

QUESTIONNAIRE TO STATES ON ANTI-MUSLIM HATRED AND DISCRIMINATION

1) Muslims within the state

What part of the population within your jurisdiction identify as Muslims? Are there multiple Muslim groups within your country?

The last official data on religious belonging from 2002 demonstrate that 2.4 percent of Slovene population are describing themselves as Muslims. Since Slovenia switched from field to register-based census of population in 2002, official data on religious belonging haven't been updated yet. It is however reasonable to conclude from other sources that the number of Muslims in Slovenia has increased in recent period¹.

There are three registered religious communities of Muslim faith in Slovenia.

2) The Right to Freedom of Thought, Conscience and Religion or Believe

a) Does the state recognize the right of thought, conscience and religion or believe to all persons regardless of one's race, ethnicity, race, gender, language, nationality, religion or believe? What are protections provided in law and practice against coercion on matters of faith and believe, including in the right to have, adopt or change one's religious or non-religious beliefs?

The State is recognizing the right to freedom of thought, conscience and religion or belief of all persons regardless of one's race, ethnicity, gender, language, nationality, religion or belief. The Constitution, international agreements and legislation are providing for equality and religious freedom, there are strong and independent institutions of The Human Rights Ombudsman and The Advocate of the Principle of Equality.

b) Does the State restrict the right of Muslims to manifest their freedom of religion or belief?

The State does not restrict the right of Muslims to manifest their freedom of religion or belief. In 2018 The Constitutional Court has approved the provision of The Animal Protection Act which declares slaughter of animals illegal, when they are not stupefied before². This decision is preventing religious slaughter as it is understood by some Muslims and Jews, but according to The Constitutional Court it doesn't excessively interfere with their right to freedom of religion, since there are no restrictions regarding import of alimental food which is produced according to halal or kosher standards. Holidays and days of rest in accordance with Islamic faith are not considered as free of work according to Slovene labor legislation. These days (5) are indeed fixed to some Christian holydays, but The Constitutional Court has decided, that this can't be understood as discrimination of any other religious or non-religious believe³. Observing of dietary requirements mandated by religious belief in public schools and kindergartens is not a subject of a law; however individual public schools and

¹ The Statistical Office of the Republic of Slovenia is reporting constant increase in number of foreign citizens who are coming to work in Slovenia and stay. These numbers are especially high for 2018 in 2019. Most of foreign citizens who are coming to Slovenia and stay are coming from states of former Yugoslavia and most of them from Bosnia and Herzegovina.

² See decision of The Constitutional Court of the Republic of Slovenia, no. U-I-140/14, 25. 4. 2018.

³ See decision of The Constitutional Court of the Republic of Slovenia, no. U-I-67/14, 19. 1. 2017.

kindergartens are free to comply with such requests, when they are able to perform such a service. *Are there restrictions on the construction, maintenance and use of places of worship by Muslims in your State? Have there been any attacks on Muslim places of worship within your jurisdiction?*

There are no restrictions on the construction, maintenance and use of places of worship by Muslims. There were no attacks on Muslim places of worship.

- c) *Are there any Islamic cultural sites in your country? Does the State support the preservation of these sites?*

There are no especially Muslim cultural sites in Slovenia. *Are there any places of Islamic education (madrasas, schools or universities) in your country? If so, are they accredited, recognized or founded by the State? Are Quran classes allowed in places of Muslim worship or other religious institutions?*

There are no places of Muslim education in Slovenia. Quran classes are allowed in places of Muslim worship and other religious institutions.

3) Equality and Non-Discrimination

- a) *Please provide and data on the prevalence and types of inequality and discrimination, reportedly experienced by Muslims in your country, including from a gender perspective.*

See answer under paragraph j in this section.

- b) *Please provide information on domestic laws (including relevant domestically implemented international law), policies and practices to protect against or respond to discrimination against Muslims. How do you ensure that deradicalization programme, counter-terrorism and/or preventing extremism measures or legislation do not target any specific ethnic group, including Muslims?*

There is no domestic law which would exclusively protect against or respond to discrimination of Muslims. The Constitution of the Republic of Slovenia states that everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of any personal characteristic, that everybody is equal in front of the law (Article 14); religious freedom is guaranteed to everybody (Article 41), all religious communities and the state shall be separate, all religious communities shall enjoy equal rights; they all shall pursue their activities freely (Article 7). Basic internal acts, Religious Freedom Act and Protection Against Discrimination Act, were adopted by Slovene National Assembly in 2007 and 2016⁴.

There is no constant in-depth monitoring of the quality of exercising of human rights in Slovenia, however all the relevant institutions are receiving complaints of citizens. Ministry of Culture (Office for Religious Communities) is not aware of any complaint against possible effects of deradicalization programs, counterterrorism and/or preventing terrorism measures on any ethnic or religious group.

