

**FOURTEENTH REGULAR ANNUAL REPORT
OF THE HUMAN RIGHTS OMBUDSMAN OF THE REPUBLIC OF SLOVENIA
FOR THE YEAR 2008
(selection from abbreviated version)**

Annual and special reports by the Human Rights Ombudsman are also published
on the website

<http://www.varuh-rs.si/>

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1 OMBUDSMAN'S FINDINGS, OPINIONS AND PROPOSALS

To prepare a review and analysis on the state of human rights in the Republic of Slovenia is a very demanding and responsible task, and one that can only be subjectively carried out by the Human Rights Ombudsman. Despite all of the carefully prepared professional proposals, opinions, critics and recommendations at the level of the Ombudsman's institution, the introduction and the report as a whole do reflect my own personal views on particular issues.

The Ombudsman's Report for the year 2008 is comprehensive and the result of a yearlong effort by all the employees of the Ombudsman's office. Since the report has no prescribed form or pre-defined content, it reflects changes in the field of human rights protection both in the Republic of Slovenia and the European Union, as well as in the countries of the Council of Europe and beyond. The intertwining of past and present has been a consistent problem in writing reports for the previous year.

Each annual report is marked by certain highlights that are selected on the basis of the initiatives received. Therefore, the Ombudsman's opinion and the report as a whole are texts that have not been prepared in advance but reflect the most topical issues or human rights violations.

Some matters that were described as unsettled last year have changed with the release of this report. We are aware of this, but since this report is a document, the situation is described as it existed in 2008.

We tried to make this report interesting and useful to read, both for the representatives of all three branches of power, whose potential violations of human rights are monitored by the Ombudsman, and to initiators looking for possible solutions of their problems in the Ombudsman's reports. Some chapters have therefore been drafted to introduce the topics of a certain subject, followed by selected cases that were dealt with by the Ombudsman's office. Experience has shown that individual cases best reflect a certain problem area and ways of resolving individual infringements, postponing or avoiding the responsibilities of national bodies, local government bodies and holders of public authorisations.

Each chapter was followed by the Ombudsman's recommendations and proposals. The number of these recommendations does not reveal an analysis of individual areas, since some proposals are aimed only at minor corrections in the operation of a certain body, while others, perhaps fewer in number, require systemic changes. We are aware of the risk that readers will start and finish reading the annual report at the proposals and recommendations without going deeper into the elaboration of the introductory part or cases. At the same time, we hope that this very piece of text will incite the readers' curiosity and inspire them to continue to read and act.

Critics of the Ombudsman's work will mention that the themes, recommendations and initiatives are regularly repeated in the annual reports. This is, however, true only in cases where the government

fails to take sufficient actions to make the violations stop or the circumstances improve. The careful reader will find quite a few such instances. Those who have been following the Ombudsman's work for a longer period of time will recognise the changes and improvements resulting among other things from the Ombudsman's opinions, findings, recommendations and proposals. Some have been repeated in this report in order to prevent non-compliance from becoming a regular practice in some bodies, and in order to stimulate the government to prepare new measures and implement those that have already been adopted.

During my mandate, I have often faced public calls from the media, and even from politicians, asking the Ombudsman (as an institution) or Ombudsman (as a person), to take a position in public regarding certain, often politically motivated, questions. I do not think it is the Ombudsman's mission to judge individual actual events, historical facts and periods or previous political systems, especially with regard to political issues that are not related to the tasks for which the Ombudsman was established. Human rights, personal freedom, democracy, the principle of the rule of law, justice and good governance remain now and in the future the essential pillars necessary for the Ombudsman to make assessments operate and act. Insisting on a value-based Ombudsman's view on obviously politically motivated questions could be understood as a particular form of pressure on the institution.

I am surprised that politicians put questions in public without previously addressing them to the Ombudsman directly. I accept the caution of politicians on the violation of human rights, but it cannot be ignored that, as a rule, they do not respond to our invitations (by personal mail) to clarify the circumstances, the facts and proof of individual cases in personal discussions.

