



Research Summary

**SLOVENIA**

**LGBTQI+ and Ageing in a  
Nutshell**

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## Executive Summary

This report provides a concise overview of lesbian, gay, bisexual, trans, queer and intersex (hereafter LGBTQI) people's rights in Slovenia since 1950. The report has been prepared within the framework of the project [TRACE – Tracing Queer Citizenship over Time](#): Ageing, ageism and age-related LGBTQI+ politics in Europe, based in the [Centre for Social Studies](#), University of Coimbra, Portugal. As such, it summarizes important topics such as criminalization, legal and social repression, the road to decriminalization, the role of the European Union, and other modernization and democratization processes.

By highlighting milestones such as legal accomplishments and offering a brief assessment of relevant statistical data, the report provides an outline of LGBTQ people's equality in Slovenia. Furthermore, a distinct emphasis will also be placed on topics such as age and ageing – with special attention being paid to LGBTQ people's ageing. This focus is particularly pertinent considering the contemporary prioritization of ageing as a critical domain within governmental policies, research frameworks and the scope of this investigation project (Santos, 2021).

## 1. The Slovene Context

Republic of Slovenia is a southern Central European country, bordering Italy in the east, Hungary in the west, Austria in the north and Croatia in the south, with a population of 2.1 million.<sup>1</sup> Slovenia became independent from the former Yugoslavia in 1991, was admitted into the UN in 1992, joined the EU and NATO in 2004 and became a member of the OECD in 2010.

Slovenia, especially its capital Ljubljana, was often in the forefront in the former Yugoslavia when it came to critical, alternative and intellectual groups and movements. This led to Slovene independence, while at the same time, new communities and movements became seen and prominent such as the case of the organized social life of gays and lesbians from 1984 forwards. Since then and after long battles for greater equality, important progress has been made in recent years (such as marriage equality and right to adoption for same-sex couples) while many challenges remain, including a lack of any national strategies regarding the LGBTQI+ population and the lack of an intersectional approach to age, sexual orientation and gender identity in strategies on ageing, which itself is more thoroughly addressed in various resolutions and national strategies.

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<sup>1</sup> <https://www.stat.si/statweb/Field/Index/17>

Slovenia, like many other countries in Europe and beyond, is faced with an ageing population, and the percentage of those over the age of 65 is projected to rise from the current 22% to 30% in the next two decades.<sup>2</sup>

## 2. LGBTQI People's Rights

Homosexuality was a criminal act both in the former Kingdom of Yugoslavia (during the two world wars) as well as after Slovenia became a republic within the Socialist Federal Republic of Yugoslavia (Greif, 2005). A legal reform in the 70s led to a division of legislative powers between the federation and the republics and provinces. Therefore, Article 186 that criminalized homosexuality up until 1977 was abolished, and Slovenia was the first Yugoslavian republic or province to do so.

Reports on the life of gays and lesbians before the start of the movement are rare and mostly derived from rare writings, interviews and magazine ads dating back to the 60s and 70s (Kuhar, 2001; Vehar, 2020). The gay and lesbian movement started in 1984 after the establishment of Magnus – A Cultural Organization for Socialization of Homosexuality at ŠKUC (Students Cultural Centre) which was a central point for alternative movements at the time (Velikonja & Greif, 2012). The movement itself was a part of the so-called new social movement, a part of civil society, that played an important role in the transition from socialism into post-socialism (Kuhar, 2001). At the time and in the following years, various cultural events and publications were organized and published on issues and lives of the gay and lesbian population, while demands for political equality and rights, and addressing the AIDS crisis were prominent issues. At the time of independence and the formation of a new constitution, the questions of gender equality, women's rights and sexual minorities were not a political priority for the new government, while reproductive rights and the questions of "sexual morality" (aimed at homosexuals) were a topic of debate, the former topic coming to the fore a little later (Renner & Kralj, 2021). The new constitution did not include sexual orientation (or gender identity) in its 14th article, which ensures equality before the law and basic human rights and liberties, the result of strong forces of re-traditionalization at the time (Mencin, 2021; Renner & Kralj, 2021). More progress was made when the Criminal Act was amended 1995 and explicitly forbade discrimination and violation of equality based on sexual orientation. In 1999 a new Personal Data Protection Act was passed which explicitly forbade collection of personal data related to sexual behaviour (Kuhar, 2001) and since 2003 the Employment Relationships Act expressly forbids discrimination based on sexual orientation in the workplace.

