



**Legebitra and ERA – LGBTI Equal Rights Association for Western Balkans and  
Turkey**

**Spotlight Report on the position of LGBTI persons  
in the  
REPUBLIC OF SLOVENIA**

CIVIL SOCIETY SUBMISSION UNDER THE PARAGRAPH 89 OF THE 2030 AGENDA (A/RES/70/1)

**1 June 2020**

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## Statement of Interest

1. ERA – LGBTI Equal Rights Association for Western Balkans and Turkey, in close partnership with its member organisation Legebitra from Slovenia, is submitting this report under the paragraph 89 of the 2030 Agenda, which focuses on the analysis of the position of LGBTI persons in the country in line with Sustainable Development Goals (hereinafter: SDGs) No. 3, 4, 5, 10, 11, 16 and 17, as well as the current situation on COVID-19 crisis.
2. ERA – LGBTI Equal Rights Association for Western Balkans and Turkey<sup>1</sup>, is an umbrella regional association operating in 9 countries (Albania, Bosnia & Herzegovina, Croatia, Macedonia, Kosovo, Montenegro, Serbia, Slovenia and Turkey) with a current membership of 66 LGBTI organisations and objectives to strengthen capacities of LGBTI organisations in the region, lobby and advocate nationally, regionally and internationally for LGBTI rights and strengthen and improve the visibility of LGBTI movement and communities.
3. The association Legebitra<sup>2</sup> (hereinafter: Legebitra) from Slovenia has evolved from an informal group called Legebitra that was founded as a project of the Student Organisation of University of Ljubljana in 1998. Its mission is to improve position of and relation to LGBT persons by continuously providing accessible, confidential and professional services. Legebitra provides support and empowerment for individuals, LGBT community, and people with HIV. Through advocacy, they contribute to improving legal protection, increasing the visibility of LGBTI people and understanding the position of people with HIV. By raising awareness of the general and professional public, they contribute to changing the attitude towards LGBTI people. With all activities, Legebitra is working towards a society where every identity is legitimate.
4. This document is supported by the following civil society organisations from Slovenia: ŠKUC Magnus, Transfeminist Initiative TransAkcija Institute.

## Overview

When talking about LGBTI issues, weighing in the fact that Slovenia is located in Europe and part of European Union, average reader would probably presume that the situation regarding LGBTI rights is good. And in many cases and in comparison to some places around the world the situation for LGBTI people is better. But what this report is revealing is a lack of understanding of administrative and legal procedures towards needs and specific of minorities, especially LGBTI and therefore lack of including LGBTI specific measures that would aim to improve the situation for LGBTI people in the country.

This report shows that Slovenia has made great progress in the field in the past, due to strong and vocal LGBTI CSOs, but for the country to continue to advance in this area, much more involvement of national government and state institutions is necessary, especially in the field of promoting tolerance, diversity and anti-discrimination measures, which will have to be structured, strategic and for it to be effective made with the dialogue with LGBTI CSOs.

The *'leave no one behind'* principle is especially relevant for LGBTI people, who have been repeatedly left behind by national and international development initiatives. Discriminatory laws, projects that don't acknowledge their specific needs and negative social attitudes have all combined to hold LGBTI people

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<sup>1</sup> For more information about ERA, please visit the website: <http://www.lgbti-era.org>

<sup>2</sup> For more information about Legebitra, please visit the website: <https://legebitra.si>

back. The impacts of this are felt by LGBTI communities in all parts of the world, including in Slovenia and result in lower income, worse health, less education, improper access to justice and more inequalities among others.

## SDG 3 – Good Health and Well-Being



In terms of achieving **target 3.8, achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all**, as well as **target 3C, substantially increase health financing and the recruitment, development, training and retention of the health workforce**, the quality of health services, especially trans-specific services is a big issue in Slovenia.<sup>3</sup> There is only one interdisciplinary team for medical gender confirmation, which includes two psychiatrists, and one pedopsychiatrist. In the process of accessing hormones, surgeries or any other trans-specific medical procedures, one of them is a gatekeeper for each case.

Trans persons who are insured can access all health services including trans-specific health care services for free. If a person is not insured, they cannot access trans-specific health services, as the clinics for individuals without insurance do not provide such services. A larger issue in Slovenia is the quality of health services, especially trans-specific services. As Slovenia is a small country, there is only one interdisciplinary team for medical gender confirmation.<sup>4</sup> Due to a numerically small population of transgender individuals, Slovenian healthcare system does not carry out some medical procedures (for example phalloplasty, vaginoplasty, metoidioplasty, etc.). Individuals who want to have these procedures must therefore go to other countries. For individuals with health insurance, the costs of those procedures are covered by the Health Insurance Institute of Slovenia. Another issue, universal to all fields in Slovenian medical system, are the waiting periods for most of the trans-specific medical procedures, which mostly extend the legally required waiting periods.<sup>5</sup> CSOs TransAkcija<sup>6</sup> and Legebitra received reports from transgender persons that the approach to trans persons by the psychiatrists and clinical psychologists is frequently demeaning, intrusive, offensive and/or based on stereotypes. Most of transgender individuals also report that they are not properly informed about the proceeding, its stages and different treatment possibilities in the medical gender confirmation process.