The question of how to regulate the protection of human rights in various fields becomes topical especially in the pre-election period, although this is an eternal dilemma. Most frequent are the requests for the children's rights and patients' rights ombudsman, but there are also those who expect ombudsmen for the environment, soldiers, consumers, students, healthcare workers, and others. Perhaps this kind of understanding comes from the slightly awkward Slovenian term meaning the 'guardian of human rights' (as compared to the guardian of competition, for example, who boasts a completely different type of mandate). In other languages, we see terms like advocates, mediators, state defenders, and people's advocates, all of which are virtually synonymous with our 'guardian'/ombudsman. In the English-speaking world, they are mostly called ombudsmen – regardless of their mandate or their area of work. The eventual appointment (election) of special ombudsmen in the Republic of Slovenia should be carefully examined, especially from the point of view of the efficient protection of human rights.

In thinking about additional ombudsmen, we should not ignore the fact that many people are not well acquainted with existing ways to enforce their rights, and they are not familiar enough with the competencies of the Ombudsman. Based on an analysis of closed cases, we find that this is improving year by year, since the share of justified initiatives has increased and is among the highest in Europe.

The Human Rights Ombudsman is also involved with international associations, of which some are more, others less, formal. They are a precious source of knowledge, experience and ideas, but at the same time an additional workload for employees. In this context, I would like to mention the repeated calls for the Ombudsman to ask for the 'Status A' of a national human rights institution and to participate proactively in the operation of the Human Rights Committee at the United Nations, or similar associations at the level of the EU or the Council of Europe. In any case, I believe that Slovenia needs a national institution that is responsible for research and analysis, and to carry out a proactive engagement in the protection of human rights. In the past, the Ombudsman conveyed a similar opinion to the National Assembly. It is necessary to think about whether such an independent institution would be an organization of its own, part of the Ombudsman's office, or some other (non-governmental) organization. Each of these possibilities has its advantages and weak points, and each case will require (additional) staff and operating means. Perhaps such an institution could also take over tasks related to the fight against discrimination (including in the field of employment).

Since the seat of the International Ombudsman Association was transferred this year to Europe, in Vienna, we expect a more accessible and fruitful co-operation with similar institutions abroad.

Highlights selected by the Ombudsman

The year 2008 brought a series of **new laws** and amendments in the legislative field whose (positive and negative) effects we will all feel in the future. Some laws had to be adopted urgently, because among other reasons, they had been requested by the Constitutional Court (the Mental Health Act, for instance). Unfortunately, the Ombudsman found that some of them were adopted (too) quickly, without enough consideration for the opinions of professionals and the interested public. The Ombudsman therefore *again* recommends that public participation in adopting regulations be governed by a special law defining the stakeholders, the time of discussion, a way of commenting, and the obligation of the holders of these discussions to take a position regarding the comments and proposals received.

It is alarming that the **State Electoral Commission** (DVK) refused to listen to the Ombudsman's proposals. The Ombudsman's initiative for better preliminary information on electoral and referendum procedures cautioned that some missing data was published less than two weeks before the expiry of the statutory time limits, and was understood by the DVK as a question of »how far DVK activism should reach«. Perhaps the DVK would need additional powers to perform these tasks, but a more correct co-operation with the Ombudsman would most certainly be welcome.

The topic concerning **religious communities** is still very common, ranging from opposition to the construction of a mosque, to hateful inscriptions on the premises and memorial landmarks of some religious communities. Inciting hatred on a religious basis gets very little criticism, and as a rule, the perpetrators are not condemned. It was not surprising therefore that there were many responses to the adoption the rules on the implementation of religious activities in healthcare institutions and prisons. Although in the Ombudsman's opinion these rules have primarily affected minor religious communities, many related verbal attacks were directed at the largest one: the Roman Catholic Church. However, one of the more promising events was the conference organised by the Office for Religious Communities, and their reports to the prosecutor on the suspicion of inciting religious intolerance. Unfortunately, we still cannot report any more successful work by the prosecutor in the related field.

