

ENACT **Enhancing the capacity of civil society organisations to support victims of anti-LGBTQI hate crimes**

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ENACT

Enhancing the capacity of civil
society organisations to support
victims of anti-LGBTQI hate crimes

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Highlights

- Lack of trust in public institutions, especially the Police, has been emphasized in majority of interviews. Also, majority of the interviewed survivors mentioned lack of trust as the main reason for underreporting which is still an issue in Slovenia.
- There is a need for more trainings, especially for the Police, lawyers, judges and prosecutors. Several interviewees suggested that training is also needed for medical staff interacting with transgender individuals, focusing on understanding their specific needs, using correct terminology, and providing bias-free treatment.
- Fear of consequences, fear of the stigma and/or family, friends, co-workers finding out about their identity is very much present in survivors of anti-LGBTIQ+ hate crime, other hate-motivated incidents or bias discrimination.
- Despite all the efforts and professionalism of the LGBTIQ+ CSOs, and increase of the support programmes for anti-LGBTIQ+ hate crime survivors in recent years, there is still quite weak support system available in Slovenia.
- The need for more cooperation between public institutions, state bodies and CSOs has been expressed by the interviewed professionals and survivors.



Introduction

You hold in your hands a national report on anti-LGBTIQ+ hate crime in Slovenia which is the result of our desk and field research done within the ENACT project – Enhancing the capacity of civil society organisations to support survivors of anti-LGBTIQ+ hate crimes.¹ The main aim of the project is to support civil society organizations (CSOs) in Slovenia, Italy, Spain, Lithuania, Greece and Hungary in establishing cooperation with public institutions to improve support for survivors of anti-LGBTIQ+ hate crimes and in the fight against re-victimization. Through an intersectional approach, the project strives to strengthen the role of CSOs in protecting, providing support and raising awareness of the rights of LGBTIQ+ victims.

Anti-LGBTIQ+ hate crime is a criminal act that is motivated by an anti-LGBTIQ+ sentiment, regardless of how the crime survivors identify themselves in terms of gender identity, sexual orientation and/or sex characteristics. Anti-LGBTIQ+ crimes can include physical violence, verbal abuse, harassment, discrimination, and other forms of abuse. As anti-LGBTIQ+ hate crimes are motivated by an anti-LGBTIQ+ sentiment, they do not only hurt the survivor, but also, this kind of hate crimes contribute to a broader atmosphere of LGBTIQ-phobia within society.²

Also, several LGBTIQ+ CSOs in Slovenia have already provided argumentation for the use of a broader term – **hate-motivated incidents** – in order to incorporate also all those actions that would not fall under the hate crime definition but are just as important for the people experiencing them (Gračanin, 2024). Thus, we also use this term in addition throughout this report.

First, we have conducted desk research on the national context. We analysed the national legislation and policies, relevant public institutions' reports and available case law. We also reviewed relevant existing research on the topic as well as national and EU statistical data and resources, previous surveys and policy reports.

¹ Link to the website: <https://www.mirovni-institut.si/en/projects/enhancing-the-capacity-of-civil-society-organisations-to-support-victims-of-anti-lgbtqi-hate-crimes-enact/>

² For more definitions of terms related to anti-LGBTIQ+ hate crime see the list prepared by Legebitra: <https://legebitra.si/publikacije/lgbtiq-slovarcek/>



Second, the field research phase was done in the period from June until September 2024. We have interviewed 22 persons and did a focus group with representatives of five CSOs. Among the interviewees, 10 of them were survivors of anti-LGBTIQ+ hate crime or hate-motivated incidents which happened in the last five years, and 12 were professionals working in various state institutions and CSOs or informal self-organized initiatives. Initially, the aim was to have more than 50 % of all interviewees being survivors of hate crime, however, the task resulted to be quite challenging. We did approach more people, however some of them were not ready to talk about their experience in an interview or did not agree to being audio-recorded. We were cautious when contacting survivors and did not push further. Some of the interviewed professionals were victims of hate crime or bias-motivated discrimination too prior to becoming experts in the field they currently work in. For more information see the three tables below.

We initially relied on our networks, built through ongoing human rights and anti-discrimination work, to contact survivors of anti-LGBTIQ+ hate crimes and relevant professionals. After interviewing them, some provided additional contacts via a snowball method. We also formally requested interviews with public institutions, but many, including the police, courts, and social services, were unresponsive or unable to provide participants. By monitoring media coverage, we identified some cases of anti-LGBTIQ+ incidents and were able to interview some survivors or professionals involved.

Interviews with survivors

	YEAR OF BIRTH	GENDER IDENTITY	SEXUAL ORIENTATION	INTERSEX STATUS
V1	1968	male (cisgender)	homosexual	
V2	1976	non-binary	lesbian	yes, intersex
V3	1994	female (cisgender)	lesbian	
V4	1982	transgender	heterosexual	
V5	1963	male (cisgender)	homosexual	
V6	2002	transgender	queer/bisexual	
V7	2001	female (cisgender)	bisexual	
V8	1983	male (cisgender)	homosexual	
V9	2001	male (cisgender)	homosexual	
V10	1988	non-binary (cisgender)	no answer	



Interviews with professionals

	YEAR OF BIRTH	GENDER IDENTITY	HIGHEST FINISHED EDUCATIONAL QUALIFICATION	ROLE IN THE ORGANISATION
P1	1991	female	Level 7: Master's or equivalent	head of department, CSO
P2	1983	female	Level 5: Short-cycle tertiary education	independent expert
P3	1969	male	Level 7: Master's or equivalent	attorney at law (independent)
P4	1976	female	Level 7: Master's or equivalent	district state prosecutor
P5	1994	non-binary	Level 7: Master's or equivalent	director, CSO
P6	1983	male	Level 7: Master's or equivalent	programme coordinator, CSO
P7	1974	male	Level 7: Master's or equivalent	independent consultant, equality body
P8	1975	female	Level 8: Doctoral or equivalent	director, CSO
P9	1997	trans man	Level 5: Short-cycle tertiary education	director, project leader, CSO
P10	1969	male	Level 7: Master's or equivalent	decision-maker, expert on asylum applications
P11	1991	female	Level 7: Master's or equivalent	director, psychotherapist, CSO
P12	1983	female	Level 7: Master's or equivalent	member of an informal organization

Focus groups

	YEAR OF BIRTH	GENDER IDENTITY	HIGHEST FINISHED EDUCATIONAL QUALIFICATION	ROLE IN THE ORGANISATION
FG1	1975	female	Level 8: Doctoral or equivalent	director, CSO
FG2	1995	female	Level 7: Master's or equivalent	head of program, CSO
FG3	1984	female	Level 7: Master's or equivalent	volunteer, CSO
FG4	1983	male	Level 7: Master's or equivalent	program coordinator, CSO
FG5	1980	female	Level 7: Master's or equivalent	President, CSO



1. Legal and political context on anti-LGBTI hate crimes

1.1. Context

Overview on the social and political situation for LGBTIQ+ people in Slovenia

The year 1984, when the Magnus Festival took place in Ljubljana under the title Homosexuality and Culture, marked the start of the lesbian and gay movement in Slovenia. Since then, the movement for equal human rights for LGBTIQ+ people has strived towards the legal abolition of discrimination. The first attempts for passing legislation to end discrimination against same-sex partnerships and families were launched in the late 1980s and 1990s. Some were never sent for parliamentary consideration, and some were blocked by referendums (Rajgelj, 2015). However, Slovenia has made significant strides in recognizing the rights of LGBTIQ+ people in the past decade.

One of the key milestones was the passage of the Partnership Act in 2016, which granted same-sex couples rights similar to those of (married) heterosexual couples, except for the right to adopt children jointly. In 2022, the Constitutional Court issued a landmark decision declaring the exclusion of same-sex couples from marriage and adoption rights unconstitutional. This decision resulted in amendments to the Family Code, granting full marriage and adoption rights to same-sex couples, making Slovenia the first post-communist country to legalize same-sex marriage.

Despite legal advancements, societal acceptance remains uneven. LGBTIQ+ individuals in Slovenia face discrimination, hate speech, and violence. The 2024 EU LGBTIQ survey III for Slovenia shows that LGBTIQ+ people in Slovenia are less comfortable being open than EU average. Furthermore, 8 % had been attacked in the 5 years before the survey; 3 % had been attacked in the year before the survey; and 45 % say they were harassed in the year before the survey (FRA, 2024).

Following incidents during the 2023 Pride week celebrations that included targeted violence and harassment, the 2024 Pride saw further, though less severe, hostilities. The reduction in severity can be attributed to increased preparedness by both the LGBTIQ+ community and law enforcement agencies, highlighting the



importance of proactive measures (Gračanin, 2024). The community has voiced concerns that hate speech and discriminatory rhetoric are intensifying, contributing to a hostile environment that occasionally translates into physical attacks (P8).

Legal Gender Recognition

In Slovenia, **legal recognition of gender is not systematically regulated by law.** The procedure for changing or correcting the sex marker and, consequently, the unique civil registration number is regulated not in a law but in a by-law.³ Slovenian legislation does not yet recognise the concept of legal gender recognition and instead uses the term 'change of sex' in relation to the process of changing the official data recorded in the civil registry. Article 37 of the Regulation on the Enforcement of the Law on the Civil Registry states that a change of sex shall be registered "/.../" on the basis of a decision of the competent authority on the change of the registered data. The basis for the decision shall be a certificate from the competent medical institution or a doctor, which shows that the person has changed sex". The Regulation does not specify what this certificate should entail and who exactly should issue it. Over the years, a practice has developed whereby a statement by a psychiatrist of the Interdisciplinary Consilium at the University Psychiatric Clinic in Ljubljana, which must state that the person has changed sex, is taken into account as the appropriate certificate. The manner of gender reassignment is irrelevant (Advocate of the Principle of Equality, 2021). This usually means that the person must have obtained a diagnosis of transsexualism. In the Republic of Slovenia, therefore, legal gender recognition is currently not possible without medical intervention.⁴

Gender-affirming health care

In Slovenia, the Interdisciplinary Consilium for Gender Identity Confirmation has been informally working to help people with gender dysphoria since the 1990s until 2020. Since 2020, it has been formally functioning on the basis of a founding act. It brings together specialists in psychiatry and paedopsychiatry, endocrinology, gynaecology and obstetrics, urology, plastic, aesthetic and reconstructive surgery, and otorhinolaryngology. Civil society is not satisfied with its functioning, but neither is the Medical Ethics Committee, which in 2019 noted that "from time to

³ Regulation on the Enforcement of the Law on the Civil Registry (Pravilnik o izvrševanju zakona o matičnem registru), 13 April 2005, available at: <https://pisrs.si/pregledPredpisa?id=PRAV5572>.

⁴ For more information see <https://lgbtpravice.si/zakonodaja/>



time /.../ there are problems in the functioning of the Interdisciplinary Consilium due to the absence of individual specialists, which consequently hampers appropriate treatment." It also stated that the Interdisciplinary Consilium operates on a voluntary basis and has no formal means of influencing the development of the field, e.g. on the additional training of specialists necessary to acquire specialised skills, on the improvement of treatment procedures, on the education of health professionals and society, etc. Although the Interdisciplinary Consilium was formally established in 2020, this does not mean that all the shortcomings in the treatment of transgender people have actually been addressed (Advocate of the Principle of Equality, 2021, 24–25).

Policies regarding intersex newborns and children

The rights of intersex people are generally protected by the Constitution of the Republic of Slovenia and the Patients' Rights Act that prohibit discrimination and demand the protection of the rights of patients, without explicitly referring to intersexuality. However, the Advocate of the Principle of Equality reports concerning practices related to intersex individuals. Key issues include a lack of awareness about intersexuality, surgeries performed on children and teenagers, and the determination of a child's sex shortly after birth based on examinations and genetic tests. There is insufficient use of a human rights-based approach, with surgeries often conducted for social reasons rather than medical necessity. Additionally, the way parents are informed may stigmatize intersexuality, and protocols for non-essential medical interventions are unclear and inconsistent (Advocate of the Principle of Equality, 2020, 11).

