racial, national, and ethnic origin;
- It has transposed the provisions of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (UJ L No. 180 of 19 July 2000, page 22) and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (UJ L No. 303 of 2 December 2000, page 23) into Slovenia's legal order;
- It redefines the prohibition of retaliatory measures, which refers not only to discriminated persons, but also to witnesses and other persons aiding victims of discrimination;
- It abolishes the narrow definition of adopting positive measures – the new definition includes the adoption of special measures (positive and incentive measures) by state authorities, employers, educational institutions, political parties, civil society organisations, and other entities, depending on the nature and field of their activities.

In accordance with the Criminal Procedure Act, when prosecuting criminal offences related to racism, xenophobia, and racial or religious discrimination¹, the Slovenian Police carry out tasks as determined by law (Criminal Code of the Republic of Slovenia, Article 300).

Question 4: How would your Government assess the effectiveness of the existing Durban follow-up mechanism and other relevant United Nations mechanisms dealing with the

¹ See Annex 2.

issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them?

The Slovenian Government believes that the proliferation of mechanisms addressing racism and racial discrimination can be detrimental to the fight against these scourges. Indeed, the multiplication of interlocutors at the UN level undermines their visibility and accessibility by the outside world. Moreover, there is a clear risk of overlapping and duplication. Therefore, there is a need to rationalise and streamline these mechanisms. The Durban Review Conference provides a good opportunity to decide on this rationalisation with a view to enhancing the effectiveness of these mechanisms. Until the Durban Review Conference, all the existing mechanisms should concentrate their work on their contributions to the review process without taking any new initiatives.

In this regard, the Slovenian Government would also like to use the Conference to evaluate the work done by all mechanisms created in the aftermath of Durban or by those closely related to the issue.

Question 5: What are the steps taken by your Government to ratify and/or implement the International Convention on the Elimination of All Forms of Racial Discrimination and give proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination?

As all EU Member States, Slovenia is Party to the International Convention on the Elimination of All Forms of Racial Discrimination. The Slovenian Government believes that at the international level, this is a core legal instrument and that the full implementation of the Convention is fundamental for the success of the global fight against racism. In this light, the Slovenian Government invites all states to join in the universal ratification of this instrument.

Question 6: Please identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia, and related intolerance in your country.

Cases of good practices could include various educational and training programmes, seminars, workshops, round tables, conferences, and other activities prepared, organised, and carried out by different institutions – from non-governmental organisations to state authorities, at the national as well as regional and international levels. The implementation of the above mentioned activities often includes cooperation between state authorities and non-governmental organisations. Such activities are intended for different target publics, including civil servants working within the state administration, the judiciary, and local communities, as well as trade unions, journalists, and members of communities that are or may be discriminated against, in short: the wider general public.

