



NATIONAL ACTIVITY REPORT SLOVENIA ANTI-DISCRIMINATION AND DIVERSITY TRAINING

Peace Institute – Institute for Contemporary Social and Political Studies

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This project and publication has been commissioned by the European Commission under the framework of the European Community Action Programme to combat discrimination (2001-2006). This programme was established to support the effective implementation of new EU anti-discrimination legislation. The six-year Programme targets all stakeholders who can help shape the development of appropriate and effective anti-discrimination legislation and policies, across the EU-25, EFTA and EU candidate countries.

The training manuals used in the anti-discrimination seminars and the diversity management seminar can be downloaded from the European Commission website:

http://ec.europa.eu/employment_social/fundamental_rights/public/pubst_en.htm#train

The Anti-discrimination and Diversity training project was managed by Human European Consultancy (humanconsultancy.com) in consortium with the Migration Policy Group (www.migpolgroup.com) and the International Society for Diversity Management – idm (www.idm-diversity.org).

The national activities were carried out by the Peace Institute – Institute for Contemporary Social and Political Studies (www.mirovni-institut.si).

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II. Introduction

The seminars took place as follows:

- Anti-discrimination seminar for NGOs and trade unions titled *Together against discrimination*, 19-20 September 2007
- Diversity management seminar for companies and organizations titled *Diversity management – From theory to practice*, 17 January 2008
- Follow up Anti-discrimination seminar for NGOs and trade unions titled *Non-discrimination – From theory to practice*, 12-13 March 2008.

All three seminars were organized in City Hotel Ljubljana. The first seminar (anti-discrimination) was attended by 38 participants. The second seminar (diversity management) was attended by 37 participants. The third seminar (follow up anti-discrimination) was attended by 29 participants.

III. Anti-discrimination seminars

a) National activities anti-discrimination seminars

Design of the training

Both anti-discrimination seminars were facilitated by Neža Kogovšek (Peace Institute), Admir Baltić (Bosniak Cultural Association), Klaudija Poropat (YHD – Association for Culture and Theory of Handicap), Katarina Bervar Sternad (who was at the follow up training replaced by Vita Habjan, both from Legal Information Centre for NGOs – PIC), Miha Nabergoj (High Court Ljubljana) and Andreja Mrak, Amnesty International Slovenia (who was at the follow up training replaced by Ana Matoz, Legal Information Centre for NGOs – PIC).

The first seminar was organized in one big plenary room, while in addition to that another smaller room was available for group work. The content of the seminar was the same as at the seminar on 15-16 June 2005 in Ribno Bled, organized within the project Mapping Capacity of Civil Society dealing with Anti-Discrimination, except for the preparations of the new up-dated power point presentations. The third seminar was organized in one big plenary room. There were no tables in the room; the chairs were organized in smaller circles. Each group, organized in circles, had their own flip chart which they could use for presentations. This setting was very innovative and flexible as the participants were able to work in groups without changing rooms, which can be time-consuming and confusing.

The first seminar (anti-discrimination) consisted of presentations on discrimination issues in Slovenia, forms of discrimination, anti-discrimination legislation, legal remedies and non-legal remedies. The group work focused on psychological aspects of discrimination, recognizing discrimination through cases, and using legal and non-legal remedies in cases of discrimination. The participants received all the necessary training materials (cases, laws, directives) and the Anti-Discrimination Training Manual published by the European Commission.

The third seminar (follow up anti-discrimination) consisted of the exercise “Fragments of my identity”, participants defining definitions of different forms of discrimination, participants defining exception to the prohibition of discrimination and a short recap lecture, “four positions exercise”, short presentation on the available legal remedies and group work on cases, communication exercise, participants defining vision in the area of discrimination (“Where we are – where we want to be”) using the six-square scheme, preparation of actions plans to achieve the vision, and preparation of TV spots and sound-bites to promote their action.

Preparation of the seminar

Preparation seminar for follow-up

The trainers met several times in the course of the preparation of the follow up seminar. Before designing the seminar module, the trainers consulted modules in other countries, e.g. Hungary, and other trainings attended by them in the past (e.g. the SOLID training, organized by NICEM). At designing the seminar, the trainers took into account the national situation where the lack of NGO activity and awareness is still prevalent; one of the goals of the seminar was therefore to encourage the NGO activity and to develop and share ideas of possible projects. The content of the seminar was prepared with the assistance of the international trainer Lilla Farkas, who also attended the training itself and gave the trainers valuable feedback on training methods.

Announcement of the seminar

Announcement of the seminar was done through e-mail and ordinary mail.

Attracting and selecting participants

For both seminars we attracted a sufficient number of participants, however, we did not need to conduct any selection since the number of registered participants did not exceed the number of participants foreseen.

Logistical arrangements

All three seminars were organized in City Hotel Ljubljana, which has been recently renovated and offers wheel-chair accessible facilities. At each seminar the participants were offered meals and coffee breaks, and a limited number of participants from outside the capital at the first and third seminar also had covered overnight stay and traveling expenses.

Carrying out the seminars

Ration of participants

The first seminar (anti-discrimination) was attended by 38 participants, 17 of which (45 %) were from trade unions. The third seminar (follow up anti-discrimination) was attended by 29 participants, 6 of which (21 %) were from trade unions.

Process during the day – observations

In both seminars the process was smooth. The participants were very co-operative; they offered many ideas of their own as well as many examples of discrimination that they encountered. The first seminar included about 50 % ex-cathedra lectures (sorry but I don't know what this is..will the reader?) with discussion, and 50 % workshops during which the participants discussed cases of discrimination in groups. The third seminar was composed almost entirely of group work; there were only very few short presentations of legal remedies, exceptions and good practices. The system of group work proved to be very successful and the participants were satisfied to have the opportunity to show the knowledge that they already had. This was also expressed by them in the evaluation forms (for more information on evaluation see below).

Evaluation of the seminar

Seminar 1 (anti-discrimination seminar): 88 % of the participants answered that the seminar was useful or very useful for them. They found as particularly useful the section on legal remedies since 94 % of the participants circled 4 (useful) or 5 (very useful). They also liked the case studies a lot since 85 % said that they found them useful or very useful. The topic was, however, not entirely new to them as stated by the majority (62 %) of the participants. They thought the seminar was well or very well structured (94 %) and well or very well organized (100 %). When specifically asked what they had missed, they stated as follows: There could have been more time allocated for practical procedures; maybe the seminar could be divided in two parts regarding the pre-existing knowledge of the participants; perhaps the order of presentations could be different; even more concrete examples from practice and cases or good practices from abroad; to work on specific grounds of discrimination more in-depth, even more work in smaller groups; one person felt there was too much reading from power point presentations; one participant felt that the organizers should have been more objective; one person expected public servants to attend the seminar; more on psychological assistance for the victims; even more practical cases; there was a complaint on time management and breaks; more discussion; one person felt the seminar was too general and too focused on labor law. When asked what they liked about the seminar, they mentioned: professionalism, relaxed atmosphere and transparent providing of information by the trainers; directness; kindness, energy, and engagement of the trainers; role play and recognizing discrimination through it; punctuality, communication skills of the trainers, interesting topics; diversity of topics; group work; presentations of legal and non-legal remedies in combating discrimination; exercises, case studies, practical examples; youth and energy of the trainers; mobility and flexibility of the trainers; topics, discussions, more clear insight into the matter of recognizing discrimination and possibilities for its prevention, well chosen concrete examples where you have to find arguments pro and contra; good set up, presentation of the topic, how to take action, presentation of cases; workshops – active involvement; engagement of trainers, professionalism and knowledge of the trainers and organizers; openness, relaxed atmosphere, diversity; the topic itself, experience shared by the participants; constructivity, possibility to express opinions; clarity, transparency, theoretical knowledge; exchange of opinions, participants from various fields, trainers and the manner in which the knowledge was passed on.

Seminar 3 (Follow up anti-discrimination seminar): 68 % of the participants knew what profile of people will be present at the seminar. 86 % felt they have the necessary knowledge and experience to be present at the

seminar. 68 % felt they were sufficiently informed about the goals of the seminar. 73 % felt that the seminar fulfilled their expectations. 91 % felt that the theme is relevant for their work. 86 % felt that the activities encouraged them to learning. 91 % felt that the seminar contained sufficient practical exercises and feedback. 82 % felt that the level of the seminar was appropriate. 82 % felt that the pace of the seminar was appropriate. 95 % felt that the trainers were well prepared and 96 % felt that they were always ready to help. 80 % felt that the seminar rooms were comfortable and 77 % felt that they were suitable for learning. 90 % liked the meals and 91 % liked the materials. 76 % felt that the goals of the seminar were achieved and 95 % felt that they will be able to use the acquired knowledge in practice. When asked what they liked about the seminar they stated: practical parts and exercises; group work; meeting new people; professionalism and engagement of lecturers; active participation of participants; preparation of projects; examples, cases; interactivity and relaxed atmosphere; applicability; excellent organization and facilitation; acquired information; presentation of examples on how to recognize discrimination and prevent it; diversity, various fields; encouragement to networking and cooperation between different profiles; practical work because you remember things easily. When asked what they did not like, the participants answered: The seminar should last longer; too wide topic; some topics and examples were more useful for some than the others; preparation of the project; too formal dealing with exceptions; I missed more explanation on why we were doing a certain exercise. The suggestions for improvement were as follows: Provide better information before the seminar (8). Clarify the objectives (8). Reduce content covered (1). Increase content covered (6). Update content covered (4). Improve the instructional methods (4). Make course activities more stimulating (2). Improve seminar organization (1). Make the seminar more difficult (5). Slow down the pace of the course (1). Speed up the pace of the seminar (2). Allot more time for the course (0).

Main lessons learned seminars

Information Sharing: The seminar helped the trainers to learn more about the people who are being discriminated against on a daily basis because of their personal circumstances, about the difficulties they are facing every day and about their optimism that things can improve. The trainers believe the seminars are – besides the awareness raising and education function – a good method of data collection, since the participants provide a lot of information on discrimination in everyday life. Through the interventions of the participants in the course of presentations, practical examples and discussions that followed, it was evident that discrimination is very present in the Slovenian society and that seminars as these ones are helpful not only for the discriminated people, but also and mostly for the people that are fighting against it.

Discussions: From the evaluations forms and impressions of the trainers it can be concluded that discussions that followed the exercises were the most useful for the participants. It is evident that both discriminated people and those supporting them have a great need in telling someone about their experiences.

Cases: The examples that were included in the exercises helped the participants to understand more easily the presented theory and to express their experiences, positive and negative. The trainers believe that there are never enough cases that can be presented at such seminars. While theory is also welcome, especially to understand discrimination in general, cases are always those that attract the participants' attention.

Exercises: The assessment of the trainers is that the concept of the seminar, which included many exercises, was very good, however the evaluation after the seminar showed that perhaps before the exercises more explanation about the meaning of the exercise should be offered. Also, after the exercises the participants expected the explanation, whether the goal of the exercise was achieved, which they felt that they sometimes did not receive to a sufficient extent.

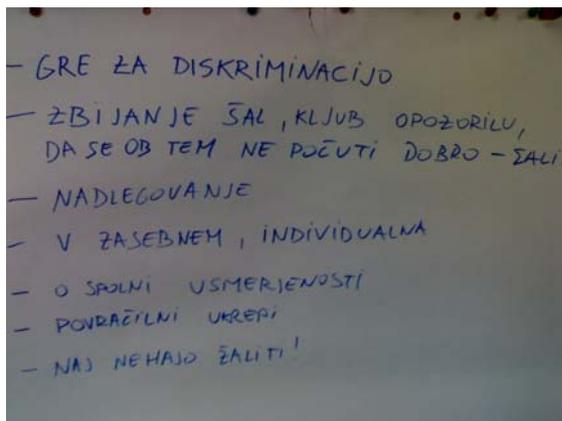
Team of Trainers: Generally the trainers believe that the team as a whole performed well in conceptualizing, organizing and implementing the seminar. They feel that as a team they gained some new experiences concerning team work in facilitating the seminar. The quality of communication in general between the trainers and the participants had been smooth at all points of the seminar. Regarding that quality the trainers assess that on the second day of the follow-up seminar they performed better as a team than on the first day. The second day was planned to be more interactive and would required more of participants' direct involvement in the learning process through simulations and role playing.

Following the suggestion of the international trainer Lilla Farkas at the short de-briefing meeting after the first day, the next day all six trainers joined the groups of participants at group work and assisted them with

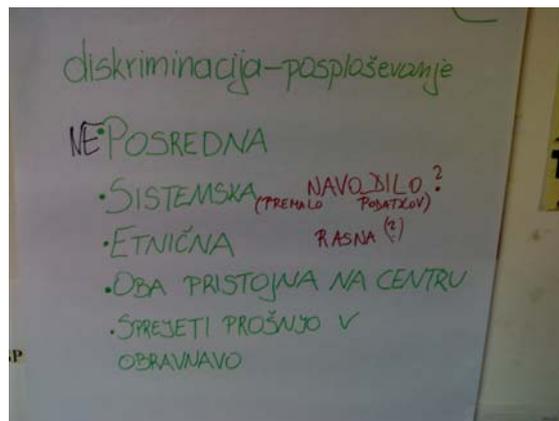
small suggestions and directions when the assistance was needed. This way the debate was facilitated and did not get stuck as the trainers helped the participants to come up with various solutions and led them towards the goal. Thus all six trainers were at hand to the participants at all times of the second day of the seminar, which was not exactly the case during the first day when we would have a situation of two trainers working and the others observing the activities.