Short timeline of LGBTIQ+ rights in Slovenia⁵

1976 – Slovenian Criminal Code decriminalises homosexual relations.

2004 – Adoption of the Implementation of the Principle of Equal Treatment Act, Article 2: Equal treatment is guaranteed regardless of sex, nationality, racial or ethnic origin, religion or belief, disability, age, sexual orientation or any other personal circumstance.

2005 – Adoption of the Registration of Same-Sex Partnerships Act.

2009 – The Constitutional Court defines sexual orientation as a circumstance on the basis of which discrimination is prohibited – although not expressly mentioned

⁵ For more information see <https://lgbtpravice.si/zakonodaja/>



in Article 14 of the Constitution - and allows the right to inherit for registered same-sex couples.

2013 - Constitutional Court allows inheritance also in unregistered same-sex partnerships.

2016 - The National Assembly of the Republic of Slovenia adopts the Civil Partnership Act, which gives same sex partners equal rights and obligations as heterosexual spouses and cohabiting partners, with the exception of the adoption of children and assisted procreation. Act enters into force in 2017.

2016 - Adoption of the Protection against Discrimination Act, which protects against discrimination on the grounds of sexual orientation, gender identity and gender expression (and many other personal circumstances).

2022 - The Constitutional Court rules in two cases that the Family Code, in so far as it provides that marriage is the union of husband and wife, is incompatible with the Constitution of the Republic of Slovenia; and that the regulation providing that same-sex partners living in a formal civil partnership cannot adopt a child together is incompatible with the constitutional prohibition of discrimination.

2023 - The Act Amending the Family Code has entered into force, amending the definition of marriage (and cohabitation). The amended law provides that marriage is a union of two persons (and that cohabitation is a long-term union of two persons). This means, among other, that same-sex couples can marry and that they are on an equal footing with regard to the conditions laid down in the Family Code for the adoption of a child.

2024 - The Constitutional Court rules that the legal regulation of access to assisted reproductive technology (ART), which denies single women and lesbian women who are married or in a civil partnership access to ART, violates the right of single women and female partners in same-sex marriages and civil partnerships to non-discriminatory treatment in the exercise of their right to decide freely on the birth of their children.

1.2. Legal framework

In Slovenia, there is no specific legal framework that would pertain solely to anti-LGBTIQ+ hate crimes. However, these are covered by the general framework relating to crimes committed with bias motive, covering all personal grounds.

Protection against discrimination is one of the fundamental human rights enshrined in Art. 14 of the Constitution of the Republic of Slovenia (1992), where



“everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political, or other conviction, material standing, birth, education, social status, disability, or any other personal circumstance. All are equal before the law.”

The Criminal Code prescribes a number of criminal offences that explicitly include either discriminatory practices or bias motives:

- Article 131 – Violations of Equal Rights
- Article 116 and 135.a stipulate discriminatory motives as part of the legal definition of murder and torture;
- Articles 197, 198 and 202 stipulate violations of equality in employment and social services
- Article 297 – prohibition of incitement to religious or ethnic hatred or hatred.

The strongest recent message in the area of combating hate crimes – although it is not yet known what effects it has in practice – was sent by the amendment of Article 49 of the Criminal Code (2023), which sets out the mitigating and aggravating circumstances to be taken into account when imposing sanctions. In 2023, a new paragraph 3 was added to the Article, which provides that if the inclination to commit the offence was the victim's national, racial, religious or ethnic origin, sex, colour, descent, property, education, social status, political or other opinion, disability, sexual orientation or any other personal circumstance, this shall be taken into account as an aggravating circumstance.

However, the Advocate of the Principle of Equality believes that this provision should be improved in the future amendments of the Criminal Code, so that it not only covers cases where the victim actually has a certain personal circumstance, but also when the perpetrator assumes so (P7).

The prosecution of criminal offences under Article 297 of the Criminal Code, which, in simplified terms, is the basis for the prosecution of hate speech, also has a number of issues.⁶ Namely, until 2020, the prosecution and conviction of incitement to hate had almost completely ceased, due to interpretation that a concrete disruption of public order when hate speech is threatening, abusive or insulting has to be demonstrated. The first (landmark) Supreme Court case on hate speech was decided in 2019. In this case the prosecution departed from this

⁶ Article 297 of the Criminal Code is often used by the LGBTIQ+ community as a basis for reporting attacks on cafes and other businesses run by members of the LGBTIQ+ community, hate graffiti and media reporting.



interpretation, claiming that the abstract possibility of disruption of public order is already sufficient. The Supreme Court (2019) agreed with the prosecution and clarified that concrete disruption of public order is not required in such cases; for a conviction, it is sufficient to prove that such hate speech had the ability and the potential to cause a disruption to public order, taking into account the content, nature, place and other circumstances of the use of hate speech. The statistics for 2020 indicated that this Supreme Court judgment had already had an impact on the case law of prosecution and lower courts, as the number of indictments and final judgments was at its highest since 2013. However, the data for the following years did not confirm this trend (Advocate of the Principle of Equality, 2024, 99).

Another issue is that since the criminal offence under Article 297 of the Criminal Code is considered to be a criminal offence against public order, it is not possible for the victim to take over the prosecution as subsidiary prosecutor if the state prosecution decides not to prosecute, as the provision does not stipulate this offence to be committed against an individual victim. The Human Right Centre at the Human Rights Ombudsman (2021, 89) offered a solution that representative or umbrella organisations (CSOs) working in respective fields could act as subsidiary prosecutors in such cases. However, this solution has not been accepted (yet). On the level of misdemeanours, Art. 20 of the Protection of Public Order Act (2006) sets out the punishment for incitement to ethnic, racial, gender, religious or political intolerance or intolerance related to sexual orientation.

Transposition of the Victims' Directive

Slovenia transposed the Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (Victims' Directive by adopting the Act Amending the Criminal Procedure Act). With the amendment, new rights that were not available to victims before were introduced. The amendment extended the definition of a victim/injured party, so that it includes certain family members of a victim who died due to the criminal offence.

The amended legislation does not expressly refer to victims of hate crime. However, the Criminal Procedure Act (CPA) now includes a definition of a victim with special protection needs: *“a victim, whose personal or property right were significantly violated by a crime, because of his or her personal characteristics or*



vulnerability, because of the nature, gravity or circumstances of the crime or because of the behaviour of the accused or injured person in the pre-criminal or criminal proceedings” (Art. 144 of CPA). The authorities are also obliged to take into consideration the victims’ vulnerability (Art. 18.a of the CPA). In accordance with this provision, the police, state prosecutors, courts and other state authorities, experts, expert witnesses, court and other interpreters and mediators have to treat the victims carefully and considerately, with regard to their age, health, vulnerability or other similar circumstances.

In 2019, the Social Assistance Act was amended to transpose the requirements set out in Articles 8 and 9 of the Victims’ Directive. These amendments provide for the introduction and functioning of generic support services in Slovenia. These are determined as a new set of social assistance services, and aimed at eliminating social hardship and problems and include support to victims of criminal offences. This social assistance service includes professional support and professional counselling to the person to whom any harm was directly caused by crime. Again, as this is considered generic support to victims of crime, these legal provisions or services do not address victims of hate crime specifically.



2. Findings

2.1. Survivors of anti-LGBTIQ+ hate crimes and discrimination

"This institutional homophobia and aggression, which we don't see every day, was present in my life. It doesn't have to be a punch. It's enough that someone bullies you or looks at you differently, gives you less options..." (V5)

2.1.1. Experiences

The survivors of anti-LGBTIQ+ hate crime, hate-motivated incidents or other types of incidents have shared with us numerous incidents they have experienced during the last five years. We have summarized them in a few thematic clusters.

Police response and reasons for not reporting

Almost all interviewees shared that they felt that they are **not taken seriously by the Police**. Some of them also said that due to different reasons they decided not to report the incident to the Police. Dominant part of the interviewees turned to CSOs for (some kind of) support or at least shared their experiences with them.

"My partner and I exceptionally held hands, because we thought that this was now slowly becoming a safe space. And he started verbally attacking us. At that time, we basically called the police, and it was a very bad experience... with the police... they were basically completely incompetent." (V3)

The interviewee V3 explained that she and her partner did not actually feel like they were in danger but they still called the police to report the homophobic verbal attack because they were aware of the importance of such incidents being reported and included in the statistics. However, the police officers (after letting them wait for about 40 minutes despite the fact that several police officers were in the surrounding area due to the Pride event taking place) told them they do not recommend them to actually report the incident because it is impossible to identify the man who verbally attacked them on the street as there are no cameras on that exact street.



V3 reached out to an LGBTIQ+ CSO, which connected her to a police officer who assured her that their case would be taken seriously and forwarded it to the police station chief. However, she was never contacted again and is unsure if there was any follow-up, feeling discouraged from reporting the homophobic attack.

Interviewee V2 described multiple homophobic attacks on a small bookstore during Pride month in June 2024. After raising a rainbow flag, they initially faced no issues, but one day a young man, dressed in long black clothes and hiding his face, ripped it down. He was prepared to flee with a nearby bike, suggesting the attack was planned. Over the course of a week, they experienced six attacks and called the police each time. However, **police mostly treated the incidents as misdemeanors or public order violations, not as homophobic hate crimes.**

"Theft is about gaining material benefit. The value of the flag is 7 euros, and the symbolic value of the flag is huge! It is not theft, and it is completely wrong to treat it as theft. Nor is it a violation of public order and peace. /.../ It was about a person doing this with a very clear intention to express their disagreement or hatred... For some, it is frustration, resistance, and for some, it is actually hatred for someone, something that this flag represents." (V2)

In addition to the hateful attacks they have experienced at the bookshop there was also a lot of hate speech shouted at them during the school lunch break time. Nearby there are three secondary schools and they have seen and heard many (male) students passing by and shouting various hateful insults at them. They have also seen students spitting at the rainbow flag, doing Nazi salutes, and it got worse from one day to another. The Police told them they cannot protect them since they don't have enough patrols. Thus, they felt they were completely on their own and in case of any incident they would need to protect themselves.

Interviewee V5 experienced at least three physical homophobic attacks in his life. The first attack happened almost 30 years ago when three or four men attacked him in front of a club he wanted to enter in the capital city. He called the police, but nothing really happened. The second attack happened about four years ago in the second largest city in Slovenia in front of a bar when he was passing by with his friends (and the street was full of people). Someone from that bar attacked him and ripped off his necklace with a sign of a city football club. He called the police, they came and made a report (even though they were very reluctant to do it). One police officer was trying **to convince him that it was his own fault** since he was wearing the necklace with a sign of the city football club – as if that was



provoking. He did report the case, however **the police dealt with it as a minor theft** (the necklace was worth around 7 euros) **and not as hate crime.**

The last attack happened about a year ago on his way home from the Pride event in his city, very close to his home. A few teenagers (boys, around 16 years old) attacked him and wanted to rip the Slovenian flag he was carrying from his hands.