The fight for marriage equality was first addressed by gay and lesbian organizations at the end of 1980s but became more prominent in 1993 when a gay couple filed a request to the Constitutional Court to

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<sup>2</sup> <https://www.stat.si/StatWeb/en/News/Index/11124>

review the constitutionality of the Marriage and Family Relations Act, which was rejected by the Court.<sup>3</sup> Further activist demands and requests were made by gay and lesbian organizations, followed by the establishment of special work groups at the Ministry for Labour, Family and Social Affairs, all of which ultimately failed (Velikonja, 2004). In 2005 the right-wing government at the time passed a new Same-Sex Registered Partnership Act, which was severely criticized by LGBTQI+ organizations, both for its name and for the reduction of rights that previous proposals had included, as the new law only gave some selective rights regarding wealth, housing and health but not social security, next-of-kin inheritance and others. In 2009, the Constitutional Court held that Article 14 of the Slovenian Constitution bans discrimination based on sexual orientation (which is not explicitly mentioned in the Slovene Constitution as mentioned) and also ruled that registered same-sex couples have the next-of-kin right to inheritance.<sup>4</sup>

After two referendums (in 2012 and 2015) in which voters rejected same-sex marriage equality, the National Assembly approved the Civil Partnership Act in 2016, giving same-sex partners in Slovenia the same rights as married couples, except for access to joint adoption and in vitro fertilization. The act also introduced protection for non-formalized same-sex partnerships that are treated equally as extramarital unions of opposite-sex couples. Starting in 2008, confirmed by decision of the High Court of the Republic of Slovenia in 2010, a gay couple who adopted a child in USA became the first legally recognized gay family in Slovenia when the legal decision from the USA was confirmed in Slovenia, and in the same year confirmation was also given to a gay couple who became parents in USA via a surrogate mother. The interpretation also opened a way for partners in same-sex partnerships to adopt a biological child of their partner and allowed rainbow families to exist in cases where couples either adopted children or used surrogacy (abroad) or other means to have a child.

The two decisions of the Constitutional court in 2022 ruled that both the law that states that a marriage is a union between a man and a woman and that same-sex couples living in a civil union cannot jointly adopt children are unconstitutional as they are not aligned with the constitutional ban on discrimination.<sup>5</sup> This led to the amendment of the Family Code, which entered into force in 2023; thus marriage equality and the right for joint adoption were achieved, though the use of IVF or other means of assisted reproduction are still not available to single mothers or same-sex couples. In July 2022, the permanent ban on blood donation for men who have had sex with men was lifted, as it constituted direct discrimination based on personal circumstances of gender and sexual orientation.<sup>6</sup>

In 2016 a new anti-discrimination act was passed which prohibits discrimination based on sexual orientation, gender identity and gender expression, among others. The provisions of the new anti-

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<sup>3</sup> <https://narobe.si/od-poncija-do-pilata/>

<sup>4</sup> <https://lgbtpravice.si/zakonodaja/>

<sup>5</sup> <https://www.us-rs.si/tiskovno-sporocilo/>

<sup>6</sup> <https://lgbtpravice.si/zakonodaja/>

discriminatory law are applicable to all areas of life including employment and work, education, social security, social benefits, and access to goods and services (ILGA Europe, 2017). It also introduced a new independent equality body, the Advocate of the Principle of Equality, who on numerous occasions issued reports and started investigation proceedings on issues relevant to LGBTQI+ people, including two special reports, *The Situation of Intersex People in Medical Procedures* (Zagovornik načela enakosti Republike Slovenije, 2020) and *The Situation of Transgender People in Procedures for Medical Gender Identity Confirmation and Legal Gender Recognition in Slovenia* (Zagovornik načela enakosti Republike Slovenije, 2021). In 2016, during the Montevideo Global LGBTI Human Rights Conference, Slovenia joined the Equal Rights Coalition together with 30 other states (ILGA Europe, 2017).