**Anti-Discrimination Seminar *Together Against Discrimination*, organized by Peace Institute
19 – 20 September 2007, City Hotel Ljubljana**

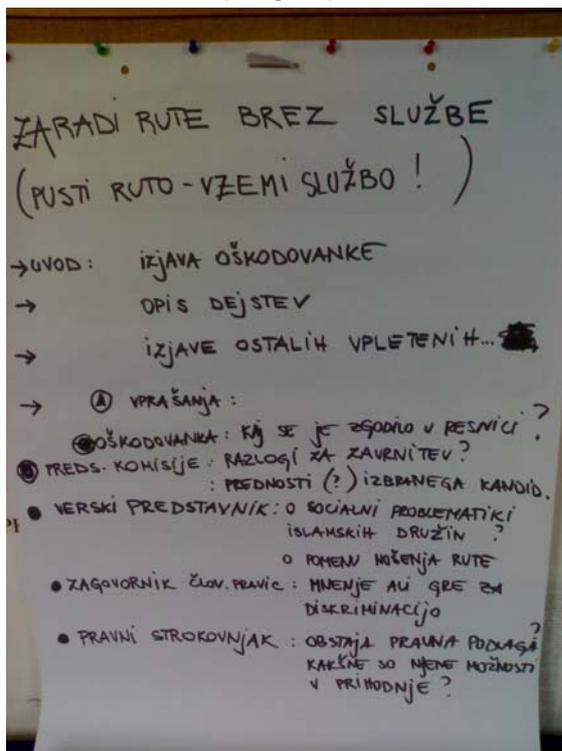
Flip chart presentation in a case of harassment due to sexual orientation:



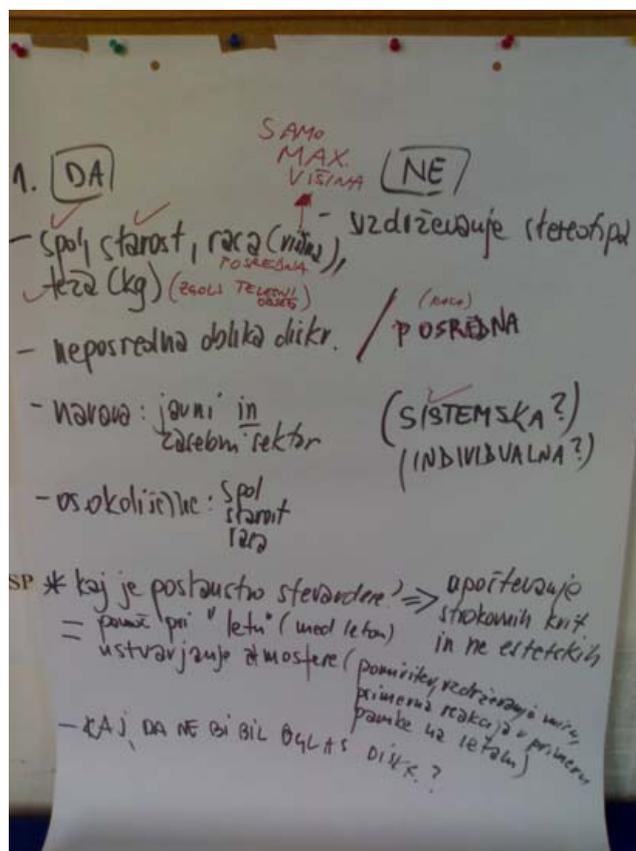
Flip chart presentation in a case of discrimination in social services:



Flip chart presentation in a case of discrimination due to headscarf (religion):



Flip chart presentation in a case of discrimination in employment (flight attendants):



Anti-Discrimination Seminar *Non-Discrimination – From Theory to Practice*, organized by Peace Institute 12 – 13 September 2007, City Hotel Ljubljana

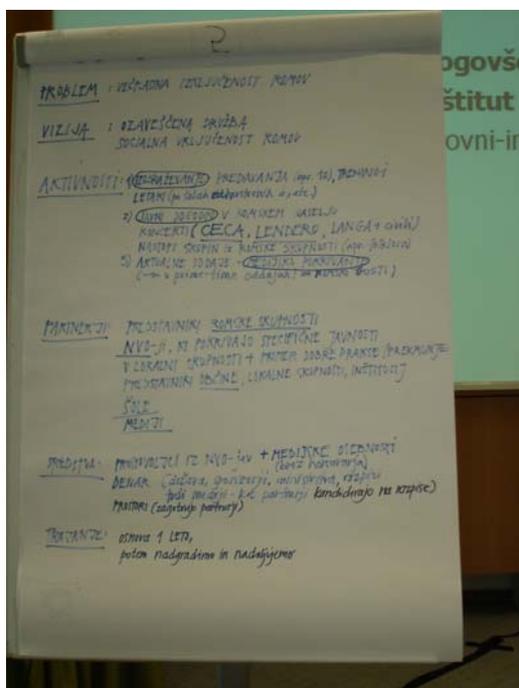
Group work on ethnic discrimination:



Group work: preparation of a TV spot on ethnic discrimination in employment:



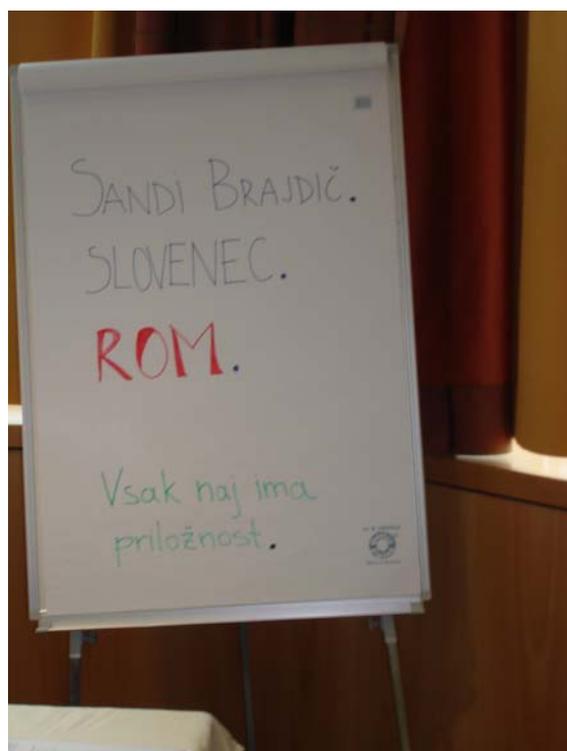
Flip chart with action plan on inclusion of Roma in education system:



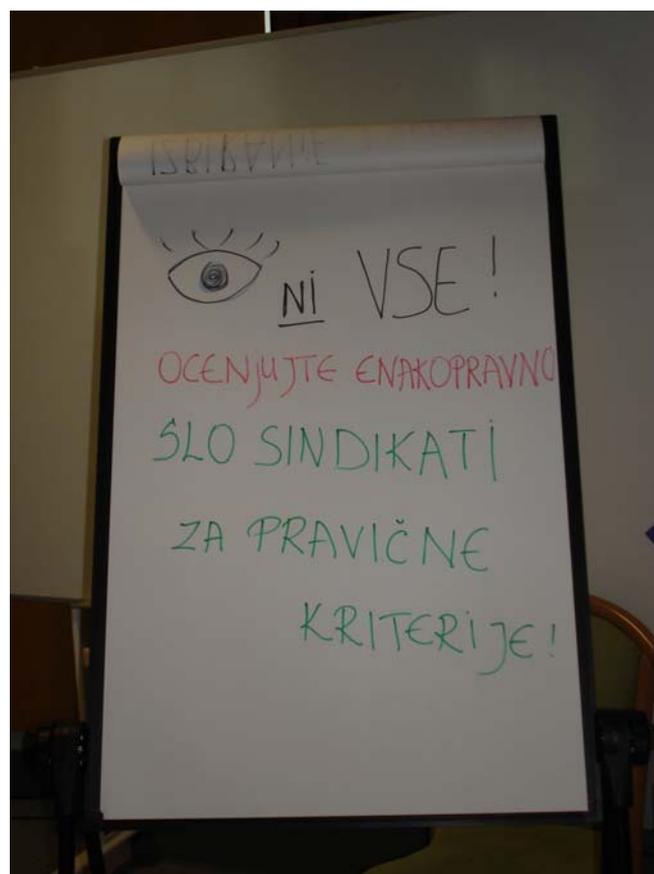
Group work: preparation of a TV spot on discrimination against of Roma



Flip chart: Equal opportunities for all:



Flip chart on equal opportunities in employment:



Group work: preparation of a TV spot on equal opportunities in employment (trade unions)



b) Mapping exercise: NGOs/Trade Unions working to combat discrimination

I. Profile of NGOs/trade unions working to combat discrimination

1. What types of NGOs/trade unions working on anti-discrimination exist on the national level?

The NGOs working on anti-discrimination that exist on the national level differ with respect to which discrimination ground their work relates to. They are organized either as foundations, non-profit institutes or as associations based on membership. Trade unions are organized as interest organizations that are membership-based, independent and impartial.

2. What ground (s) of discrimination, scope or sector are they concerned with (if they are concerned with a specific ground or a specific sector such as for example education)?

NGOs are concerned with all five grounds of discrimination: ethnicity/race, religion/belief, age, disability, and sexual orientation. In addition, some associations were established in order to solve particular problem deriving from discriminative practices regardless of the discrimination ground (e.g. the Association of the Erased Population of Slovenia, Civil Initiative of the Erased Activists). Trade unions are concerned with all economic and non-economic sectors in the Republic of Slovenia, such as production, trade, services and public sector, including education, health, etc.

3. Is anti-discrimination their main area of work or only a small part of what they do? Do they work on anti-discrimination?

For the majority of NGOs and trade unions anti-discrimination is not the main area of work. Non-governmental organizations of elderly and youth, for example, bring together hundreds of members but their area of work is mainly focused on cultural and sport activities. The same goes for 'old' disability organizations that exist for at least 30 years and carry out numerous activities (such as leisure activities), but do not focus on discrimination and equal rights issues. Over the last ten years a few new user-led organizations were established that do promote the right for independent living of disabled people, possibility of choice and equal access to employment, education, housing etc. For these organizations discrimination is one of the key areas of their work. Romani Union of Slovenia also dedicates some efforts into anti-discrimination. On the contrary, anti-discrimination is a significant (but not the main) area of work for the organizations representing ethnic minorities with non-recognized minority status (ethnic groups deriving from the southern republics of the ex Yugoslavia). For trade unions anti-discrimination represents only a very small part of their work and is only dealt with in the framework of labor relations (if at all).

4. Are these NGOs/trade unions registered on the national level? Is it easy or problematic to register as an NGO/trade union?

Most of the NGOs are registered on the national level. The registration of associations, which takes approximately one month, must be processed by local administrative units. Non-profit institutions must be registered before district courts. The procedure takes approximately a month and a half. There are no obstacles or difficulties in establishing and registering an NGO. Associations are much easier to establish than foundations or private institutes. This is proven by the fact that there are 260 associations of disabled, 266 associations of youth, 532 associations of elderly, 23 Roma societies and approximately 40 associations of non-recognized ethnic minorities. Contrary to the situation of NGOs concerned with other grounds of discrimination, there are severe obstacles for an NGO to register as a disability organization. In 2002, the parliament adopted the Disability Organizations Act that provides for a special status of disability organizations that work on a national level and succeed to get this status from the Ministry of Labor, Family and Social Affairs. Under this act disability organizations can either get a Disability Organization status or a Representative Organization status (the latter is very difficult to obtain).

Namely, only the organizations who have this status, can apply for funds from the Lottery Foundation, even if all of these NGOs are registered by the same Act on Associations. Trade unions are organized on a local and on the national level in accordance with the Associations act and the Act on Representative Trade Unions. In general, the procedure to establish a trade union is accessible and uncomplicated, and requires a sufficient number of members, preparation of a constituting act and registration at the Administrative Unit. It is more difficult for a trade union to obtain a status of a representative trade union that has the right to cooperate with other social partners in negotiations with the state on the national level.

5. Generally how large are these NGOs/trade unions? (Please mention the size of membership for the main trade unions)

The NGOs based on membership (associations) include from a couple of tens to a couple of hundreds of people. The number of people employed by the associations varies. For example, associations concerned with disability employ dozens of people (with the exception of new disability organizations), while associations concerned with other grounds of discrimination employ up to ten people, at times more. Similarly, the staff of NGOs, organized as non-profit institutes, hardly ever exceeds ten people. Organizations representing ethnic minorities with non-recognized minority status are completely voluntary in nature, thus do not employ anyone. Still their active membership varies from couple of tens to couple of hundreds of people. Membership in trade unions varies greatly and depends on the number of workers in the sector, company or branch. Trade unions are joined in federations and confederations. The biggest confederation has 300.000 members (Association of Free Trade Unions of Slovenia – ZSSS), while other confederations have up to 20.000 members. The biggest union in public sector has 40.000 members (in the field of education).

6. Are they part of larger national networks? Or are they working on their own?

NGOs concerned with disability, age and ethnicity/race are often part of larger national networks, but there are also organizations in all fields that are not part of such networks. The organizations representing ethnic minorities with non-recognized minority status usually form a cultural association on the national level. These cultural associations have formed a Coordination of national-cultural associations of the ethnic groups deriving from the former republics of ex Yugoslavia, the aim of which is to collectively combat discrimination that targets the mentioned ethnic groups. Advocacy organizations concerned with discrimination in general and organizations concerned with religion/belief and sexual orientation are also at times part of such networks (e.g. Society Škuc is a member of ILGA). However, they are also working on their own or in coordination or informal partnerships with same-issue based NGOs. Particularly in the field of refugee law and asylum, coordination of NGO work has been very intense in the last decade. Some NGOs are branch offices of larger international movement (e.g. Amnesty International, Helsinki Monitor for Human Rights, ENAR Slovenia etc.). Trade unions in most cases join in federations or confederations in order to gain a status of representative trade unions on the representing workers on the national level, e.g. in negotiations with the government or the employer's organizations.

7. Are they mainly based in the Capital or spread out in the country?

With NGOs it depends on the ground of discrimination: many membership-based NGOs concerned with age and ethnicity/race and religion/belief (associations of ethnical or religious minorities, Roma, elderly, youth and disabled) exist in any bigger Slovenian town or city throughout the country, while advocacy NGOs and unions of associations concerned with all grounds of discrimination are mostly based in urban areas, especially (but not only) the Capital. Trade unions exist both in the country and the capital, while federations and confederations of trade unions are mostly located in the capital.

8. Are NGOs/trade unions from the capital and the rest of the country doing the same type of work?

The work of NGOs differs according to where they are situated. NGOs in urban areas use managerial approach and are engaged in anti-discrimination work, including monitoring, reporting, and advocacy. For this reason they have better funding opportunities. On the contrary, the work of NGOs in rural areas mostly evolves around sport and cultural activities, advocacy and awareness raising activities are carried out rarely. Some disability organizations are carrying out the same (social) projects in different areas of the country. With trade unions the type of work depends on whether they are representative or not. The work of those representative trade unions consists mostly of negotiations with the state and employers' organizations, while those trade unions that are not representative work mostly in basic support of their members on a micro or local level.