"There was some pushing and shoving, they kicked me a bit, they damaged my ribs... the emergency room and things like that, report to the police, of course. /.../ When a 15 or 16-year old attacks you, a child... when you see that face, you cannot punch him (back)." (V5)

A month later, V5 received a call from the father of one of the attackers, who said his son wanted to apologize. V5 agreed, understanding the courage it took. When they met, one teenager was indifferent, while the other seemed remorseful. They claimed it wasn't a homophobic attack but that they simply wanted to take the flag. **The police then asked V5 to withdraw the report, warning that it could affect the teenagers' records.** V5 complied, since they apologized. *"I didn't want to ruin the future for these kids."* (V5)

He even said that after this last attack on him and everything that followed, he thinks he now knows how a woman feels after being attacked or raped and then she has to justify her make up, her clothes, her looks, why she was there at that hour, if she was drinking etc. *"Because you were there, because you looked like that, because you wore that... it's your own fault. So that even within the police there are people who are biased, and even the uniform does not give them neutrality, despite the fact that they should be the advocates of the victim and help the victim, and they try to let you know that it is not so bad, that you should think carefully if will really make this accusation, because then it will be revealed... In short, they are trying to somehow dissuade you from further proceedings."* (V5)

On the other hand, the same interviewee also had a very good experience with the police and especially with higher police inspector who was professional and also well informed and knowledgeable. However, in all of his interactions with the police interviewee V5 said they have never asked him about how he feels, how is he doing, if he needs anything etc.

Another interviewee recounted the hate crime he and his partner suffered after the Pride parade quite some years ago, when they were surrounded and attacked by a group of young men, allegedly skinheads:



"We called the police, but nothing was done. We were beaten up in the center of Ljubljana, near the Norwegian or Swedish embassy. There must have been cameras on that street... The police seemed completely uninterested. They arrived with emergency medical staff; my partner, nearly unconscious, was taken by ambulance to the University Medical Centre. That day, several people—about five—were attacked. It was reported in the newspapers." (V8)

Two interviewees with migrant background, one being a refugee and another an asylum seeker, shared that they experienced hate crimes related to their sexual orientation in Slovenia within the past 15 months. Both reported the attacks to the police but expressed **disappointment, as they have not been contacted since filing their reports**. In both cases, the police were familiar with the perpetrator's identity.

One of them was attacked by his roommate. *"After he found out that I am gay he started making problems for me. One day, he came back from outside and told me he had learned how to say "gay" in Turkish. Yup, an African guy came up to me and called me "gundi". After one or two days he attacked me. He came drunk, he started showing me a knife.... When he attacked me I shouted, people came and he ran. I called the police."* (V1)

In addition, he also said that he had an impression that **the Police did not take him seriously**. He said: *"The police came, they wrote something, but I didn't think it was a very serious job they were doing. They kept saying 'ok, ok, ok.' They came to the scene and then sent me to the hospital with an ambulance."* (V1)

Another interviewee shared that he was physically assaulted near the city center by another asylum seeker who shortly before the attack found out that he was gay. He reported the incident to the police but has not been contacted by them since filing the report. They never informed him about the case. However, his friends told him that the perpetrator had to pay a financial penalty for the attack he committed and that he is now living in another city.

Another refugee recalls that although he was not physically attacked while his asylum application was pending in Slovenia, he was exposed to continuous psychological pressure by his roommate and social isolation by other asylum seekers due to the stigma that he is a LGBTIQ+ community member.

"I had a roommate from Africa, but everything changed after the first month. Somehow, he found out about me and started playing online homophobic sermons from Africa while I was in the room. I also discovered that he had



stopped using the same toilet as me, opting instead to use the one in the other room. From that point on, we never spoke to each other again, even though we shared the same room for almost eight months.” (V10)

Some interviewees admitted that they had not reported the threats and insults they received to the police, particularly when no physical attacks were involved. In addition to a general **absence of trust in the Police**, the other reasons they cited for not reporting varied, ranging from **fear** and **shame** to **empathy toward the perpetrators**, regardless of whether they were relatives or strangers.

“I haven’t reported to the police yet, but maybe I should reconsider now, as I have more explicit evidence—more written material. He blames my “gay organizations” and threatens to send me back to my home country so he can do whatever he wants with me. Sometimes I think about reporting him to his religious community, but then I remind myself that he has three children, and it might not be the right thing to do.” (V4)

Another interviewee, after two weeks of rethinking (and struggling with insomnia and anxiety) over whether to report threats he received from guests at his workplace related to his trans identity, ultimately decided not to.

“It was a group of middle-aged men (homeless drug addicts) who somehow found out I’m trans—I don’t know how, as I’ve never talked to them about it. I have no idea why it bothered them so much. They showed up one Saturday evening when the café was empty, and I was working alone. There were four or five of them. They walked in, and I was behind the bar. They positioned themselves so I couldn’t leave, and one of them said: “We’ve found out that you’re trans, and you’re a bit fucked in the head.” They told me they came to warn me that the next time I came to work, I wouldn’t make it out alive. That same evening, I ordered a taser online and started carrying it with me every day”. (V6)

Interviewee P2 said they see the least understanding among the Police, social work centers, schools, other institutions, medical staff and also general population for **transgender people**. They are **not only most often at risk of experiencing hate-motivated incidents but are also experiencing worse forms of attacks**: *“The brutality and intensity of violence against transgender people is even greater.” (P2)*

Transgender persons very often share their negative experience with the police and most often they rather **avoid having any contacts with the police**.



“The very thought of going to the police and talking to them caused me a lot of stress. I often woke up at night, I had nightmares, because I had a pretty tough childhood due to my father, and I had a lot of contact with the police back then, I had a lot of unresolved trauma. That feeling of going to the police, and having to explain again and again that someone tried to harm me, overwhelmed me with uncontrollable anxiety and a lot of shame. It triggered a flood of unprocessed emotions, and in the end, I decided literally for my own health, because I was already mentally exhausted from thinking about whether I would report it or not. For two weeks I thought a lot about it, and in the end, I decided not to report it.” (V6)

Another interviewee recalls experiencing ongoing psychological abuse from another asylum seeker residing in the same facility. He tried to protect his well-being by staying out of his room as much as possible and distracting himself through volunteering at a local LGBTIQ+ CSO.

“One night he became very violent to me. He said: “Wake up, we gonna fight”. I said: “I don’t want to”. I called another African guy who was his friend, I was like: Listen, if I report this, he will be in a very bad, bad situation, so sit with him, talk with him, because if this happens again, I will not stay quiet”. (V10)

When asked why he hasn’t reported the case to the Police and/or asylum home security and social service, he answered: *“There is a lot of things happening in asylum homes, they cannot deal with every situation, you have to adjust yourself. I was in a survival mode; I thought that I have to be satisfied with little.” (V10)*

Interviewee V10 explained that convincing individuals to report violence is particularly challenging, especially when religious beliefs or fears of community backlash are involved. These factors create profound internal and external conflicts, which often discourage victims from seeking justice or support.

“They don’t even claim asylum based on their sexual orientation because they’re too afraid. When one gay guy, who had already received two negatives, finally said the word homosexual, he was shaking, he was sweating. The stigma among Arab people is so strong—they don’t feel safe, they don’t trust... Shitty things are happening. Abuse? For them, that’s just normal.” (V10)

Family ties

Three of our interviewees mentioned that, at a certain point, their families had given up on them when they decided to disclose their homosexuality or undergo a gender reassignment procedure.



An interviewee declaring himself as a homosexual said: *“My self-confidence was low. All my life I was ridiculed, and my family rejected me. They said: You’re gay, you’re destroying our honour, you have to leave...” It was 10 years ago. My parents said: You’re not our son. Even my mother told me: Go!” (V1)*

Negative experiences with health care professionals

Some interviewees reported encountering **dismissive attitudes and transphobia from doctors and other healthcare professionals** toward individuals who have undergone gender reassignment or are in the process of transitioning. One interviewee, who is still transitioning, shared that his primary care doctor, despite receiving a referral from an endocrinologist, refuses to administer hormone injections.

“When I walked in and he found out that I was trans, he started distancing himself from me. When I explained why I had to see him—that I would need hormones, that he should first prescribe me Androtop, and that I would gradually transition to injections—he replied, “Yes, but I won’t do that until you have the proper documentation, because that’s just not how it works in Slovenia.” He also said, “As a layperson, you must understand that hormones are not some kind of candy that you can just take,” and then began lecturing me about it.” (V6)

The interviewee shared various negative experiences also with nurses: *“The worst experience I had was at the endocrinology department at the Polyclinic in Ljubljana, where I was so disappointed that I even wrote a petition that later went to the National Assembly. /.../ They were extremely rude, addressing me as “miss,” even though they saw that I had a male name, as I had already changed my documents at the time.” (V6).*

Another interviewee described an experience with his primary care doctor, who, despite having received his pre-transition documents from the endocrinologist, refused to even acknowledge him. He recalls that she called him by his ‘former’ name in the hallway in front of others and tossed the certificate at him. He also recounted an unpleasant incident during an MRI scan:

“My ex-partner was with me... she can tell you that I was upset and crying. I had several MRIs before, and I was never asked to take off my underwear. I always wore shorts (without metal accessories), so I didn’t have to remove them. But this time, the radiologist decided I had to take off my underwear, so he could look at me. He told me to undress, including my underwear. When he lifted me up, I noticed that he was staring. He was recording the whole time.” (V4)



The interviewee V4 mentioned another uncomfortable situation that happened after arthroscopy: *“When I woke up after anaesthesia, I noticed that my fingernails were yellow from the iodine, they had painted them, it can't just happen...the iodine was present only on my fingernails... they painted my fingernails, because they knew what I am.”* (V4)

Consequences for the survivors

Depending on the severity of the violence they endured, the interviewees described various consequences on their psychological well-being resulting from the violence or mistreatment they experienced.

“I’m still affected by it. When I go out on the streets, I feel like I’m going to see someone and have a problem. I’ve become asocial now—I spend most of my time in my room. Sometimes, someone comes by to say hello, but I tell them: Please don’t come here anymore. I just can’t handle it. I feel like I don’t care about anyone anymore.” (V1)

Interviewee V10 faced drinking problems due to his unaddressed traumas from the past: *“Finally, I am in a safe place. But now I must face myself. All my traumas came to surface, and with them, I had to confront the consequences. Living in my country was a constant survival mode... /.../ “Finally, when you are on the other side, now it’s all about you, you have to move forward, but you don’t know how to live in a safe place...”* (V10).

After the attack, another interviewee could not get rid of the feeling someone was following him: *“It was deeply unsettling. My partner and I even sought psychological help. When someone’s actions awaken that fear—that it could happen again—it lingers with you. /.../ You’re hurt simply for being who you are, something intrinsic and defining. It’s not something you created or chose—it’s just who you are. When that core essence is attacked, it leaves a lasting scar. It took about a year for us to overcome those challenges.”* (V8)

Those who survived more severe attacks reported a **deterioration in both their mental and physical health**, including issues such as insomnia, anxiety attacks, and asthma. V5 shared that what stayed with him after the attack was a deep sense of fear and vulnerability. He mentioned feeling uneasy every time he walks home alone late in the evening.

“Now it’s funny because I know it’s over and it didn’t leave any consequences on me. Other than that... this is important... I never leave home again without tear gas and a knife in my pocket. If I forget it, I go back home and look for it. /.../ Well, I



don't know what to do with it, because I probably won't slaughter anyone. But you have it with you, you have the feeling that you can rely on something." (V5)

Intersectionality

It is important to emphasize that some interviewees reported experiencing discrimination, mistreatment, and even hate crimes not only due to their sexual orientation but also in conjunction with other personal characteristics, such as their migrant background, refugee or asylum seeker status, religion, skin color, or lower socio-economic status.

An interviewee with recognized international protection reported frequent intrusive questions from public officials about the reasons for his refugee status in Slovenia. He believes this stems from the fact that his refugee status is clearly indicated on his identity card, sparking curiosity, as people often wonder why someone from a country without ongoing war or conflict would be granted refugee status.

"I feel uncomfortable, I feel ashamed to say this, but when they take my document and see that I am a refugee, at first they think I am Roma, when I say I am not Roma, they assume that I am a criminal, because I am from ex-Yugoslavian country and it is written that I am a refugee." (V4)

Another interviewee said: *"It is the fact that I am LGBT, it is the fact that I am a black person in Slovenia... LGBT is not the problem, now it's the race." (V10)*

With tears in his eyes, V4 shared that, in addition to the challenges of being a refugee and a trans man, he endured severe difficulties at a previous job, including a major injury and threats from his employer. He has never had financial stability and has always faced socio-economic hardships.