How can we efficiently prosecute and punish **hate speech** whose varying contents we often find in media and in everyday life in general? Since the notion of hate speech is not well known, people do not recognise it as such and fail to act as provided for by the legislation. In curbing these things, the practices of law enforcement authorities, and especially the prosecutor, are crucial. The rule of law is based on the fiction that in these cases there is no (directly) injured person. Therefore, the Ombudsman underlines the crucial role of state bodies in providing efficient sanctions for criminal acts committed out of hatred. In the past, we often underlined the unserious response to individual complaints or reports, even in cases forwarded by the Ombudsman, in which the competent law enforcement authorities did not react to individual acts at all. I think that first of all the prosecutor should do more to this end; with well prepared indictments it could basically contribute to revealing and punishing hate speech, thus raising public awareness accordingly.

Raising public awareness and information on human rights violations could be significantly promoted by the **media** via the correct reporting of violations and the ways they should (or could) be eliminated. In 2008, many articles were published that revealed irregularities, and to which the Ombudsman could express her view. Of particular importance is the co-operation with local media on occasions where the Ombudsman carries out external operations in various Slovenian places. Each such operation is concluded by a press conference where reporters can also put forward questions that are not directly linked to this particular working visit.

With regard to the media, I have to say a few critical words, since they interfered excessively in the privacy of both adults (alleged perpetrators), and children (involved in family disputes or tragedies). The interest of the public cannot justify interventions into privacy, which can induce serious trauma to individuals. Although the Journalists' Honorary Tribunal confirmed statements from most of the Ombudsmen's notifications, it is clear that the media's voluntary restraint does not work, and more efficient mechanisms need to be considered.

We welcome the solutions in the new Penal Code (KZ-1) which have taken into account the Ombudsman's recommendations and offer the possibility for penalising the unnecessary and harmful exposure of children in media.

We also expect that the media will not actively participate in spreading hate speech and prejudice, and that they will not present violence as a kind of consumer good. The latter includes the presentation of

degrading treatments in some media stories, which is particularly inappropriate for children and young people. They take from these stories their own model for conduct and values.

With regard to **journalists**, their often uncertain position in terms of labour laws has to be highlighted (again). I am convinced that this uncertainty also affects the quality and impartiality of their work. The Ombudsman's proposals for a better regulation of journalists' status by the Media Act have not yet been realised.

An interesting theme is also the question of whether the Ombudsman can help members of societies or other groups in realising their **right to free association** (in professional associations and societies, employees' and employers' organizations and other private or interest associations). This concerns a variety of initiatives with the common issue of alleged discrimination in respect to joining or leaving these associations whose (expelled) members could not benefit from the advantages of membership. Complaints came from the members of hunting families, alpine societies, professional associations, organizations for the disabled, and others. Some were advised to resolve disputes with agreements or mediation, others were seeking judicial protection. After having treated the received initiatives, the Ombudsman recommends the adoption of additional guarantees for safeguarding the rights of free association, especially in cases involving public authorities or the use of public resources.

With regard to the operation of associations and other groups, we would like to point again to the fact that no inspection (supervision) is envisaged for their operation in all fields. This would be necessary, at least for those who are involved in procedures where sensitive personal data are revealed.

Slovenia ratified **the Convention on the Rights of Persons with Disabilities** (by the Act ratifying the UN Convention on the Rights of Persons with Disabilities), which in the Ombudsman's opinion only marks the beginning of a different attitude of the State towards persons with various forms of disability or handicaps. The Convention is binding on Slovenia to apply the principle of equal opportunities and equal treatment, and prevent discrimination experienced by the disabled in various spheres of their life. Unfortunately, the State is not committed and efficient enough, and invalids often fail to receive appropriate assistance. Numerous areas have not yet been regulated. The Ombudsman suggests, among other things, a regulatory framework (in the legislation and statutes of faculties) aimed at providing additional financial resources for reasonable adjustments of the study process to students with special needs. It is also urgent to redefine the level of disability necessary for a parking card, and to improve the control over the use of these handicapped parking spaces.