9. What is the political or societal weight of these NGOs/trade unions on the national level? (Towards, the general public, the civil society, the companies/employers, the government)

The political or societal weight of the representative trade unions is strong since they have a significant impact on the government decision making concerning the employment and social policies. Also, they serve as an important counterpart to the employers' organizations whose interests are directly opposite to the trade unions'. Also, trade unions enjoy a lot of support of the public and are able to attract many people to support their ideas (e.g. when protests are organized). The political and social role of the non-governmental organizations, however, is weaker comparing to trade unions, although NGOs are making efforts to intervene in public life and express their opinion daily on various issues. They are very weak towards the government and rarely their suggestions and proposals are taken into account, although, on the face, there are included in the policy making process. Since anti-discrimination issues are relatively new for the Slovenian social environment NGOs advocating for vulnerable groups (especially as far as nationality, religion, and sexual orientation are concerned) have difficulties in obtaining support from the wider civil society.

10. Are NGOs/trade unions working in the field cooperating together: (NGOs with other NGOs, trade unions with other trade unions and also NGOs together with trade unions)

a. For what purpose(s) (e.g. exchange of expertise, collaboration on case work or campaigns, organising events jointly)

NGOs are working together for the purpose of exchanging expertise, for launching joint campaigns, initiatives or organizing events and demonstrations, for strengthening their position and creating more powerful pressure groups. This cooperation is both formalized (establishing alliances of associations) and non-formalized (ad hoc coordination for specific goals: e.g. organizations dealing with migration and asylum issues are working jointly for the prevention of discrimination of asylum seekers and refugees). In spite of this, NGOs are often reluctant to establish contact and share experience. The lack of NGO cooperation was addressed by the establishment of umbrella organization CNVOS with an aim to encourage cooperation between the NGOs. Trade unions are working together for the purposes of coordinating their opinions on issues concerning salaries and employment and social policies, which are subject to negotiations with the government and employers' organizations. Trade unions hardly ever cooperate with the non-governmental organizations. However, there are a few examples when trade unions worked as project partners with NGOs (e.g. Partnership EQUAL between the NGO ŠKUC and the Association of Free Trade Unions of Slovenia on the anti-discrimination awareness raising).

b. Is there greater collaboration in relation to certain grounds of discrimination? If so, which?

Collaboration exists among NGOs concerned with all grounds of discrimination, however for different purposes and to a different extent. In the case of the organizations that represent the ethnic minorities without a minority status, a significant collaboration relating to discrimination on the basis of ethnicity and belief is evident.

Collaboration of organizations concerned with religion/belief is also significant, especially in the field of the rights of refugees. Collaboration of NGOs concerned with sexual orientation was significant in the initiative for equality of same-sex and heterosexual couples. The collaboration of trade unions is more intensive concerning the grounds of disability and age because workers with these two grounds enjoy extensive protection by the national legislation, while it is non-existing concerning nationality, race, religion, and sexual orientation.

11. How are these NGOs funded?

a. Do they receive state funding?

Funding of the majority of NGOs in Slovenia is project-based (Foundations such as Soros and TRUST, European Commission, European Refugee Fund, the state budget of the Republic of Slovenia, local budgets of the municipalities in the Republic of Slovenia, etc.). However, some alliances that are officially recognized as state partners (e.g. Roma Union of Slovenia, Hungarian and Italian minority organizations) receive a yearly allowance from the state budget. With part of the funds they support the activities of the alliances while part of the funds is further distributed to members of such alliances. International NGOs also receive funding from branch offices based in other states. Disability organizations (especially the 'old' ones) are founded mostly from the Foundation for Funding Disability and Humanitarian Organizations (lottery funds) and are privileged because this foundation is run by them. For this reason there is an ongoing dispute between old disability organizations and new organizations established in last ten years. The latter also strive for fair and just distribution of funds based on the quality of the services provided and not on past merit and power position.

b. What are the conditions in order to receive public funding?

The conditions for receiving state funding are similar those usually used for tender applicants (the organization has to be registered on a national level, it has to be non-profit etc.). Applying for state funds (completing the forms, creating programs, budget planning) requires high expertise that the applicants (simple grassroots organizations, especially Roma, the 'Erased' people, etc.) are lacking. For recently established NGOs it is particularly difficult to obtain state funding since they have to provide references of their past work as well as financial reports for at least previous three years. Young organizations are therefore disadvantaged and can only apply for funds in partnerships with bigger NGOs, which puts them in a subordinated position. In the case of the organizations that represent the ethnic minorities without minority status, there is a shortage of the state funds available (for the organizations that indirectly represent app. 180.000 people, the government annually provides app. 80.000 €). Regarding disability organizations, the quality of projects, services, expertise, new approaches are not recognized as an advantage, while for old disability organizations it is much easier to obtain funds (except for FIHO foundation, where the rules for getting funds depend on which organization is applying for funds).

c. Do they also receive/apply for private funding?

Except for sports organization, private funding of the civil society is poorly developed both in terms donations of individuals and companies (e.g. corporate responsibility programs are almost non-existent). Membership-based organizations are funded by membership (subscription) fees of the individuals (e.g. elderly, youth), but the fees are usually low and do not suffice for functioning of larger NGOs (e.g. Amnesty International). Some organizations are gathering private funds for supporting their activities (elderly, youth). Private funding in disability and other social organizations is rare and based on personal contacts. However, in the case of organizations that represent the ethnic minorities without minority status, the private funding can often exceed the state funding. The nature of this private funding is usually in a form of donations. The main factor that discourages private funding is a low tax relief on private donations.

d. Do private funders impose any restrictions or conditions?

Generally, private funders do not impose restrictions on funding.

12. How are these trade unions funded?

a. Do they receive state funding? (Generally speaking do trade unions receive state funding?)

Generally, trade unions receive no state funding.

b. Are they funded by a political party? If so, do they have to adhere and respect the party's line?

Trade unions receive no funding from the political parties. Some trade unions even adopted a codex of impartiality in order to show their commitment to serve in the benefit of their workers only.

c. Do they function only/also with their members' fees?

Most of trade unions function exclusively on the basis of their members' fees.

d. Are they able to receive private funding and/or participate in project funded by European/international institutions?

Trade unions are eligible to participate in projects funded by the European Commission or other international institutions and in some cases they have already done so. However, due to the lack of staff and narrow mandate applying for project-based funding is not common for trade unions.

13. Is the lack of funding a significant factor in the size of NGOs/trade unions or in restricting the scope or scale of their activities?

The lack of funding is significant factor both in size of the NGOs and the scope of their activities. Organizations (even those that are membership based) are compelled to apply for project based funding which is scarce with low budget allowances. The lack of funds is a significant factor in the size of trade unions, since even the largest confederations of trade unions employ less than ten people. For this reason the trade unions are also reluctant to widen up the scope of their activities on new fields, including the field of anti-discrimination.

14. Do they work (or are in contact) with similar NGOs/trade unions in other countries?

a. Neighbouring countries?

Most of the NGOs concerned with all grounds of discrimination are in contact or work together with NGOs in the neighboring countries. The more powerful and developed the organization, the more it is engaged in collaboration with other countries. See also answer to question 14c. Most trade unions, especially federations and confederations of trade unions, work closely with trade unions from neighboring countries (especially Italy, Austria and Croatia).

b. Other new EU Member States?

The answer is similar to the answer 14a. In addition, some of the organizations that represent the ethnic minorities with non-recognized minority status have connections with similar NGO's in some countries of the EU, where the strong immigrant societies from the ex Yugoslavia reside. Some GLBT NGOs are members of ILGA-Europe. Regarding the disability organizations (those that were established in the last ten years), they were not only forced to work with NGOs in other EU countries, but also to get funds outside Slovenia through project funded by OSI, MATRA, PHARE, and EQUAL. Some trade unions cooperate with trade unions in other EU member states, especially if they are members of international trade union organizations (e.g. FEMS).

c. Others?

The organizations that represent the ethnic minorities with non-recognized minority status have significant connections with NGO's in neighboring countries, especially in the countries from which these ethnic groups derive (Serbia, Croatia, Macedonia, Bosnia-Herzegovina, Montenegro, Kosovo etc.). Some organizations carry out international projects that include partners from other countries. Some trade unions cooperate with the World Slovenian Congress, an organization of Slovenian emigrants, and through this organization the representatives or members of trade unions are in contact with the trade unions throughout the world.

15. Do they work on the international level (campaigning, case work, other)

In some cases the organizations are also active on the international level. E.g. the organization Škuc is active on the international level in the field of the prevention of homophobia. Organizations such as Amnesty International Slovenia constantly work on the international level. The organizations that represent the ethnic minorities with non-recognized minority status do not have any significant experience with international work in the field of anti-discrimination. In some cases trade unions work on the international level, but mostly in the framework of the international trade union organizations (e.g. FEMS) or by sending their representatives to sessions of the International Labour Organization.

16. Can they work in English?

The organizations that cannot work in English (or whose English expertise is limited) are Roma associations and associations of elderly. Other NGOs have high ability to work in English. Staff employed by the trade unions is fluent in foreign languages, especially English, which enables them to work internationally and attend training abroad.

17. For countries where this is the case, where trade unions are linked to political parties, does the involvement or non-involvement of the political party has an impact on the trade union's ability to work on anti-discrimination?

Since most of the trade unions in Slovenia are impartial and refuse any formal connection with political parties, involvement or non-involvement of the political party does not play any role in the ability of the trade union to work on anti-discrimination.

18. Can specific regional branches of a trade union work on anti-discrimination even if headquarters does not?

In principle, the specific regional branches of trade unions could work on anti-discrimination even if the headquarters are not. However, since very little has been so far in this area by trade unions, this is currently not an issue.

II. Expertise of NGOs/trade unions working to combat discrimination

19. What kind of work do they do?

The work of NGOs dealing with anti-discrimination in Slovenia differs according to their target groups. Depending on the protected ground the majority of NGOs do the following type of work:

- Ethnicity/race, religion/belief: monitoring, reporting and advocacy; legal advising or representing, consulting; lobbying; cultural activities; support for their members.
- Disability: advocacy and support for their members, commenting proposed legislation, providing and organizing new services, changing public understanding of disability, changing the method of distribution of lottery funds, promoting individual rights, providing assistance, ensuring political participation; sport activities;

- Age: sport and cultural activities, support for their members, ensuring political participation.
- Sexual orientation: advocacy and support for their members.

Trade unions work mostly on legal counseling and awareness raising through seminars and training in the field of employment and social policies (e.g. organization Škuc is carrying out an EQUAL project in partnership with the biggest trade union federation in Slovenia by offering trainings on equal opportunities in employment; trade unions also carry out their own regular trainings on employment relations which include training on article 6 of the Employment Relations Act of the Republic of Slovenia which protects workers from discrimination).

20. Do they take up complaints of discrimination?

In general the NGOs do not take up complaints of discrimination. They deal with instances of discrimination as support groups. Due to insufficient public information victims or potential victims do not turn for help on NGOs but use (if at all) other means. Trade unions, on the other hand, do take up complaints of discrimination since most trade unions offers legal aid to their members in the field of labor law.

21. Do they focus on their own community?

The majority of NGOs, particularly those membership-based, focus on their own community. Organizations with wider scope of activities (e.g. Peace Institute, Legal Information Centre for NGOs, Škuc, etc.), however, work with and for other communities as well. Amnesty International Slovenia is cannot work on Slovenian community (except in certain cases); the organization can only send information to headquarters in London. Trade unions act in the interest of their members and in principle only members are entitled to legal aid. However, if a non-member asks for legal advice he or she is provided with legal advice if he or she becomes a member.

22. Do they work with victims directly?

All NGOs work with (potential) victims of discrimination, however more in terms of support groups. Trade unions also work with victims of discrimination directly by providing legal aid.

23. Within the company, can trade unions represent only their members or any worker?

In principle only members are entitled to legal aid. However, if a non-member asks for legal advice he or she is provided with legal advice if he or she becomes a member.

24. Do they do 'case work'?

Case work is very underdeveloped. There are two NGOs providing free legal counseling, including cases of discrimination: Legal Information Centre for NGOs – PIC in Ljubljana and PIP – Legal-information Office of the Student Organization of the University of Maribor. With trade unions, case work is the main part of their work on anti-discrimination.

25. Are they able to access state funding for casework?

Both organizations stated under question 24 have a license to provide first legal advice free of charge (which means that the costs of such legal aid are reimbursed by the state), but they however do not have the means to take over cases and represent clients in administrative and judicial procedures. In general, the state financially supports legal assistance to people who cannot afford to pay for an attorney through the free legal aid system. Trade unions are not entitled to state funding for case work. They fund the legal counseling services through funds acquired by membership fees.

26. Does this include legal representation?

Free legal aid system includes legal representation if victims seek assistance with attorneys. The NGOs stated under question 24 can only provide first legal advice paid by the state, which however, does not include legal representation. The legal counselling provided by trade unions includes representation before courts.

27. Is it possible for NGOs/trade unions to engage on behalf or in support of victims of discrimination in judicial or administrative procedures?

In legal terms it would be possible for NGOs to represent victims of discrimination in some legal procedures. Namely, in civil procedures before district courts and administrative bodies a victim can be represented by anyone with full contractual capacity, i.e. anyone out of age whose contractual capacity has not been limited. In civil procedures before county courts however, a victim may be represented by lawyers admitted to the bar or attorneys only. Therefore, it is theoretically possible for NGOs to engage on behalf of victims in administrative and certain court procedures. However, the NGOs are not taking this opportunity due to lack of interest, expertise or funds, or the lack of personnel with the bar exam. The representatives of trade unions are allowed to represent victims in disputes before the Labor Court.

28. Are NGOs/trade unions able to pursue class actions if the latter is allowed on the national level?

Class actions are not foreseen in the legal system of the Republic of Slovenia. All complaints have to be individualized. However, complaints can include more than one victim.