CSOs that support LGBTIQ+ individuals are crucial, as they often serve as the only available source of help for many. This is particularly true for **those at the intersection of multiple identities, which may expose them to a higher risk of hate crimes or hate-motivated incidents** (P2).

2.1.2. Knowledge

Almost all interviewees reported a strong understanding of their rights, largely due to the awareness and support provided by CSOs. They were also familiar with the concepts of bias discrimination and hate crime. Some had been informed and empowered before experiencing anti-LGBTIQ+ incidents, while others gained more



knowledge with each hateful event they faced. Some of the interviewed survivors especially stood out with their knowledge and enthusiasm to fight for their rights.

Interviewee V3 said she would still call the police to report the homophobic verbal attack, but today, she wouldn't let a "25-year-old police officer" discourage her from making an official report.

Interviewee V5 feels empowered by his life experiences, pedagogical background, and activism. He believes in reporting every hate crime or hate-motivated incident, feeling a responsibility to lead by example. He emphasized the importance of knowledge and awareness in these situations. He also noted that LGBTIQ+ individuals should be better prepared for potential hate crimes, rather than waiting until after an attack. Reflecting on a troubling online culture, he said, *"Direct incitement to violence! But when violence happens, it's your own fault."*

Interviewee V2, a highly knowledgeable and engaged activist, views the rainbow flag as a symbol not only for the LGBTIQ+ community but for all minorities without their own flag. After a week of hateful incidents, she and her colleagues took action by informing state leaders, the Human Rights Ombudsman, and the media, determined to raise awareness and fight for **equal rights for all**.

2.1.3. Needs

While the needs of the interviewees vary based on factors like socio-economic status, legal status, skin color, religion, and the severity of the hate crimes they've experienced, a common theme emerged: **the fundamental need to feel safe**.

Asylum seekers were particularly vulnerable, often sharing rooms with homophobic individuals while awaiting decisions on their applications. Although efforts have been made to provide separate rooms for vulnerable individuals, one interviewee noted that avoiding negative comments and insults in shared spaces remains difficult. Four interviewees stated that asylum homes are unsafe for LGBTIQ+ individuals due to a lack of privacy and the presence of homophobic residents. Three of them reported experiencing hate crimes in the last two years while staying in the asylum home—two incidents occurred inside the facility, and one nearby. Two individuals reported the incidents to the police, as they involved physical violence.



"In order to avoid secondary victimization, I need a safe space. Life for gays in the camps is really a torture. We shouldn't be in the camps. Please... one basement, one garden floor room, or a garage – just something to be out of this camp. That's the only thing I would ask for." (V1)

Another interviewee said he avoided staying in his room in the asylum home: *"Sometimes I went to the local park and just stayed there." (V10)*

The interviewees suggested that creating **separate facilities** or departments for LGBTIQ+ asylum seekers could improve their safety and well-being during their stay. Two also proposed establishing a **crisis center** for victims of anti-LGBTIQ+ hate crimes in Slovenia.

Most interviewees reported receiving valuable **psychosocial support** from professionals and volunteers from CSOs, which helped them cope with their traumatic experiences. One interviewee expressed that he wouldn't have survived without the support of a psychosocial counselor.

In contrast, those born in Slovenia with solid socio-economic status and strong social networks (and possibly fewer violent experiences) felt they did not require specific professional support. Interviewee V3 said she and her partner didn't require specific support after the verbal attack at the Pride event in Ljubljana. However, their friends were very supportive when they shared the experience. What they needed most was a **professional response from the police**, with officers recognizing the attack as an illegal act. As she put it, *'Where do I live? In a country where the police should be protecting me, but the police are basically actively discouraging me from reporting. I would like it to be different.'* (V3)

V2 said they were exhausted after a week of hate incidents and constant vigilance. To feel safe, they had to buy pepper spray and hire private security, a significant cost for their small bookshop. They received no support from the police (though they responded to all calls), city authorities, or the mayor. They found **legal support** through the Legal Network for the Protection of Democracy, as no public institutions offered help. However, they did receive public support from the President of the state and many others who visited the shop. The attacks and interactions with the police had both short- and long-term effects on them, making the support from LGBTIQ+ organization Legebitra and others invaluable.

Interviewee V5, who didn't seek external support, emphasized the importance of **speaking out about such experiences**. *"You have to reach the point where you*



are not embarrassed about anything related to yourself," he said. He believes that addressing these issues openly is crucial, not just for victims but for society as a whole: *"We as a society have to talk about this."* (V5)

2.1.4. Expectations

All of the interviewed survivors of anti-LGBTIQ+ hate crime or hate-motivated incidents shared the same expectation: **a better response by the Police**. In connection to that expectation, some of them also said they wished for a **punishment of the perpetrators** (which in majority of the cases do not happen).

Interviewee V3 was angry about how the police handled their case. Thus, she contacted one of the LGBTIQ+ CSOs with the intention of letting them know what happened because CSOs often encourage people to report homophobic incidents they experience. And interviewee believes that people have high expectations and hopes and don't really know what usually happens when you call the police. She also had that "reality check":

"They weren't rude, but there was nothing that I think should happen in these situations, no one asked us how we felt, if everything was ok or anything like that. We absolutely did not experience some proactive matters from them. They were correct. But it was clear that it was absolutely not in their interest to deal with it too much. One police officer even said, "you know, there will be a lot of this today anyway, because it's such a controversial topic". (V3)

Interviewee V7 shared similar concerns about the police's response, believing they treated the written report as a mere formality, without fully acknowledging the broader impact of the incident, which was intended to install fear within the LGBTIQ+ community.

"The policewoman wrote down only three sentences. Then she took a dirty flag that had been run over by a motorbike—I'm not sure if they took it as evidence. I know they were looking at the flag. The whole thing took about five minutes. They just asked me what I saw, and I told them that the flag was torn off and run over by a motorbike. That was it." (V7)

Interviewee V2 expressed **disappointment with the city authorities**, stating they fail to support residents in need and show no interest in doing so. She believes the authorities should take action, foster public debate, and organize events to raise awareness. She also **expects the police to protect them** and to refrain from



expressing homophobic views when handling anti-LGBTIQ+ incidents (having filed a complaint against one officer for such behavior). V2 emphasized the need for proper police training to ensure **professionalism** and effective handling of hate crimes, as they had to convince officers that their attacks were hate-motivated. Finally, she pointed out that if residents have obligations, such as paying taxes and respecting laws, they should also be able **to enjoy their rights**, with the state ensuring their protection.

“It’s absurd that it’s 2024 and we have a bookstore and we have to deal with things like safety and security.” (V2)

2.2. Professionals working with survivors of anti-LGBTIQ+ hate crimes

2.2.1. Experiences

Professional experience with anti-LGBTIQ+ hate crimes and/or discrimination

The participants in the interviews described various capacities in which they and their CSOs engage with victims of anti-LGBTIQ+ hate crimes and discrimination:

1. **Direct Assistance:** Offering psychosocial support, legal guidance, and assistance in reporting cases to authorities, along with documenting experiences for systemic change (P5, P6, P12). Interviewee P12 also supports LGBTIQ+ migrants and refugees in asylum procedures and reporting harassment.
2. **Advocacy and Legal Action:** Addressing discrimination, filing lawsuits, and responding to hate crimes (P8, P6). Interviewee P8 works on cases like the 2024 Pride week attack and a lawsuit involving a trans child’s exposed identity.
3. **Awareness and Community Building:** Organizing safe spaces, events, and discussion groups to promote awareness and solidarity (P6, P9). Interviewee P9’s organization creates community spaces for LGBTIQ+ individuals and raises awareness about reporting hate crimes.
4. **Policy Influence:** Advocating for systemic change by documenting cases and collaborating with decision-makers to improve protection for LGBTIQ+ individuals (P5).



The interviews and focus group with representatives from various CSOs working on anti-LGBTIQ+ issues reveal a multifaceted picture of discrimination, hate crimes, and structural barriers in Slovenia. Common themes include **underreporting, systemic and structural challenges, and targeted hate crimes or hateful incidents**, with varying degrees of severity and response strategies among the organizations.

Underreporting of anti-LGBTIQ+ hate crimes is a significant issue, as noted by interviewees P1 and P2. While international reports indicate high levels of discrimination and hate, the number of cases reported in Slovenia is disproportionately low. Interviewee P11 pointed to the findings from their CSO's survey, where all 77 LGBTIQ+ respondents reported experiencing hateful incidents, many of which stemmed from within their own families. This highlights the pervasive but often hidden nature of the problem.

Across interviews, CSOs reported high levels of anti-LGBTIQ+ sentiment manifesting as verbal, physical, or structural discrimination. Many participants noted that hate crimes and incidents peak during high-visibility events like Pride week. But as the participants of the focus group highlighted, there has been a general increase in violent incidents in public spaces over the past few years: *"Attacks have been occurring in various spaces, and recently, there has been an increase in smaller-scale violent incidents, including during the LGBT Film Festival. Violence is undoubtedly present in LGBT community spaces and at cultural events organized by the LGBT community."* (FG4)

Structural discrimination, particularly in healthcare and asylum processes, was another recurring theme.

Interviewee P3, a lawyer, noted an increase in cases involving the LGBTIQ+ community across various legal areas, including criminal, civil, family, and custody law. His approach focuses on understanding clients' broader circumstances to support their overall well-being beyond the legal case.

Case involving domestic violence against an LGBTIQ+ child: P3 described working on a criminal case involving a stepmother and her LGBTIQ+ stepdaughter. The stepmother's cultural and religious beliefs initially led to psychological and physical violence against the stepdaughter, resulting in the girl to be removed to a student home. A collaborative effort involving P3, a CSO working in the area of prevention of domestic violence and the prosecution helped the stepmother gradually accept her stepdaughter's sexual orientation. The case was resolved



through suspended prosecution, with the victim's consent, and the relationship between the two has since improved: *"Every time we talk it's better, the girl comes home more often."* (P3)

Case involving sex trafficking of a vulnerable LGBTIQ+ man: P3 reported of a case that involved a young man who endured long-term sexual exploitation and abuse by a single perpetrator, who ultimately received a significant prison sentence. The victim, though of age, had intellectual disabilities that made him highly susceptible to manipulation. His vulnerabilities, coupled with his racial identity (Black) and dependence on drugs provided by the abuser, contributed to his exploitation. P3 was appointed to represent the victim and established trust through careful, sensitive interactions. Early meetings involved the mother for support, but follow-up sessions were conducted privately to encourage the victim to speak freely. **To protect the victim,** the lawyer ensured he was prepared for trial, explaining the process, including the viewing of videos/photos of the abuse in court. Breaks were requested during hearings to accommodate the victim's limited concentration span and mitigate distress. Measures were taken to prevent in-person encounters with the abuser during investigations and trial. The victim testified via videoconference, reducing direct confrontation. **Challenges in Court:** The defence insisted on presenting explicit videos/photos as evidence, causing significant distress to the victim. Lay jurors reacted unprofessionally, avoiding eye contact with the evidence due to discomfort with homosexual content. This was described as a reflection of prejudice and lack of preparedness, which negatively impacted the victim. However, the two professional judges handled the case competently. **Need for ongoing support:** The lawyer maintained an open line of communication with the victim throughout and after the trial, ensuring emotional support and fostering a relationship of trust. Even after the trial, the victim would call occasionally or greet the lawyer in public, demonstrating the lasting impact of this support.