After years of calls about the non-formalized medical gender confirmation process from CSOs TransAkcija and Legebitra to the Ministry of Health, the ministry has summoned the Center for Mental Health to officialize the interdisciplinary team for medical gender confirmation and to increase the education of

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<sup>3</sup> [Written Contribution to the Report On Legal Gender Recognition Of Un Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity](#) submitted by ERA – LGBTI Equal Rights Association for Western Balkans and Turkey (ERA), PINK Embassy Albania, Streha LGBT (Shelter), Pro LGBT, CEL Kosova, Subversive Front, The Coalition Margins, Association Spectra, Egal, Gayten – LGBT, Legebitra, TransAkcija Institute, Pembe Hayat and SPoD on 19 June 2018

<sup>4</sup> Written Contribution on the position of LGBTI persons to the 3rd cycle of the universal periodic review of Republic of Slovenia, submitted by Legebitra, TransAkcija, Škuc Magnus and ERA – LGBTI Equal Rights Association for Western Balkans and Turkey, p.10-11

<sup>5</sup> Rules on the referral of patients, the management of waiting lists, and the maximum permissible waiting times (Official Journal of the Republic of Slovenia, no. 3/18), available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV13238>.

<sup>6</sup> For more information about TransAkcija, please visit: <https://transakcija.si/english/>

medical personnel on trans-specifics issues. In the beginning of 2020, the interdisciplinary team for medical gender confirmation has been formalized by the University Psychiatric Clinic Ljubljana.

In terms of achieving **target 3.7, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes**, many intersex persons in Slovenia have never heard of the term intersex before, but all had in common experiences of not having access to their medical records, involuntary surgeries, not understanding the course of their body's development and total silencing from their families<sup>7</sup>. The position of intersex persons in medical procedures was also discussed in the Regular Annual Report for 2019<sup>8</sup> by the Advocate of Principle of Equality at the initiative of CSOs. Among other things, they found that even some stakeholders are ignorant towards the term intersex, while same and other stakeholders are also unaware of cases of medical treatment of intersex persons. They also found that surgical interventions are performed even when they are not necessary for the health or survival of an intersex person, and that the decision-making protocols for non-urgent medical interventions for intersex people are unclear and inconsistent.

In terms of achieving **target 3.3, by 2030, end the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases, target 3.8, achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all**, and in line with **target 3C, substantially increase health financing and the recruitment, development, training and retention of the health workforce**, HIV/Aids prevention activities have been initiated by ŠKUC Magnus since 1984 on their own initiative, while Legebitra has developed a good practice of of community based testing, advocacy, support and prevention activities<sup>9</sup>. In 2018, Slovenia took important steps to prevent stigma and discrimination against people living with HIV. First, the Health Insurance Institute of Slovenia limited access to information on prescribed medication for HIV to general practitioners only. In the past, healthcare workers were able to access information on their patients' use of antiretroviral treatment. The decision was made following cooperation between Legebitra, the Department of Infectious Diseases and Febrile Illnesses of the Ljubljana University Medical Centre, and after consultation with the Ministry of Health, national Medical Ethics Commission and other relevant stakeholders<sup>10</sup>. On 10 July 2018, the second instance court in Maribor ruled in a binding judgment that the fact that in 2016, a person living with HIV was refused access to healthcare by a healthcare worker due to their HIV status, was unlawful and discriminatory. The person filed a lawsuit against the healthcare worker in 2017. This was the first court case of its kind in Slovenia<sup>11</sup>. In 2018, PrEP study has been initiated for possible implementation of granting MSM access to newest prevention methods. In 2019, the Health Insurance Institute of Slovenia, after petitions from Legebitra and other civil society organisations (incl.

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<sup>7</sup> [2019 ERA Region Annual Report 2018 for Western Balkans and Turkey, May 2019](#). p. 34

<sup>8</sup> Regular Annual Report for 2019 by the Advocate of Principle of Equality, p. 183, available at: <http://www.zagovornik.si/wp-content/uploads/2020/05/Redno-letno-poro%C4%8Dilo-2019.pdf>

<sup>9</sup> Compendium of good practices in the health sector response to HIV in the WHO European Region: <http://www.euro.who.int/en/publications/abstracts/compendium-of-good-practices-in-the-health-sector-response-to-hiv-in-the-who-european-region>

<sup>10</sup> ILGA Europe Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Slovenia covering the period of January to December 2018: <https://www.ilga-europe.org/sites/default/files/slovenia.pdf>

<sup>11</sup> ILGA Europe Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Slovenia covering the period of January to December 2018: <https://www.ilga-europe.org/sites/default/files/slovenia.pdf>

patient organizations) changed its rules regarding medications at cost above 200 euros per package (called “expensive medications”) which includes most antiretrovirals for treatment of HIV. Before the change of rules, patients could only pick up one package of these drugs per month. Once the rules were changed (effective from February 2020), patients could at once pick up expensive medications for 3 months, thereby ensuring enough medications to prevent treatment breaks.<sup>12</sup> There is existing National Strategy on prevention and managing of HIV<sup>13</sup> and Commission on AIDS meets regularly. LGBTI CSOs are part of this commission. In 2019, University Medical Centre Ljubljana issued recommendations on HIV and healthcare workers on employment of HIV positive healthcare workers and about non-discriminatory treatment of HIV positive patients<sup>14</sup>.

There are concerns about immigrants who cross the border illegally and do not request asylum. Since they do not have compulsory health insurance they cannot access HIV treatment.

According to research on MSM and drugs, only 44% of MSM reveal their sexual orientation to personal doctors, and only 40% feel they can talk about STD’s freely to their doctor<sup>15</sup>. People living with HIV have reservations to report cases of discrimination against them, due to fear of exposure<sup>16</sup>.