29. Do they do other practical work? (e.g. assistance to victims or potential victims, social assistance, etc)

In terms of discrimination on the grounds of age and disability, NGOs do practical work in terms of social and practical assistance and ensuring better life conditions. In terms of sexual orientation, ethnicity/race and religion/belief, NGOs work as support groups for victims and potential victims. NGOs concerned with ethnicity/race also hold workshops for children and teachers. In some disability organizations some of the programs of social assistance are developing advocacy strategies, and programs about the assertiveness and self-determinations. Trade unions as organizations organized for a support of their members who are victims or potential victims of discrimination, offer not only legal advice but also wider advocacy assistance (e.g. mediation between the worker and the employer, finding a solution without going to court, informing the employers on the fact that their actions are against the law etc.).

30. Do they advocate changes in legislation and policies?

Yes, advocacy is the main component of the NGO activities. Due to a rigid state system concerning discriminated groups, this component is very much needed and needs improvement. While advocacy in terms of equality regardless of ethnicity/race, religion/belief, sexual orientation and disability is well expressed towards clear goals, it is lacking with organizations concerning age. Trade unions as social partners in negotiations with the state are invited to submit comments on the proposed legislation, mainly in the field of labor, but also on anti-discrimination norms.

31. What are their relations with the central government?

In 2001 CNVOS – Center of Non-Governmental Organizations of Slovenia was established. One of the main tasks of this organization is to encourage the development of the NGOs and to lobby with the government for improvement of the position of NGOs in Slovenia in terms of funding and sustainability. It also receives state funding.

The cooperation with the government exists on the face, but the recommendations of the NGOs are, however, very rarely taken into consideration. The relationship between the majority of the trade unions and the central government is tense, frequently the opinions of both sides are confronted in the public and the media, and the trade unions often complain that their position is not taken into account by the central government. However, the impact of trade unions on the decision making process is still assessed as strong.

32. With regional governments or municipalities?

Relations to local authorities are comparable to relations with central government, however, since the local government has very narrow competencies and less funding is available for the civil society, the negative relations do not reach the same extent as with the central government. In terms of Roma the relations with local authorities are generally worse than with the central government, since the local governments have to deal with daily situations originating in discriminative practices against Roma (especially in the south-east region of Slovenia where the cooperation with the authorities is worse).

33. For the trade unions, with the employers organisations?

The relations of trade unions with the employers' organizations depend on the type of a trade union. Some have basic relations that are necessary since they are working in the same field, while others have an intensive working relationship, such as organizing joint events, training etc.

34. Do they have relations with the specialised bodies/ombudsman?

In general, the cooperation with ombudsman exists in terms of exchange of information between ombudsman and NGOs and cooperation on joint events. Specialized bodies work with NGOs only on issues in their mandate. In accordance with the Act Implementing the Principle of Equal Treatment, which transposed EU anti-discrimination directives 2000/43/EC and 2000/78/EC the national Council for the Implementation of the Principle of Equal Treatment was established and includes the representatives of competent ministries, government bodies, expert institutions and nine NGO representatives. In the Council Romani Union of Slovenia has its own representatives, while NGOs, promoting equal treatment, have one representative for each of the following grounds: religion or belief; disability; nationality, race or ethnic origin and language; sex; health state; age; sexual orientation; and social inclusion. The cooperation with the Advocate of the Principle of Equality, a specialized body competent to issue opinions on alleged cases of discrimination, and the cooperation with the Office for Equal Opportunities is very weak. Trade unions do not have an intensive relationship with the Ombudsman or specialized bodies.

35. What are the qualifications of the staff?

In the majority of the organizations the qualifications of the staff are usually low due to the low paid positions. The situation, however, also differs according to the stability of funding and status of each NGO. In case of organizations that represent ethnic minorities with non-recognized minority status, the qualifications of the staff are usually low, occasionally completely inadequate for the tasks on the organization's agenda. The educational structure and expertise of Roma associations reflects their usual situation, meaning low education and the general lack of expertise. Often they have difficulties with communication in Slovenian, let alone in English or other foreign languages, which results in acute lack of capable staff. E.g. Roma Union is an umbrella organization of Roma associations in Slovenia where the funds for Roma initiatives could be gathered, but the Union does not have the ability or expertise to obtain these funds and use it for improvement of the Roma situation. In general, trade unions employ highly qualified staff, including lawyers with university degree specialized in labor and social law.

36. What training has the staff had in relation to anti-discrimination work?

There were some anti-discrimination courses carried out for NGOs in Slovenia, including the 2005 seminar carried out by the Peace Institute within the Mapping Capacity project, and a series of seminars carried out in 2006 jointly by the Ombudsman's Office and Ludwig Boltzman Institute, Vienna. Some members of the NGOs also attended numerous anti-discrimination trainings abroad, such as the SOLID training in Budapest in 2006. Trade unions, however, have had a very limited training on anti-discrimination. Except for some information offered through general labor law trainings, almost no trade union representatives attended specialized in-depth anti-discrimination training.

37. Are they trained in writing funding proposals and reporting?

No, the majority of NGO staff, dependent on project based funds, is not trained in fundraising, but learns about it through their own experience or experience of their colleagues or superiors. Due to the lack of available funds the NGOs compete for funds and do not share experience on fundraising. Trade unions are also not trained in writing funding proposals since most of their funds are membership-based.

38. How do they evaluate their "success and the quality of their anti-discrimination work?"

There are no established evaluation mechanisms for anti-discrimination work as such. There are only mechanisms foreseen with specific projects, however, not for the overall situation but for the specific project-based objectives. Some organizations (especially the international ones) and trade unions have their own internal evaluation mechanisms.

III. Needs and problems of NGOs/trade unions working to combat discrimination

39. What is the main problem faced by NGOs/trade unions involved in anti-discrimination work?

The main problems for NGOs and trade unions are the lack of staff and the lack of resources to hire new staff to expand the activities to the field of anti-discrimination. For NGOs the problem is also the lack of qualifications of the staff.

40. Is the lack of staff/funding/expertise one of the main problems faced by NGOs/trade unions involved in anti-discrimination work?

The lack of sustainable funding, the lack of state funding, the none-existence of private funding and the dependency on the project based funding, the lack of staff and expertise are the most serious problems of the NGOs. Since all expenses must be predicted in the project proposals no funds are available for the unpredicted developments. In order to obtain sufficient resources for their work, the NGOs often create overambitious projects that are difficult to carry out with existing staff within the limited time frame. For trade unions the lack of staff is a bigger problem than the lack of funds (however, the lack of funds might be a problem if they had intention to expand their activities).

41. Is the fact that staff lack necessary knowledge and/or skills one of the main problems faced by NGOs involved in anti-discrimination work?

The lack of necessary knowledge is definitely one of the main problems of NGOs involved in the NGO work, which is however, also connected to the lack of funding problems. The organizations can therefore cover their main expenses but cannot send their staff to obtain higher degrees or specializations. Also, the organizations cannot employ one person to deal with anti-discrimination issues only. The staff has to work on anti-discrimination besides their regular tasks.

For trade unions it is more problematic that they mainly have not yet identified anti-discrimination as a field where they could be active.

42. What training is needed by the NGOs/trade unions in order to perform their work the way they would wish to?

The training that is most needed by the NGOs and trade unions should focus on a) recognizing cases and patterns of discrimination, b) legislation concerning anti-discrimination, and c) tools and mechanisms available for combating discrimination. NGOs also need additional training on fundraising and funding opportunities to strengthen sustainability of their work.

43. Is their staff sufficiently trained in relation to national anti-discrimination legislation?

Some NGOs are already trained in the field of anti-discrimination legislation. Also, most of the trade unions are sufficiently trained on the labor law related anti-discrimination legislation. However, both trade unions and NGOs lack in depth knowledge on finding evidence, building cases, the importance of tackling cases of discrimination and encouraging the victims to use legal remedies.

44. Is their staff sufficiently trained in relation to European anti-discrimination legislation?

Yes, both NGOs and trade unions are trained on the European anti-discrimination legislation, however, not sufficiently. Please also see the previous answer.

45. Is their staff trained in relation to advising government: formulating policy proposals? Legislative proposals?

No, the NGO staff is not trained to perform such activities. They mainly learn about it through their own experience or from their colleagues and superiors. The trade union staff is trained to perform such activities, but is not using the skills in the field of anti-discrimination.

46. Do they need to do more to promote their anti-discrimination role?

Yes, not only assistance to vulnerable groups and legal counseling to members, but also promoting the equality and publicly pointing at violations should be the primary role of both NGOs and trade unions. In the field of anti-discrimination, very few NGOs and no trade unions have been playing a promoting role.

47. Do they need to “do more” with victims, clients or potential clients, members or potential members?

Yes, both NGOs and trade unions could do more with their clients since the clients or potential clients are a source of information on where, when and in what forms the discrimination is taking place. The NGOs and trade unions should focus more on documenting the violations systematically, follow the trends and create a fact bank in order to support their advocacy claims.

48. Do they need to “do more” with government – to increase their credibility and status?

The NGOs need to become more visible, assertive and determined, and need to keep reminding the government about the necessity of the increased attention to these issues. It is also necessary to work with the government to increase the status of NGOs. Namely, it is often the case that they are formally included into the policy making process, but are not taken seriously and their comments are simply ignored. Trade unions already have a continuous dialogue with the government because they are recognized as social partners in negotiations, however, more attention should be paid on anti-discrimination.

49. For the trade unions, do they need to “do more” with the companies/employers organisations?

It would be useful if trade unions inserted issues of anti-discrimination on the list of issues of discussion, in order to raise awareness with the trade unions that discrimination does take place, that discrimination is against the law, and that it needs to be prevented and remedied.

50. Would they need to “do more” with public opinion and awareness raising?

Yes, taking into account the increased intolerance, xenophobia and homophobia the NGOs should definitely do more with the public awareness on discrimination. Also, if trade unions started working publicly on issues of anti-discrimination, combating discrimination would be more successful.

51. What would they need to develop?

In general, the NGOs in Slovenia would need to develop in terms of sustainability, permanent staff education and training, networking, sharing information with organizations at home and abroad, awareness raising and sensitizing the public on mechanisms and exchange of good practice.

Trade unions would need to develop the understanding that they are an important player in the field of anti-discrimination in workplace and employment. Consequently, they should include the issue of anti-discrimination on their agenda, not only for the grounds of disability and age, but also ethnicity, race, religion, and sexual orientation.

c) National legislation in the field of anti-discrimination

1. The transposition of the Directives into national law

The prohibition of anti-discrimination is not new for the Republic of Slovenia since article 14 of its Constitution of 1991 ensures equal human rights and fundamental freedoms to everyone regardless of ethnicity, race, sex, language, religion, political or other opinion, financial situation, birth, education, social status, disability or any other personal characteristic. It also stipulates that everyone is equal before the law.

Slovenia fulfilled its obligation to transpose the directives 2000/43/EC and 2000/78/EC into its national legislation by adopting a framework **Act Implementing the Principle of Equal Treatment** (Official Journal RS, 50/2004) on 22 April 2004. Some anti-discrimination provisions were included in article 6 of the **Employment Relations Act** (Official Journal RS, 42/2002) adopted on 24 April 2002 and entered into force on 1 January 2003. With this law the 2000/78/EC directive was therefore taken into account even before the framework act was adopted. In accordance with the positive measures foreseen with the 2000/78/EC directive, the National Assembly on 1 May 2004 also adopted **Act on Employment Rehabilitation and Employment of Disabled People**, setting out positive measures to encourage employment of disabled.

The transposition was carried out relatively comprehensively. However, in the process of reviewing the state of transposition in Slovenia, the European Commission issued two official notifications on parts of the directives where the transposition is not adequate. Concerning the state of transposition of the 2000/43/EC directive, the Commission notified Slovenia that:

- the Slovenian legislation does not specifically state that the prohibition of discrimination on the grounds of race or ethnicity is applicable also for access to self-employment, accommodation, health care, education and vocational training (notion “all areas of social life” is not sufficiently specific),
- paragraph 2 of the article 2 of the Act Implementing the Principle of Equal Treatment does not ensure that a characteristic related to race or ethnic origin constitutes a genuine and determining occupational requirement nor that such requirement is proportionate,
- paragraph 2 of the article 3 of the Act Implementing the Principle of Equal Treatment ensures protection from victimization only to a discriminated person but not to witnesses or other persons assisting a victim of discrimination.

Concerning the state of transposition of the 2000/78/EC directive, the Commission notified Slovenia that:

- article 4 of the Act Implementing the Principle of Equal Treatment did not correctly transpose the definition of indirect discrimination, since it states that “indirect discrimination due to personal characteristics exists if an apparently neutral provision, criterion or practice *put* a person with a certain personal characteristic in a disadvantaged position.” Such protection would therefore be applicable only in a situation of an actually disadvantaged position but not a possible disadvantaged position (*would put*),
- paragraph 1 of the article 2 of the Act Implementing the Principle of Equal Treatment does not ensure that a characteristic related to grounds, defined with the directive, constitutes a genuine and determining occupational requirement nor that such requirement is proportionate,
- paragraph 2 of the article 3 of the Act Implementing the Principle of Equal Treatment ensures protection from victimization only to a discriminated person but not to witnesses or other persons assisting a victim of discrimination.

With a purpose of a clear transposition of the directives the Government of the Republic of Slovenia is preparing the amendments to the Act Implementing the Principle of Equal Treatment, which are due to be adopted in June 2007.

The Act Implementing the Principle of Equal Treatment has been adopted without much media attention and in the absence of public discussion. However, the discussion in professional circles increased in the time of preparation of amendments to the act. Namely, in the time of implementation of the act it became clear that some amendments will not correspond to the actual needs since they do not address the question of impartiality of the Advocate of the Principle of Equality and the lack of her authority, which have been identified as the biggest problems of the national legislation.

In accordance with article 13 of the 2000/43/EC directive, two new bodies have been established for a purpose of combating discrimination. The bodies were established to prevent and combat discrimination on any personal circumstance (not only due to race and ethnicity as required by the directive), and in all areas of social life.

i) The Council of the Government of RS for Implementing the Principle of Equal Treatment

In accordance with article 9 of the Act Implementing the Principle of Equal Treatment a Council was established in order to perform the following tasks:

- implementation of the Act Implementing the Principle of Equal Treatment,
- monitoring, determination and assessment of the situation of specific social groups with a view of equal treatment,
- submitting suggestions, recommendations and initiatives to the Government for adopting laws and measures needed for implementing the principle of equal treatment,
- submitting suggestions for facilitating education, awareness raising and research in the field of equal treatment.