Other elements specific to LGBTIQ+ cases: Interviewee P3 emphasized the importance of identifying trusted individuals in the victim's life to build rapport and provide effective support. For example, the victim of trafficking trusted his mother, so P3 was in touch with her also, without disclosing any sensitive details. Since she was informed, she was calmer and that helped the victim as well. P3 recognises **the need for a holistic approach,** noting that legal issues are often intertwined with deeper personal and social problems.



Interviewee P4 who is a state prosecutor, is responsible for prosecution of hate speech and hate crime cases in the region of her employment. For the last couple of years, the state prosecution uses a special code in their register, indicating that a case concerns hate crime.⁷ Despite this, P4 reported an absence of not only explicit anti-LGBTIQ+ hate crime cases in their region's register but also hate crimes in general, attributing this to underreporting by victims.

Case concerning possible bias motive: P4 described a case involving a man who was beaten after attempting to purchase weed. While the perpetrators displayed hostility toward the victim's sexual orientation during pre-trial hearings, the victim did not disclose his identity as a gay man, limiting P4's ability to pursue bias motivation or a higher penalty under Article 49/3: *"I would be happy to ask for a higher penalty for these perpetrators under this article, but I won't, because I have no real proof of it. If the victim had said that, that's really why they did it... but then he exposes himself. He then has to tell all the people he's gay, and he won't do that."* (P4)

P4 noted that victims often fear stigma or exposure and are reluctant to disclose personal circumstances. This hesitancy ties the hands of legal professionals, as proving bias motivation requires victim cooperation: *"Victims are ashamed of their circumstances, and they will not speak about it...which ties our hands."* (P4)

The representative (P7) of the Advocate of the Principle of Equality (**equality body**) reported several cases in which the equality body addressed discrimination against LGBTIQ+ individuals and initiated systemic changes:

- **Refusal of Medical Care:**

- A gynaecologist refused to treat a lesbian patient who underwent IVF in Austria, citing conscientious objection. Discrimination was found, as objection applies to specific procedures, not patients.
- HIV-positive individuals faced discrimination from dentists, who refused treatment or imposed unnecessary safety measures despite medical evidence that treated HIV patients cannot transmit the virus.

- **Blood Donation Policy:** The body challenged a law barring men who have sex with men from donating blood. The outdated legislation ignored advancements in HIV treatment and testing. The law was changed, enabling non-discriminatory blood donation conditions.

⁷ The code is 'SOV' as in »Sovraštvo« (»Hate«).



- **Same-Sex Marriage and Adoption:** The equality body initiated a constitutional review of laws preventing same-sex marriage and adoption. Concurrent individual cases led the Constitutional Court to declare the laws unconstitutional, prompting legislative changes.
- **IVF Access:** The equality body initiated a constitutional review of a law that excluded lesbian couples and single women from IVF eligibility. In November 2024 the Constitutional Court declared this legal provision unconstitutional.
- **Reports on Intersex and Trans Individuals:** Reports with recommendations on medical procedures for intersex individuals and gender recognition for trans individuals highlighted systemic issues.

Processing anti-LGBTIQ+ hate crimes or discrimination cases

CSOs address anti-LGBTIQ+ hate crime cases using varied methods, from direct support to advocacy and systemic interventions. Their approach ranges from ad hoc responses, prioritizing urgent cases, to semi-structured protocols for counseling, legal support, and advocacy (P5, P1). They first assess the type of discrimination or violence, identify the victim's needs, and offer accompaniment to police stations or offices (P5, P6). While encouraging reporting, CSOs recognize systemic inefficiencies in reporting and prosecution. They collaborate with other organizations and sometimes proactively reach out to potential victims, offering legal support (P1, P8).

The state prosecutor's (P4) approach to hate crimes against LGBTIQ+ individuals does not significantly differ from other cases but includes certain sensitivities. In delicate cases, the prosecutor may attend investigation hearings (unusual in standard practice) and request that the victim be heard in the defendant's absence to ensure their sense of safety. The prosecutor might also engage in informal conversations with victims before court hearings to provide reassurance and encourage thorough testimony, though this is not standard practice and is driven by personal initiative: *"The general doctrine is that prosecutors should not deal with victims. It is none of our business. I often go beyond that because it is important to me. Some people do, some people don't."* (P4)

In this respect, it seems that despite the Victims' Directive, little has changed in practice. Even the individual assessments by the police are often seen as superficial: *"They are done by police officers, they do them in accordance with their template, they tick the list, they get points, these points are meaningless. It always comes down to some low threat. You get points if somebody threatens you with a firearm, and there are not that many of those."* (P4)



The Equality Body handles hate speech cases primarily under anti-discrimination law (Protection Against Discrimination Act) assessing whether it can be reviewed in the scope of the equality body's mandate. However, if it seems that the act qualifies as a criminal offense or a misdemeanour, as criminal prosecution offers stronger protections for victims, the Equality Body advises victims to pursue the criminal law route and provides support, including counselling via phone or assisting with written submissions. The Equality Body emphasizes supporting victims beyond referral, offering guidance on how to report cases to the police or prosecutors: *"The Advocate has a policy of supporting the victim. Not just by saying, go to the prosecution, but by advising what to write, how to write it. And I think that if the person would be writing the report themselves, we would have helped them, we would have looked into it. It is not the Advocate's purpose to say that we are not competent."* (P7)

In cases involving hate speech requiring ex officio prosecution, the Equality Body can directly report to authorities.

The Equality Body currently lacks specific guidelines for communicating with applicants, leaving this to the discretion of individual counsellors and relying on internal expertise within the legal department, which handles cases daily and discusses dilemmas in expert meetings. While guidelines have not been developed yet, they could be valuable, given the diversity of applicants and the seriousness of some cases, such as sexual harassment.

Prioritising the needs and preferences of survivors

CSO representatives prioritize survivors' needs through a personalized, empathetic approach, often tailored to the individual's situation and preferences. They create safe spaces for victims to speak about their experiences, provide direct support, and guide them through options without pressuring them to act, thereby respecting their autonomy.

Victims often seek a supportive environment to process their experiences. Interviewee P11 emphasized the importance of giving space to victims, stating, *"I give space for the person to speak. I never encourage to do something, because people have different choices, abilities, worries, fears."* P1 highlighted that victims need to feel safe, which is critical to their decision-making, adding that the lack of trust in institutions often discourages reporting. Similarly, P6 emphasized the need to validate victims' experiences and ensure they feel believed and understood, helping them process their trauma.



CSOs assist victims by explaining their options and supporting them in making decisions. P6 described their process of discussing what happened, determining what the victim needs, and presenting options. They also stay accessible for follow-up, recognizing that initial reactions might evolve as adrenaline subsides. P5 added that they assess whether victims need long-term support and remain flexible in offering representation or assistance, stating, *“From that point onward, it is up to them – if they want us to act as representatives or provide support, we will participate. If they do not, we step aside.”* (P6)

CSOs often encourage victims to report incidents, even anonymously, to ensure documentation and possibly deter further violence. P1 pointed out that victims often resist reporting due to distrust in the system, so organizations offer alternatives such as reporting to Human Rights Ombudsman or Equality Body. P9 noted a particular challenge when advising vulnerable individuals, like trans minors, who may face severe consequences such as homelessness after reporting. This highlights the delicate balance CSOs must strike in their guidance.

CSOs work collaboratively with other organizations and professionals to address victims' needs holistically, connecting victims to counsellors or lawyers when necessary. They also consider intersectional factors, such as homelessness or substance abuse, directing victims to relevant resources.

Handling cases involving immediate danger or ethical dilemmas is a nuanced responsibility. P11 admitted the challenge of balancing the need to report with preserving victims' trust, stating, *“If I judge that their life is in danger, I have a duty to report and I will, of course, with the knowledge of that person.”* They emphasized the need for supervision and reflection to navigate these complexities effectively.

The interviewed **lawyer** (P3) emphasized the importance of establishing trust with clients who disclose abuse, stating that lawyers must avoid showing shock or surprise to ensure the client feels safe to continue confiding. He noted, *“Lawyers are not skilled enough in such conversations. If you are unable to conduct an interview with such a person, you can cause them an even bigger trauma.”*

Building confidence allows the lawyer to gain the necessary information to provide effective help. For instance, in a case involving a gay man who was sex-trafficked and sexually abused, it took time to build trust, but once established, the client felt safe sharing all details, which facilitated legal assistance. P3 shared their approach to ensuring clients feel secure: preparing a private setting by closing



windows, turning off phones, and eliminating disturbances. They stressed that creating a safe physical environment is fundamental when working with vulnerable clients.

When working with abuse survivors, P3 explained the importance of explaining options without pressuring clients, allowing them to make informed decisions. They provide clear information about reporting to the police, NGOs, or social work centres and offer support in drafting reports or making calls. Victims are informed about the complexity of procedures and their rights, which are improving over time. This approach often leads clients to decide to report, even though the process may initially be emotionally challenging.

P3 also emphasised the importance of guiding victims through related legal processes such as divorce, custody, and child support, ensuring that all aspects are addressed comprehensively. They also connect clients to free legal aid to mitigate potential economic coercion, noting this approach applies to LGBTIQ+ individuals as well.

Experiences with reporting the incident

CSOs working with LGBTIQ+ hate crime victims encounter significant challenges when engaging with the police, prosecutors, and courts. These experiences highlight systemic issues, victim fears, and the need for greater sensitivity and accountability.

CSOs report that many victims are hesitant to approach the police due to fears of further harm, exposure, or ineffective handling of their cases. P2 and P11 noted that survivors worry about being outed, having unrelated aspects of their lives exposed, or even facing additional violence from law enforcement. Others doubt the value of reporting, as they do not believe the process will yield meaningful results (P12). According to P5, within the transgender community, distrust of the police is particularly pronounced. As P11 summarized, *“In reporting procedures, a person who is a victim of violence is much more exposed and targeted than the perpetrator, and this should absolutely be reversed.”*

Particularly vulnerable groups such as LGBTIQ+ asylum seekers or young people are even more at risk to reveal their personal circumstances: *“This is also a problem outside the context of migration. In some research with young people, we found that high school students are afraid to tell their teacher or school counselor that they are targets of violence, because it could also mean disclosing*



this to their parents. Even for Slovenian citizens, who have a certain level of safety, disclosure is a challenge." (FG2)

CSOs like those represented by P1 and P6 aim to support victims who choose to report. P1 shared that they provide procedural information, accompany victims to the police, and assist with complaints to other bodies like the Advocate of the Principle of Equality. They also intervene when police handle cases inappropriately, such as misclassifying homophobic incidents as vandalism or minor disturbances. P6 recounted the importance of persistence when engaging with police, especially in emphasizing the hate-crime element of a case, stating, *"You have to be persistent, kind, and calmly explain why it's like that."*

A recurring concern is the potential for secondary victimization. Victims often avoid reporting because they do not want to repeatedly recount their trauma or risk being treated poorly. P11 explained that victims feel overwhelmed and revictimized by the reporting process, an opinion echoed by P9, who stated that the lengthy and burdensome process deters many from coming forward.

CSOs have seen some improvements in police sensitivity, particularly in Ljubljana and the General Police Directorate, where specific liaisons have been appointed to ease communication: *"It seems to me that a lot of work has been done in this time to sensitise the police and, as far as we are working with them, they have shown that they are willing to listen and to change. There are, of course, different police units, even geographical areas, which vary greatly." (P6)*

However, inconsistencies remain. P9 noted that police responses vary by region and individual officer attitudes, with P9 observing a troubling pattern of poor treatment of trans women compared to cisgender gay individuals.