Slovenia has no special law regulating the legal recognition of gender. The legal recognition of gender based on self-identification without medical diagnosis is not possible. The Register of Deaths, Births and Marriages Act enables transgender persons to have their gender legally recognized and entered in the register. Article 37 of the implementation rules for this act stipulates that the basis for authority to issue a decision is a certified statement by a competent healthcare provider or medical doctor which clearly states that a person has changed their sex (Koletnik et al., 2016). The evidence shows that criteria for legal gender recognition are interpreted arbitrarily by state officials, in some cases, it appears, requiring the individual to undergo hormonal and surgical treatment or in other cases, just accepting a certified statement from a psychiatrist (Zavod TransAkcija & Društvo Legebitra, 2015). Trans affirming healthcare is still not regulated in the national healthcare system, but some steps have been made to advance this goal,<sup>7</sup> while trans individuals and organizations are still fighting to expand access to and the width of services covered by healthcare insurance. When it comes to intersex people, Slovenia is lacking in both public recognition and visibility of the group as well as intersex-friendly practices (Zagovornik načela enakosti Republike Slovenije, 2020).

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<sup>7</sup>In November 2018, the NGO TransAkcija submitted a formal request to the Ministry of Health requesting the formation of a protocol for trans affirming healthcare. Following this petition, in November 2019 the organizations TransAkcija and Legebitra received the information that the Concilium for gender affirming healthcare would be formally recognized. However, the Ministry would not initiate a protocol of services for trans people to be developed. Slovenia received "Universal Periodic Review of the human rights (OZN)" recommendations to ensure the availability of specific health services for trans persons. The European Commission against Racism and Intolerance (ECRI) recommended Slovenia to establish clear guidelines on gender affirming healthcare (ILGA Europe, 2018, 2020).



## 2.1 Timeline of Slovenia's LGBTQI+ Rights

Date	Events and changes related to LGBTQI+ rights in Slovenia
1977	Same-sex sexual activity is legalized, and equal age of consent (15 years) is set regardless of gender and sexual orientation (in Yugoslavia).
1984	Magnus, a Cultural Organization for Socialization of Homosexuality is founded as part of the ŠKUC (students' cultural centre), the first LGBTQI+ organization in Eastern Europe.
1985	Lilit, a pro-lesbian feminist group, is started.
1987	The ŠKUC lesbian section called LL is set up as the first lesbian group in Eastern Europe.
1990	Magnus and LL found the national lesbian and gay campaigning organization, Roza Klub.
2001	Ljubljana holds the first Gay Pride in Slovenia.
2003	Discrimination based on sexual orientation in employment is banned.
2005	"Medical certification" is required to attain legal gender recognition.
2006	Registered partnership for same-sex couples.
2009	The Constitutional court holds that article 14(1) of the Constitution bans discrimination based on sexual orientation.
2011	Stepchild adoption by same-sex couples.
2012, 2015	Rejected referendums on changes to the Family Law that would allow same-sex marriage.
2016 (2017*)	Civil Union Act.
2016	New anti-discrimination bill, which prohibits discrimination based on sexual orientation, gender identity and gender expression.
2016	Slovenia joins the Equal Rights Coalition.
2019	In 2019, for the first time, newborns of lesbian couples were granted a birth certificate featuring two women as legal parents.



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2022	Two separate Constitutional Court of Slovenia decisions legalize same-sex marriage and the right to joint adoption for same-sex couples.
2022	Men who have sex with men (MSM) allowed to donate blood.
2022 (2023*)	Changes in the Family Code legalize same-sex marriage and the right to adoption of same-sex couples.