## SDG 4 – Quality Education

In terms of achieving **targets 4.1 (ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes), 4.5 (ensure equal access to all levels of education and vocational training for the vulnerable) and target 4A (build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all)**, while it is true that young LGBTI people experience most violence and / or discrimination on the streets (39% of respondents), based on the 2018 Pride Parade Association study a total of 29% of respondents experienced violence at schools and other education facilities.<sup>17</sup> Discrimination and violence at schools increases up to as much as 40% for trans youth.<sup>18</sup> Schools in Slovenia therefore do not represent a safe environment for LGBTI youth in the context of coming out - 54% of respondents are not out to any teacher at all, while the proportion of complete non-disclosure of respondents to other school workers, including school counselors workers, rises to 66%.<sup>19</sup> According to 2019 TransAkcija’s survey, a total of 35 % of trans youth never disclose to teachers<sup>20</sup>. Although there is one legal provision regulating the process of issuing Bachelor’s / Master’s certificates

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<sup>12</sup> <https://legebitra.si/2020/03/11/osebam-s-hivom-ni-vec-treba-dvigovati-zdravil-v-lekarnah-vsak-mesec/>

<sup>13</sup> National strategy on prevention and managing HIV 2017 – 2025:

[http://www.mz.gov.si/fileadmin/mz.gov.si/pageuploads/javno\\_zdravje\\_2015/HIV\\_IN\\_HEPATITIS/HIV\\_nac.strategija\\_2017-2025\\_web.pdf](http://www.mz.gov.si/fileadmin/mz.gov.si/pageuploads/javno_zdravje_2015/HIV_IN_HEPATITIS/HIV_nac.strategija_2017-2025_web.pdf)

<sup>14</sup> Recommendations on HIV and healthcare workers. [https://www.kclj.si/dokumenti/HIV\\_IN\\_ZDRAVSTVENI\\_DELAVCI\\_2019-fin-B.pdf](https://www.kclj.si/dokumenti/HIV_IN_ZDRAVSTVENI_DELAVCI_2019-fin-B.pdf)

<sup>15</sup> According to the Research on Chemsex in Slovenia by ŠKUC Magnus, Legebitra and Drogart.

<sup>16</sup> Source: ŠKUC Magnus HIV self-help group.

<sup>17</sup> Parade Association, study: Everyday Life of LGBTIQ + Youth, 2018, p. 22, available at: [http://www.ljubljana.pride.org/wp-content/uploads/2018/11/Vsakdanje-%C5%BEivljenje-mladih-LGBTIQ-oseb\\_eknjiga.pdf](http://www.ljubljana.pride.org/wp-content/uploads/2018/11/Vsakdanje-%C5%BEivljenje-mladih-LGBTIQ-oseb_eknjiga.pdf)

<sup>18</sup> TransAkcija’s survey: Everyday life of transgender people in Slovenia, 2019, p. 7, available at: [https://transakcija.si/wp-content/uploads/2019/11/Vsakdanje-%C5%BEivljenje-transspolnih-oseb-v-Sloveniji-raziskovalno-poro%C4%8Dilo-2019\\_compressed.pdf](https://transakcija.si/wp-content/uploads/2019/11/Vsakdanje-%C5%BEivljenje-transspolnih-oseb-v-Sloveniji-raziskovalno-poro%C4%8Dilo-2019_compressed.pdf).

<sup>19</sup> (Parade Association study Everyday Life of LGBTIQ + Youth, p. 8, available at: [http://www.ljubljana.pride.org/wp-content/uploads/2018/11/Vsakdanje-%C5%BEivljenje-mladih-LGBTIQ-oseb\\_eknjiga.pdf](http://www.ljubljana.pride.org/wp-content/uploads/2018/11/Vsakdanje-%C5%BEivljenje-mladih-LGBTIQ-oseb_eknjiga.pdf).

<sup>20</sup> TransAkcija’s survey: Everyday life of transgender people in Slovenia, 2019, p. 6, [https://transakcija.si/wp-content/uploads/2019/11/Vsakdanje-%C5%BEivljenje-transspolnih-oseb-v-Sloveniji-raziskovalno-poro%C4%8Dilo-2019\\_compressed.pdf](https://transakcija.si/wp-content/uploads/2019/11/Vsakdanje-%C5%BEivljenje-transspolnih-oseb-v-Sloveniji-raziskovalno-poro%C4%8Dilo-2019_compressed.pdf).



reflecting one's gender,<sup>21</sup> other educational institutions are reluctant to change gender on educational certificates. This is very concerning, as Slovenian language is gender specific and gender is reflected in the title(s) acquired during education and presents a major obstacle for trans persons to either continue with their education or enter the labour market <sup>22</sup>.

When it comes to achievement of **target 4.7 (ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality)** and **target 4.A (build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all)**, the Government of Slovenia sets key objectives, but the actual content of the curriculum and school management is up to the schools. Although teaching diversity is mandatory, this is not implemented very well. Sex education is not mandatory and depends on individual teachers. A review of sexual education in all Slovenian schools in 2015 showed that sex education depends on the skills and attitudes on individual teachers and lack any attention to emotions or sexual rights. 15 % of LGBTI youth that participated in FRA survey released in 2020 said that they felt discriminated against due to being LGBTI by school/university personnel<sup>23</sup>. Two researches explicitly stated that school environment as dangerous place for LGBTI youth<sup>24</sup>. Slovenia has no national anti-bullying strategy<sup>25</sup>. The attitudes towards LGBTI were relatively positive and a small majority of teachers is for more attention to sexual diversity in schools. But negative media attention for two failed referenda about marriage equality may have turned public attitudes to be more negative and fellow students to be more discriminatory<sup>26</sup>. In addition, 71 % of respondents in 2020 FRA LGBTI survey said that during their education topics regarding LGBTI issues were not addressed<sup>27</sup>, while 15 % of respondents who were targets of physical or sexual attack because they were LGBTI, named that perpetrator was someone from the school, collage and university<sup>28</sup>.