On several occasions last year I met with **representatives of minorities**, who presented some of the problems they are facing. Since not all minorities have the same status in the Republic of Slovenia, their problems are also very different. While the Hungarian, the Italian and the Roma communities expect amendments and the application of applicable legislation, other minorities are fighting for other goals, especially in the fields of culture and education. However, they often remain inaccessible. Therefore, I would like to again encourage the government and the National Assembly to take a position on the initiatives for adopting further measures to protect minorities that are not explicitly defined in the Constitution, and to adopt additional measures to promote, develop and preserve their ethnic and national identity. This would also send the international public a clear message on how the Republic of Slovenia regulates the issue of national minorities.

With regard to the restriction of personal liberty, the Ombudsman has started to perform regular activities in 2008 pursuant to the Act ratifying **the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (MOPPM)**, which is the subject of a special report (see chapter 2.16). The method of co-operation between the Ombudsman and the non-governmental organizations in controlling the institutions where freedom of movement is limited has become a model for a number of other countries wishing to follow Slovenia's example. This is a huge acknowledgement to my colleagues who prepared this model and applied it successfully. Within the scope of her work, the Ombudsman visited the institutions for serving prison sentences, the re-education centre, police stations, specially protected departments of mental hospitals and social care institutions; reporting promptly on the established irregularities and violations of human rights. The situation is obviously the worst in prisons, where we often witness unacceptable accommodations and a severe lack of personnel and means indispensable for the work of guards. We also detected violations of the labour law legislation in respect to employees, especially an excessive workload for prison guards.

I have to caution again against the intolerable conditions of detained persons suffering from mental disturbance or illness. Discussions between the ministers of health and justice about opening a forensic psychiatric hospital start over and over again every year, and in the end without any result. Psychiatric hospitals have begun to reject patients who not only need to be treated but guarded as well (against escape and dangerous behaviour). This is understandable, since the hospitals do not have suitable space and staff resources. And there is also the issue of protecting the human rights of other people being treated. Those who suffer most are sentenced prisoners and detainees because they have a very limited access to psychiatric treatment.

Justice remains the area with the largest number of initiatives and the area where some of the Ombudsman's findings are repeated year after year. The **court backlog** has indeed been statistically reduced, but the initiators continue to report on nine or more years of procedures. This time, the Ombudsman particularly recommends the adoption of measures to ensure faster decision-making on interlocutory injunctions, since some courts need several years to issue a decision on the proposal for issuing an interlocutory injunction. The situation is similar in the case of enforcement procedures.

The Ombudsman also insists that competent authorities have to provide suitable conditions so that **expert witnesses and values** can prepare expert opinions or evaluations using professional and moral responsibility to accurate, responsible and impartial, and to do so within the agreed upon time limit. The Ombudsman therefore suggests reconsidering the present expert witness regulations and the adoption of necessary measures to supervise their professionalism, including amendments to the Courts Act, which governs this area at the normative level.

Following a number of initiatives, I think that **access to legal protection** is very difficult for individuals who are weaker in social or economic terms. The system of free legal aid is not enough, both due to the restrictions in enforcing this type of aid, and due to the conduct of some lawyers who implement it. It is especially alarming that legal aid is also very difficult in lawsuits concerning child support, where the plaintiff-parent has to cover the costs of the procedure in order to obtain child support. Thus, the resources, which the plaintiff-parent could spend for the child's needs are instead spent on litigation.

Each year, the Ombudsman also finds **irregularities in the police's** handling of individuals. It should be added, however, that the police carefully study most of the Ombudsman's recommendations, and implement them. This year we would like to underline two of them: the strict enforcement of the Offences Act, stipulating that a payment order may only be issued if the misdemeanour authority's authorised public officer detects a misdemeanour in person, or establishes a misdemeanour using appropriate technical equipment and devices; while the second is aimed at improving the efficiency (also through reinforcement of staffing) of the Internal Affairs Inspectorate in supervising the application of the Private Protection and Security Services Act, and in controlling the legality and professionalism of the private protection agencies.

The issue of migration and, consequently, of **aliens and asylum seekers** has become a very critical issue in most European countries. The number of requests for asylum in Slovenia continues to decrease. Slovenia acceded to the Geneva Convention on Refugees and the Protocol relating to the Status of Refugees, therefore it has to provide adequate asylum standards in line with the convention's requirements, but some provisions of the International Protection Act are not in compliance. Before the act was adopted, we raised this issue before the initiator; the UN High Commissioner for Refugees asked us to intervene.