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\*Entered into force

### 3. Ageing

The rights of older people in Slovenia are protected under the general concept of human rights. While the constitution does not specifically mention age in the 14th article describing various personal circumstances and characteristics on which human rights and liberties are given, the 50th article does state that citizens have a right to social security, including the right to a pension and the state being responsible for regulating compulsory health, pension, disability and other social insurance (Uradni list RS, 1991). Age is specifically mentioned as one circumstance in which discrimination is prohibited in the Protection Against Discrimination Act (ZVarD, 2016) and the Advocate of the Principle of Equality has given special attention to this issue as well.

Internationally, Slovenia has been actively involved in several activities related to ageing and the rights of older persons in recent years, promoting the adoption of a convention on the human rights of older persons, as well as highlighting the rights of women and gender equality. In 2015, it was elected to the Bureau of the UN Open-ended Working Group on Ageing and was among the most vocal supporters of the appointment of the independent expert on the enjoyment of all human rights by older persons (HROP<sup>8</sup>) with the UN Human Rights Council. In November 2014, the UN independent expert carried out a visit to Slovenia (Human Rights Council, 2015).

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<sup>8</sup> <https://www.ohchr.org/en/special-procedures/ie-older-persons>

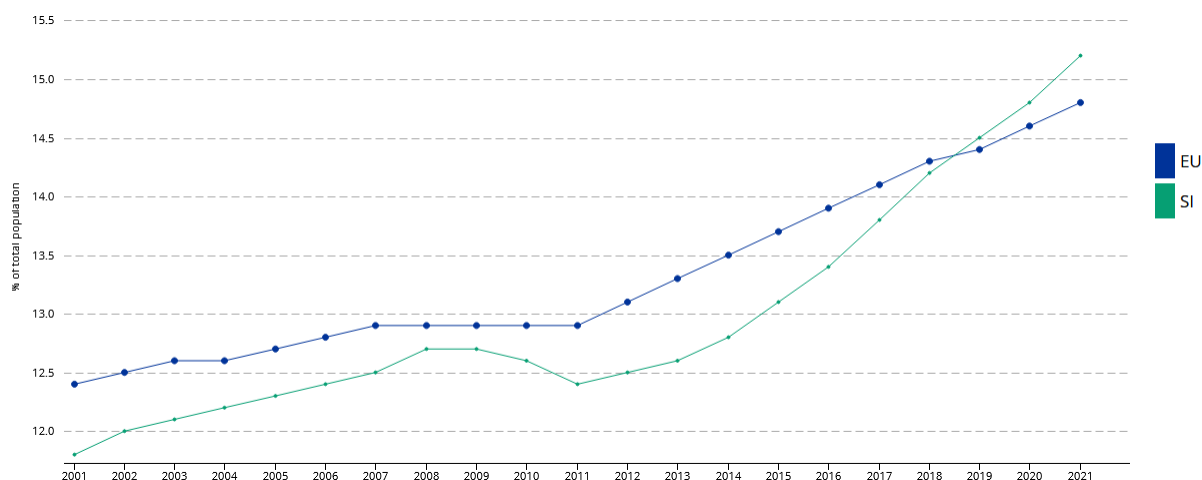


Figure 3: Population aged 65 to 79 years in Slovenia (green) and the EU (blue). Source: Eurostat. [Accessed 8-7-2024].

Due to an ageing population, the question of services and the economic situation of older adults is an ongoing topic both in the media and within research and politics. Historically, compulsory pension insurance has existed as one of the main pillars of social security for old age since 1937 (in the then Kingdom of Yugoslavia) with many improvements and additional rights granted during the existence of the Socialist Yugoslavia, which remained after Independence in 1991 (Dobaja, 2023). Slovenia's care for older adults has a distinct institutional focus and a long history of institutions intended for them (Hlebec & Mali, 2013). The waiting list is very long and in the last couple of years, the capacities have not been fully utilized due to a lack of personnel.