## SDG 5 – Gender Equality and Empowerment of all Women and Girls

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<sup>21</sup> University of Ljubljana, Rules on graduate diplomas and other public documents of the University of Ljubljana (Official Journal of the Republic of Slovenia, no. 24/18), available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV13487>.

<sup>22</sup> [Written Contribution to the Report on Legal Gender Recognition of UN Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity](#), ERA and 15 other CSOs, June 2018, p. 22

<sup>23</sup> FRA LGBTI Survey 2020, country: Slovenia, LGBTI group: all: [https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer?locale=EN&dataSource=LGBTI&media=png&width=740&topic=2.+Discrimination&question=DEXindd1\\_2E&subset=AllSubset&country=SI&superSubset=0--All&plot=inCountry&M2V=inCountry](https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer?locale=EN&dataSource=LGBTI&media=png&width=740&topic=2.+Discrimination&question=DEXindd1_2E&subset=AllSubset&country=SI&superSubset=0--All&plot=inCountry&M2V=inCountry)

<sup>24</sup> [Written Contribution on the position of LGBTI persons to the 3rd cycle of the universal periodic review of Republic of Slovenia](#), submitted by Legebitra, TransAkcija, Škuc Magnus and ERA – LGBTI Equal Rights Association for Western Balkans and Turkey, p.8-9

<sup>25</sup> GALE European Report 2017 on the Implementation of the Right to Education for Students who are Disadvantaged because of their Expression of Sexual Preference or Gendered Identity, p. 300: <https://www.gale.info/doc/galeproducts/GALE-European-report-2017.pdf>

<sup>26</sup> GALE European Report 2017 on the Implementation of the Right to Education for Students who are Disadvantaged because of their Expression of Sexual Preference or Gendered Identity, p. 300: <https://www.gale.info/doc/galeproducts/GALE-European-report-2017.pdf>

<sup>27</sup> FRA LGBTI Survey 2020, country: Slovenia, LGBTI group: all: [https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer?locale=EN&dataSource=LGBTI&media=png&width=740&topic=1.+Living+openly+and+daily+life&question=DEXc10\\_1&subset=AllSubset&country=EU27&superSubset=0--All&plot=inCountry&M2V=inCountry](https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer?locale=EN&dataSource=LGBTI&media=png&width=740&topic=1.+Living+openly+and+daily+life&question=DEXc10_1&subset=AllSubset&country=EU27&superSubset=0--All&plot=inCountry&M2V=inCountry)

<sup>28</sup> FRA LGBTI Survey 2020, country: Slovenia, LGBTI group: all: <https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer?locale=EN&dataSource=LGBTI&media=png&width=740&topic=3.+Violence+and+harassment&question=DEXe6&subset=AllSubset&country=SI&superSubset=0--All&plot=inCountry&M2V=inCountry>



In terms of achieving **targets 5.1, end all forms of discrimination against all women and girls everywhere, 5.2, eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation and target 5.C, adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels**, Slovenia ratified the Istanbul convention on 5 February 2015<sup>29</sup>. On April 7 the Government established Inter-Ministerial Working Group for monitoring the implementation of this Convention<sup>30</sup>. However, no specific action was taken to promote actions that would specifically target the well being of minority groups of women (such as lesbians, trans women).

## SDG 10 – Reduced Inequalities



In terms of achieving **target 10.3, ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard and target 10.4, adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality**, Law on civil partnerships was put in public discussion by Ministry of Labour, Family, Social Affairs and Equal Opportunities in 2014, long after Family law, that would bring civil partnerships to same-sex couples was rejected on referendum in 2012<sup>31</sup>. The law on civil partnership never moved from public discussion and was never put into parliamentary procedure, since later in 2014, opposition party United Left put into the parliamentary procedure amendment to existing Marriage and Family Relations Act, which would make same-sex partnerships completely equal to heterosexual partnerships. In 2015, Zavod Open, Peace institute and Legebitra collaborated on an analysis of Slovenian legislature that showed that same-sex couples are discriminated against in more than 70 laws<sup>32</sup>. In spring 2015, amendment was approved by the Parliament, but later the referendum was held where the amendment was overthrown<sup>33</sup>. Two days later, the Civil union Act<sup>34</sup> was put to parliamentary procedure by an independent member of parliament and later adopted.

The Civil union Act<sup>35</sup> abolishes discrimination in almost 70 laws. In legislature, the difference is still present in access to joint adoption for same-sex partners (it is explicitly excluded) and access for single women to procedures of infertility treatment is strictly forbidden (only married women and men and those living in

<sup>29</sup> Act Ratifying the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, <https://www.uradni-list.si/1/objava.jsp?sop=2015-02-0001>

<sup>30</sup> Decision concerning the establishment of interministerial working group for monitoring the implementation of Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence [http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti\\_pdf/enake\\_moznosti/IstanbulskaSklepUstanovitev.pdf](http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/enake_moznosti/IstanbulskaSklepUstanovitev.pdf)

<sup>31</sup> [http://mddsz.arhiv-spletisc.gov.si/si/medijsko\\_sredisce/novica/7404/](http://mddsz.arhiv-spletisc.gov.si/si/medijsko_sredisce/novica/7404/)

<sup>32</sup> [https://legebitra.si/wp-content/uploads/2016/01/Pravni-polozaj-istospolnih-partnerstev-in-star%C5%A1evstva\\_feb\\_2015.pdf](https://legebitra.si/wp-content/uploads/2016/01/Pravni-polozaj-istospolnih-partnerstev-in-star%C5%A1evstva_feb_2015.pdf)

<sup>33</sup> <https://www.rtvlo.si/slovenija/referendum/pobudnikom-referenduma-uspelo-sprememba-zakona-o-zakonski-zvezi-zavrjnena/381559>

<sup>34</sup> This law was based on Law on civil partnership from 2014.