The Ombudsman again (how many times still?) recommends prompt legal regulation in the **compensation for war damages** incurred by exiles, material victims, prisoners of war, and persons mobilised by the German army against their will during the Second World War. I hope that I will not need to write again in the next report that the procedures for acknowledging the status and rights under the so-called war laws are often too slow and that many beneficiaries may die before the procedures are completed.

Human rights also include the right to a **healthy and clean (unpolluted) environment**. It is one of the most recent rights that are given special attention by some states, who even appoint ombudsmen for this express purpose. We are increasingly aware of the importance of protecting the environment, which meant an increase in the number of initiatives to the Ombudsman. However, there remains a lot of uncertainty and inconsistency in this field. One of them is the unregulated area of the rules on the

authorisation of monitoring: including follow-ups and inspection of the environment with systematic measurements. The Ombudsman suggests the following: the prompt establishment of a system to obtain authorisation for carrying out permanent measurements (accreditations); a system for monitoring the measurements; and granting authorisation for carrying out and controlling the quality of these measurements. Without such legally supported changes, the protection of the environment will remain inefficient, and individual polluters will continue their actions undisturbed.

With regard to commercial public services, some of the Ombudsman's calls have become a regular feature in these annual reports. This is especially true for the poorly regulated area of **chimney sweeping and funeral services**. It is totally unacceptable that two years ago the government appointed the Ministry of the Economy with preparing urgent changes in co-operation with the Ministry of the Environment and Spatial Planning, and that at the time of the writing of this report, they still don't exist. People losing their loved ones and then additionally having to deal with complications surrounding the funeral certainly deserve the timely and efficient work of both ministries, or a clear government decision regarding the final deadlines for amending such legislation.

Many initiators warned us about the unfair new system of charging **electric energy** subject to the principle of increasing prices: the more one spends, the higher the price per energy unit. In the Ombudsman's opinion, such an arrangement is unfair and discriminatory particularly against large families. The Ombudsman thinks that the state should intervene, even though this is a market-regulated activity that is governed by the free market.

Social distress highlighted a vague and **inadequate housing policy** and raised doubts about the state's commitment to creating opportunities for citizens to obtain proper housing (Article 78 of the RS Constitution). The initiators often understand this article in a way that the State or the municipalities should provide for more affordable apartments or at least residential units for those individuals and families who have lost their homes due to financial crisis. Since they mostly do not get any such aid, they expect a solution from the Ombudsman.

The initiators have equally turned to the Ombudsman when vainly seeking regular **employment or fair payment for the work they have done**. The Ombudsman recommends the respect of the ratified European Social Charter and the provision of conditions for exercising the charter's rights, especially the right to fair working conditions, safe and healthy working conditions with fair remuneration that can guarantee fair remuneration sufficient for a decent standard of living. As for labour relationships, I have to underline the need to strengthen labour inspection and the inspection of the civil service system, and to adopt more specific measures to prevent mobbing. We find that the provisions in the Labour Relationships Acts are quite loose and leave open questions both in terms of detecting (proving) mobbing, as in terms of procedures for their actual reduction.

Every year we detect new systemic shortcomings in **the pension and disability insurance** and find that even those that have been the subject of our complaints for several successive years are still there. For eight years, the National Assembly has vainly been requesting an update for the list of physical defects, which the Ombudsman had already recommended in 2001. The National Assembly instructed the government to prepare a new, updated list of physical defects, since the old list does not enable fair and equal treatment (UL RS No. 2/2003). However, this inadequate list from 1983 is still in use. The Ombudsman has often raised the issue with relevant ministries, who have justified the delay »due to the complexity of tasks, which can only be performed by professionals in individual areas of medicine, as they have to study in detail all parts of the human body with all defects related to individual organs, and update the existing list accordingly«. I consider such an answer to be completely inappropriate, as it leads the reader to believe that the ministry is either unable to perform such tasks, or does not perform them for political reasons. Both call for further action.

