



REPUBLIC OF SLOVENIA
MINISTRY OF THE ECONOMY, TOURISM
AND SPORT

2022 ANNUAL REPORT OF THE ATHLETES' OMBUDSMAN AND MANDATE REPORT FOR 2018–2023

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1 ADDRESS

Dear Reader,

Before you is the 2022 Annual Report, which, in my capacity as the Athletes' Ombudsman (hereinafter also referred to as 'Ombudsman'), I am presenting to the Prime Minister of the Republic of Slovenia, this year Dr Robert Golob. The Sports Act (ZŠpo-1), which establishes the legal basis for the Ombudsman's activities, also imposes the duty of annual reporting to the Government of the Republic of Slovenia as one of the main tasks of informing and raising public awareness. The 2022 report differs from all previous reports due to the expiry of the first five-year term of office of the Athletes' Ombudsman, because in addition to the 2022 annual report, it also includes a mandate report (2018–2023) and an overview of cases from 1 January 2023 to 31 March 2023.

The year 2018 was a landmark year for Slovenian sport in terms of protecting the rights of athletes and coaches, as on 1 April 2018, the Athletes' Ombudsman as an institution was established within the Ministry of Education, Science and Sport. Following my appointment by the Government of the Republic of Slovenia, with the prior consent of the Expert Council on Sport of the Republic of Slovenia, I was given the opportunity to continue the work I started doing as the Athletes' Ombudsman within the Olympic Committee of Slovenia – Association of Sports Federations for the next five-year period. With the establishment of the legal basis of the institution of the Ombudsman for athletes and coaches and its subsequent entry into operation, Slovenia has become one of the leading countries in the field of development and social responsibility in the protection of the rights of athletes and coaches. Such legal regulation thus makes an important contribution to the establishment and enhancement of general social responsibility in sport and the humanity of work with athletes, while at the same time the establishment of the institution has provided a basis for raising awareness and implementing constitutionally guaranteed human rights in sport. At the practical implementation level, the Ombudsman as an institution makes an important contribution to creating the conditions for better implementation of the basic status rights that athletes have under the Sports Act and the legal acts deriving from it. More broadly, the Ombudsman's work makes an important contribution to creating a safe sporting environment which is fundamental in ensuring the well-being of athletes in sporting activities and the achievement of top sporting results at home in Slovenia and abroad, and is the starting point for ensuring the public interest in the field of sport. Moreover, the establishment of the institution, in addition to the already existing protection possibilities, has provided coaches with support to ensure their work in the field of sport and sports organisations in the Republic of Slovenia is performed consistently, professionally and at a high level. It is important that the state, in the name of the public interest of Slovenia in the field of sport, has recognised the importance of athletes and coaches and has thus provided them with additional institutional protection.

In addition to raising awareness and directly assisting athletes and coaches, the Ombudsman's contribution as an institution to raising awareness and information on the importance of the values of equality, solidarity, democracy, fair play, legal certainty, social responsibility, good governance of sports organisations, integrity, ethics, etc. should be highlighted. More specifically, in their daily work, the Ombudsman as an

institution and the Ombudsman himself aim to improve legal regulation, to act in accordance with the rules, to supervise the implementation of the public interest and the good governance of Slovenian sport, and to respect ethical principles in sport. In this context, it is important to highlight the important role of the Ombudsperson in identifying areas of sport that require greater attention, regulation or supervision. The identification of potentially sensitive areas for athletes, coaches, the exercise of public interest and trends in the development of sport in society is facilitated by the process of abstraction of the content of the cases and the information obtained in the resolution of the cases. The key to this is a qualitative and quantitative analysis of the content of the cases addressed to the Ombudsman by those seeking information or assistance, which allows for a reasoned and systematic approach to the resolution of outstanding issues or under-regulated areas in Slovenian sport. Based on findings and trends, the Ombudsman uses annual reports to inform the public about the situation in the field of sport, the rights of athletes and coaches and, through recommendations and petitions, strives to bring about positive changes and increase social responsibility in the field of sport in Slovenia. Thus, an important part of the annual report is the recommendations that the Ombudsman presents to the Government of the Republic of Slovenia and to sports organisations in order to improve a specific target area that has a direct or indirect impact on the rights of athletes or coaches or on the pursuit of the public interest in the field of sport in Slovenia. The latter in particular represents a major qualitative contribution to the development of sport in Slovenia at a time when the period of the national sport strategy – the National Programme of Sport 2014–2023 is coming to an end and an analysis is being carried out for the purposes of the new strategy for the development of sport in Slovenia, to be followed by a new ten-year strategy.

After five years of operation, the number and diversity of cases, and social circumstances and shake-ups such as the SARS-CoV-2 pandemic, it can be reasonably concluded that the Ombudsman as an institution of preventive protection in the form of providing and obtaining information, guidance, advice and mediation in dispute resolution has become well established in the Slovenian sporting community. It should be pointed out that the Ombudsman does not have the power to adjudicate or decide on the merits in the event of irregularities or suspected or confirmed violations of the rights of athletes, coaches, the non-enforcement of the Sport Act, the unethical operation of sports organisations or other deviant phenomena in sport. Therefore, rights that are directly protected through the supervision of the Sport Inspectorate of the Republic of Slovenia have a much stronger institutional legal basis for protection than rights whose provision and supervision is in the domain of the decisions of sports organisations or do not have direct protection in the general supervisory power in law.