<sup>35</sup> Civil Union Act (Official Journal of the Republic of Slovenia, no. 33/16), available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7434>.

non-marital partnerships have access)<sup>36</sup>. Additionally, the Civil Union Act states that partners in civil union or in non-formal civil union are not eligible to procedures of infertility treatment and procedures of biomedical-assisted procreation. Therefore, the ban to access fertility treatment goes towards same-sex couples and single women.

Given that the Civil Union Act states that civil union has same legal consequences as marriage unless stated differently in the law itself, throughout 2019 Legebitra has been in dialogue with state institutions regarding cases where same-sex couples have children. Before that, the parent who did not give birth to the child had to undergo second parent adoption, which is disproportionate when comparing to heterosexual couples, where presumption of paternity for married couples and acknowledgement of paternity in civil partnerships is respected. Throughout 2019 presumption of paternity became available for female same-sex couples in civil union, meaning that when the child is born, both of the mothers' names are written in the child's birth certificate, under the section "Information about the parents".

Blood transfusion in Slovenia still discriminates men who have sex with men (hereinafter: MSM), in largest proportions gay and bisexual men. Although, they claim, that the regulation is not aimed towards gay men, but based on the fact that MSM are a high risk group for HIV transmission<sup>37</sup>, they stipulate that men who had at any time sexual relations with another man cannot be blood donors, therefore ignoring scientifically based window periods for HIV infections. On the other hand, high risk sexual behavior of heterosexual persons is not an exclusion criterion for blood donation. It is therefore our conclusion that these exclusion criteria are based on sexual orientation rather than risky sexual behaviour. In 2018 Ombudsman recommended to the ministry that they should check if there is any appropriate legal basis for permanent exclusion of men who have sex with men from donating blood<sup>38</sup>.

## SDG 11 – Sustainable Cities and Communities



In terms of achieving **target 11.2, by 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons, target 11.7, By 2030, provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities**, and in line with **target 11.A, support**

**positive economic, social and environmental links between urban, peri-urban and rural areas by strengthening national and regional development planning**, most public events of LGBT community are held in the capital of Ljubljana, where most LGBT organisations are based. These include cultural and activist activities, as well as places of association like clubs and bars. Other cities in Slovenia have no places operated by and for the LGBTI community. Some youth centres in rural environment have recently adopted some LGBT programmes<sup>39</sup>.

<sup>36</sup> Infertility Treatment and Procedures of Biomedical-assisted Procreation Act (Official Journal of the Republic of Slovenia, no. 70/00 in 15/17 – DZ), available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO2518>.

<sup>37</sup> The Blood Transfusion Centre of Slovenia explanation on exclusion of MSM from blood donation <http://www.ztm.si/pojasnilo/>

<sup>38</sup> Annual Report of the Ombudsman for 2018, p. 421, available at: [http://www.varuh-rs.si/fileadmin/user\\_upload/pdf/lp/VARUH\\_LP2018.pdf](http://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/VARUH_LP2018.pdf).

<sup>39</sup> As stated by members of LGBTI communities in Slovenia.

In 2014, Legebitra organised the first national expert meeting on transgender issues – TransMisija, which is now organised every year in November by TransAkcija. Since its' establishment in 2015, Legebitra has been cooperating with TransAkcija especially on the issue of legal gender recognition<sup>40</sup>.

On local level, Municipality of Ljubljana is actively supporting LGBTI issues, through specifically mentioning LGBTI topics in their strategy for development of social welfare in Ljubljana<sup>41</sup>, and their program LGBT friendly certificate<sup>42</sup>. Apart from that, there is no LGBTI strategy or action plan on national or local level. For the last 5 years Legebitra is holding regular non formal gatherings for LGBTI people in some regional junctions to try to decentralise LGBTI activities. Same with hiv testing for men who have sex with men, they are also held outside of Ljubljana in regional junctions on regular basis by Legebitra.

According to the recent data, 21% of LGBTI people are not open about their sexual orientation, while 42% are mostly not open. 43% avoid certain places due to safety reasons, while 61% of same-sex couples avoid holding hands in public for fear of being assaulted, 56% believed that about expressions of hatred and aversion. 51% thought that politicians commonly use offensive language about LGBTI people, while 27% viewed assaults and harassment of LGBTI people as routine<sup>43</sup>. In FRA LGBTI survey 31 % of respondents said that they always avoid holding hands in public with their partner for fear of being assaulted. 33 % of respondents often avoid holding hands because of the same reason.

## SDG 16 – Peace, Justice and Strong Institutions

When it comes to achieving **target 16.3, promote the rule of law at the national and international levels and ensure equal access to justice for all**, and **target 16.10, ensure public access to information and protect fundamental freedoms, according to the recent data**, more than a half of LGBTI people in Slovenia are uninformed about anti-discrimination laws that protect LGBTI people. When stating reasons for not reporting the most recent incident of discrimination, 52% said nothing would happen or change, 33% said they did not want to reveal their sexual orientation and/or gender identity and/or sex characteristics, while 37% that it is not worth reporting it<sup>44</sup>- it happens all the time. There is no specific legal coverage or legal protection for intersex persons within Slovene legislation, however it could be

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<sup>40</sup> Written Contribution to the Report on Legal Gender Recognition of UN Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity, ERA and 15 other CSOs, June 2018, p. 23: <http://www.lgbti-era.org/sites/default/files/pdfdocs/Report%20on%20Legal%20Gender%20Recognition%20in%20the%20Western%20Balkans%20and%20Turkey.pdf>

