

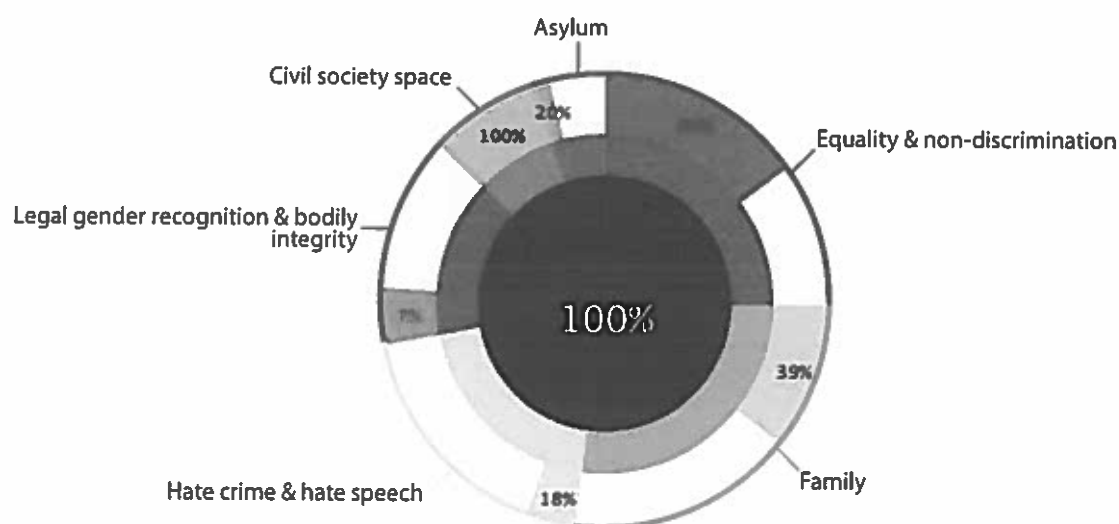
Slovenia



The main developments in Slovenia during 2016 involved legislation – both the passage of LGBTI-inclusive laws and subsequent attempts to repeal them. New grounds were added to an updated anti-discrimination law, meaning people are now protected against discrimination based on their sexual orientation, gender identity and gender expression. Following the rejection of equal marriage legislation in a popular vote in 2015, a proposal for a more inclusive form of civil partnership was put forward by an independent MP. This was finalised, meaning that, in 2017, same-sex couples in civil partnerships will enjoy the same rights as married couples (with the exceptions of adoption and access to in-vitro fertilisation). Both the Civil Partnership Act and the Protection against Discrimination Act were among the list of laws that a workers' union made efforts to repeal, via a signature collection campaign. Fortunately, their attempts were unsuccessful, as the Constitutional Court ultimately dismissed the petition.

For more information on developments in 2016, visit www.rainbow-europe.org where you can read the full country chapter.

Legal and policy situation in **Slovenia** as of 31 December 2016



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➡ Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as sterilisation, GID/medical diagnosis, or surgical/medical intervention).
- ➡ Introducing laws designed to tackle hate crime that contain express mention of all SOGISC (sexual orientation, gender identity, sex characteristics) grounds.
- ➡ Drafting and adopting legislation to allow same-sex couples to have access to joint adoption.

Equality and non-discrimination

- On 21 April, the National Assembly voted to pass a new anti-discrimination law (replacing the previous Implementing the Principle of Equal Treatment Act dating from 2004) by 50 votes to 17. The Protection against Discrimination Act extended the number of specific discrimination grounds and introduced a new independent equality advocate mechanism. Sexual orientation, gender identity and gender expression were expressly included in the list of protected grounds. The law's provisions are applicable to areas of life including employment and work, education, social security, social benefits, access to goods and services. The act was signed by the president and entered into force on 24 May.
- A trade union representing migrant workers began a signature collection campaign to repeal six pieces of legislation. One of the laws concerned was the Protection against Discrimination Act passed by parliament in April (see above and **Family**). On 28 April, the Union of Migrant Workers of Slovenia tabled a referendum request but this was refused by the National Assembly's President on 5 May. Milan Brglez (Modern Centre Party, SMC; centre-left) said that the petition was abusing the laws around the right to a referendum. The union subsequently lodged a constitutional complaint on 10 May against Mr Brglez's decision. On 14 July, the Constitutional Court dismissed the petitions to hold a referendum on the six laws and the complaint against Milan Brglez. This prompted trade union representatives to issue a statement, outlining their intention to start European Court of Human Rights proceedings.

Family

- A bill proposed by Jani Moderndorfer MP (independent) to extend greater equality to same-sex couples in civil partnerships was passed on 20 April. It entered into force on 24 May but its practical application was deferred until 24 February 2017. The Civil Partnership Act means that same-sex couples will enjoy the same rights as married couples, except for access to joint adoption and in-vitro fertilisation. (The Moderndorfer bill was originally submitted to parliament in December 2015,

after an amendment to the law on marriage, designed to open access to marriage to all couples, was defeated by a referendum.) A challenge to the Act's implementation was also raised by a trade union representing migrant workers (initiated alongside a similar petition against the anti-discrimination law) but this was also dismissed by the Constitutional Court.

Foreign policy

- On 13 July, during the Montevideo Global LGBTI Human Rights Conference, Slovenia, together with 30 other states, joined the Equal Rights Coalition, a coalition committed to work towards equal rights and the eradication of discrimination and violence against LGBTI people.

Sexual and reproductive rights

- The Constitutional Court, at a sitting on 1 December, dismissed a request from a group of MPs to assess the constitutionality of the Law on Infertility Treatment. The act, dating from 2000, restricted the availability of assisted reproductive procedures to married couples or men and women living in a "consensual union". In 2014, a group of 61 MPs argued that this restriction was unconstitutional but the Court rejected the request to review the act, saying that as the group of MPs were themselves an absolute majority of parliament at the time of the request, then they could have amended the law if they believed it was unconstitutional.