In this context, it should be underlined that, despite the Ombudsman's recommendations in previous years, there has been no qualitative progress in the supervision over sports organisations in the exercise of their autonomy. Thus, up to the time of writing this report, or during the Ombudsman's term in office, no independent arbitration tribunal has been established and no generally binding standards of good governance of sports organisations have been put in place that would raise the level of social responsibility in these organisations, which hold the status of a national sports federation and umbrella sports organisation under the Sports Act and exercise certain competences arising from the Sports Act. The lack of an independent arbitration tribunal for sport to decide in the event of disputes or to act as an independent appeal body potentially threatens the autonomy of sports organisations in Slovenia, as sport does not guarantee the exercise of certain fundamental human rights that must be unconditionally respected and protected despite the autonomous regulation of sport. This applies in particular to the right to appeal to an independent and impartial body,

the right to an appeal being determined by a higher court, etc. As a result, disputes are being settled before the ordinary courts in Slovenia, which are not specialised in deciding on sporting issues, and judges are generally unfamiliar with the specific nature of sport and the organisation and functioning of sports organisations. Thus, through the content of court decisions, there is a direct interference in the fundamental relations in the civil sphere of sports organisations and in the content of sport itself. As a result, this represents a key limitation on the ability of people in sport to influence legislation and a more or less direct interference in the autonomy to regulate sport.

From the above and an analysis of the cases considered, as well as from my own perceptions and experience, I note a trend towards a lack of awareness of public statuses among the leaders of sports organisations, in particular the public status of umbrella status in sport in general or a particular sport, which represents their regulatory function recognised by the state. It should be stressed that their activities in the management of a specific sport and the implementation of the public interest in the field of sport in Slovenia and the legal powers of the Sports Act are subject to various standards and laws applicable in Slovenia or, in their implementation, they must also take into account legal bases other than the internal rules adopted by them. This is why efforts should be made to ensure that guidelines and standards for good governance of sports organisations become part of the everyday functioning of sports organisations, and that standards of integrity and ethics in sport raise the personal attitude and responsibility of individual stakeholders when they work within sports organisations.

For 2022, I can report that after the two-year period of the SARS-CoV-2 pandemic (COVID-19), the situation in Slovenian sport has returned to normal. After the shutdown it experienced, sport is back on track and training processes are running smoothly, as are competitions and competition systems. We can also conclude from the general interest in sport among the Slovenian public, that interest in sport has not declined during this period; on the contrary, participation in events and competitions shows that sport is still a very important activity in the everyday life of Slovenians and that it represents an important family activity for spending leisure time and socialising. I found that the pandemic has shown that, irrespective of social upheavals such as the COVID-19 crisis or other circumstances, the substance of the main cases remains unchanged and unchanging in relation to significant social, political and sporting circumstances. In the same way that the content of the cases considered is reflected in the annual cycle (e.g. during the transfer periods there is a noticeable increase in cases referring to Article 34 of the Sports Act), the content with which those seeking help turn to the Ombudsman is also reflected in a similar way.

As in the previous period, themes such as obtaining a withdrawal form to be able to register with a new sports organisation and the conditionality of the payment of compensation for the education of non-contractual amateur athletes stood out in the past year. At this point, it should be highlighted that, on the basis of the Ombudsman's petition, a working group was established within the Ministry, the aim of which was to regulate the area of charging training compensation and to protect athletes and the public interest in the field of sport in Slovenia, while at the same time ensuring the conditions for clubs whose primary purpose is to educate and train young athletes. Unfortunately, due to too many divergent views and the expiry of the mandate of the working group, no solution was reached, and this will therefore be one of the main substantive issues to be resolved in the future. The second major set of cases that fall under the umbrella of the autonomous functioning of sports organisations relates to transparent and democratic decision-making within sports organisations, which in turn affects athletes, sports workers or coaches, or more broadly in everyday life. These

cases concern in particular the procedures and rules for appointments to the national team, the granting of rights and various "benefits", etc. Additionally, in the context of the relationship between public authority and the delegation of competences to the umbrella sports organisation or the Olympic Committee of Slovenia – Association of Sports Federations, it is important to note the compliance of the document Conditions, Rules and Criteria for Registration and Categorisation in the Republic of Slovenia (document No. 013- 11//2022/28, dated 20 January 2022) with the Sports Act and the legal order of the Republic of Slovenia. In this context, the General Act on the Register of Registered and Categorised Athletes (Official Gazette of the Republic of Slovenia, No. 28/21) is also relevant for ensuring the rights of athletes under Articles 32 and 33 of the Sports Act. Both documents constitute a key basis for ensuring the rights of athletes, primarily and not exclusively under Article 35 of the Sports Act.

At the end of the first five years of the Ombudsman's term in office, I am very pleased to report that the establishment of this institution has proved to be very successful and beneficial, and that during this period the awareness of the rights and regulation of sport among athletes, parents of young athletes and professionals has become well established. I think this is also reflected in the fact that the institution is well received among sports organisations. This is confirmed by the fact that sports organisations are generally responsive to the petitions, enquiries and recommendations addressed to them by the Ombudsman. It is also encouraging that sports organisations are proactive in regulating the rights of athletes, and occasionally approach the Ombudsman themselves with questions on how to regulate a specific area relating to athletes.