<sup>41</sup> Strategy for development of social security in Ljubljana <https://www.ljubljana.si/assets/Uploads/Strategija-razvoja-socialnega-varstva-v-MOL-za-obdobje-od-2013-do-2020.pdf>

<sup>42</sup> LGBT Friendly: <https://www.ljubljana.si/si/moja-ljubljana/lgbt/certifikat-lgbt-prijazno/>

<sup>43</sup> Life on the Margins: Survey Results of the Experiences of LGBTI People in Southeastern Europe, World Bank in cooperation with IPSOS, ERA and The Williams Institute, September 2018, p. 15, 17, 18, 29: <http://www.lgbti-era.org/sites/default/files/pdfdocs/0354%20Life%20on%20the%20Margins%20Survey%20results%20of%20the%20living%20experiences%20of%20lgbti%20people%20in%20south%20eastern%20europe-ilovepdf-compressed.pdf>

<sup>44</sup> FRA Survey 2020: [https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer?locale=EN&dataSource=LGBTI&media=png&width=740&topic=2.+Discrimination&question=DEXreason\\_not\\_rep&subset=AllSubset&country=SI&superSubset=0--All&plot=inCountry&M2V=inCountry](https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer?locale=EN&dataSource=LGBTI&media=png&width=740&topic=2.+Discrimination&question=DEXreason_not_rep&subset=AllSubset&country=SI&superSubset=0--All&plot=inCountry&M2V=inCountry)



possible that sex characteristics would be considered a means of protection under the Law of protection against discrimination (2016)<sup>45</sup>.

In terms of achievement of **target 16.A, strengthen relevant national institutions, and the indicator 16.A.1 on existence of independent national human rights institutions in compliance with the Paris Principles**, with the establishment of Advocate of Principle of Equality, Slovenia got the new institution that could be helpful with tackling discrimination.

In April 2019 Ombudperson met with Legebitra after he was named to the function and he expressed support towards cooperation in future. However they declined meeting with OII Europe stating lack of time of office personnel.

In 2018 the Council for Human rights was established by the Ombudsperson. No LGBTI organizations/sector were appointed to the council<sup>46</sup> in 2018 or 2019<sup>47</sup>.

When it comes to achieving **target 16.1, significantly reduce all forms of violence and related death rates everywhere and its indicators 16.1.3, 16.1.4**, and with reference to SDG 11, according to the FRA 2020, 32 % of respondents hide being LGBTI at work and 47 % hide LGBTI identity in school. 24 % always or often avoid certain places or locations of fear of being assaulted, threatened or harassed due to being LGBTI. while 64% of same-sex couples always or often avoid holding hands in public for fear of being assaulted.<sup>48</sup> 51% thought that politicians commonly use offensive language about LGBTI people<sup>49</sup>. 60% of LGBTI people in Slovenia had personally been harassed in the past five years, 78% stated the most serious incident of harassment occurred in person, with 30% not reporting the most serious case of harassment to the police thinking they would not do anything and 23% thinking they could not do anything. 22% have been physically/sexually assaulted or threatened with violence at home or elsewhere, where physical assault was present in 31% of the cases. The percentage of not reporting the case is even higher than with harassment<sup>50</sup>.

In recent years, CSO Legebitra has established dialogue with the leadership of Slovenian Police force. In 2020 they started working together on a project called Trust Co(o)p. One of the goals of the project is to train the police officers on how to deal with LGBTI victims of hate crime and to establish police LGBTI liaisons who will provide victim support in cases of police processing of hate crime based on sexual orientation and/or gender identity/expression and sex characteristics. However, now the police does not collect data regarding violence that has been committed on the basis of sexual orientation, gender identity and expression and sex characteristics (hereinafter: SOGIESC). The police only record crimes initiated by hate, but it does not differentiate between different grounds on which the hatred is based. The real

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<sup>45</sup> Under "and other personal circumstances" part of the provision of the law.

<sup>46</sup> <http://www.varuh-rs.si/o-instituciji/podrocja-dela-varuha/svet-varuha-za-clovekove-pravice/>

<sup>47</sup> <http://www.varuh-rs.si/o-varuhu/organizacijske-enote-in-svet-varuha/svet-varuha-za-clovekove-pravice/levi-meni/predstavitev/?categories>

<sup>48</sup> FRA Survey 2020: [https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer?locale=EN&dataSource=LGBTI&media=png&width=740&topic=1.+Living+openly+and+daily+life&question=DEXavoid\\_hands&subset=AllSubset&country=SI&superSubset=0--All&plot=inCountry&M2V=inCountry](https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer?locale=EN&dataSource=LGBTI&media=png&width=740&topic=1.+Living+openly+and+daily+life&question=DEXavoid_hands&subset=AllSubset&country=SI&superSubset=0--All&plot=inCountry&M2V=inCountry)

<sup>49</sup> [Life on the Margins: Survey Results of the Experiences of LGBTI People in Southeastern Europe](#), World Bank in cooperation with IPSOS, ERA and The Williams Institute, September 2018, p. 15, 17, 18, 29

<sup>50</sup> [Life on the Margins: Survey Results of the Experiences of LGBTI People in Southeastern Europe](#), World Bank in cooperation with IPSOS, ERA and The Williams Institute, September 2018, p. 57,59, 63, 69, 74

number of committed violence and harassment based on SOGIESC is unknown, since most of it stays unreported even to CSOs. That is why Legebitra collects statistical information on hate crimes based on sexual orientation, gender identity and / or sexual expression through the <https://niprav.si/> application. An individual who has experienced hate crime or has witnessed it can enter all known information into the application. Registration can be anonymous. As part of the application, they can also make records of violence, which has been described in various media. In 2019, Legebitra recorded 4 cases of violence based on sexual orientation, 2 based on sexual expression and 2 based on all three personal circumstances (sexual orientation, sexual identity and sexual expression). Legebitra also recorded 2 more cases of violence based on other personal grounds. Among the detected hate crimes, one occurred in Murska Sobota<sup>51</sup> where the victim was attacked and severely beaten, while being called fagot, and another happened a month later in Ljubljana's LGBTI clubs Tiffany<sup>52</sup> and Monokel<sup>53</sup>. The attackers broke the front door of the building and wanted to get to the staff of the clubs while smashing the hall, yelling and threatening the staff, who managed to hide in the interior. Police is still looking for perpetrators.