⁴ Other relevant legislation is evident from <http://www.zagovornik.si> (The Advocate of the Principle of Equality) and <https://www.varuh-rs.si> (The Human Rights Ombudsman).

- c) *Please provide information on specific gaps and challenges with regard to the elimination of discrimination against Muslims. Are there any recent examples where the State has amended or rescinded legislation in order to combat discrimination against Muslims? Do laws in your country guarantee equal rights, regardless of religion or believe, in terms of access to education, healthcare, housing, and employment?*

Laws in Slovenia guarantee equal rights, regardless on religion or believe, in terms of access to education, healthcare, housing, and employment. There are no recent examples where the state has amended or rescinded legislation in order to combat discrimination against Muslims. Ministry of Culture (Office for Religious Communities) has no information on possible gaps and challenges with regards to the elimination of discrimination against Muslims.

- d) *Are Muslim treated differently in their applications for asylum and citizenships?*

Muslims are not treated differently in their applications for asylum and citizenship.

- e) *How does the State protect Muslims in potentially vulnerable situations such as (i) refugees and migrants (ii) children (iii) girls, women and LGTB+ persons (iv) persons with disabilities (v) members of recognized or unrecognized minority Muslim sects, Muslims perceived to be secular or Muslims to be converted into other religions or become atheists and (vi) Muslims in the context of COVID 19 pandemics?*

The state has no different approach towards Muslims or towards any other religious or non-religious group of population.

- f) ***Representation and participation in public life:*** *Are there Muslims in Government and the judiciary? Are Muslims represented in other public affairs or institutions, including legislative and equality bodies such as National Human Rights Institutions?*

Religious affiliation is not a criterion which influences representation and participation of citizens in public life. In addition to general equality (Article 14) The Constitution states that no one shall be obliged to declare his religious or other beliefs (Article 41). That state therefore doesn't possess any data on religious or other affiliation of its citizens.

- g) ***Hate speech by politicians:*** *Does the State have a parliamentary or legislative code of conduct to deter politicians for making anti-Muslim, anti-Semitic, xenophobic, racist, homophobic or other hateful remarks from the floor or in public appearances? Is there qualified or parliamentary immunity for hate speech?*

The Code of Ethics for Deputies of National Assembly (2020) states that Member of Parliament is decent, respectful, tolerant and nondiscriminatory (Article 8). The Constitution provides for parliamentary immunity (Article 83), but only for any opinion expressed or vote cast at sessions of the National Assembly or its working bodies.

- h) ***Incitement of hatred and violence:*** *How is the prohibition of incitement to national, racial or religious hatred in international human rights law incorporated into domestic legislation? Are there specific offences in law regarding crimes of anti-Muslim hatred? Do the laws provide for*

imposition of enhanced penalties for crimes committed with anti-Muslim motivation? Is there a law on “takfirism”?

Prohibition of incitement to discrimination, hatred and intolerance is built into the Constitution (Article 63) and Criminal Code (Articles 297). Commitment of this crime is punished with imprisonment from 2 to 5 years. The content of this provision is general. There is no special law or special offences which would specify these provisions for any religious or non-religious group or believe.

- i) ***Countering Violent Extremism:*** *Are State strategies and practice to prevent/counter violent extremism grounded in human rights law? How does the State “violent extremism”? Are the impacts on women and ethnic religious groups on rights-limiting measures assessed?*

State strategies and practices to prevent / counter violent extremism are explicitly grounded in human rights law. National Strategy on Preventing Terrorism and Violent Extremism (2019) is defining violent extremism as ‘use or intention of any physical intimidation, force or violence to reach various ideological, political, social, religious or other goals of interest groups or individuals. Characteristics of such an act are clearly demonstrating perpetrator’s intent to physical attack on life, endangerment of health, destruction or disablement of social community and its important activities and services’. There is no available information on any impact of these strategies and practices on any segment of population.

- j) ***Reporting, documenting and remedy:***

Full evidence on incidents of anti-Muslim hatred or discrimination is not available. Some of these data could be extracted from annual reports of The Human Rights Ombudsman and The Advocate of the Principle of Equality. The first is reporting on 21 initiatives from the field of freedom of religion in the period between 2016 and 2019; only two of these initiatives were substantially grounded and none of them is concerning Muslims or Islam. These reports are documenting many efforts of The Ombudsman aimed at preventing hatred and incitement to violence. Three of his cases from 2017 demonstrate successful proceedings of (a) anti-Islamic graffiti, written on public places and connected with housing of small group of unescorted minors with no permission for residence or with a status of an applicant or a person already under international protection, (b) offensive attitude of a member of staff, responsible for the same group of minors and (c) hate speech against Muslims in a form of comment, written on government’s web pages. The Advocate is reporting two particular cases, connected with Muslims / Islam in 2018; however no discrimination has been established. Public system for anonymous reporting of hate speech and other prohibited contents ‘Web-Eye’ has recorded 16.685 reports of hate speech in period between 2007 and 2017, 541 of them were passed to the police for eventual criminal persecution. Most of eventual hate speech, reported in recent years, is targeting refugees and migrants, especially those of Muslim confession.