In view of the stability of the now well-established institution, the future development of the role of the Athletes' Ombudsman and the effective provision of its legal tasks requires consideration of the forms and possibilities for upgrading the institution in terms of professionalisation and administrative and legal support for its functioning. Due to the number and diversity of cases considered, the Ombudsman finds it difficult to ensure that all the tasks assigned to him by the current Sports Act are carried out. The biggest obstacle is the lack of administrative and technical support to take the Ombudsman's work to the next level in terms of education and public awareness. In addition, by increasing its administrative capacity, the Ombudsman could contribute more effectively to raising awareness and education among the public and sports organisations and their employees of trends in the development of sport in Slovenia and worldwide.

The report continues with a analytical and substantive part, which is structured in two parts. In addition to general information about the Ombudsman, the first part provides a statistical and substantive description of the Ombudsman's work in 2022. The report on the work carried out shows the general situation regarding the rights of athletes and coaches and the level of pursuing the public interest in the field of sport in Slovenia in the year under review. The second part of the report proposes measures to improve integrity and social accountability in the field of public interest in sport in Slovenia, based on the cases considered, the findings, the information obtained and the information provided. In this part, unlike the previous recommendations, the recommendations relate mainly to the strategic regulation of sport in the light of the preparation of the National Programme of Sport for the period 2024–2034.

Furthermore, and as already mentioned, the end of mandate report on the review of the activities of the Athletes' Ombudsman during his term of office from 1 April 2018 to 31 March 2023 is also included, which contains a general overview of the individual annual reports for the purpose of providing a comprehensive review of the protection of the rights of athletes, coaches and the public interest in the field of sport in Slovenia.

In conclusion, I would like to emphasise that in the future I will strive, both personally and as an Ombudsman, to develop a "clean sports environment" that will foster the development of sport in Slovenia and thus contribute to the preservation and promotion of the positive values that sport represents in Slovenian society. This is because a clean sports environment is one of the key elements for maintaining the competitiveness of Slovenian sport and the success of Slovenian athletes in the world.

Dr Rožle Prezelj OLY,
Athletes' Ombudsman

2 ABOUT THE ATHLETES' OMBUDSMAN

2.1 LEGAL REGULATION AND POWERS OF THE OMBUDSMAN

The legal basis for the Ombudsman is Article 66 of the Sports Act (Official Gazette of the Republic of Slovenia, No. 29/17, 21/18 - ZNOrg, 82/20 and 3/22 - ZDeb) and the Rules on the functioning and financing of the Athletes' Ombudsman (Official Gazette of the Republic of Slovenia, No. 69/17).

In 2017, the National Assembly adopted the Sports Act, which, in Article 66, establishes the basis for the functioning of the Athlete's Ombudsman within the Ministry of Education, Science and Sport. Following the appointment by the Government of the Republic of Slovenia, the Athletes' Ombudsman started operating on 1 April 2018 at the premises of the Ministry.

The Ombudsman ensures that the rights of athletes and coaches are consistently protected, responds to their questions, petitions and complaints, and intervenes in the case of disputes. As a moral authority, the Ombudsman also helps to improve the functioning and organisation of sport in Slovenia through recommendations and suggestions for good practice.

2.2 ACCESSIBILITY OF THE OMBUDSMAN

2.2.1 Contact details

The Ombudsman was first located in an office at the Ministry of Education, Science and Sport, Masarykova 16, Ljubljana. Following the integration of sport into the Ministry of Economy, Tourism and Sport, it moved to offices at the Sport Directorate, Dunajska cesta 165, Ljubljana. However, it is planned for the Ombudsman to be available at the address Kotnikova ulica 5, Ljubljana, and this is also the correct address for any correspondence.

He is available at the Ombudsman's office during office hours every Tuesday between 9.00 and 13.00.

During office hours, the Ombudsman can also be contacted by telephone at 01 400 32 11. The Ombudsman is available to athletes and coaches on the mobile number 051

