

**FACES OF
MIGRATION**



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Non-discrimination in Migration for Sustainable Development;

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| Slovenia Background Paper |



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NON-DISCRIMINATION IN MIGRATION FOR SUSTAINABLE DEVELOPMENT;

SLOVENIA BACKGROUND PAPER

Non-discrimination as part of SDG10: Reduced inequalities

SDG10: Reduced inequalities aims to reduce inequalities within and between countries. Mechanisms that protect against discrimination are essential for reducing disparities based on various factors, including ethnicity, gender, and origin within a country. The European Union still faces challenges in mitigating social and labor inequalities between EU and non-EU citizens. Migrant workers' pay gap is one form of inequality; a report by the International Labour Organization shows that in high-income countries, migrants earn nearly 13% less than nationals, and this gap can widen to as much as 42%. The data was collected before the pandemic and it is expected that this pay gap increased during the pandemic. Unequal access to the labor market due to social exclusion is also a challenge that people who hold refugee status face in the EU. All EU countries have anti-discrimination laws, like the Race Equality Directive, which forbids discrimination in employment based on ethnicity or nationality, yet these laws are not even enforced in all of the countries.¹ According to the European Public Health Alliance, the situation across Europe during the pandemic exposed existing gaps and unequal access to basic rights and services for minorities such as migrants and ethnic minorities. In response to disparities in health care, the Alliance relaunched The European Chart for Health Equity, initially presented in 2010.²



“SDG 10 addresses inequalities within and among countries. It calls for nations to reduce inequalities in income and those based on age, sex, disability, race, ethnicity, origin, religion or economic, or another status within a country. The Goal also addresses inequalities among countries, including those related to representation, and calls for the facilitation of orderly and safe migration and mobility of people.”

Migration and non-discrimination for SDG10: Reduced inequalities in Slovenia

In 2018 the Slovenian government adopted the National Action Plan, NAP, on business and human rights in business, which aims to implement activities that follow United Nations' guidelines for the protection of human rights in business. The NAP also seeks to strengthen the cooperation between the Slovenian government, business associations, NGOs, unions, and other stakeholders. In 2016, the National Assembly of the Republic of Slovenia adopted a Protection Against Discrimination Act (PADA). As a result of this act, the Advocate of the Principle of Equality, an independent and autonomous state body, was established in Slovenia.

¹ European Parliament, Labour market integration of asylum-seekers and refugees 2021.
² The European Public Health Alliance, 2020

The Advocate of the Principle of Equality in Slovenia compiles annual reports that include investigations of ongoing discrimination cases and recommendations for relevant stakeholders to combat these forms of discrimination through their action plans. In the 2020 report, the Advocate investigated a particular case where a taxi driver violated the prohibition of direct discrimination based on ethnicity; as a result, the Advocate sent a recommendation to the Municipality of Ljubljana to require from the taxi companies that are granted a transport license to follow the principles of equal treatment. At the time of publishing the report, the recommendation was not taken into account.³

The wage gap between migrant and domestic workers in Slovenia reached 33% in 2019, while in Cyprus it reached 42%. The report by the International Labour Organization, ILO, shows that most of these inequalities cannot be explained by differences in the education or skills between migrant and domestic workers; thus, it comes back to discrimination. The migrant pay gap intersects with the gender pay gap, with migrant women more likely to earn less than migrant men workers and nationals.⁴

Protection against discrimination in the asylum process in Slovenia

Managing safe and regular migration is essential for the achievement of SDG10. During the global pandemic, at least 1,773 people died en route when migrating to Europe in 2020.⁵ Discrimination based on ethnicity was recently present in mechanisms for arranging safe passage and access to the refuge. For example, the Slovenian National Assembly approved a law that erodes the rights of asylum seekers in 2021,⁶ yet, recently, the Slovenian government announced that Slovenia is willing to welcome 200,000 refugees from Ukraine. Further, the official Twitter account of the government published a tweet that translates as follows: *“Ukrainian refugees arrive from an environment which is, in a cultural, religious, and historical sense, something completely different from the one from which refugees from Afghanistan do.”*⁷ The tweet was taken down but not before it was screenshotted, captured, and reshared by social media users.