Ministry of Culture (Office for Religious Communities) is not aware of any case of anti-Muslim violence, harassment or desecration targeting individuals or their property or educational facilities; however the construction site of the Islamic Cultural Center in Ljubljana has been vandalized in 2016. Still unknown persons threw off some domestic pig’s heads and split some of their blood there. This incident has been strongly condemned by political leaders, general public and major religious communities.

4) State practices to promote tolerance and understanding, including with private and public sector

- a) ***Training / awareness rising:*** *What training on anti-Muslim hatred and discrimination does the state provide to (i) police (ii) security forces (iii) judiciary (iv) teachers and (v) local religious actors to support their role as key actors in preventing incitement to hatred and violence. What form does that training take?*

There is no special training for public servants on anti-Muslim hatred and discrimination alone. Learning of these special skills is included in more general trainings on prevention of hatred in discrimination against of all vulnerable categories.

- b) ***Removing barriers:*** *How does the State use public office to eliminate barriers between religious or believe communities and promote an inclusive society? Do such policies and practices include civil society and in particular, Muslims within those initiatives? Does the State have any initiatives (including non-legislative) in place to counter stigmatization and negative stereotyping of Muslims and incitement to religious hatred (e.g. facilitating exchange of information and resources on the "Istanbul Process" and implementation of HRC Resolution 16/18, interfaith dialogues) and / or promote interfaith tolerance, understanding and public discussions?*

Ministry of culture (Office for Religious Communities) is gathering representatives of all registered religious communities at receptions and workshops. The latter are dealing with different questions of mutual relations which are important for the state or for religious communities. Such workshops have been also organized to empower religious communities to face hate speech, to introduce and implement UN's Plan of Action for Religious Leaders and Actors to prevent Incitement to Violence that Could Lead to Atrocity Crimes, and to foster interreligious dialog. Special government's working body for a dialog with civil society, The Council for a Dialog on Religious Freedom, has been active from 2015 to 2020. This council has included representatives of major religious communities; among them was a representative of the Islamic Community in the Republic of Slovenia, . The council has addressed several initiatives, issued by this religious community,

- c) ***Tackling extremism:*** *Has the State identified whether social sectors of their population are at risk of radicalization from extremist groups? What information is available on those groups' recruiting techniques and mechanisms for targeting alienated youths? Is the extremism in the political system an issue for the State?*

The Republic of Slovenia has not been affected by any terrorist attack so far, but that doesn't mean that it is not endangered by terrorist activities. National Strategy for Preventing Terrorism and Violent Extremism (2019) states that the most vulnerable social groups for radicalization consist from youth, imprisoned persons, socially weak population, migrants and other underprivileged and excluded groups. There are no public information on recruiting techniques and mechanisms for targeting alienated youth, used by extremist groups.

- d) ***Media:*** *Does the State require private or public media entities to have professional ethics or press codes that sanction anti-Muslim stereotyping, hatred and discrimination? Are there*

policies and regulations to promote pluralism and diversity of the media (including online) and which promote equal, universal and non-discriminatory access to and use of means of communication?

In case of a violation of the prohibition of incitement to discrimination and hatred in media according to Article 297 of Criminal Code the competent inspector has the right and duty to report a criminal offence or lodge a criminal charge for a criminal offence prosecuted ex officio. The Mass Media Act is also providing for prohibition of incitement to inequality and intolerance, but there is no fine determined in case of violation of this provision (Article 8). The Mass Media Act also states, that an issuer that allows public commenting within the media must formulate rules for commenting and publish them in an appropriate place in the media. A comment that does not comply with the published rules must be withdrawn as soon as possible after the application or no later than one working day after the application (Articles 9). Another self-regulatory mechanism is The Honorary Arbitration Court of Journalists. This institution is handling violations of The Code of Slovene Journalists, which declares any incitement to violence, spreading hatred and intolerance and other forms of hate speech as unacceptable and also establish a duty of journalists to avoid stereotypes.

- e) ***Online platforms:*** *How the State creates an environment for open robust debate and dialogue, including through a free and open Internet, in line with the rights to freedom of thoughts, conscience and religion or believe, freedom of opinion and expression, and non-discrimination? How does the State engage with social media companies to address online harassment of Muslims and coordinate efforts and response? Does the State regulate web-sites hosting companies that host hateful or harassing content? Does the State impose liability for web hosts that host hateful or harassing content?*

The State doesn't engage with social media companies to address any online harassment and also doesn't regulate web-hosting companies regarding the content they are hosting. General principle is that responsibility for the content doesn't belong to an operator (individual or company who make any content possible in technical sense), but to individual or group who create the content. When this is an individual, there is individual responsibility; when editorial responsibility is established and media is at the same time registered as media, the content is judged according to media law and other self-regulating mechanisms.