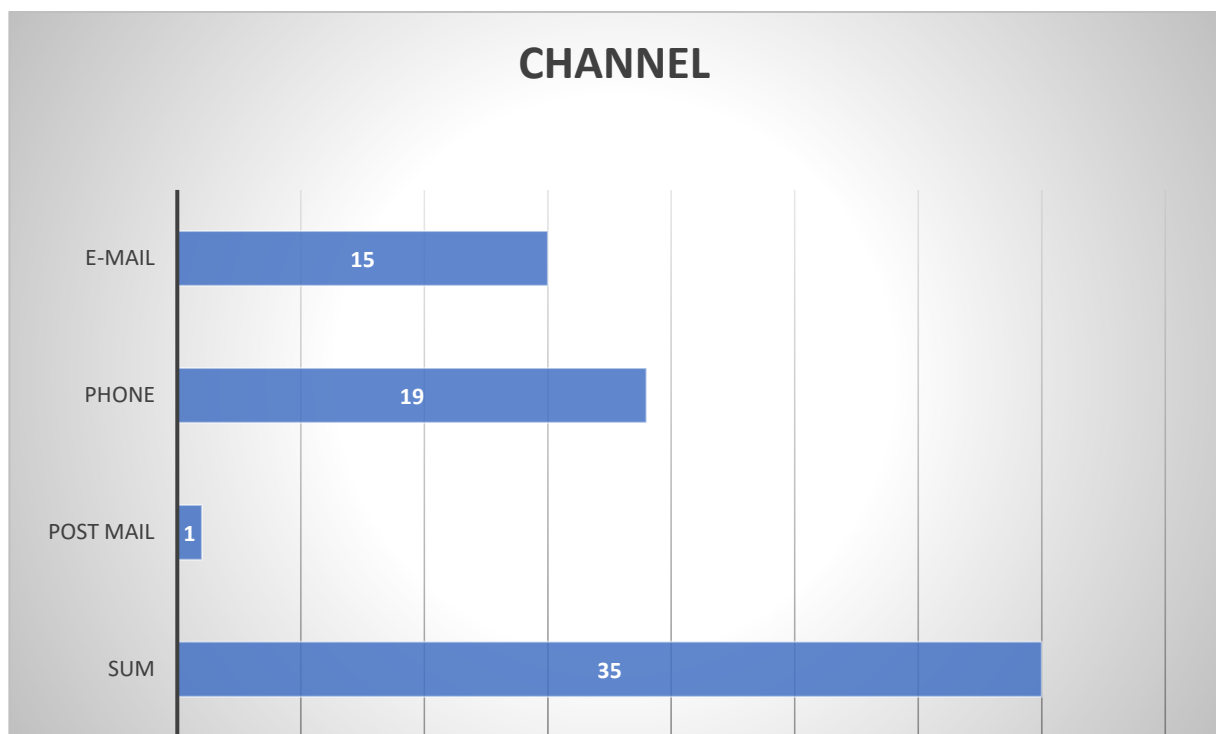
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The Ombudsman can also be contacted by email at *rozle.prezelj@gov.si*.

2.2.2 Ombudsman's first contacts with athletes in 2022

Graph 1:

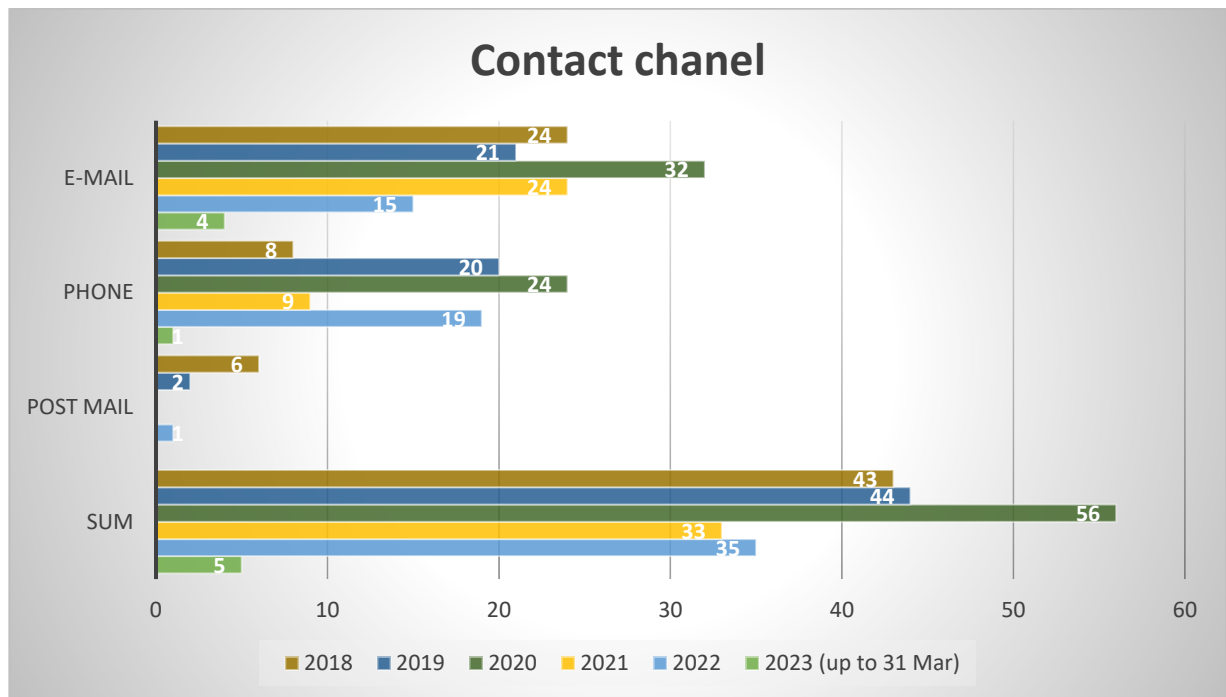
The graph below shows the number of cases referred to the Ombudsman by the different channels of communication available to individuals. The graph only takes into account the first contact with the Ombudsman.



Graph 2:

The graph below shows a comparison between 2018, 2019, 2020, 2021, 2022. In addition, it includes the

cases considered by the end of the term of office (31 March 2023).



The Ombudsman, as shown above, provides different communication channels for help seekers. In 2022, the most frequent first contact was by email, followed by telephone. The percentage of first contacts by post or in person during office hours in 2022 was very low or almost zero.