The issue of care for older adults has been addressed in many strategic documents produced by different governments throughout the years. The first one was the Programme for the development of care for the elderly in the field of social care until 2005 (from 1997), which aimed to provide holistic institutional care for older adults, spread out equally over Slovenia (Hlebec & Mali, 2013). Following the 1997 programme, the National programme of social protection until 2005 was prepared in 2000, followed by the Resolution on the programme of social care from 2006 to 2010 in 2006 and the Strategy on care for older adults until 2010: solidarity, coexistence, and quality ageing of the population in 2006 (Hlebec & Mali, 2013). These were followed by further Resolutions on the national programme of social protection from 2013 to 2020 (2013) and from 2022 to 2030 (2022), Strategies for the management of dementia in Slovenia (2016 & 2023) and the Active ageing strategy (2017).

As Kenda (2021) writes, previous strategies did manage to highlight the demographic changes among stakeholders, though the guidelines were not fully transmitted into practice. The Active ageing strategy (UMAR, 2017) is the latest strategic document focused on an ageing population, besides Resolutions

on the national programme of social care, and its aims were to create a society which was friendly to all generations, incorporating the concept of active ageing and the heterogeneity of the older population. For Kenda (2021), the strategy shows an understanding of ageing as a process and recognizes the need to age with purpose, conveying a positive vision of extended life years. This strategy was also the basis for establishing a Council for Active Ageing and Cooperation between Generations as a permanent expert consultative body of the government. It is responsible for the continuous and coordinated participation of the state, professional, economic and civil society representatives in the implementation of policies concerning long-lived society and intergenerational cooperation, as well as the monitoring and implementing of the strategy and the well-being of older people. Some reports from Council members and discussions in parliament indicate that the implementation of the strategy is lacking. There has been a long on-going debate on a new long-term care legislation, which after severely politicized debates and a referendum, finally resulted in the passing of a Long-Term Act in 2023. The law (ZDOsk-1, 2023) is an important step forward as it establishes a new type of compulsory insurance (contributions from the salary) for long-term care, which will be financed extensively by the state itself and additional payments from service users. However, due to the severe lack of staff to provide care and services both in institutions and at home/in communities and the overall accessibility of these services, it is expected that the execution of the rights granted by the law will be restricted in practice.

Other issues are also faced by older adults. In 2008 the Domestic Violence Prevention Act was passed in which older adults are mentioned as one of the vulnerable groups in need of special protection and assistance, and not providing due care to older family members is recognized as one type of violence/abuse. A previous report on Slovenia showed that older adult abuse is a recognized problem and women are particularly vulnerable, especially to partner abuse as they often do not have their own pensions, and are less informed and connected to their communities (Human Rights Council, 2015). As recent publicized examples have shown, older adults are vulnerable to experiencing violence both in institutions and in the home environment, the most common types of violence being economic, psychological and neglect (Ramovš, 2013). Other problems faced by older adults, especially women, are poverty (Trbanc & Nagode, 2021), lack of accessibility of health and long-term care services, a rise in direct expenditures and families taking over the load of providing care for older family members (Nagode et al., 2021; Zaletel et al., 2021; Zver et al., 2021).