Focus group participants highlighted that misclassifying homophobic incident as vandalism or minor disturbances is still very much an issue. One of the participants shared her experience of accompanying a victim – asylum seeker who was attacked by another resident of the asylum home – to the police: *"However, the police officer didn't allow me to go inside with him, another activist was with me. When he came out, he said the communication with the police was fine, and a report was filed. I believe the perpetrator was fined for disturbing the peace. It seems that in other cases as well, penalties are issued for disturbing the peace... and that's a problem." (FG3)*

In addition to the fact that this testimony seems to confirm that the attitude of the police is worse when it comes to people who have personal circumstances other



than (just) belonging to the LGBTIQ+ community that make them even more vulnerable, it also shows a disregard for the right of victims to be accompanied by a person of trust when they make a report.

According to P2 the cooperation with the Police and the operation of the Police was much better during Pride 2024 compared to the Pride events in 2023, due to the engagement of one LGBTIQ+ CSO (the organizer of the event) which has been sitting in numerous meetings with the Police in the scope of one year. The main reason for that was, that during the Pride in 2023 they noticed a large increase of hate-motivated incidents as well as inappropriate handling of these cases by the Police. During this one-year cooperation and preparations for the Pride 2024, the idea of “safe persons” appeared. These persons were marked for everyone to clearly see them and their role was to provide support to everyone who needed it, especially those that experienced any kind of incidents. They also encouraged and assisted individuals with reporting the incidents. Around 45 % of the 22 incidents have been reported and the Police dealt with three of them. In one case, two young men attacked the stand of a drag queen with tear gas, in another case, a group of young men stole a parade banner of CSO Ljubljana Pride, and in third case, there was an incident at night at the entrance to the club where after-party took place – this attacker was actually sanctioned and received a fine (Gračanin, 2024).

The fact that the awareness of the police is not as high outside the capital is also confirmed by the case mentioned by the prosecutor P4 (see p. 28). The police did not detect that the attack could have been motivated by hatred. And the interviewee also mentioned that perhaps the police could do more in the preliminary phases to identify such motives, but it depends on each case. *“The police leadership understands this much better than individual police officers in the field.” (P2)*

While some progress has been made in sensitizing police, P6 identified prosecutor offices as a bottleneck: *“...but mostly then in the prosecutor’s offices, it seems to me that (cases) get stuck and dismissed without some justification.” (P6)*

P9 described the rarity of hate crime convictions, leading to a perception of futility in pursuing legal action.

CSOs also focus on advocacy and awareness-raising to address these systemic issues. As P5 noted, their responsibility extends to informing authorities about



community concerns and ensuring that their engagement with victims includes mechanisms for addressing institutional shortcomings.

Victim support

As already mentioned, **CSOs** provide a variety of support services for LGBTIQ+ hate crime victims, including informational and psychosocial counselling, advocacy, and safe spaces for discussions.

But in general, LGBTIQ+ persons are prima facie disadvantaged, as they might experience discrimination if they turn to generic victim support services: *“An LGBTIQ+ person may have a very difficult ordeal ahead of them. There are certain institutions that heteronormative people can turn to... But here (LGBT people) may already experience some discrimination, either because of their appearance or because they reveal their personal circumstance and the person on the other side is not understanding.” (P6)*

P6 also pointed out that some victims may hesitate to disclose their identity or bias motives during proceedings due to fear of lack of protection and lengthy proceedings. P6 suggested that focusing on what perpetrators believe about the victims’ circumstances might be more relevant than the victims’ willingness to disclose their identity, indicating that the concept of ‘discrimination by assumption’ should be used when establishing bias motive.

A major challenge highlighted across multiple interviews is the **insufficient availability of psycho-social support**. P9 noted that while some support is provided by organizations like Legebitra, the program has limitations due to funding constraints. P9 also mentioned that the closure of the SQVOT program by Ljubljana Pride, which offered crisis accommodation, was a significant setback. These limitations leave many victims without adequate support, impacting their ability to report incidents and seek justice.

Interviewees also pointed out that the **centralization of LGBTIQ+ support services** in major urban areas excludes victims from more rural or remote locations. P9 explained that this geographical barrier makes it difficult for many LGBTIQ+ individuals to access essential services like information sessions or workshops. Additionally, socio-economic factors influence the quality of support victims receive. P9 shared an observation that individuals from higher social classes often receive better treatment, citing their familiarity with laws and their confident communication with authorities as advantages.



P8 discussed the importance of self-protection initiatives, such as training wardens and other staff during pride parades to distinguish between criminal offenses and misdemeanours, and to engage with the police appropriately. This suggests that victims need education and tools to protect themselves in high-risk environments.

Legal professionals mostly focused on the mechanisms that can support the victims during court proceedings. As an example of good practice, they mentioned the **Victim Support Services** established in the **Ljubljana and Maribor District Courts**. These services provide victims and their families with clear explanations about their rights and the proceedings, and they ensure victims are aware of potential protection measures. As noted by the lawyer: *“It is quite different if you just read about your rights or if someone explains it to you.”* (P3)

State prosecutor (P4) also emphasized the necessity of pre-court meetings to prepare victims, which would help reduce secondary victimization and empower them. Moreover, P4 stressed that the health care system's lengthy waiting lists limit access to timely **psychological support**, suggesting that courts should be able to refer victims to specialized support services. The Barnahus model's integrated psychological support for children was cited as an exemplary practice.

Another challenge highlighted is the potential for **re-traumatization through repeated questioning** during proceedings. P3 stressed the importance of minimizing the number of interviews to protect victims, particularly children, from additional trauma.

It is important to look at the available mechanisms for the protection of children's best interests in proceedings, 'Barnahus' in particular. The Barnahus model, which provides psycho-social support and minimizes trauma during interviews of child victims, was praised by the interviewed legal professionals as essential. **The elements from 'Barnahus' model could potentially be transferrable to other vulnerable victims, including LGBTIQ+ people.**

Legal professionals highlighted the **sensitivity required when discussing issues like sexual orientation in court**. P4 noted that even when public access is restricted, there are still many individuals present in the courtroom, making it difficult for victims to speak openly. This is particularly challenging for LGBTIQ+ victims, who may already feel vulnerable due to their identity and the stigma associated with hate crimes.



Both P3 and P4 thought that **individual assessments** should be improved. Current criteria in the template that the police use are too few and too general, P4 mentioned that they do not provide for a realistic risk assessment. P3 suggested looking at models like Italy's intimate partner violence (IPV) assessment, which is more nuanced and detailed. In the end of the questionnaire, there is only one question, whether there was a bias/hateful motive. P3 did not notice that any particular significance was given to this issue: *"Usually there was nothing noted there, I don't think it was asked in the right way, and he didn't understand what it was about. It should have been established whether it was violence on the grounds of gender, religion or race, whatever, sexual orientation."* (P3)

The process of individual assessments should therefore ensure that questions are presented thoughtfully and not rushed, creating a safe environment for victims to share their experiences. Sometimes, people do not wish to declare themselves, P3 deemed that it should be explained to them that this is not asked to harm them – that it is **not to determine their personal circumstance but reasons that lead to violence**.

P3 shared an experience of filing a compensation claim within a criminal case, which was redirected to civil proceedings when the judge could not rule on it due to procedural constraints. This situation highlights issues with the coordination between civil and criminal proceedings and the practical limitations faced by victims when pursuing compensation.

Demographic profile of victims

CSOs report a diverse demographic among their LGBTIQ+ users, though systematic data collection is rare. Users typically range from teenagers to adults in their mid-30s, with some older individuals also reaching out. Many are from urban areas like Ljubljana, though rural and smaller town residents, migrants, and asylum seekers also seek support.

Specific vulnerabilities identified include:

- **Trans women and sex workers**, noted by P11, as particularly at risk due to intersecting vulnerabilities and frequent exposure to similar types of violence.
- **Those who are more visible**, whether due to gender expression or activism, face greater risks, as highlighted by P1, P2 and P8.
- **Individuals with lower socioeconomic status**, as well as those facing additional marginalization (e.g., ethnicity), as mentioned by P6.



- **Trans people** targeted increasingly due to heightened societal hostility (P2, P8).

CSOs also observe variations in victimization risk based on geography and family background. Homophobic attitudes persist in both urban immigrant families and rural traditional communities (P6). P8 mentioned that women are more active in the community and potentially more exposed, while violence perpetrators are predominantly men.

The state prosecutor (P4) stated that she has no systematic data on the hate crimes prosecuted by her State Prosecutor's Office. She explained that demographic profiling of victims is absent in the legal system. Efforts like the introduction of a "SOV" code for hate crimes in the register allows for case identification, but such cases remain rare.

Interviewee P2 shared findings of their own mapping of hate-motivated incidents (which were based on homophobia, biphobia, transphobia) during the pride event in June 2024. Under hate-motivated incidents they counted criminal acts, misdemeanours, and also other socially undesirable acts. They provided support through organizers and "safe persons" to everyone who has experienced hate-motivated incidents and was willing to record it. In total 24 incidents were recorded and 22 of those were then analysed (2 had to be eliminated due to lack of data).

Half of these incidents happened in the center of Ljubljana in the scope of 2 hours before the start of the "official" part of the Pride event. In large majority of cases the attackers were young men (15–20 years old) in groups, and the incidents mainly involved verbal attacks, insults, threats, spitting, springling with water or beer, pelting with eggs, spraying with tear gas, pulling flags or other symbols people had in their hands or on their clothes/bags, etc. As indicated in their report (Gračanin, 2024) they have noticed that the average age of the participants of Pride events is much lower than in the past, many of the participants being minors, whom the organizers consider to be especially vulnerable.

Cooperation

Interviewed **CSO representatives** emphasize the importance of inter-organizational and institutional cooperation but highlight several gaps and challenges:



CSOs often refer individuals to specialized organizations, using personal networks and informal channels due to limited structured cooperation (P1, P6, P11).

Because some of them primarily focus on other activities, such as raising awareness, they often consult with other CSOs that are better equipped for legal or psychosocial counselling and sometimes refer the cases to them (P6, P9).

Interviewees noted the lack of systematic collaboration with social work centres and limited formal cooperation with institutions like courts and prosecutors' offices (P1, P8, P11).

Cooperation with the police is generally more positive compared to other state institutions. Police are seen as partners in addressing hate crime, although improvements in sensitivity, training, and proactive engagement are needed (P1, P5, P9). Mixed experiences are reported: some praise responsiveness during Pride incidents, while others critique the police's lack of understanding of hate speech and discriminatory contexts (P5, P9): *"In my opinion, the police should be better educated about the specifics of our issues, about what is considered hate speech or other forms of discrimination."* (P9)

Some CSO respondents expressed frustration with limited legal support, citing systemic issues like inadequate hate crime definitions and lack of funding for in-house legal experts (P8).

They also criticised institutions like the Advocate of the Principle of Equality and the courts for being overly bureaucratic or underestimating the NGO sector's expertise (P6, P8): *"Then we fall short, because when they start the procedure, they want us to make arguments about I don't know what. But basically, we are not some organization focused on legal matters [...] I wish they would do (their) own work."* (P6)

Experiences with ministries, particularly the Ministry of Interior, are mixed. Some CSOs find engagement superficial and frustrating, particularly regarding the recognition of hate crimes (P5). Ministries are also considered as underperforming in promoting anti-hate campaigns and addressing systemic discrimination (P6, P9).

Many CSOs are overburdened, with insufficient staff for psychological and legal support. The absence of funding for employing attorneys directly impacts the organizations' ability to pursue legal remedies effectively (P6, P8).



Legal professionals report positive cooperation with CSOs, social work centres, probation services, and multidisciplinary teams but note some systemic challenges. P3 frequently refers victims to specialized CSOs and values workshops with diverse professionals for knowledge exchange. Social work centres are considered key partners in both family law and criminal proceedings, especially in domestic violence cases (P4). Informal communication, like phone calls, is seen as efficient. Legal professionals are involved in working groups aimed at improving family law, minor assessments in criminal proceedings, and child protection (P3, P4). P4 stressed the need for more structured cooperation channels to ensure effective information exchange.