The data show that it has become standard practice for help seekers to opt for quick and informal contact with the Ombudsman at the time of first contact. This confirms that athletes and coaches prioritise a personal approach that builds trust and gives a sense of security when they are seeking help in an informalised process, rather than one that exposes them and puts them out of their comfort zone. This is a significant added value of the Ombudsman, especially for athletes. In general, however, it appears that the general societal changes in the field of communication and telecommunications are also reflected in the way help seekers communicate with the Ombudsman. The majority of communication in Ombudsman assistance procedures is by telephone or email, while face-to-face meetings and letters sent by post are quite rare. The Ombudsman most frequently communicates with help seekers by telephone or email. Post is used only for the most formal correspondence, when it is necessary to ensure the protection of rights in the procedure, the official traceability of documents and communications, etc. It should be stressed that, due to the nature of legal powers, the Ombudsman does not strictly follow the Administrative Procedure Act, but applies it in a meaningful way, which further allows for tailoring the assistance provided to the needs of the athlete or professional sports worker.

2.3 OMBUDSMAN FINANCING

The funds for the Ombudsman are provided from the budget of the Republic of Slovenia on the basis of Article 4 of the Rules on the functioning and financing of the Athletes' Ombudsman (Official Gazette of the Republic of Slovenia, No. 69/17). The Ombudsman receives compensation equal to 30% of a basic salary of Grade 56 on the public sector pay scale.

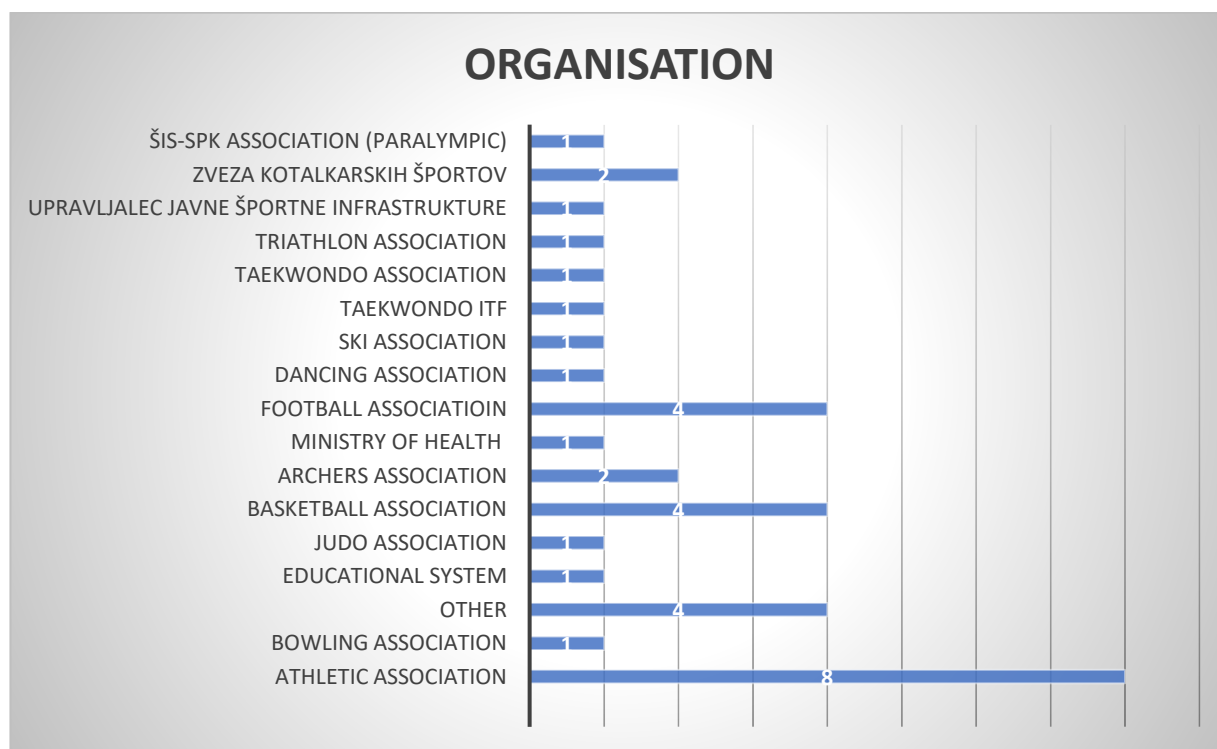
3 REPORT ON CONSIDERED CASES

3.1 STATISTICS

The following graphs depict the statistics of the Ombudsman's work. Each graph shows the number of cases by category in a given procedural and substantive area. These are for information only, as they are intended to make it easier for the public to understand the work of the Ombudsman. The nature of the work, the intermix between the wide variety of actual situations and legal bases in conjunction with the autonomous rules of sports organisations and the rules of the state, as well as the principally multifaceted nature of the cases, make it difficult to comprehensively and realistically sum up the Ombudsman's work through statistics alone.