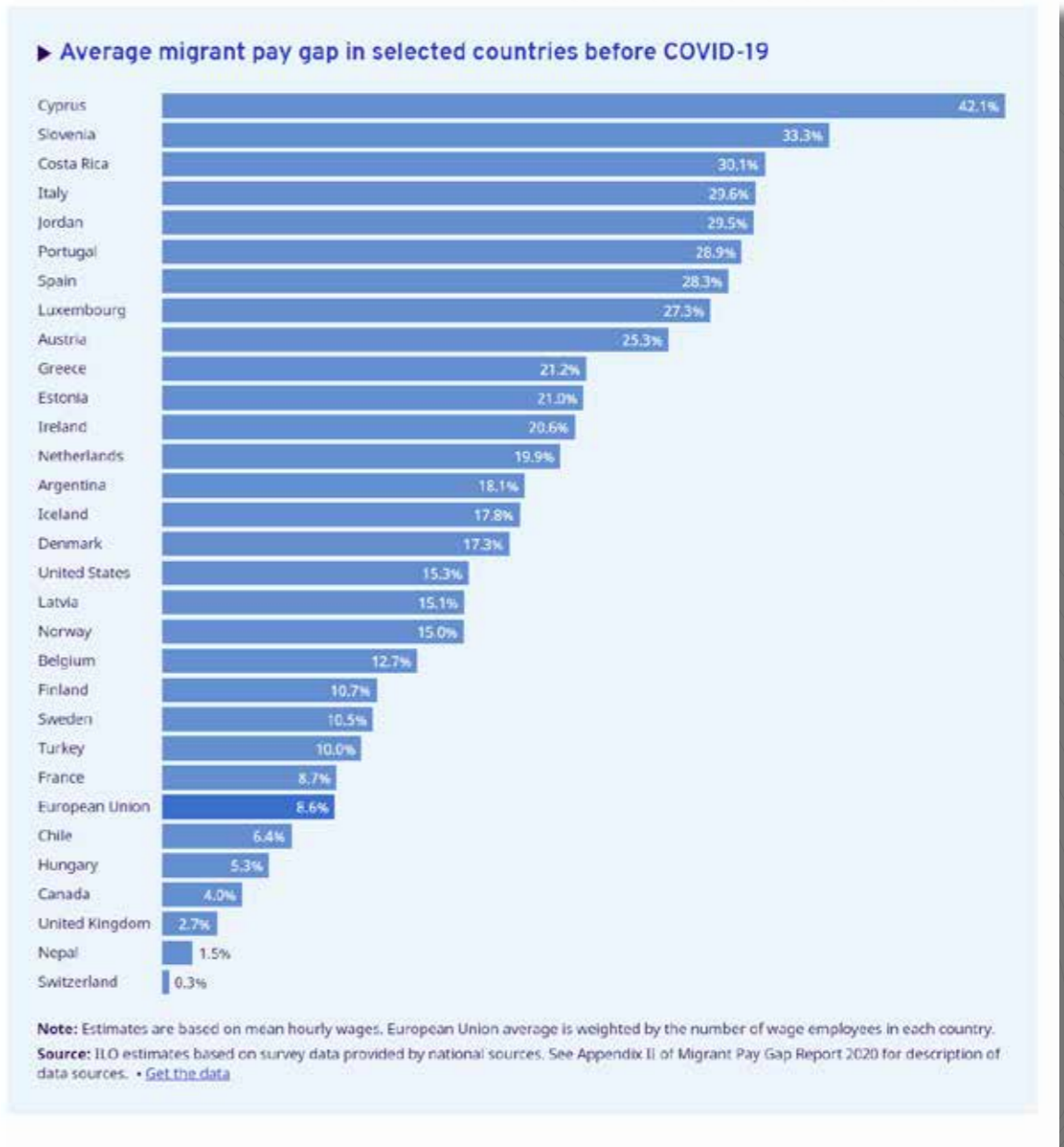
Language and communication obstacles to accessing health care are addressed in the Slovenian report on the implementation of Agenda 2030. One of the best practices is the multilingual guide for health workers and migrant patients who do not speak Slovenian. However, asylum applicants and asylum seekers still have access only to emergency health care and it is up to the doctor to decide on a case-by-case basis whether something is an emergency or not. Dental care is a specific field where asylum seekers get access only to limited treatment, such as teeth removal rather than dental treatment. Those who obtain refugee status will have access to dental health care and health insurance in the long term. Research shows that early dental care reduces costs for dental surgeries and interventions.⁸

Sexual Orientation, Gender Identity and Expression, and Sex Characteristics, SOGIESC, is the expression that is preferably used instead of LGBTQI+ in international contexts. It is perceived to be more inclusive

³ Advocate of the principle of Equality, Annual Report of the Advocate of the Principle of Equality for 2020
⁴ Ema Patha, Global Citizen
⁵ International Organization for Migration, 2020
⁶ Slovenia: | European Council on Refugees and Exiles (ECRE). (2021).
⁷ Tweet: Vlada Republike Slovenije
⁸ Y Lee et al. Examining the Cost-Effectiveness of Early Dental Visits

and less culturally dependent.⁹ Asylum applicants with diverse SOGIESC are at particular risk of facing sex and gender-based violence in their country of origin, transition, and detention centers.¹⁰ The EU asylum law exclusively states gender identity or sexual orientation as a cause of persecution; some member states also include sex characteristics and gender expression as grounds for protection in practice or in laws. The symbol of SDG5: Gender equality carries the symbols of binarism, which refers to women and men. This excludes different gender identities and expressions that are non-binary. The Agenda 2030 and its Sustainable Development Goals need to address explicitly the rights of the LGBTQI+ community/people with diverse SOGIESC to fulfill the principle of leaving no one behind.¹¹

In Slovenia, there is no specific unit responsible for the asylum process of vulnerable groups. The International Protection Procedures Division of the Migration Directorate in Slovenia does receive special training from the European Asylum Support Office (EASO) on three modules: interviewing vulnerable groups, interviewing children, gender identity and sexual orientation, however, there is no safe housing for vulnerable groups. The asylum centers are provided for families, men, and non-families. Meanwhile, all asylum seekers are put in detention before they lodge their asylum applications, including unaccompanied children. In 2020, the waiting in the detention rooms before lodging the asylum application lasted 20 days. The room where asylum seekers have to wait before lodging their applications is overcrowded without privacy or safety measures for vulnerable groups; there was one case where a foreign person with diverse SOGIESC was detained, according to police reports in 2020.¹²



9 Naming and Shaming, FENIX – Humanitarian legal aid

10 UNHCR, 'LGBTIQ+ Persons in Forced Displacement and Statelessness: Protection and Solutions,' (Geneva, June 2021)

11 The Sustainable Development Goals and LGBT Inclusion, 2015

12 AIDA, Country Report Slovenia



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