The Council is composed of representatives of ministries and government offices, NGOs and expert institutions, active in the field of equal treatment. Within its activities the Council cooperates with competent state and other bodies. The Council's activities are coordinated by the Government Office for Equal Opportunities.

ii) Advocate of the Principle of Equality

The main competence of the Advocate is to deal with cases of discrimination. The Act Implementing the Principle of Equal Treatment foresees that if the number of cases, their complexity or specifics so required, other advocates could be established in order to deal with specific discrimination grounds.

Establishing of two new specialized bodies is in accordance with the directives. However, it is questionable whether their organizational structure is appropriate considering the goals they should serve. The Council, e.g., holds sessions only twice a year which is not sufficient. At its sessions various issues concerning discrimination are dealt with, however the sessions hardly ever end with concrete recommendations and conclusions. Considering the fact that the Council is composed of governmental and non-governmental bodies it is difficult to achieve consensus on the most burning issues. In addition, the Council does not act sufficiently as a consultative body of the government since the government is not addressing to the Council relevant questions concerning the topics and measures that could relate to anti-discrimination. The Council mostly functions in a way to *ex post facto* consider problematic issues relating to discrimination. Also, the functioning of the Advocate of the Principle of Equality is considered problematic in several ways. The biggest problem is that the advocate is lacking competencies of an inspectorate. In practice it has been observed that several inspectorates that are otherwise competent for the matter do not want to consider a case if it is not referred to them by the Advocate. In many cases the advocate therefore became a middle step between the victim and the inspectorate.

In addition to newly established bodies the **Act Implementing the Principle of Equal Treatment** brings several other novelties:

- The act prohibits direct and indirect discrimination and harassment.
- The act defines areas where discrimination is prohibited (employment, labor relations, membership in trade unions and interest groups, education, social security, access to goods and services, and all other areas of social life). If the amendments will be adopted as they are proposed at the time of writing this manual, discrimination will be explicitly forbidden also in accessing self-employment, accommodation, health care, education and vocational training.
- The act defines grounds on which discrimination is prohibited (personal characteristics such as ethnicity, race, sex, medical status, disability, language, religious or other belief, age, sexual orientation, education, financial status, social status or any other personal characteristic). These grounds are wider than required by the directives. Namely, in accordance with the constitution the Republic of Slovenia offered a wider scope of protection from discrimination even before becoming a member of the European Union.
- The act prohibits victimization: discriminated person may not be exposed to adverse consequence as a reaction to a complaint or to proceedings aimed at enforcing compliance with the principle of equal treatment. If the proposed amendments will be adopted, not only victims but also witnesses or other people who help the victim will be protected from victimization.
- The act allows for the adoption of positive measures. Positive measures are temporary measures aimed at prevention of disadvantaged situation of persons with a specific personal characteristic and represent a compensation for the disadvantaged situation.
- The act defines duties of state bodies to cooperate with social partners and non-governmental organizations on issues concerning discrimination.
- In addition to establishing new specialized bodies that act also allows victims and others to use other administrative and judicial procedures in cases of discrimination. Victims also have the right to compensation in accordance with the general principles of the tort law.
- The act introduces the shift of the burden of proof to the perpetrator.
- The act gives the non-governmental organizations the opportunity to participate in procedures as representatives of the victims of discrimination.
- The act defines sanctions for the perpetrators.

The **Employment Relations Act** in article 6 specifically prohibits discrimination in employment and work. It prohibits direct and indirect discrimination and harassment on the same personal characteristics as the Act Implementing the principle of Equal Treatment. It also defines a shift of the burden of proof and the right to compensation in accordance with the general principles of the tort law.

This means that the Slovenian national legislation provides wider scope of protection than the two directives. It does not only prohibit discrimination on six grounds, but also discrimination due to any personal circumstance. It also does not only prohibit discrimination on specified areas, but in all areas of social life. However, the new legislation adopted pursuant the European directives has an added value since now discrimination is not only prohibited on the constitutional level but also on the legislative level which is more operative and provides for execution of decisions. However, neither the directives nor the Slovenian legislation prohibits discrimination on all grounds. Discrimination which is not prohibited and is present in society is discrimination on the grounds of citizenship.

The situation of discrimination in Slovenia and in other countries in the world has been under scrutiny by many international bodies. The most important among them are human rights treaty bodies of the United Nations, which were established by the international conventions. The issues in Slovenia exposed by these bodies are:

- CEDAW (*Committee on Elimination of Discrimination against Women*): Raises concerns about the situation of Roma women and calls upon the Slovenian government to collect more precise data on discrimination which will serve as a basis for research.

- CERD (*Committee on Elimination of Racial Discrimination*): The committee is concerned because of i) the lack of minority status of the ethnic nationals from republics of former Yugoslavia, i.e. Albanians, Bosnians, Montenegrins, Serbs, Muslims, Macedonians and Croats; ii) discrimination of Roma in all areas of social life, and iii) the lack of regulation of the statuses of erased.
- HRC (*Human Rights Committee*) is concerned because of the lack of minority status of the people from other republics of the former Yugoslavia.
- CRC (*Committee of the Rights of the Child*) is concerned about the bad situation of the children of the erased people in Slovenia, Roma children, inequality of children on the non-recognized minority groups, and bad situation of the disabled girls.
- CAT (*Committee against Torture*) is concerned about the excessive use of police force with the members of the ethnic groups.

Considering the fact that in Slovenia commentaries and recommendations of the committees do not achieve much media attention, the government also does not react publicly to them. However, some topics alerted by the committees do achieve media attention, e.g. the situation of erased people. Accordingly, the government also sees the need to respond to the contents of the report. Regarding the erased the strategy used by the government is to deny responsibility, shift the responsibility to the erased themselves and propose measures that are against the 2003 decision of the constitutional court (which declared the erasure unconstitutional and unlawful).

So far there was no research carried out by the academic institutions on the instances of discrimination in Slovenia. Since specific anti-discrimination legislation in Slovenia is relatively new, the government also has not yet adopted any measures for elimination of impediments for its implementation. However, within the governmental structures some development in this field can be observed. E.g. in 2006 the Ombudsman's Office carried out a series of seminars and consequently became the only state body actively intervening in the field. Also, it needs to be mentioned that the Ministry of Labor, Family and Social Affairs is funding several projects within the European Year of Equal Opportunities for All (2007). In spite of the lack of initiative from the official bodies, the Slovenian NGOs are for many years carrying out various projects in this field. The activities concerned are training and awareness raising on the anti-discrimination legislation and the procedures that can be used to combat discrimination. The target groups are NGOs, judges, prosecutors, trade unions and journalists. Trade unions are not very active in the field of anti-discrimination. However, a few examples of activity does exist (e.g. partnership of the NGO Škuc with the biggest trade union in Slovenia and the employers' organization within the EQUAL project). In the field of research, only small scale research projects were carried out by some NGOs.

2. Procedures – administrative and legal channels appropriate for challenging violations of anti-discrimination legislation

2.A Employment and occupation related - all grounds

In this chapter the possible procedures that can be used in cases of discrimination are explained. The procedures can be used in cases of discrimination at employment and work, covering the following fields: advertising of posts, recruitment procedures, selection, terms and conditions, pay, discrimination in the workplace, dress codes, working hours, suspect groups e.g. part time workers, workplace disciplinary procedures, promotion, allowances and bonus payments, dismissal (procedural and substantive), social security payments, occupational pensions, issue of permits and licenses, and access to vocational training, including vocational training in prisons.

a) Informal resolution

Informal solution is always a possibility in any type of discrimination case. In case an informal letter or a meeting does not lead to resolution of the problem, there are still a number of other procedures available to the victim.

b) collective bargaining by trade union

If discrimination in employment or work is widespread, the negotiations with the employers on the improvement of the situation of such groups of people can be undertaken by the trade unions.

Employer's internal grievance procedures

Some employers (especially bigger companies) have introduced internal complaint procedures. The rules and terms of lodging complaints are defined with the internal acts of the employer. Such procedure can be used in case of promotion which was denied for a certain employee due to discrimination.

Administration channels including referrals to the labor inspectorate

In cases of discrimination at work or employment it is possible to report the act to the labor inspectorate competent for supervising the implementation of Employment Relations Act. When the inspector receives a complaint (it can be lodged by an NGO; it can also be anonymous), he or she conducts a procedure in accordance with the Inspection Act and the General Administrative Procedure Act. After the procedure is completed the inspector issues a decision on whether or not the violation occurred (if yes, such act is a small offence). If the violation is also a criminal act, the inspector may file a report to the prosecutor's office. The inspector may also prohibit behavior causing discrimination or order to perpetrator to pay the fee. Against the decision issued by the inspector appeal can be lodged to the Ministry of Labor, Family and Social Affairs in 15 days since the decision has been served. Against a decision upon appeal issued by the Ministry of Labor, it is possible to lodge a lawsuit to the Administrative Court in 30 days.

Legal remedies including

i) civil law remedies

A victim may file a lawsuit to a civil law court in case of material or psychological damage suffered due to discrimination. In such procedure a victim has a right to seek compensation. The compensation may be sought in three years since the victim learned about the damage (relative statute of limitations) or in five years since the damage has been caused (absolute statute of limitations). In case when the value of damage is up to 8.345,85 EUR (2.000.000,00 SIT) the lawsuit is filed to the county court while if the value of damage exceeds 8.345,85 EUR (2.000.000,00 SIT) the lawsuit is filed to the district court. Besides compensation, the victim may also claim termination of discriminatory conduct, prevention of such conduct in the future or elimination of its consequences. The victim may also claim an apology or publishing of a verdict in the media.

ii) labor and social law procedures

In case of discrimination in employment or work the victim may file a lawsuit to the labor and social court in order to claim the termination of discriminatory conduct or claim certain actions the omission thereof caused discrimination. If the victim is of opinion that his or her employment rights have been violated due to discrimination he or she first has to notify the employer about the violations. If the violations are not eliminated in eight days after the notification has been served to the employer, the victim has the right to file a lawsuit to the labor court in 30 days. If a worker has been fired as a consequence of discrimination he or she may file a lawsuit in 30 days since the decision on the termination of the employment contract has been served to him or her, or since he or she learned about the violation.

iii) administrative law remedies

A lawsuit to the administrative court may be filed if discrimination was reported to the labor inspectorate who concluded that no discrimination took place. Namely, if the inspector's decision was appealed and the appeal was rejected or denied by the Ministry of Labor, Family and Social Affairs, it is possible to file a lawsuit against the ministry's decision to the administrative court.

iv) criminal prosecutions

The provision of article 141 of the Penal Code stipulates that anyone who due to a difference in nationality, race, color, religion, ethnic origin, sex, language, political or other opinion, sexual orientation, financial situation, birth, education, social status or any other personal characteristic deprives another person of his or her human rights or fundamental freedoms, recognized by the international community or defined with the constitution or the law, or limits such right, or who provides special rights or benefits to another person due to such personal characteristic, shall be punished with a fee or imprisonment up to one year.

Further, article 206 of the Penal Code stipulates that anyone who denies or limits the right to equal opportunities in employment to another person shall be punished with a fee or imprisonment for up to one year (paragraph 1). The same punishment is stipulated for anyone who purposefully does not comply with regulations on the rights of the unemployed persons and consequently denies employment rights to such person (paragraph 2).

Hate speech is also prohibited. The provision of article 300 of the Penal Code stipulates that whoever provokes or spreads ethnic, racial or religious hatred or spreads ideas of superiority of one race upon the other, or provides any kind of aid at racist activity, or denies or approves genocide, shall be punished with imprisonment of up to two years (paragraph 1). If such act is committed with coercion, threat, shaming of ethnic or religious symbols, destroying of property shall be punished with an imprisonment of up to five years (paragraph 2).

If a person is of opinion that he or she has been a victim of one of these crimes, he or she may report the crime to the police which will take over the case to investigate. If the police gathers sufficient amount of information they will forward the complaint to the prosecutors' office. The prosecutors will continue to investigate the matter and if there will be a well founded suspicion that a crime was committed, the prosecution will accuse the perpetrator before the criminal court. The statute of limitation for the stated crimes is 3 years (5 years in case of article 300, paragraph 2).

It is not mandatory for a victim to participate in the procedure, unless he or she will be called to testify. However, a victim obtains a more important role if the state prosecutor drops the charges because of the lack of evidence. In such case the procedure will be continued only if the victim takes over the prosecution of the perpetrator as a private prosecutor. For that reason it is important that the victim is present throughout the procedure.

v) constitutional court procedure

For victims of discrimination there are two possible procedures before the constitutional court. One is individual complaints procedure (a complaint may be filed in 60 days after the final decision has been served to the person and for that purpose all legal remedies have to be exhausted), and the other is a petition to consider constitutionality and legality of the legislation (i.e. whether or not the legislation is in conformity with the constitution and the laws). For the latter procedure 'legal interest' has to be proven by the petitioner, which means that the petitioner would be directly affected by the law or the regulation under scrutiny, e.g. as a party in a procedure regulated by this law or regulation.

Complaints to ombudsman

Anyone who is of opinion that his or her human rights or fundamental freedoms have been violated may lodge a complaint to the ombudsperson. The ombudsperson may initiate the procedure at his initiative. The procedure is informal and free of charge. The ombudsman does not consider cases that are already before courts (except if the case is about a violation of process in due time). If the victim does not file a complaint, the procedure can be initiated only with his or her consent. In the complaint it should be explained whether or not the victim already used legal remedies, and if yes, which remedies. The deadline to file a complaint is in general one year since the discriminatory action took place or since the discriminatory decision was issued. If the complaint is not refused, the ombudsman begins with the investigation. At the end of the procedure the ombudsman issues a report deciding on whether or not there was a violation of equal rights. With the report the ombudsman suggests how the violation should be remedied. The perpetrator is obliged to notify the ombudsman in 30 days what has been to remedy the violation.

The procedure before the ombudsman may, however, only be initiated if the alleged perpetrator of discrimination is a state body or a local government body, but not in cases where a perpetrator is a private legal person, company, or an individual as a natural person. In cases of employment and work, the procedure before ombudsman can only be used if the employer is a state body or a local government body.