When it comes to achievement of **targets 16. B (enforce non-discriminatory laws and policies for sustainable development)** and **16.3 (equal access to justice for all)**, there is no specific hate crime legislation in Slovenia. The Criminal Code only prohibits public incitement to hatred in article 297, which has been rarely used at the courts<sup>54</sup>. In the meeting held with Legebitra, police officials stated they know that violence against LGBTI people happens, it is just not reported in the system and statistics. The lack of special provision discourages LGBTI persons from reporting their cases and consequently confine their access to justice.

The term hate speech is not included in Slovenian legislature. Same as with hate crime, the Criminal Code only prohibits public incitement to hatred in article 297. The European Commission against Racism and Intolerance (ECRI) also called on Slovenia to amend the legislation on hate crime and hate speech in their 2019 Report on Slovenia.<sup>55</sup>

## SDG 17 – Partnership for the Goals



In terms of achieving **target 17.17, encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships**, most of LGBT CSOs are funded through projects and programs. The state does not provide core funding or operational funding for LGBT CSOs. In recent years government opened one call to specifically address discrimination of LGBTI people among other vulnerable groups (people with different abilities, Roma and LGBTI). The grant was awarded to consortium

<sup>51</sup> <https://www.zurnal24.si/magazin/vip/partnerja-znanega-slovenca-brutalno-pretepli-lezi-v-bolnisnici-335535>

<sup>52</sup> See more on the attack here: <https://www.lgbti-era.org/news/attack-tiffany-club-ljubljana-slovenia>

<sup>53</sup> <https://legebitra.si/en/2019/11/01/at-legebitra-we-strongly-condemn-and-call-for-condemnation-of-the-latest-attacks-against-lgbt-people-in-slovenia/>

<sup>54</sup> Attack by neo-Nazi group on LGBT Café Open in a week leading to the ninth Pride Parade in Ljubljana in 2009 was the first one to be successfully processed on the basis of article 297 of the Penal Code. However, due to a procedural error (police kept the DNA of the accused, on the basis of which the attackers were found, beyond the legally allowed time period) the court decision was later annulled and the three men were set free.

<sup>55</sup> The European Commission against Racism and Intolerance (ECRI), Fifth report on Slovenia, 2019, p. 35, available at: <https://rm.coe.int/fifth-report-on-slovenia/168094cb00>.

without any LGBTI NGO<sup>56</sup>. In most cases, CSOs are part of specific interdisciplinary commissions (Human rights, Istanbul convention, Council for NGOs etc.). In cases of decision making and consulting CSOs and other stakeholders about legislative changes, based on monitoring<sup>57</sup> by Centre for Non-governmental organisations in Slovenia, Government has breached the Resolution on Legislative Regulation<sup>58</sup> in 54%. NGOs are often not included into working groups pertaining to specific fields and drafting of new regulations, most recent example being that the government has formed a working group on Legal gender recognition where NGOs were not invited to participate.

In Slovenia there is also absence of a point on the side of policymakers (government) who would be our central interlocutor and who would engage in dialogue with civil society in providing access to LGBTI rights, such as is established for other personal circumstances (Directorate for Disabled Persons, War Veterans and Victims of War Violence, Office of the Government of the Republic of Slovenia for Nationalities ...), which lead to difficulties for LGBTI NGOs to hold a constant and meaningful dialogue. There is also no comprehensive action plan or strategy in the field of LGBTI equality (or tackling discrimination in general).

## Impact of COVID-19 crisis

### **Social distancing, isolation, quarantine**

Legebitra counseling program and youth program coworker were approached by a large number of students who were forced to move out of the student residence halls because of a governmental measure but could not return to their primary settings since they had extremely poor relationships with their parents or caretakers or they were unwanted to return because of their sexual orientation and/or identity. As a result, this can force LGBTI people to live on the streets and increase homelessness. The student residence halls, after the intervention of the student organizations, remained open and residence is allowed for those who have no alternative residence. The above does not apply to people who were staying in secondary school student residence, and their only option was to return to their homes, as well as to those who did not seek for options to stay in student residence halls (contacted us or students organizations for help).

Some users that could return to their environments are not disclosed at home, because these environments are homophobic, transphobic, biphobic, so they were generally avoiding them. But now they are forced to return to dangerous environments due to loss of income and loss of places in student residence halls, where they now experience even greater hardship. Income shortages also mean that LGBTI people may be forced to move out of their apartments due to their inability to pay rent, which increases the risk of homelessness among LGBTI people.