The equality body collaborates with governmental bodies, CSOs, and other stakeholders to promote anti-discrimination measures. This includes presentations, consultations, and formal group participation. The Advocate regularly interacts with the National Assembly, Government, and key figures, presenting an annual report focusing on specific topics. The body maintains dialogue with CSOs, consulting them on discrimination-related issues, and supports CSO-led initiatives, such as addressing violence during Pride events and advocating for strategic planning to counter violence and discrimination. In summary, the equality body works across various levels of government and community sectors, fostering an environment for cooperative efforts that support anti-discrimination and human rights initiatives.

Capacities and effects of working with victims

Interviewed CSO representatives supporting LGBTIQ+ victims of hate crime and discrimination face significant challenges due to limited resources and the emotional toll of their work.

Many professionals, like P5, admit struggling to process the distressing stories shared by victims and feel that they still have much to learn about handling such cases and self-regulation. Some cases leave an even deeper impact:

"Maybe this year at the Parade, when it was about a very young person who was attacked by some group of boys, I then worked a little with this person, talked to them/her, helped to look at all the things that happened, who those people were, what they looked like, and so on. And I don't know, but it seems to me that it really touched me because this person was really so young. They weren't from Ljubljana, they came to Ljubljana with friends from somewhere, and it was their first time at the Parade with their friends. Well, I don't want to say too much



information, but they were 13 years old... They were quite confused and angry, but at the same time ready to write down everything that had happened. They were afraid to report it to the police because of their parents. I don't know the exact situation, but it really touched me." (P9)

Experiences of burnout are common, with professionals in smaller NGOs like P11 facing financial and staffing shortages, limiting their ability to meet the community's needs. Despite this, the passion and commitment of workers drive them to maintain supportive, quality services, though they often feel overextended.

The impact of political and social hostility, particularly toward trans individuals, exacerbates stress and requires resilience: *"It seems to me that the public discourse has gone quite downhill, in a more negative direction, and I have the feeling that recently, at least from what people are saying on social media, that they have started to openly express homophobia as something that is their right." (P6)*

Moreover, while some organizations have informal team discussions to cope, formal supervision and systemic support remain scarce but essential for worker well-being.

Legal professionals also reported intense emotional and professional challenges when working with vulnerable victims. Interviewee P3 expressed the difficulty of handling traumatic cases, such as the abuse of children, and noted the lack of formal psychological support or supervision for attorneys, though discussions have begun about its necessity. The sense of isolation is common among lawyers, who seek peer support through informal meetings to share experiences. P4, a prosecutor, highlighted the importance of collegial discussions and family support but noted her past experience where a group supervision had failed in the past due to inadequate leadership. The fear of making a significant error, such as misjudging detention needs, adds to the pressure, but P4 stressed the importance of maintaining empathy for victims and understanding the profound impact even minor offenses can have. Although there are no standardized protocols for supporting victims, and involvement can be risky for lawyers due to potential emotional attachment, most legal professionals strive to offer the best support they can within their capacities.

Similarly, the representative of **the equality body** highlighted significant challenges related to stress and burnout among the staff, emphasizing high



workloads, a large number of new cases, tight deadlines, and considerable pressure: *“There are 25 of us, it looks like a lot, but to cover 13 personal circumstances [...] to cover the analysis of the legislation that is being adopted and to make recommendations, to monitor by personal circumstances and to work on specific cases, to assess whether the practices are discriminatory and the regulations are discriminatory, it is a lot of pressure and there are still not enough people. I think if we doubled the number of staff, it would still be too few, but it would be much easier.” (P7)*

The demanding management style, geared toward meeting deadlines, further exacerbates stress. The representative also pointed out the need for supervision or psychological support for employees dealing with emotionally difficult situations, including aggressive clients. They noted that the efforts to establish some guidelines and de-escalation techniques should be implemented to better support the staff’s well-being.

2.2.2. Knowledge

“A hate crime is never directed only at the victim in question or the person who experienced this violence, but it is always a message to the entire social group that they are undesirable, that they are not worthy of human rights and dignity, and that violence is a way of dealing with this social group without the perpetrators being punished or sanctioned accordingly.” (P2)

CSO representatives demonstrated a strong understanding of bias discrimination and anti-LGBTIQ+ hate crime. For instance, interviewee P6 described hate crime as an act committed out of irrational fear or hatred based on a person’s identity, emphasizing that it is rooted in the victim’s characteristics rather than their actions. Interviewee P11 noted that, for their NGO, hate crime extends to malicious behaviour regardless of tangible outcomes, underscoring their focus on the impact on individuals. The representative from P1 defined hate crime broadly as any act committed due to personal circumstances. While participants demonstrated a nuanced grasp of the issues, most expressed interest in expanding their knowledge on hate crime, victim support systems, and procedural aspects, acknowledging that more focused training could enhance their advocacy and support work.

CSO representatives stay informed about developments in legislation, policies, and best practices related to anti-LGBTIQ+ hate crimes through various channels.



P6 relies on personal networks, maintaining contacts with other organizations and activists, and values the collaborative environment within the human rights field that enables prompt responses. P8 tracks updates from the ECtHR and Constitutional Court, focusing on relevant caselaw, but is less connected to international sources, preferring national contexts for strategic litigation. P1 remains well-informed by following official state channels, attending seminars, and keeping up with international developments through global networks. P1 also emphasized that while NGOs play a crucial role in victim support, the state should take on more responsibility.

Legal professionals primarily stay informed about LGBTIQ+ hate crimes and discrimination through case-specific research and consultations. P3 mentioned that they do not have regular sources but gather relevant information as needed, searching national case law and consulting NGO sources. They highlighted the potential benefits of developing specialized protocols and training for victims of crimes. P4 noted a lack of dedicated channels or regular information sources, explaining that while they participate in working groups and EU-level trainings on hate speech, time constraints often prevent them from reading publications, even if relevant. Learning is largely case-based, focusing on necessary knowledge for handling specific situations, often approached similarly to other cases but with increased sensitivity to victims' needs.

Challenges in the reporting system

All interviewees highlighted several challenges in reporting LGBTIQ+ hate crimes:

- Underreporting due to fear of negative outcomes, mistrust, and stigma.
- Varying police outreach, particularly outside major cities, with inadequate victim support in some areas.
- Secondary victimization from repeated questioning and multiple testimonies, leading to revictimization and regret.
- Police unresponsiveness and difficulty in identifying hate motives, sometimes due to lack of will.
- Limited accessibility to institutions like state prosecutors' offices.
- Political climate shifts affecting police cooperation, especially in conservative areas.
- A need for support from NGOs or social services to ensure victims are taken seriously.
- Calls for formalized protocols to ensure consistent victim support regardless of political changes.



The equality body representative shared findings from surveys on why people don't report discrimination:

- **Distrust in Institutions:** Many believe reporting won't lead to meaningful change, especially if cases fall outside the Advocate's mandate.
- **Fear of Retaliation:** Victims worry reporting could worsen their situation, such as losing income or facing workplace backlash.
- **Capacity Issues:** The process can be demanding and re-traumatizing, requiring victims to repeat their accounts.
- **Relativization:** Some downplay their experiences, thinking they were too sensitive.
- **Time Constraints:** Work and family obligations prevent reporting.
- **Low Reporting Rates:** 90% of discrimination cases go unreported.

To encourage reporting, the Advocate uses various strategies:

- **Promotion & Awareness:** Information booths, events, and materials attract individuals to share experiences.
- **Engagement with Officials:** Encouraging consultation when drafting non-discriminatory legislation.
- **Educational Outreach:** Workshops, easy-to-read materials, and content for people with disabilities.
- **Media & Accessibility:** Podcasts, multilingual materials, and support for various disabilities.

2.2.3. Needs

2.2.3.1. Training Needs

The interview findings from CSO representatives, legal professionals, and the equality body representative revealed a strong consensus on the need for training and education to improve support for victims and address discrimination effectively. Below is a summary of the key points:

CSO representative P6 emphasized that police and judiciary training on understanding personal circumstances should be mandatory and held annually to foster sensitivity. They also highlighted the need for continuous training in organizations for up-to-date knowledge on victim support protocols. P8 stressed that civil society requires systematic training to ensure that they too would understand basic characteristics of legal proceedings and be able to accompany a person to the police and advocate for them.



Legal Professional P3 called for specialized training and protocols for working with victims, similar to mandatory training for lawyers representing child offenders. He emphasized the need for judges, prosecutors, and lawyers to be trained in interviewing vulnerable victims without retraumatizing them. P4 highlighted challenges in engaging prosecutors in training due to a lack of urgency, high workload, and limited time. P4 also noted that while CSOs raise awareness, their training is often undervalued by legal professionals.

Representative of **the equality body** emphasized the need for in-depth training on LGBT issues, including understanding minority stress and its long-term impact on mental health and behavior. This training should include the psychological aspects of working with vulnerable groups to enhance the quality of support and empathy toward victims. P7 highlighted personal experiences of being invalidated by authorities, pointing out that many individuals lack the empowerment to advocate for themselves in interactions with officials. To address this, sensitization training should incorporate role-playing and experiential learning techniques to cultivate an empathetic understanding among public officials, educators, and healthcare workers.

2.2.3.2. Other Needs

The interview findings highlight various needs of victims as identified by CSOs, legal professionals, and the equality body, emphasizing emotional support, institutional trust, legal and structural reforms, and broader societal change:

According to **CSO representatives**, victims require faster proceedings, humane and supportive responses, and protection from retaliation. Many are emotionally vulnerable, with their self-worth attacked, impairing their decision-making. Furthermore, they need clear information, assurance, and a sense that authorities and NGOs are on their side. Strong, understanding support from friends and family is critical, as they need recognition and acknowledgment from their close environment. It helps victims navigate available resources and seek assistance effectively. **CSOs** on the other hand struggle with funding constraints that hinder structured victim support services, often forcing ad hoc operations. Long-term campaigns to build trust in institutions are missing. They also emphasize the need to reach the large percentage of victims who do not report crimes. Civil society needs legal experts with high expertise, but low salaries offered by public funding make recruitment difficult.



Equality body representative similarly underlined that victims need a clear message that they are believed and understood, particularly regarding the systemic roots of their hardships (e.g., systemic discrimination or long-term inequality). Also, public authorities need to grasp the lived experiences of victims. Training programs, such as imagining life in adverse conditions help foster this understanding. In this respect, welcoming environments with visible symbols of inclusion are crucial. Victims should feel part of the environment and not judged for their circumstances. Many victims, such as closeted LGBT individuals, need additional support to declare their circumstances and discuss potential outcomes.

2.2.4. Expectations

Numerous expectations are reflected throughout the report, particularly in the chapter on Other Needs, which emphasizes victims' need for trust, emotional support, tailored institutional responses, systemic reforms, and adequate resources. These expectations highlight a collective desire for improved approaches to addressing hate crimes, discrimination, and victim support. The following expectations further elaborate on these themes.

1. Unified Legal Framework for Misdemeanours and Crimes (P8): There should be a unified approach to prosecuting prohibited acts, regardless of whether they occur in physical or online spaces. Current laws treat physical acts (e.g., graffiti with hate messages) as misdemeanours but do not apply the same to similar acts online. Online actions may only qualify as criminal offences, which are harder to prosecute due to stricter requirements.

2. Specialized Legal Representation for Vulnerable Cases (P3): Lawyers specializing in cases involving vulnerable groups, such as family violence, minors, and sexual abuse victims, should be prioritized. Courts should increasingly appoint trained lawyers for sensitive cases to ensure victims' rights and well-being. There is a need to expand specialized training and certification programs for lawyers, especially in handling hate crimes and vulnerable victims. A list of trained lawyers would ensure quality representation and speed up court proceedings.