### 3.1 Timeline of Older People's Rights in Slovenia

Date	Older People's rights
1937	The establishment of compulsory pension insurance in pre-war Yugoslavia.
1946	Act on Social Insurance of Workers and Employees – grants insurance in case of sickness, pregnancy, birth, work injury, disability, old age, and death. This ensured people's right to an old age pension. An updated law is passed in 1950 called the Act on Social Insurance of Workers, Employees and Their Families.
1957	Act on Pension Insurance
1968	Pension insurance reform leads to a more stable financing and disbursement of pensions and adjustments with the rising costs of living. A few years later changes to the constitution of Yugoslavia lead to more autonomy among the republics. Slovenia therefore passed a new Act on Pension and Invalidity Insurance (1972).
1982/1983	A new Act on Pension and Invalidity Insurance is passed in Slovenia that covers more beneficiaries than its predecessors, and a new act on the federal level called Act on Basic Rights of Pension and Invalidity Insurance grants new rights in pension adjustments.
1992	Act on Social Security is passed in which Republic of Slovenia becomes the founder/owner of elderly homes and therefore is granted rights and obligations of providing institutional care to older adults.
1997	Programme for the development of care for the elderly in the field of social care until 2005 is presented.
2006	Strategy on care for older adults until 2010 – solidarity, coexistence, and quality ageing of the population is prepared.
2008	Domestic Violence Prevention Act is passed, in which older victims of violence are mentioned as one of the vulnerable groups in need of special concern and assistance.
2015	Slovenia is elected to the Bureau of the UN Open-ended Working Group on Ageing.
2016	Strategy for the management of dementia in Slovenia until 2020.
2017	Slovenia's government adopts the Active Ageing Strategy.
2018	Council for Active Ageing and Cooperation between Generations is established.

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2021	The Slovenian Presidency of the Council of the European Union: Conference Human Rights for All Ages: Promoting a Life-Course Perspective and Intergenerational Cooperation to Combat Ageism.
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2021-2023	Act on Long-Term Care is passed, amended and put into force.
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2023	Strategy for the management of dementia in Slovenia until 2030.
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## 4. LGBTQI Meets Old Age

Previous research, non-existing policies, public events and programmes on the topic of LGBTQI+ older adults show that LGBTQI+ older adults remain a hidden population, unrecognized both in the general public discourse and policies as well as within the LGBTQI+ community and services. In recent years some programmes for older LGBTQI+ adults have been provided by LGBTQI+ NGOs, though these remain on a small scale as most of the focus is still on LGBTQI+ youth programmes. The public events organized by these organizations had included various important stakeholders in the field of old age, but there is lack of information or visible evidence that these has led to organizations tackling the issues faced by older LGBTQI+ people. As Majerhold (2022) notes, there is a need for a working group that would include all major stakeholders in the field of old age, LGBTQI+ NGOs and policymakers which would aim to address the issues that LGBTQI+ older adults face using both bottom-up and top-down approaches. As some small-scale research has shown (Maljevac et al., 2022; Rupar & Blažič, 2022), older LGBTQI+ adults face similar challenges and fears related to old age, but there are specific characteristics that indicate that LGBTQI+ older adults might have additional challenges due to different family structures, friendships and relationships. Furthermore, there exists some discrepancy between the needs and hopes for services in the future between activists who strive towards specific LGBTQI+ services and homes, and mainstream service providers who expressed a wish for more inclusive and integrated services for LGBTQI+ older adults within existing structures (Majerhold, 2022; Purkart, 2022; Rupar & Blažič, 2022; Urek et al., 2022).

## 5. What's Missing?

Despite multiple advancements of the rights of same-sex couples and anti-discrimination legislation, Slovenia still fares below average among EU states on the ILGA Rainbow Map,<sup>9</sup> mostly due to the lack of policies, hate crime and hate speech laws related to sexual orientation and gender identity, medically assisted insemination for single women and couples, existence of legal measure and self-determination for trans people, no recognition of non-binary people and lack of laws and monitoring mechanisms for bodily integrity of intersex people. Slovenia does not have a national strategy for LGBTQI+ people or an equality action plan that would address this population. The existing services such as healthcare centres, old age homes, home care services etc. are predominantly heteronormative and although awareness is rising, there have not been any major initiatives that would lead to changes in practice (Urek et al., 2022).

Though multiple national strategies and resolutions exist to address the ageing population, these documents do not include intersectionality between age and gender identity, sexual orientation and/or gender expression. Additionally, research in the general population or among older adults lacks data on the experiences of LGBTQI+ people, and while the research among the youth and young adults has been more prominent, the data on older LGBTQI+ adults is severely lacking.

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<sup>9</sup> <https://rainbowmap.ilga-europe.org/#8660/0/0>

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