Complaints to Equal Opportunities Body

The Act Implementing the Principle of Equal Treatment introduced a possibility to file a petition to the Advocate of the Principle of Equality, working within the Government Office for Equal Opportunities. The Advocate considers cases of alleged discrimination. Petitions may be filed by individuals, non-governmental organizations, trade unions and companies in one year since discrimination took place (late petitions are considered exceptionally). The procedure before the Advocate is informal and free of charge and can be conducted independently from procedures before other state bodies. The consideration of cases is conducted in writing. However, the Advocate may invite the parties for a hearing if that would clarify the circumstances of the case. The Advocate may terminate the procedure if the petitioners do not show further interest for the case or if due to the lack of information she cannot close the case. The Act Implementing the Principle of Equal Treatment authorizes the Advocate to call upon the alleged perpetrator in the course of the procedure to take appropriate measures to protect the victim from victimization or to eliminate the consequences of discrimination. The Advocate closes the procedure by issuing a written opinion on whether or not discrimination took place. If discrimination did take place the Advocate issues recommendations to the perpetrator on how to remedy the violations. In such case the perpetrator has to inform the Advocate on the measures taken. If the perpetrator does not follow the recommendations of the Advocate or does not inform her about the measures, the Advocate hands the case over to the labor inspection. The inspection is obliged to consider the case and take measures to protect the victim from discrimination.

National Assembly of the Republic of Slovenia: The Commission for Petitions, Human Rights and Equal Opportunities

The Commission accepts petitions from the individuals or groups who wish to notify the legislator about the problematic issue and propose that it is included on the agenda, discussed and legally regulated. After the commission discusses the issue, its members may adopt a conclusion recommending the National Assembly to discuss it and regulate it in accordance with the recommendations of the Commission.

2.B Non-employment or occupation related - race and ethnic origin

Legal remedies that exist on the local and national level appropriate for cases of discrimination due to race or ethnic origin set out in the national legislation giving the effect to Council Directive 2000/43/EC are the same as legal remedies available for cases of discrimination in employment or work (except for the labor court). The only difference is that the inspection procedures are conducted before other inspectorates (and not the labor inspectorate), for example inspectorates for health; education and sports; market; environment; social care; control of security and health at work; traffic; administration; internal affairs; information commissioner; and media and culture.

Areas where people have the right to seek protection from discrimination are: social care including social security and health care, social benefits, education, accommodation, access to services available for the public (including social assistance), bank services, insurance, and access to premises open for public, e.g. restaurants, hotels and leisure activities.

2.C Where a choice of avenues for raising either an employment related or a non-employment related complaint exists:

When a victim has a choice of various legal remedies, it is necessary to identify the purpose of complaint. In addition, there are various criteria that a victim needs to take into account to select the most appropriate remedy:

- **What outcome does complainant want:** If he or she wants discrimination to stop, the most appropriate procedures will be those before the advocate of the principle of equality, ombudsman and inspectorate, and also the courts. If the victim wishes an apology or compensation a civil procedure will be appropriate. If he or she wishes to claim rights from employment relationship, a labor court will also be appropriate. If the victim wishes the perpetrator be punished, an inspection or criminal procedure is appropriate.
- **Object of complaint** – is it justice for the individual or raising awareness of discrimination: For general awareness raising procedures such as collective bargaining, petitions to the National Assembly Commission for petitions, human rights and equal opportunities, and petitions to the Advocate of the principle of equality are appropriate.
- **Urgency of resolution of complaint** and time likely to be taken for procedures to be completed: If a victim wants a quick procedure then court procedures are less appropriate because of judicial backlogs, while procedures before inspectorates, advocate of the principle of equality and the ombudsman's office are more appropriate.
- **Time limits** applicable to different procedures and whether the complainant can comply with them: The shortest is the deadline for lodging a lawsuit to the labor and social court (30 days). The deadline to file a complaint to the ombudsman or advocate of the principle of equality is one, for lodging criminal report three years (five years for article 300, paragraph 2 of the Penal Code), for filing compensation lawsuit before a civil court 3 years (relative statute of limitations) or 5 years (absolute statute of limitations), and for constitutional complaints 60 days. For other procedures deadlines are not defined, while in internal complaint procedures deadlines are defined with the internal acts of the employer.
- **Possibility of quashing the adverse decision** complained of: The formal power to quash the decision issued on the lower instance is within the labor and social courts, the administrative court and all higher instance courts (high court supreme court and constitutional court).
- **Whether or not a legally binding solution is sought and required**, and available: Legally binding solution is possible only in judicial procedures before labor, social, administrative, civil and criminal court, and higher instance courts.
- **Assessment of facts** – matching facts to requirements of remedies: In certain cases the actual facts do not enable the victim to certain proceedings. E.g. a criminal procedure is possible only if the violation of the principle of non-discrimination represents a crime. Also, it is not possible to complain to the ombudsman if the violation was committed in a private sector.

- **Assessment of available evidence** – appropriateness and sufficiency of evidence for mechanism to be used: Considering that for a successful usage of judicial procedures it is necessary to possess solid evidence, it is better to use other less formal remedies if the existence of evidence is not sufficient.
- **Whether or not legal representation is required or highly desirable:** Legal representation is desirable, sometimes even necessary, in judicial proceedings. E.g. if a victim does not have sufficient means to pay for legal representation, but also does not fulfill the conditions to obtain free legal aid in accordance with the Free Legal Aid Act, it is advisable to use less formal procedures, such as those before the ombudsman or the advocate of the principle of equality.
- **Availability of legal assistance:** Free of charge legal assistance is possible only for judicial procedures (but not for administrative or less formal procedures).
- **Possibility of financial compensation for victim(s):** If the victims is of opinion that the only way to remedy the violation is to be granted compensation, he or she has to file a lawsuit before a civil court. However, in such case a victim needs to consider a long time that will pass before the decision will be issued, availability of evidence and possible high expenses for court fees and attorney.
- **Possibility of re-instatement or re-engagement** (if desired in employment cases): If the possibility of re-instatement exists, the victim may use any kind of procedure allowing for such measure (e.g. inspection procedure, civil judicial procedure or a procedure before the advocate of the principle of equality or the ombudsman).
- **Suitability of complaint for awareness raising:** If the victim is of opinion that more persons are subject to a similar type of discrimination, may in addition to filing a complaint, use various methods of awareness raising. Filing a complaint may be accompanied with a public statement or a press release. If the victim does not wish for his or her case to be followed by the public or the media, he or she has to be aware of the fact that all judicial procedures are public and that the exclusion of publicity needs to be specifically requested for. Still it is not certain that the judge will approve the request. However, confidentiality is ensured in procedures before the advocate of the principle of equality and the ombudsman.
- **Impact on public opinion of different mechanisms:** The assessment is that the most attention and publicity in the public is given to judicial procedures, especially criminal.
- **Possibility of group complaints:** In Slovenia specific groups complaints are not possible, but of course several individuals may decide to lodge a complaint together (in such case they are all parties to the procedure).
- **Possible costs and fees** incurred by using a particular mechanism: While deciding which procedure to use, the costs of the procedure will be of a decisive importance. Judicial procedures before labor, social, administrative and civil courts will be more expensive, while inspection procedures and procedures before the advocate of the principle of equality and the ombudsman, and to some extent criminal procedures, are free of charge. For individual rules concerning expenses see individual legal remedies above.

2.D What are the technical procedural requirements of each available remedy?

Contacts for filing legal remedies:

- Advocate of the Principle of Equality, Tržaška 19/a, 1000 Ljubljana, tel.: 386 1 478 84 60, fax: 386 1 478 14 91, e-mail: uem@gov.si.
- Office of the Human Rights Ombudsman, Dunajska 56, 1000 Ljubljana, tel.: 386 1 475 00 30, fax: 386 1 475 00 40, e-mail: info@varuh-rs.si.
- National Assembly of the RS, Commission for Petitions, Human Rights and Equal Opportunities, Šubičeva 4, 1000 Ljubljana, tel.: 386 1 478 94 00, fax: 386 1 478 98 45.

- Some Inspectorates:
 - Health Inspectorate; Parmova 33, 1000 Ljubljana, Slovenija, tel: 386 1 28 03 802, fax: 386 1 28 03 808, e-mail: gp.zirs@gov.si.
 - Market Inspectorate, Parmova 33, Ljubljana, tel.: 386 1 280 87 00, fax: 386 1 280 87 40, e-mail: tirs.info@gov.si.
 - Social Inspectorate, Zemljemerska 12, 1000 Ljubljana, tel: 386 1 432 70 53, fax: 386 1 230 26 21, e-mail: peter.stefanoski@gov.si.
 - Labor Inspectorate, Parmova 33, 1000 Ljubljana, telefon: 386 1 280 36 60, 386 1 280 36 70, fax: 386 1 280 36 77, 386 1 280 36 76, e-mail: irsd@gov.si.
 - Public Administration Inspectorate at the Ministry for Public Administration, Tržaška 21, 1000 Ljubljana, tel.: 386 1 478 83 30, fax: 386 1 478-83-31, e-mail: gp.mju@gov.si.

Free Legal Aid:

- Legal Information Centre for Non-Governmental Organizations – PIC, Povšetova 37, 1000 Ljubljana, tel.: 386 1 521 18 88, fax: 386 1 540 19 13, e-mail: pic@pic.si.
- PIP – Student Legal and Information Centre of the Student organization of the University of Maribor, Gosposvetska 83/86, 2000 Maribor, tel.: 386 2 234 21 46, fax: 386 2 234 21 47, e-mail: pip@zavodpip.si.
- Free legal aid in Slovenia is also available at all district and labor courts. Free legal aid beneficiaries have to fulfill certain requirements concerning their financial situation.

Non-Governmental organizations:

- Peace Institute, Metelkova 6, 1000 Ljubljana, tel.: 386 1 234 77 20, fax: 386 1 234 77 22, e-mail: info@mirovni-institut.si.
- Amnesty International Slovenia, Beethovnova 7, 1000 Ljubljana, tel.: 386 1 426 93 77, fax: 386 1 426 93 65, e-mail: amnesty@amnesty.si.
- Slovene Philanthropy, Poljanska cesta 12, 1000 Ljubljana, tel.: 386 1 430 12 88, fax: 386 1 430 12 89, e-mail: info@filantropija.org.
- Association of Consumers of Slovenia, Frankopanska 5, 1000 Ljubljana, tel.: 386 1 474 06 00, fax: 386 1 433 33 71, e-mail: zps@zps.si.
- Association Vita Activa, Povšetova 104/d, 1000 Ljubljana, tel.: 386 1 542 48 20, fax: 386 1 542 48 20, e-mail: vita.activa@email.si.
- Jesuit Refugee Service, Zrinjskega 9, 1000 Ljubljana, tel.: 386 1 430 00 58, e-mail: milena.bajt@rkc.si.
- DiH – Association for Integration of Homosexuality, Kašeljjska 121, 1260 Ljubljana – Polje, tel.: 386 41 562 375, e-mail: info@dih.si.
- Association Information Centre Legebitra, Trubarjeva 76a, 1000 Ljubljana, tel.: 386 1 430 51 44, e-mail: legebitra@siol.net.
- Roma Union of Slovenia, Ulica arhitekta Novaka 13, 9000 Murska Sobota, tel.: 386 2 530 81 00, fax: 386 2 530 81 04, e-mail: info@zveza-romov.si.
- Institute for African Studies, Novo Polje XVI/11, 1000 Ljubljana, tel.: 386 51 32 11 93, e-mail: eyachew@yahoo.com.
- Association African Centre, Trubarjeva 39, 1000 Ljubljana.
- ŠENT – Slovenian Association of Mental Health, Cigaletova ulica 5, 1000 Ljubljana, tel.: 386 1 230 78 30, fax: 386 1 230 78 38, e-mail: info@sent-si.org.

Trade Unions:

- Association of Free Trade Unions of Slovenia, Dalmatinova 4, 1000 Ljubljana, tel.: 386 1 43 41 200, fax: 386 1 23 17 298, e-mail: zsss@sindikat-zsss.si.
- Confederation of Trade Unions of Slovenia Pergam, Trg OF 14, 1000 Ljubljana, tel.: 386 1 231 04 76, fax: 386 1 230 22 47, e-mail: pergam@siol.net.
- Confederation of Trade Unions 90, Komenskega 7, 1000 Ljubljana, tel.: 386 1 430 73 00, fax: 386 1 430 17 42, e-mail: ks90@sindikat-ks90.si.
- Independence – Confederation of New Trade Unions of Slovenia, Linhartova 13, 1000 Ljubljana, tel.: 386 1 306 39 88, fax: 386 1 230 28 68, e-mail: neodvisnost.knns@siol.net.

2.E What support exists at national level for accessing the different procedures, and what can be done to overcome any impediments/obstacles?

Impediments/obstacles can include e.g.:

- lack of legal aid or lack of pro bono legal assistance,
- lack of familiarity with the Directives and/or national anti discrimination provisions on the part of judges, ombudspersons, administrative review bodies,
- costs (which may be court costs or risk of costs if the case is lost),
- access to courts and court procedures (physical access – where are the courts in relation to where the complainant lives, what facilities for disabled access, for interpreters, etc.)

Support can include:

- possibility of being represented by trained NGO or trade union advice worker or lawyer,
- free legal aid,
- reduction of the obligation to pay court fees.

2.F Referrals to the European Court of Justice

Where there is a disputed issue of EU law and the judge is uncertain how to interpret a provision at EU law, a referral can be made by a national court to the European Court of Justice in Luxembourg under Article 234 of the Treaty. The parties to the proceedings can ask the national judge to grant a request for such a referral, or the judge can decide spontaneously to refer the case. Any court may make a referral, but only the national court of last instance is obliged to do so.

This may be a highly effective procedure because:

- Requesting a referral can concentrate the mind of the presiding judge and ensure that s/he gives proper consideration to the complaint, especially to the fact that it raises issues of European rights.
- National bodies, particularly public bodies, are impressed by its high profile and may take steps to avoid the exposure of discrimination at national level to pan-European scrutiny.
- The European Court is the only body that can give a **definitive** interpretation of the terms used in the Directives.

However this is a specialised procedure and expert EU lawyers familiar with its use need to be retained. In addition, it is important to note that the national case is "stayed" (put aside) until the ECJ has decided the issue before it, and this delay of sometimes two years can have serious consequences for the complainant.