»**The complexity of the task**« - these words have been used by some ministries, or other bodies, to explain the delay in fulfilling the individual requests forwarded to them. Ministers and other competent persons should pay particular attention to such explanations, as they are sending a clear message that some departments are unable to address a certain problem.

The superficial assessment of the interaction between individual provisions for a certain new right has led to many uncertainties and inconsistencies, which directly or indirectly reduce the rights of individuals. Thus, we are presented with the problem of sharing the widows' pension and the possibility that both the divorced widow and the married-until-death widow would receive the entire widow's pension, and not share a much lower one, as they are entitled to now.

Uncertainties are also present within the framework of one and the same law. For example, in the Mental Health Act, Articles 36 and 39 are in contradiction with each other. Article 36 explains that admission to treatment requires an individual's free will, and compliance with the conditions in Article 39. But one of the conditions is that a person has a severely disturbed judgement of reality. The legislation does not explain how a person can express free will, if they suffer from a severely disturbed judgement of reality? Does it mean that, from now on, people without a severely disturbed judgement of reality cannot be admitted for treatment (in a special surveillance department) with their consent? In the field of **health care and insurance**, the Ombudsman is facing problems both at the systemic level, and in relation to individuals and holders of health services. We still cannot confirm the expectation that the enforcement of the Patient's Rights Act would reduce problems. In order to avoid the above-indicated issues after the enforcement of the Mental Health Act, the Ombudsman recommends that the RS government promptly prepare all implementing regulations. It also recommends promptly drafting and adopting the amendments of the Health Services Act to better regulate the issue of granting concessions, and – until the adoption of the Act – making decisions on granting the concessions under the General Administrative Procedure Act following a public tender. A list of the Ombudsman's proposals and recommendations in the field of **social care** show that this area needs a thorough review of the work done so far (perhaps even including the reorganization of ministries). We are obliged to make such considerations not only due to unfavourable economic changes, but the lengthy postponing of urgent measures. These measures include, primarily, the rationalisation of the activities of social work centres, the provision for sufficient financial resources, and the immediate tackling of the issue of understaffing. For several years, social work centres were charged with an increasing workload with no increase in staff or material. The postponement of suitable solutions and the (uncertain) future has made itself felt in the case of retirement homes and with social-care institutions where the Constitutional Court's decisions still have not been enforced. In addition to this, the government's commitment to the adoption of the Family Code also calls for enforcement.

Slovenia is still a country without a ban on physical punishment for children; this should create serious concern for our government, which has to explain this embarrassing fact on the world stage. Equally worrying is the unacceptable practice of long procedures at courts for the custody of children. As Ombudsman, I sincerely wish that specialised family courts would be established as soon as possible and a Child Advocate introduced. This would allow many children to have their voices heard, at the same time enforcing and respecting the Convention principle that a child's benefits have to be the guiding principle in all children-related activities. **Children's rights** have to remain in focus with the regulation of all issues regarding children with special needs and the establishment of a more efficient education system for Roma children.

A look into the future

Although the work of the Ombudsman is closely connected with the content of initiatives received, it may also deal with more general issues relevant to the protection of human rights and fundamental freedoms and legal security of the citizens of the Republic of Slovenia (Article 9 of the Human Rights Ombudsman Act).

These general issues include the protection of the rights of children, the elderly, the disabled and handicapped, minorities and others from the edges of society. Therefore, we will continue to be active in these fields and cooperate with relevant national and foreign institutions.

We expect a great deal from the outcome of research that will analyse the various forms of violence in the school system and the working environment. We will critically follow up the implementation of the Family Violence Act and the new Penal Code, warning of vague definitions or eventual inefficiency in individual procedures.

We are concerned about the effects of the laws that are meant to protect patients' rights, namely the Patients Rights Act and the Mental Health Act. The latter, especially, has the potential of violating human rights. Therefore, its implementation will be monitored with great attention.

The Ombudsman does not have executive power, but can express observations. We wish the government listened to them and started addressing certain problems. Our findings and project initiatives (Let us Face Discrimination, Environment and Human Rights, Poverty and Human Rights, Advocate – a child's voice) announced some well-defined problems, even before the state

administration had noticed them. Now we can only establish that the state reacted too late, or not at all. But it could be different ...