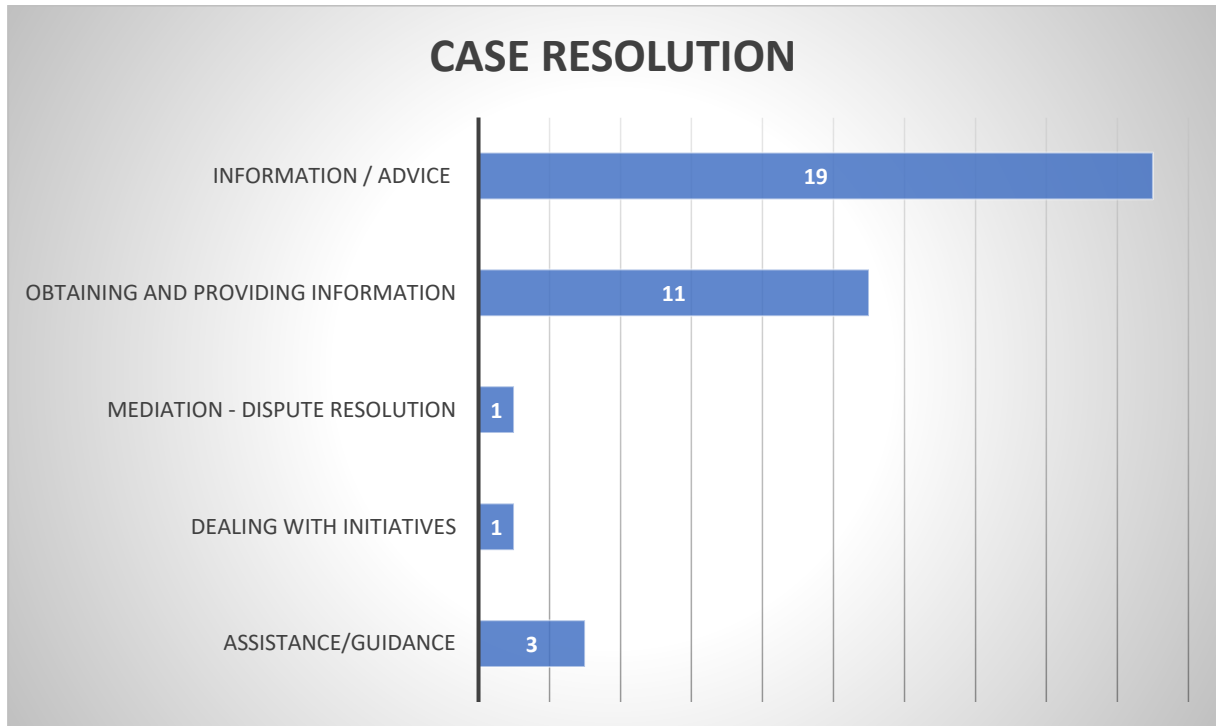
Graph 3:

The graph below shows the number of cases by the organisation of which the help seeker was a member or to which the considered case referred. It should be stressed that the prominence of cases related to the Athletic Federation of Slovenia does not mean that the organisation's performance or the situation in a particular sport is significantly worse than others, but due to the fact that, as a former athlete and coach in athletics, I am in contact and conversation with athletes a lot, and they often turn to me for advice and help because of this.



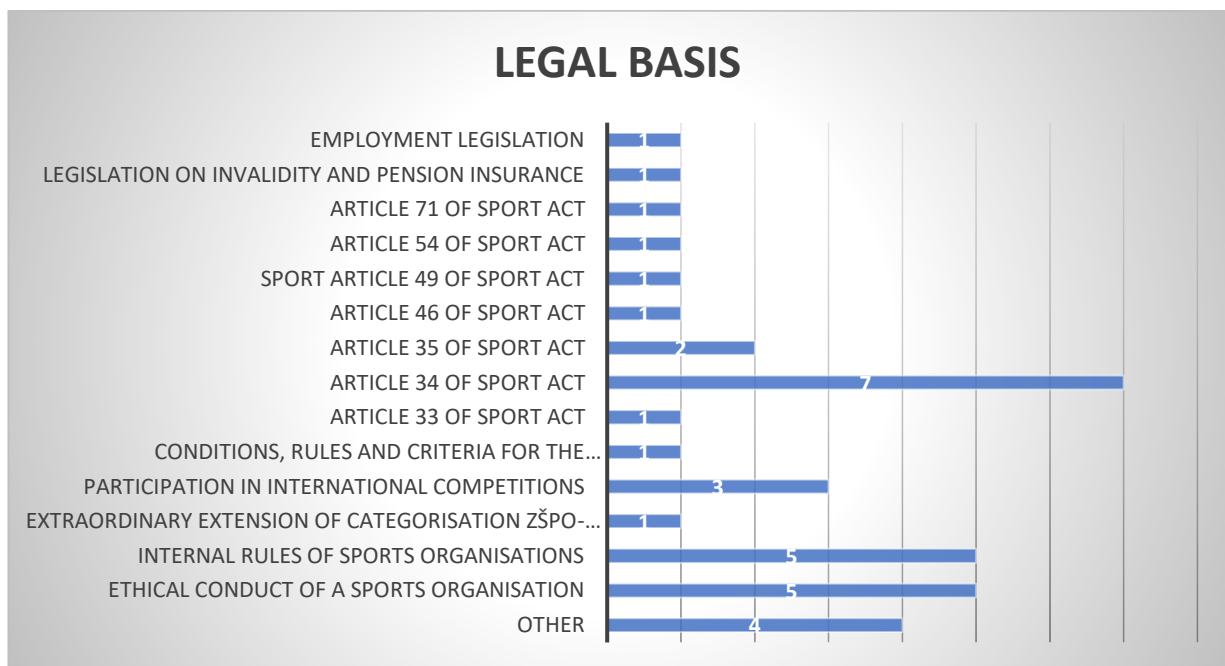
Graph 4:

The chart shows the type of activity or assistance provided by the Ombudsman in each case.