2.G Petitions to the European Parliament

The Committee on Petitions of the European Parliament can receive petitions from Citizens of the Union who wish the Committee to investigate their complaint/s that their rights under European Union law are not being properly respected.

2.H Alerting the European Commission to discriminatory administrative practices

It is also possible to write directly to the Commission, which may often be a quicker process than that outlined above under 3.2.G. This could be done with a view to encouraging the Commission to initiate infringement proceedings against the offending State.

The Commission and the Parliament would be bound by the EU Charter of Fundamental Rights' provision on the right to good administration (Article 41) if adopted:

- Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union.
- This right includes
 - the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
 - the right of every person to have access to his or her file, while respecting the legitimate interest of confidentiality and of professional and business secrecy;
 - the obligation of the administration to give reasons for its decisions.
- Every person has the right to have the Community made good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.
- Every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language.

2.I Complaints to the European Court of Human Rights

In addition, when all effective national legal remedies have been exhausted, a person may, if the case concerns issues covered by the European Convention on Human Rights, apply to the European Court of Human Rights in Strasbourg (see Key Concepts section).

This can be done under Article 14 of the Convention provided another Article is also engaged or, if the country has ratified it, under Protocol 12 to the Convention. (Slovenia has signed but not ratified Protocol 12)

Collective complaints can also be made under the Council of Europe's European Social Charter.

2.J Other international remedies

In addition to other legal remedies available at European Union institutions, residents of the Republic of Slovenia may file individual complaints to Human Rights Treaty Bodies of the United Nations:

- Human Rights Committee (HRC),
- Committee on the Elimination of Discrimination against Women (CEDAW),
- Committee on the Elimination of all forms of Racial Discrimination (CERD).

2.K Professionalism

Everyone in a NGO or a trade union who takes up the case of an individual or a group of individuals must be aware of the need to observe high standards of professionalism, including confidentiality and efficient management of case files. For individuals whose cases the NGO or a trade union is not able to assist with, the NGO or a trade union should be able to provide relevant information and, wherever possible, referrals to another agency that is able to provide further advice and support.

3. Societal issues

Suspect groups that are in risk of discrimination are Roma, asylum seekers and refugees, migrants, the “erased”, members of unrecognized minorities (Croatian, Bosnian, Serbian, Montenegrin, Macedonian, Albanian), religious minorities (e.g. Muslims), sexual minorities, disabled, elderly and women. The most serious problem is in the field of employment, where Roma, migrants, disabled, elderly and women are treated less favourable (not only in access to employment, but also in treatment during employment). There are cases where access to goods and services is problematic for Roma and migrants. Roma are also discriminated against in education. Access to public housing ensured only for the Slovenian citizens which puts migrants in a less favourable position.

One of the most serious problems in the Slovenian society is the increase of hate speech and harassment which is mostly targeting Roma, the erased and sexual minorities. Sexual minorities are exposed to harassment and hate speech at work, public action, and in other spheres of social life (in 2006 there were two attacks on gays and lesbians during the parade. In 2006 there was also an incident concerning the eviction of a 30-member Roma family from their land which they legally owned. The eviction was carried out by the government (with the assistance of the police) because this was demanded by the majority population living in that town. The justification of the government for the eviction was that this was the only way to protect the family, that it would be too costly to ensure them police protection, and that their land is in the middle of the fresh water resort. The eviction was accompanied by hate speech, coming from both ordinary people and from visible opinion making individuals. The problem is also that hate speech was not condemned by the politicians and other opinion makers which sent out the signal that hate speech is acceptable. The third group that is usually the target of hate speech are the erased. The erased are the people of mostly Bosnian, Serb and Roma ethnicity who were erased from the permanent residence registry because they did not apply for Slovenian citizenship after the declaration of independence. The Constitutional Court declared (in 1999 and 2003) this erasure illegal and unconstitutional, but the authorities still have not remedied this violation.

d) Funding opportunities in the field of anti-discrimination

I. EU FUNDING AT THE EUROPEAN LEVEL FOR NGOs/TRADE UNIONS OPERATING AT THE EU LEVEL

1. EU funding for NGOs/Trade Unions operating at the EU level

a) *European-level NGOs*

European-level NGOs are in a central position to influence and contribute to European employment, social and equal opportunity policies at different levels – both in its formulation and implementation – through the information and expertise supplied by their national members. This is vital in order to ensure that EU policies meet the actual needs of EU citizens, and that citizens are informed about them.

Between 2001 and 2006, the Community Action Programme to combat discrimination provided funding for a number of European umbrella NGO networks representing and defending the rights of people exposed to discrimination:

AGE (The European Older People's Platform); ILGA Europe (International Lesbian and Gay Association – Europe); ENAR (European Network Against Racism); and EDF (European Disability Forum) have been granted a total of 3 000 000 € per year towards their running costs up to the end of April 2007. A number of smaller organisations – the European Blind Union, The European Union of the Deaf, Inclusion Europe, Autisme-Europe – also received support under the Action Programme.

Until the end of 2006, the European Women's Lobby received running cost support through the Gender Equality Programme with an annual amount of around 800.000 €.

A number of NGOs working to tackle social exclusion (European Anti-Poverty Network, European Federation of National Organisations Working with the Homeless, European Transregional Network for Social Inclusion, Eurochild, European Social Network, Caritas-Europe) received funding from the Community Programme to Combat Social Exclusion with a total of 3.600.000 € between 2005 and 2007.

For the new 2007-2013 programming period, the European Commission decided to create a new integrated programme known as **PROGRESS** (Programme for Employment and Social Solidarity). The programme was approved by the European Parliament and Council in November 2006: http://ec.europa.eu/employment_social/progress/index_en.html

PROGRESS combines the four former Community Action Programmes, including that relating to non-discrimination: Section 4 of PROGRESS, entitled "Anti-discrimination and diversity", thus aims to support the effective implementation of the principle of non-discrimination and to promote its mainstreaming in all EU policies.

Calls for proposals and tenders under PROGRESS are published on the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities on: http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm

A first PROGRESS call for the award of a financial contribution towards the operating costs in 2007 of European-level networks active in the field of combating discrimination, promoting gender equality and promoting the integration of disabled people in society was launched in November 2006. Grant agreements for the successful EU-level networks will run until December 2007.

b) European Trade unions

The European Trade Union Confederation (ETUC) represents workers across the industries at European level. Set up in 1973, the ETUC includes 81 national organisations from 36 European countries (among them all the EU countries) and 11 European industry federations, with some 60 million members.

The ETUC is one of the four main European social partner organisations. Numerous European social partners' projects are supported every year by the European Commission's social dialogue budget lines (04.03.03.01, 04.03.03.02 and 04.03.03.03). For more information:

http://ec.europa.eu/employment_social/social_dialogue/grants_en.htm

2. EU funding for national NGOs/Trade Unions

While the EU does not provide for core-funding of national NGOs or national trade unions under PROGRESS, organisations may be able to receive funding for projects through their participation in specific initiatives such as national awareness raising activities or trans-national projects. National organisations are therefore advised to regularly check the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities and consult the guidelines published there to check whether projects from national NGOs/trade unions are eligible for funding:

http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm

The EU-level NGOs such as AGE, ILGA-Europe, EDF or ENAR are also a good source of information. It is therefore recommended to also check the information that is provided on their web page.

In addition to PROGRESS, the European Social Fund (ESF) can be a source of project financing for national organisations. The ESF will between 2007 and 2013 focus on four key areas for action, including reinforcing social inclusion by combating discrimination and facilitating access to the labour market for disadvantaged people. More information can be obtained from:

http://ec.europa.eu/employment_social/esf2000/2007-2013_en.html

The European Commission does not directly fund ESF projects. Member States are responsible for identifying their priorities for funding and for selecting individual projects. For further information, you should contact the relevant national/regional authority whose contacts are available on:

http://ec.europa.eu/employment_social/emplweb/esf/esf_matrix_en.cfm

II. FUNDING OPPORTUNITIES FOR NGOs/TRADE UNIONS WORKING ON ANTI-DISCRIMINATION AT NATIONAL LEVEL

- 1. Does the European Commission delegation in your country provide for specific funding for NGOs/trade unions working on non-discrimination at national level? What form does that funding take? (project subsidy, provision of meeting room, etc)**
Is it easy to access such funding? What are the conditions to receive such funding?

Since the Republic of Slovenia became a member of the European Union there is no specific funding provided by the European Commission delegation in the Republic of Slovenia for NGOs or trade unions working on anti-discrimination.

- 2. Does the central government provide for specific funding for NGOs/trade unions working on anti-discrimination?**

The central government in Slovenia is providing funding for NGOs and trade unions for projects concerning anti-discrimination, however in most cases such call for proposals issued by the government are a result of the European Union funding initiatives.

For example, one such funding opportunity, initiated in 2004, was EQUAL Initiative concerning employment policies (including equality in employment). Although EQUAL is a European Commission Initiative, it is administrated by the Ministry of labour, family and social affairs of the Republic of Slovenia. While 75% of funds for this program are provided by the European Commission, 25 % of the funds are added by the central government. The other funding opportunity is a call for proposals within the European Year of Equal Opportunities for All 2007, issued in 2006, making available 216.000 EUR for equal opportunities projects. Half of the total funds available for this call were provided by the central government while half were provided by the European Commission. More information: http://www.mddsz.gov.si/si/javna_narocila/javni_razpisi/.

Occasionally, there are other smaller calls for proposals concerning anti-discrimination. For example, the Agency for research and development of Slovenia (ARRS, <http://www.arrs.gov.si/>) funded a few smaller research projects concerning the consequences of discrimination. However, only non-governmental organizations which have a status of a research institute were eligible for such funds. In the past there were some other projects funded by various offices of the central government, such as the Government Office for Equal Opportunities (<http://www.uem.gov.si/>) which funded a small-scale research project on the existence of discrimination of the vulnerable groups. Usually, such projects are extremely goal oriented, which means that the agency funding the project already has very specific expectations from the implementing organization.

Resources for increasing the employment of all groups of unemployed persons and facilitate their re-integration to the labour market are available through European Social Fund (on the national level administered by the Employment Office of the Republic of Slovenia). More information: <http://www.ess.gov.si/SLO/ESS/ess.htm>.

Also, it should be mentioned that the government is also funding free legal aid for socially deprived groups, however, this funding is available for all types of legal counselling, not only for victims of discrimination. Also, only two NGOs in the republic of Slovenia are eligible for providing free legal aid paid by the state so this cannot be considered as a regular activity of the NGOs.

3. What form does this funding take? (core funding, project funding, facilities) Are such funding possibilities part of specific governmental programmes? (which ones and from which ministries?)

The funding is always project based. Funds are almost always part of specific governmental programs (e.g. the European Year of Equality for All, administered by the Ministry of labour, family and social affairs, <http://www.mddsz.gov.si/index.php?id=11611>). Usually, the projects are funded by the Ministry of labour, family and social affairs of the Republic of Slovenia. In the past, one small scale projects were funded by the Government Office for Equal Opportunities (<http://www.uem.gov.si/>). Also, one research project is funded by the Agency of Research and Development of Slovenia (ARRS, <http://www.arrs.gov.si/>). No funding for anti-discrimination activities of NGOs and trade unions takes a form of core funding or facilities subsidies. The free legal aid, which is funded by the Ministry of Interior and represents an extensive part of funding for two legal aid NGOs, is not specifically intended for anti-discrimination activities. However, people who are victims of discrimination may also obtain first legal advice at these NGOs.

4. Is it easy to access such funding? What are the conditions?

Accessing project-based funding depends on the organizational form, experience and financial stability of an NGO or trade union. In general, it is not difficult for bigger and more experienced organizations to access such funding. However, it is more difficult for smaller and younger organizations that do not have much experience in fundraising and project management. Namely, the conditions for obtaining such funding are, inter alia, having experience in such activities and having a stable income flow. One of the conditions is almost always that the applicant organization is a non-profit institution.

5. In case of federal countries, are there funding possibilities at the federated level?

Not applicable.

6. Are there other governmental funding possibilities at regional level? At municipality level?

In general, there are funding possibilities available in Slovenia at the municipality level. However, such funding depends on the priorities set out by the municipalities. In general, anti-discrimination activities are not within the priorities of the municipalities and for this reasons NGOs and trade unions do not apply for funding for extensive anti-discrimination projects. Accordingly, municipalities often fund smaller projects concerning one specific group, e.g. youth, elderly, disabled, Roma etc, which may also be anti-discrimination oriented.

7. Are there any private funding possibilities? (private foundations, private companies, headquarters of trade unions, etc.) What are they? Is it easy to access these sources of funding?

For NGOs private funding is available only in a form of foundations (e.g. Open Society Institute, TRUST for Civil Society, other private foundations). Company funding is almost non-existent.

For trade unions private funding is the main source of funding since they receive almost all of their funding from through membership fees.

8. Are there any other sources of funding?

Another source of funding which should be mentioned is embassies of various states in the Republic of Slovenia. The most active in this respect are embassies of the United Kingdom and The Netherlands. However, projects funded by them are also small-scale and the funds would not suffice for larger anti-discrimination initiatives on the national level.

IV. Diversity Management seminar

Design of the training

The role of diversity management trainer was undertaken by Ms. Marjeta Novak from *Humus d.o.o. – The Human Side of Success*, who also attended the Train the Trainers seminar in Koeln on 20 June 2007. At the training in Slovenia, she was joined by her business partner, also a trainer, Mr. Robert Kržišnik who recently got an award for the best facilitator in Slovenia. In addition to them, Mr. Kazuma Matoba (international trainer) held a presentation on good practices at the Diversity Management seminar.

The concept of Diversity management (DM) had been little known in Slovenia. The aim of the training was:

- to raise awareness about the concept of DM in business settings (including how to ‘sell’ the concept to key decision makers in companies)
- to address emerging DM-related issues relevant for Slovenian circumstances: intergenerational issues, ethnic diversity in (emerging) multicultural society, DM and business internationalization
- to learn about best practices from comparable businesses abroad (here, emphasis was put on small and medium-size enterprises – their experience is much more relevant than that of large multinationals, given the smallness of Slovenian market).