We are planning new projects in line with the contents of initiatives, while considering available staff and resources. In the future, we will focus on: the rights of the terminally ill and their loved ones; on violence in the school system and working environments (mobbing), and the effects of the economic crisis on the social and health situation of the population. Our professionals have joined research teams, have provided initiatives for certain kinds of research, actively cooperated at professional meetings, and have authored professional papers. Such additional activities are more than we could expect from an average public servant, but unfortunately, since 2008 their possibilities for promotion (or change of payment system) have become much worse. I am concerned that those who are best qualified will gradually find work in environments where they can be promoted faster and better. Officially, the Human Rights Ombudsman began working on 1 January 1995. Since then, annual reports have been produced, allowing us to monitor the operation of this institution. By the 15th anniversary of its work, we would like to present an analysis of the work done by fields, comparing it with the findings of other ombudsmen.

At the end I would like to highlight two questions which the Human Rights Ombudsman will be trying to answer in the next few years: is Slovenia (still) a welfare state, and is Slovenia governed by the rule of law? These are questions that are being increasingly put to us by initiators who have suffered from bad experiences and extremely unfavourable living conditions, made worse by the global economic crisis and its negative impact on their social security. I will insist in my demands that the state bodies, local government bodies and the holders of public authorisations do not reduce, with their decisions and measures, the already achieved level of fundamental human rights and freedoms secured by the Constitution and international conventions.

STATISTICS

In the period between 1 January and 31 December 2008, there were **2,878 open cases**, meaning a 3.9 % increase relative to 2007. Most new initiatives came directly from initiators, the majority in writing (2,641 or 91.7 percent), from operation outside the seat 60, by telephone 24, through official records 34, and as cases transferred from other bodies 15. On her own initiative, the Ombudsman opened 76 cases (2.6 percent), and 8 as broader issues. The Ombudsman also received 20 anonymous initiatives.

Table 3.7.1: The number of open cases by individual fields of work in the period 2002–2008

AREA OF WORK	OPEN CASES										Index (08/07)				
	2002		2003		2004		2005		2006			2007		2008	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	
1. Constitutional rights	103	3.6 %	94		85		123	4.8 %	125	5.02 %	98	3.54 %	160	5.56 %	163.3
2. Restrictions of personal liberty	110	3.8 %	127		130		177	6.9 %	176	7.06 %	157	5.67 %	148	5.14 %	94.3
3. Social security	377	13.1 %	375		335		300	11.7 %	324	13.00 %	424	15.31 %	444	15.43 %	104.7
4. Labour law cases	150	5.2 %	146		175		174	6.8 %	170	6.82 %	200	7.22 %	248	8.62 %	124.0
5. Administrative matters	468	16.3 %	503		406		360	14.0 %	322	12.92 %	310	11.20 %	326	11.33 %	105.2
6. Judicial and police procedures	757	26.4 %	849		792		749	29.1 %	654	26.24 %	661	23.87 %	705	24.50 %	106.7
7. Environment and space	96	3.3 %	67		89		88	3.4 %	90	3.61 %	102	3.68 %	109	3.79 %	106.9
8. Commercial public services	58	2.0 %	88		75		67	2.6 %	64	2.57 %	104	3.76 %	81	2.81 %	77.9
9. Housing matters	119	4.1 %	121		127		140	5.4 %	91	3.65 %	92	3.32 %	107	3.72 %	116.3
10. Discrimination					25		17	0.7 %	46	1.85 %	49	1.77 %	76	2.64 %	155.1
11. Children's rights	60	2.1 %	127		162		159	6.2 %	168	6.74 %	238	8.60 %	240	8.34 %	100.8
12. Other										10.51 %					
	572	19.9 %	257		230		220	8.5 %	262		334	12.06 %	234	8.13 %	70.1
TOTAL	2,870	100 %	2,754		2,631		2,574	100 %	2,492	100 %	2,769	100 %	2,878	100 %	103.9