Graph 5:

The chart shows the most common legal bases to which the considered cases referred.



3.2 SUBSTANTIVE REPORT

In the period from 1 January to 31 December 2022, the Ombudsman considered 35 different cases concerning various areas of sport. In addition, the Ombudsman considered 5 cases in the period from 1 January 2023 to 31 March 2023. When considering and resolving cases, the Ombudsman communicated with help seekers mainly by telephone and email. As mentioned above, most cases were resolved by telephone and written communication, but a few, mainly clarification meetings were held at the Ombudsman's premises by prior arrangement. In order to coordinate work and cooperate in resolving cases, the Ombudsman met with the Chief Inspector of the Education and Sport Inspectorate of the Republic of Slovenia on several occasions during the past year. On 22 September, during the Week of Sport, the Ombudsman organised a consultation or "chat" with the Chief Inspector on the importance and forms of ensuring the public interest and the public benefit in the field of sport in Slovenia.

As part of the public awareness raising, the Ombudsman's report for 2022 was presented to the Expert Council on Sport of the Republic of Slovenia and at the General Assembly of the Olympic Committee of Slovenia – Association of Sports Federations in Celje.

Traditionally, the Ombudsman has cooperated well and regularly with the Athletes' Commission of the Slovenian Olympic Committee – Association of Sports Federations and the Slovenian Olympians Club.

Based on the content of the cases and the type of assistance provided to athletes and coaches, three basic forms of assistance or types of procedures can be classified, depending on the predominant element of the case. The first involves informing and advising athletes and coaches on the legal basis and content of their rights, as well as advice related to a specific issue. The second is to obtain and share information on cases that have led athletes or coaches to seek help. This form of assistance also includes establishing contact with the authorities responsible for a particular issue or the exercise of a right or other matter related to the subject matter of the advice. The third is to provide assistance and guidance in resolving individual cases or disputes. It should be stressed here that the material and procedural diversity of the cases often means that all three forms of procedure are often intertwined and qualitatively complement each other. As an alternative form of assistance, and where the nature of the case so allows, the Ombudsperson also facilitates various forms of mediation and other methods of alternative dispute resolution to resolve outstanding issues between an athlete and a sports organisation.

3.2.1 Informing and advising

The largest number of cases (19) considered in 2022 were those in which information or legal instruction and advice were provided to help seekers. The cases or issues considered were those that relate to the status of athletes and coaches, whether they are entitled to a particular right and how they can exercise it. It is characteristic of such cases and procedures that the Ombudsperson does not contact state authorities or sports organisations to support and advise help seekers, but rather uses their legal

knowledge, knowledge of sport and experience gained from other similar cases to advise and guide the athletes.

In substance, these cases mainly concern the legal rules of the Sports Act and the resulting implementing regulations or legal rules that set out the public mandate that the Sports Act confers on sports organisations. As mentioned above, the cases mainly concerned Articles 32, 33, 34, 35 and 46 of the Sports Act.

The outstanding legal basis to which the advice and support procedures referred was Article 34 of the Sports Act. The issues were related to the right to free transfer of athletes between sports organisations. Most of the questions concerned the right of a club to charge and make withdrawal from the club conditional on the payment of financial compensation for children who have amateur status and do not have a contract with the club they are leaving. Even after five years of the new Sports Act, cases related to the free transfer of athletes or the restriction of the registration of an athlete in a new sports organisation is subject to the payment of financial compensation are still prevalent. The issue of this compensation stems from the inconsistency of the registration rules of national sports federations with the current Sports Act and the established case law of the Court of Justice of the European Union. To address the issue, a working group was set up within the Ministry to find solutions to preserve the autonomy of sport in terms of the conditions of the competition system and the protection of the public interest. Unfortunately, despite three meetings of the working group, no agreement was reached due to the expiry of the term of office and the failed proposal of the national authorities. This raises a legitimate question for the state as to whether it exercises its authority and does enough to protect the human rights (of athletes), public goods and the public interest, to protect public taxpayers' money that it invests in the achievement of social values through the co-funding of public sport programmes. Furthermore, an additional issue is whether it protects citizens who pay so-called training fees for a sports activity as a payment for the service offered by sports organisations on the market.

It should be stressed here that the cooperation with the Education and Sport Inspectorate has so far been good, which has greatly contributed to the fact that the inspections and issuing of orders have made it easier for athletes to obtain their withdrawal form and register with a new sports organisation. However, this does not resolve the issue of compensation.

The other cases concerned issues related to national team appointments and the payment of national team appearance fees, the competences of qualified professional staff and the internal autonomous rules of sports organisations.

3.2.2 Obtaining and providing information

In twelve (12) cases, the Ombudsman has, on the basis of the content of the case, provided help seekers with information relevant to the question raised or offered an independent interpretation of the rules or circumstances of the particular case being considered. In this respect, a substantive distinction must be made between cases where a decision has already been taken or a legal consequence has already been established, and cases where the case only required an interpretation or an opinion or clarification of the decision of a public authority, a holder of public authority or a sports organisation. In this set of cases, it is important to highlight the diversity of legal bases in 2022. The cases concerned the recognition of insurance periods during a sporting career, the extraordinary extension of categorisation, the adjustment of school

obligations for athletes, national team nominations, dual careers and employment, the ethical functioning of a sports organisation and sport officials, the right to medical examinations, etc.