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<sup>56</sup> <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2018005400004/javni-razpis-za-sofinanciranje-projekta-nevladnih-organizacij-na-podrocju-enakih-moznosti-in-diskriminacije-st--5445-220187-ob-265818>

<sup>57</sup> Monitoring of Breches of Resolution on Legislative Regulation: <https://www.cnvos.si/stevec-krsitev/predpisi/ministrstvo-za-delo-dru%C5%BEino-socialne-zadeve-in-enake-mo%C5%BEnosti/>

<sup>58</sup> Resolution on Legislative Regulation: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5516>

Increasing risk factors for domestic or partnership violence: We estimate that there is an increase in various forms of violence, which we do not yet have more detailed information on due to measures tailored access to assistance programs. However, users are notifying us of:

- increased intensity of anxiety, sexual dysphoria and depression in young people who have stayed in public institutions before introducing the measures and whose parents do not accept their gender and/or sexual orientation;
- increase of strained family relationships and quarrels as a result of prohibition of movement and financial distress of parents due to the measures taken, and thus an increase in the personal distress of adolescents;
- an increase in outspoken hate speech that they, in given situation, cannot avoid

### **Health**

Temporary suspension on HIV and other sexually transmitted infections (STIs) testing in communities of men who have sex with men (MSMs) and impaired medical activities that enable treating of HIV and other STIs. There is a risk of increase of new HIV infections and other STIs in the months following the epidemic. Because of stopping the provision of health services for non-life threatening conditions access to procedures such as hormone therapies, surgeries for people in the early stages of transition and further specialized treatment for those already in transition has become difficult or almost impossible.

Occurring difficulties in accessing medicines and health services for non-EU residents who live with HIV and were forced to stay in Slovenia due to border closures.

### **Loss of income**

A larger number of our users have reported about economic problems they face due to the loss of income. It is harder for LGBTI persons and other minorities to find a job even in general let alone in times of crisis, that is why many apply for various types of precarious work, which in most cases is now unavailable. Also, a large percentage of our users are students, whose only income that allowed them to study, was student work, which they currently cannot do.

## **List of Recommendations**

In order to secure the achievement of the targets set within SDGs and in line with the *leave no one behind* principle, we propose the following list of recommendations to be considered when reflecting the position of LGBTI persons in Slovenia:

- 1. Ensure that all awareness-raising activities related to the Istanbul convention include vulnerable groups of women, mentioned in explanatory memorandum of the Convention, especially lesbians, bisexual women and transgender persons, as well as all LGBTI topics in order to achieve equality in Slovenia;**
- 2. Amend the current legislation to allow access to joint adoption for same-sex partners, as well as fertility treatment for same-sex couples and single women;**
- 3. Remove any provisions related to blood transfusion that discriminate men who have sex with men as blood donors;**

4. Establish LGBTI focal point inside governmental structure that would hold a dialogue with LGBTI CSOs and encourage progress in the field of LGBTI rights and life as it is formed in many European countries and is already formed for some other personal grounds in Slovenia;
5. Introduce strategies on tackling violence and discrimination against LGBTI persons, including within educational and employment system, accompanied by relevant action plans of implementation on national level and within local governments in the country and develop programs for LGBT youth safe houses;
6. Continue and further strengthen cooperation between Police and LGBTI civil society organizations, implement planned trainings about LGBTI issues to police representatives, establish specialized LGBTI contact points within every police department in the country and introduce data collection regarding violence committed on the basis of SOGIESC;
7. Amend the Criminal Code of Slovenia to introduce explicit definition of hate crime as an aggravating circumstance on the basis of, *inter alia*, SOGIESC;
8. Amend criminal legislation in order to ensure higher protection from hate speech based, *inter alia*, on SOGIESC;
9. Adopt a Rulebook on miscellaneous criteria for recognizing the form of discrimination by employees, children, pupils or third parties in educational system that will include SOGIESC as protective grounds and introduce safe points (contacts) for LGBTI youth in schools;
10. Provide support to LGBTI civil society in organizing public campaigns and events to increase the visibility of intersex persons;
11. Ensure the prohibition of non-urgent operations on intersex persons and ensure provision of adequate medical, psychological and social support to intersex persons and their families and establish adequate protocols and annual data gathering on intersex related diagnosis and medical interventions in state medical centers and private practices;
12. Amend antidiscrimination legislation to include sex characteristics as a personal ground of protection from discrimination;
13. Provide support to trans civil society organizations in organizing public campaigns and events to increase the visibility of trans persons and combat prejudices, stereotypes, hate speech, transphobia and discrimination; as well as events and services for trans community in order to increase, *inter alia*, the awareness on how to combat their human rights violations and sustain their well-being;
14. In cooperation with trans civil society organizations, introduce precise protocols and guidance on legal gender recognition and trans affirming health care, based on person's self-determination and in line with international standards and best practices;
15. In cooperation with trans civil society organizations, provide trainings on the position of trans individuals to medical staff, improve trans-specific health services and eliminate discriminatory and transphobic treatment by medical staff, and provide trainings on the position of trans individuals to staff in educational facilities, including public and private schools and universities, in order to eliminate gender-based discrimination and transphobia and secure safe space for trans individuals within the educational system;
16. Introduce bylaws that will provide mechanisms for protection from transphobia and gender-based discrimination made by civil servants, including, *inter alia*, educational staff, medical staff and state administration staff; and secure changing gender in individual's educational

certificates based on their self-determination and in line with international standards and best practices;

17. In cooperation with CSOs working closely on HIV/AIDS, continue combating stigma, exclusion and discrimination based on HIV/AIDS status by introducing public awareness-raising campaigns, trainings for medical staff, ensuring effective implementation of National Strategy on prevention and managing of HIV, holding regular meetings of Commission on AIDS and secure availability of PrEP as prevention method against HIV to all MSM in need;
18. In cooperation with LGBTI CSOs, introduce safe spaces and public events for LGBTI communities living outside the capital of Ljubljana;
19. Secure sustainable core and operational funding for LGBTI CSOs and secure adequate representation of LGBTI CSOs in decision-making and consultative processes related to LGBTI legal and policy frameworks on local and national level;
20. Provide trainings of medical staff concerning reasons for drug use among LGBTI population and develop adequate rehabilitation programmes;

## ANNEX

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