3. Preventing Re-Traumatization of Victims (P3): Stronger measures are needed to prevent victims from encountering perpetrators during legal proceedings. While amendments to the Criminal Procedure Act and the Istanbul Convention have



improved court attitudes, full compliance is still necessary. Victims should be allowed trusted individuals during proceedings, despite opposition. Participants emphasized the need for Victim-Centered Practices, focusing on minimizing trauma, providing emotional support, and building trust in legal institutions.

4. Bias indicators (P2): Interviewee P2 emphasized the importance of adequate trainings of the Police staff (and other professionals within the law enforcement) in order to handle hate-motivated cases adequately, and the expectation of using the bias indicators (OSCE ODIHR, 2019): *“When you experience violence, you can be so overwhelmed by emotions that you cannot say everything coherently, and at that moment it is very important that the person writing the report, i.e. the police officer, is sensitized and attentive to these indicators of bias. Did this happen during some major event that is important for the LGBTIQ+ social group? Did this person perhaps stand out due to a certain behavior, speech, appearance? Did this perpetrator say something that is prejudiced against a certain social group? These are indicators of bias. And then, as a police officer, you know how to ask witnesses and a person who experienced violence so that they can describe these things.” (P2)*

These expectations emphasize the need for systemic changes that prioritize victims’ rights, streamline legal processes, and foster an empathetic, supportive environment for those affected by violence or discrimination.



3. Overall evaluation: SWOT analysis

1. Strengths

- **Active and stronger LGBTIQ+ associations:** in the 40 years of LGBT movement in Slovenia the CSOs have become very professional and offer different types of support to LGBTIQ+ community members – including support to survivors of anti-LGBTIQ+ hate crime or hate-motivated incidents or bias discrimination.

- **Strong-knit LGBTIQ+ community:** Outcomes of interviews and focus groups reveal strong cooperation and collaboration within the LGBTIQ+ sector. They emphasized that CSOs work effectively together by referring beneficiaries to other organizations when a specific service or support is not within their scope. Additionally, these organizations partner on joint projects and engage in mutual advocacy efforts, pooling their resources and expertise to strengthen their collective impact. This collaborative approach enhances the overall support network for survivors, enabling more comprehensive and coordinated responses to anti-LGBTIQ+ hate crimes and bias-motivated discrimination.

- **Promising cooperation with the Police:** CSO Legebitra implemented with the Police one EU-funded project¹⁴ in 2020–2022 focusing especially on anti-LGBTIQ+ hate crime victims, strengthening their capacities and knowledge, they have improved their sensitization, they have appointed several “contact persons” who would deal with LGBTIQ+ cases across Slovenia. Through this project the Police also strengthened their cooperation with CSOs in general. However, there is still a lot of room for improvements and further activities in this field. One of the focus group discussants noted that the implementation of this arrangement tends not to function in practice and often LGBTIQ+ victims are forced to report violent events to random police officers who are the time of reporting at work.

- **Initiatives from the authorities:** There is a specific working group of prosecutors who are dealing with cases of hate speech and hate crime. They attend certain trainings on these topics, they exchange their own experiences and thus have a better insight in the nuances of such cases, including recognizing patterns of bias,



understanding the impact on victims, and identifying effective prosecution strategies.

2. Weaknesses

- **Lack of financial stability and sufficient staff:** Majority of LGBTIQ+ CSOs (like all other CSOs actually) do not have financial stability or security, and mostly finance their services through project (which mainly last for 2 to 3 years). The reliance on funding can make CSOs vulnerable to shifting priorities or budget cuts, impacting long-term sustainability. Professionals from CSOs also reported a lack of adequate facilities (especially for LGBTIQ+ individuals in crisis situations) and the need for more professional staff (especially with legal knowledge for example, or with some other specific knowledge like psychotherapy). The absence of safe, accessible housing options for LGBTIQ+ individuals in crisis exacerbates their vulnerability, particularly for those fleeing from violence. Two interviewees reported that their organizations are very small, with only two employees. In one case, the organization relies on an external psychotherapist to support beneficiaries in distress, while the other organization manages by referring its users to other organizations that offer the necessary assistance. The interviewed professionals also appointed at the risk of the concertation of the accessibility of the available support activities in the larger cities, letting those from the rural areas frequently insufficiently informed and often deprived of the support available to the population living in city areas.

- **Lack of legal specialisation and legal knowledge among CSOs:** One of the discussants at the focus group stated that the lack of lawyers in the NGO sector is detrimental to the effectiveness of protecting LGBTIQ+ human rights and briefly explained what the reason for this situation is. "If a lawyer is employed by an NGO, they lose their status as a lawyer, although they can receive a salary. However, in court, even if you win a case, you don't get any costs reimbursed. The entire system is essentially designed to protect the legal profession, if I can put it that way, ensuring it isn't threatened by the NGO sector. As a result, there is very little legal expertise within NGOs, and I see that as a significant problem. We have organizations with 12 or 15 employees, but they may not have a single lawyer, even though they work on human rights issues. (FG1)

- **Lack of trained police officers and knowledge in the Police:** from the experiences our interviewees have shared with us we can conclude that there is still lack of knowledge and sensitization among the police employees, or we could



say there is still a lot of homophobia and transphobia notable among the police officers in Slovenia. It seems that those “contact persons” appointed in practise do not really pass their knowledge on to other police officers or that they don’t really make a difference when it comes to how survivors of anti-LGBTIQ+ hate crime are treated by the police.

- **Lack of trust in the Police or even fear of the Police:** this was expressed in majority of the interviews with survivors of anti-LGBTIQ+ hate crime. Thus, we can conclude that one of the main weaknesses of the Police is their inadequate response, which includes failing to recognize or address the bias element in hate crimes and demonstrating a general lack of sensitivity in their communication with LGBTIQ+ victims. In that sense, establishing safe and inclusive reporting mechanisms must be a priority to ensure that victims feel supported rather than alienated when seeking justice.

Quite often people who have experienced discrimination and want to report the case to the Advocate share that the form they need to fill out is quite complicated and thus many of them give up unless they are provided support by the prospective CSOs.

3. Opportunities

- **EU calls for projects and strong international networks of other CSOs with a similar mission:** for CSOs this is the main opportunity for funding and international cooperation.

- **Stronger cooperation and coordination among national LGBTIQ+ CSOs and other CSOs working in the field of human rights and anti-discrimination for sharing know-how and peer-to-peer learning.** The state and/or the municipalities could/should recognize the benefits of supporting such CSOs (either financially or through providing adequate facilities for example) for the society as a whole.

- **Stronger cooperation between the Police, Human Rights Institutions and CSOs:** there are a lot of opportunities in cooperation and coordination. Also, there are opportunities in international cooperation and learning from good practices from abroad.

- **Stronger cooperation between lawyers and CSOs, there are opportunities in cooperation:** information provision, sharing knowledge/joint trainings, referring



clients, specializing in specific topics like for example anti-LGBTIQ+ hate crime or hate-motivated incidents.

4. Threats

- **Political pressure and organised anti-LGBTIQ+ actions and campaigns:** The influence of the right-wing political parties, their like-minded CSOs and their anti-LGBTIQ+ rhetorics, their endeavours of demonizing the topic (especially spreading trans-phobia), using their own extensive resources, propaganda “media” and social media is a big threat to all the advocacy and awareness-raising work that has been done in the last 40 years in Slovenia.
- **Weak institutional responses,** particularly in combination with negative rhetoric and weak institutional responses can weaken the effectiveness of the protection system, leaving LGBTIQ+ individuals vulnerable to violence, discrimination, and injustice.
- **Unwillingness or ignorance of the police when identifying bias motives:** Several interviewees highlighted that hate crimes are often not recognized as such by the Police. Despite victims clearly stating that violent incidents were motivated by hatred, these crimes are frequently **misclassified**. Instead of being properly recorded as hate crimes, they are often falsely categorized as breaches of public order or damaging property. This misidentification undermines the ability to track and address hate-motivated violence effectively and reflects a **lack of awareness or training** among law enforcement, ultimately preventing the full legal and social recognition of such crimes.



4. References

Advocate of the Principle of Equality. (2020). The situation of intersex people in medical procedures. <https://zagovornik.si/wp-content/uploads/2022/08/The-Situation-of-Intersex-People-in-Medical-Procedures-1.pdf>

Advocate of the Principle of Equality. (2021). The situation of transgender people in procedures for medical gender identity confirmation and legal gender recognition in Slovenia. <https://zagovornik.si/wp-content/uploads/2022/08/The-Situation-of-Transgender-People-in-Procedures-for-Medical-Gender-Identity-Confirmation-and-Legal-Gender-Recognition-in-Slovenia-Selected-Chapters.pdf>

Advocate of the Principle of Equality. (2024). Annual report for 2023. <https://zagovornik.si/wp-content/uploads/2024/05/Redno-letno-porocilo-2023.pdf>

Center za človekove pravice, Varuh človekovih pravic Republike Slovenije. (2021, May). Kazenskopravni pregon sovražnega govora v Sloveniji po 297. členu kazenskega zakonika (KZ-1): Analiza tožilske prakse pregona kaznivega dejanja javnega spodbujanja sovraštva, nasilja in nestrpnosti v obdobju 2008–2018. https://www.varuh-rs.si/fileadmin/user_upload/pdf/Razne_publicacije/Sovrazni_govor_knjizica2.pdf

European Union Agency for Fundamental Rights (FRA). (2024). EU LGBTIQ Survey III: LGBTIQ Equality at a crossroads: Progress and challenges, Country data – Slovenia.

Gračanin, E. (2024). Poročilo o incidentih s sovražnim nagibom na Paradi ponosa 2024. Društvo Parada ponosa. <https://ljubljanapriderg.org/publikacije/>

Legebitra. (2024). LGBTIQ slovarček. <https://legebitra.si/publikacije/lgbtiq-slovarcek/>

OSCE ODIHR. (2019). Using Bias Indicators: A Practical Tool for Police. https://www.osce.org/files/f/documents/8/9/419897_0.pdf

Peace Institute. (2024). Enhancing the capacity of civil society organisations to support victims of anti-LGBTQI hate crimes (ENACT). <https://www.mirovni-institut.si/en/projects/enhancing-the-capacity-of-civil-society-organisations-to-support-victims-of-anti-lgbtqi-hate-crimes-enact/>



Pravilnik o izvrševanju zakona o matičnem registru (Regulation on the Enforcement of the Law on the Civil Registry), 13 April 2005, available at: <https://pisrs.si/pregledPredpisa?id=PRAV5572>.

Rajgelj, B. (Ed.). (2015). Pravni položaj istospolnih partnerstev in starševstva v Sloveniji: Sistemska analiza ureditve pravnega položaja istospolnih partnerstev in starševstva v slovenski zakonodaji. Zavod za kulturo raznolikosti Open. https://www.mirovni-institut.si/wp-content/uploads/2015/03/Pravni-polozaj-istospolnih-partnerstev-in-starsevstva_feb_2015.pdf

Supreme Court of the Republic of Slovenia, judgment No. I Ips 65803/2012 of 4 July 2019.

Ustava Republike Slovenije (Constitution of the Republic of Slovenia), 23 December 1992, available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=USTA1>.

Zakon o spremembah in dopolnitvah Kazenskega zakonika (KZ-1J) (Act Amending the Criminal Code), 4 February 2023, available at: <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2023-01-0302>

Zakon o varstvu javnega reda in miru (ZJRM-1) (Protection of Public Order Act), 22 June 2006, available at: <https://pisrs.si/pregledPredpisa?id=ZAKO3891>.

Zakon o spremembah in dopolnitvah Zakona o kazenskem postopku (ZKP-N) (The Act amending the Criminal procedure act), 26 March 2019, available at: <https://pisrs.si/pregledPredpisa?id=ZAKO7508>

Zakon o socialnem varstvu (Social Assistance Act), 4 November 1992, available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO869>