The key challenge for the organizers was how to translate the rather abstract notion of DM into relevant business case for Slovenian circumstances. After all, Slovenia is a 2-million market that had – until recently – been relatively self-sufficient, with ethnically quite homogeneous workforce. Other DM-related issues are also not yet on the agenda of most companies. The design was made on the basis of broad experience of the local trainer as to the needs and expectations of Slovenian businesses. The international trainer (who has known the local one for several years, which eased the co-operation) approved the concept well before the training itself. He also added a good ‘international perspective’ via his own 40-min presentation, which was well-received at the seminar.

In order to make the best use of time available (6 full hours + breaks, which is the usual seminar design in Slovenia), a co-facilitator was invited by the local trainer (working pro bono). The NGO coordinator also helped with interactive group work. The result of this joint effort was a high-paced, interactive and dynamic seminar.

The seminar was a good combination of short presentations (PPT); of different presenters and their styles (two local plus one international trainer); of individual and group work on critical issues; of quiet and dynamic activities. All the presentations, resources, and group work flipchart results were later uploaded on local trainers’ internal website accessible to participants with password.

All the participants also received translated participants’ manual, translated international trainer’s presentation as well as all the materials developed during antidiscrimination workshops.

Preparation of the seminar

Training seminar in Köln

The training was more of a ‘meeting’ than training. Since DM is rather a novelty in Slovenia, a lot of effort was put by the local trainer into studying the subject, gathering (relevant) best practices which can be used for Slovenian circumstances, and designing group work activities in the seminar. The basis for the seminar design was not the seminar templates provided in the trainers’ manual, but rather the answer to the question – what does the target group (directors, HR professionals, consultants) really need?

Announcement of the seminar

The seminar was announced 70 days in advance, which proved to be a good tactics.

Attracting and selecting participants

The seminar was announced via several channels: NGO website and network, Chamber of Commerce, Association of HR Specialists, local trainers' network. Due to the fact that the concept of DM had been so little known, the majority of the participants enrolled because they had known the quality of trainings/services provided by the local trainers. They had either attended their trainings/seminars before, or heard/read about their work.

About 65 individuals enrolled, which was an adequate number – no selection needed. However, on the day of the training, some 40 showed up. According to our experience, this is a 'normal' phenomenon when people are not obliged to pay for attendance.

Logistical arrangements

The NGO coordinator also took care of all organizational aspects, which enabled the seminar to proceed as planned, without any disturbances.

Carrying out the seminar

Business cases by whom

Business cases were carefully selected from existing Slovenian best practices (considerable effort was made to get those together), as well as from other sources – the manual provided, various EU-studies, compendium of best practices in SME, international trainer's resources.

At the seminar the business case of Deutsche Bank was presented. The lecturer presented its vision, understanding of diversity management, and initiatives for its implementation, such as programs of mentorship (mentorship for women in the company, internal mentorship for women, one-to-one mentorship for women, mentorship circles for women, mentorship for further steps), global recruitment, internship programs (summer internships for students from underrepresented groups in employment and studies, internships for top minority students from universities in USA and UK, internships for office heads of office for international undergraduate students). Further, initiatives for inclusion into working environment were presented (women networks and conferences, networks of gays, lesbians, bisexuals and transsexuals, networks of ethnic minorities, all religions worship rooms). In addition, the presentation included codes of conduct, initiatives for managing of family and professional life, training programs and evaluation of results programs, as well as employers' satisfaction research.

Ration of participants

55 % business; 20 % consultants; 15 % other (universities, schools, NGO, government).

Process during the day – observations

The participants were seated into assigned groups (islands – no tables), according to the branch they work in. The idea was that those people sit together who share similar problems/challenges (i. e. production companies who cannot find enough local workforce for the shopfloor, and need to 'import' workers from abroad...). This proved to be a good starting point for group work.

Evaluation of the seminar

Seminar 2 (Diversity management seminar): 80 % of the participants were aware of the profile of people for which the seminar was organized (they circled numbers 4 or 5). 83 % felt they have sufficient knowledge to attend such seminar. 93 % felt they were sufficiently informed about the goals of the seminar. 100 % felt the seminar fulfilled their expectations. 83 % felt that the topic was relevant for their work. 93 % felt that the activities encouraged them to learning. The same percentage of participants felt that they received enough practical information and feedback. 80 % felt that the level of the seminar was appropriate. 90 % felt that the pace of the seminar was appropriate. 100 % felt that the trainers were well prepared and that they were helpful. 93 % of the participants felt that the seminar rooms were comfortable and appropriate for learning and 96 % like the meals. Everyone felt that the materials were useful. 93 % felt that the goals of the seminar were achieved and 83 % felt that they will be able to use the acquired knowledge in practice.

As most useful at the seminar they stated: overcoming the frames of thinking; opening up the horizons, calibration with the participants which opens the way for new knowledge, practical tasks and group work, relaxed approach, practical examples, exchange of information and experience; everything was useful; one person learned that people have different experience with diversity; learning about potential solutions; sensibility for diversity; materials, access to information, good practices; sharing of ideas; group work. On the question on what they didn't like, they only stated as follows: the lecture on good practices of foreign companies and DM models used; case studies (Deutsche bank...), the lecture of Mr. Matoba as too theoretical. The suggestions for improvement were to: Provide better information before the seminar (2). Clarify the objectives (1). Increase content covered (4). Make course activities more stimulating (1). Make the seminar more difficult (4). Speed up the pace of the seminar (2). Shorten the time for the seminar (4).

Main lessons learned seminar

In fact, all the 'critical' aspect of organizing and implementation of the training had been foreseen and dealt with in due time; so no 'surprises' came out. The NGO and the local trainer co-operated closely from the very start – from April 2007, and until the very training. They co-operated in marketing, logistics, translating, delivering/facilitating and coordinating with the international trainer practically in all the aspects of the project. This was really necessary in order to motivate enough participants to come to a training on a rather 'abstract' theme of diversity management. What was good:

- several presenters; co-facilitation
- practical orientation (see also seminar design)
- focus, well-facilitated interaction – between participants and between trainers/participants
- seating according to similar challenges
- planning well in advance
- good co-operation between NGO and local trainer
- great dedication to the project on the part of all involved: international trainer, NGO and local trainer

Since DM is so little known in Slovenia, it was good to see quite a few consultants interested in the issue. They can further disseminate awareness about DM issues and solutions among their business contacts.

Annexes

The role of trade unions combating discrimination

Intended learning outcome:

- For the participants to have explored the roles trade unions can and should play in combating discrimination.

1. What is a trade union?

A trade union is an organised association of workers, whose aims are to protect, and further workers' rights and interests and represent them at a variety of levels (workplace, sector, national). Originally, unions organised workers along the lines of specific 'trades' and professions (such as hairdressers, teachers, construction workers) but increasingly common are unions with a wider remit (like: workers in commercial services or 'the public sector'). Trade unions can be organised at company level (which is quite common in several countries) or by sector (education, transport, etc.). Unions can also be organised as federations and can also be part of European or international networks.

In several countries, trade unions may have historical links with certain political groupings, ideologies or denominations (socialist, communist, liberal, Christian), and a few have close links with a political party.

However, a common and essential feature to all trade unions is that they are democratic and independent organisations. Democratic because they are membership based and representative organisations, in which every member has a vote and is part of the decision-making process. Independent, because they have to be independent from employers and public authorities to be able to play their role of representatives of workers properly, in which negotiations and compromises but also conflicts (such as strikes) are part of the game.

Trade unions are normally funded by members' subscriptions.

2. What is the role of a trade union in combating discrimination?

When considering what role trade unions can have in combating discrimination, they should take full advantage of the special roles that have been given to them under Articles 7 and 11 of Council Directive 2000/43/EC, and Articles 9 and 13 of Council Directive 2000/78/EC.

Trade unions are clearly important to the development of peaceful, democratic, well-managed, healthy and prosperous workplaces that engage with and promote equal opportunities, and through the workplace also contribute to these same goals in society at large.

Trade unions as instruments of social dialogue can combat discrimination in the following ways:

- Negotiating with employers to ensure that discrimination in the workplace is eliminated and that equal opportunities are promoted.
- Providing a means for expressing and addressing the needs of workers who are discriminated against in the workplace.
- Supporting victims of discrimination in securing a settlement with the employer (alternative dispute resolution).
- Supporting victims of discrimination in their search for access to justice.
- Promoting equality and diversity in the workplace and in the sector.
- Establishing mechanisms to influence decision-making by employers and Government.

- Mainstreaming non-discrimination and equal treatment in policies and practices.
- Challenging employers, organisations and authorities to combat discrimination.
- Monitoring, documenting and denouncing discrimination.
- Ensuring that equality is prominent on the political agenda and encouraging campaigns and action to eliminate discrimination and promote equality.

A trade union can

- Work in partnership with other trade unions to achieve shared aims.
- Work in partnership with NGOs in order to achieve shared aims.
- Cooperate with national equality bodies, for example in building up networks of equality representatives, or in organising training and expertise for workers' representatives.
- Empower groups to engage in campaigns, to be self-advocates and to assert and enforce their rights.
- Work, where appropriate, in partnership with Governments/employers to achieve common aims and objectives.
- Challenge, where appropriate, Governments/employers when they are promoting policies which are contrary to the trade union's objectives.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities within the framework of Government policies and adopt and promote strategies of Trade unions and strategies negotiated between Trade unions and Government.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities outside the framework of Government policies and adopt and promote trade unions' objectives and, strategies even if those are contrary to Government policies.
- Ensure the co-ordination of its own services and to engage Government/employers in discussions on the co-ordination of services between the Government and trade unions, where those services relate to equal opportunities.
- Provide properly professionally researched advice to Governments/employers on issues of concern.
- Advocate and campaign for change as a response to need.
- Guide and contribute significantly to legislative and policy making processes, by providing properly researched advice and briefings to politicians in Government and to employers and other persons of influence.
- Be vigilant "watchdogs" - pointing out where Governments/employers are actively discriminating, or failing in their obligations to combat discrimination or where they need to improve their performance, and enforcing the operation of the checks and balances that characterise democratic society. In this role trade unions must target Government and the business community by advocacy, lobbying and negotiating functions when required.
- Challenge, by appropriately selected mechanisms, acts, omissions, administrative practices or policies which are contrary to the trade unions' and the workers' objectives.
- Keep track of and ensure that advantage is taken of all new developments in combating discrimination, e.g. new legislation (national, EU and international), new policies (national, EU and international), new sources of funding, and landmark judicial decisions (at both national, EU and international level).
- Be open, transparent and accountable to members and to the public.
- Increase the strength of trade unions' participation in social dialogue by forming networks and coalitions, and promoting original initiatives and solutions. This can help to reduce prejudice within society, thus promoting equality.
- Work openly and in a spirit of collaboration with other trade unions and NGOs operating in related fields and prevent conflicts and disputes occurring between trade unions or NGOs.

- Put pressure on a state to ratify international instruments which allow for the international spotlight to be shone on Government practices relating to equal opportunities.
- Supply national and international bodies with essential and reliable information on which they can draw when examining a country's record on discrimination.

In summary, the role of trade unions should be to check, monitor and challenge the actions of employers and Governments and other organisations, in order to combat discrimination and to assist workers and groups of workers in asserting their rights.

3. What activities can a trade union do to combat discrimination?

The following is a suggested list of activities and services that a trade union can carry out or provide in order to help combat discrimination on all grounds:

- Negotiating.
- Awareness-raising.
- Monitoring/Influencing the development of policy & law.
- Providing support to individual victims of discrimination, and to individuals as part of a collective complaint.
- Litigation.
- Alternative Dispute Resolution including mediation.
- Campaigning and organising.
- Advocating changes in practice (as distinct from policy or law).
 - Promoting the establishment of focal groups around a specific ground of discrimination (disability, race-ethnicity, etc.) to offer workers a place where they can share common experiences and discuss which policies to develop in their workplace and their union, and how to join forces to put their interests on the general trade union agenda
 - Adapt their recruitment campaigns to an increasingly diverse workforce, and making the diversity of the trade union movement more visible in internal and external publicity
 - Promote female members and members from a minority background in positions of decision-making and leadership.

4. What does a trade union need to fulfil its role?

- Human Resources.
- Skills.
- Knowledge.
- Expertise.
- Openness.
- Transparency.
- Accountability to their members.
- Non discriminatory attitudes within its own organisation.
- Appropriate national legislation in place regarding its establishment and functioning.
- Funding. Although clearly the core functions and activities must be funded independently by members' contributions, many unions make use of project subsidies by governments and private funds for specific aims. Especially in the area of non-discrimination, a variety of possibilities for funding are available.

5. Why are trade unions better placed than other organisations to work towards combating discrimination in the employment field?

- Because trade unions are active in the workplace, they are often best placed to detect patterns of discrimination at work, and to take action to combat disadvantage.
- Trade unions can represent workers collectively, for instance in works councils and collective bargaining, which can often be the most effective way of achieving change and eliminating discrimination in the workplace.
- Trade unions play a crucial role in engaging with workers and employers at the local, regional, national and international level.

6. What are the obstacles for trade unions and how might these be overcome?

- Lack of standing in order to participate in relevant political debates. Trade unions will need to be sure that they brief an individual or organisation that does have standing.
- Lack of standing in order to bring complaints, either individually or collectively. Trade unions can support and assist those who do have standing, or seek to reform the rules.
- Perception of affiliation to Government or a political party or other group so undermining their reputation as impartial advocates of equality issues. A trade union needs to ensure to act in a way that does not conflict with members' fundamental rights to equality, and ensure that any connections with political parties or other organisations or causes do not conflict with members' rights.
- Passivity from some of their members/employees or even their leadership regarding action to be taken against discrimination.
- Conflicts between the interests of the majority of members, and the rights of minority members.
- Own prejudices.
- Lack of effective 'partnership' between Government/employers and trade unions. Lack of effective cooperation with NGOs.
- Lack of membership among the discriminated groups of workers, and therefore a lack of interest among the members and the leadership to deal with these issues. This may be a vicious circle, as clearly a trade union that does not show an interest in representing the interests of for instance women or migrant workers will not easily convince those workers that they should join a union.
- Inability to reach some parts of the workforce or senior management due to ineffective structures, poor organisation, externally imposed priorities, or cultural or language barriers. Trade unions should ensure that *their own organisations* have a diverse workforce with personnel who have received equal opportunities training and who are aware, of relevant social and political history, including the history of exclusion and discrimination of certain groups within the community and, where relevant, a range of language skills.