3.2.3 Providing assistance and guidance

In providing assistance, the Ombudsman takes an active role in resolving situations where the content of the case indicates a potential threat to the rights of athletes or coaches. In this case, the process of making a decision related to the right of an athlete or a professional in sport may still be ongoing, or the decision or negative consequence may have already occurred. In these cases, in addition to obtaining information and advising those seeking help, the Ombudsman also actively participated in communication with the competent institutions. In 2022, there were three such cases.

In 2022, in addition to upgrading the process of providing information and consulting, informing and advisory procedures for obtaining withdrawal form and payment of training compensation. The other cases of assistance and guidance related to ethics and irregularities in the operation of a sports organisation and the registration of a particular sport.

3.2.4 Mediation in dispute resolution

No mediation took place in 2022.

3.2.5 Consideration of petitions

In 2022, the Ombudsman received a petition related to the compliance of the Conditions, Rules and Criteria for the Registration and Categorisation of Athletes in the Republic of Slovenia with the Sports Act. The Ombudsman has also considered and communicated a petition for the legal regulation of the recognition of length of service for athletes during their sporting career for the purposes of their pensions.

The Ombudsman actively participated in the resolution of the issue of ADEL Anti-Doping education as a condition for the registration of athletes under Article 32 of the Sports Act. A working meeting related to ADEL education took place on 4 March at the headquarters of the Olympic Committee of Slovenia – Association of Sports Federations between the Ombudsman, representatives of the Sport Directorate, the Olympic Committee of Slovenia – Association of Sports Federations and the Athletes' Commission. The importance of prevention in protecting athletes from the use of banned substances and methods in sport was highlighted. Formally, Article 32 of the Sports Act would need to be amended in order to enact ADEL education as a condition for registration. Also, given the system of athlete registration, the education should be adapted to the athlete's age and level.

On 16 March 2022, the Labour and Social Court in Ljubljana issued judgment No. V Ps 1408/2021, in which it confirmed the right of registered athletes to a preventive medical

examination and ordered the competent ministry to issue a new administrative act.

Following the offer of the proposer, the Ombudsman contacted the Ministry of Health and requested information about the alignment of the administrative act with the Sports Act and offered to assist the Ministry in aligning the administrative act with the rights of athletes under the Sports Act.

The Ombudsman received an anonymous petition about a problem in Slovenian sport that young athletes are going abroad at too early an age. The issue was presented internally and will be specifically addressed in the process of drafting a new strategic document on the development of sport in the coming period.

3.2.6 Participation in events

As already mentioned, the Ombudsman and the Education and Sport Inspectorate co-organised an event titled Monitoring Sport in the Republic of Slovenia as part of the Day of Slovenian Sport in the form of a consultation or 'chat' on the importance and forms of ensuring the public interest and the public benefit in the field of sport in Slovenia. He also took part in the Days of the Olympic Committee of Slovenia and in an event organised by the Commission for International Cooperation of the Olympic Committee of Slovenia – Association of Sports Federations on responsible conduct in sport.

It should be noted that in this context, after the SARS-CoV-2 epidemic, the meetings with young athletes, which were traditionally organised by the Ombudsman together with the Olympic Committee of Slovenia – Association of Sports Federations as part of their training, and at which the Ombudsman informed them about the rights of athletes under the Sports Act and where they were introduced and the Ombudsman's activities, as well as to the course of proceedings and the types of proceedings before the Ombudsman, have unfortunately not yet been re-established.

4 ISSUES HIGHLIGHTED IN 2022 AND IMPLEMENTATION OF 2021 RECOMMENDATIONS

Unlike in previous years, the Ombudsman did not make specific recommendations in 2021, but gave general guidelines for 2022. Based on his general knowledge of sport and the cases considered, the Ombudsman concludes that there has been no qualitative shift in the guidelines for 2022 in the Republic of Slovenia. However, it should be stressed that the opportunity for major structural changes towards improving the position of athletes and coaches and ensuring the social responsibility of sports organisations as holders of public status under the Sports Act, and the integrity of sport

as a key area of public interest of sport in the Republic of Slovenia will be provided this year, when an analysis of the Resolution on the National Programme of Sport 2014–2023 will be prepared.

It is very encouraging that the sporting public has become more aware of the importance of integrity in sport and that sports organisations have embraced integrity as a value to uphold. Thus, in 2022, the event on the Supervision of the Implementation of Sport in the Republic of Slovenia in the light of the Day of Slovenian Sport Day with the subtitle 'Chat on the meaning and forms of ensuring the public interest and public benefit in the field of sport in Slovenia' and on the topic of responsible behaviour in sport within the framework of the Olympic Committee of Slovenia – Association of Sports Federations expressed the need and support of sports organisations for a comprehensive and institutional approach to regulating the field of integrity of sport in Slovenia. The direction of the discussion tended towards the creation of a specialised institution, a kind of 'Integrity Agency', which would comprehensively and institutionally regulate the field of social responsibility and would oversee the development and supervision of integrity in sport, while at the same time relieving the administrative and financial burden on sports organisations. Thus, within the Ministry of Education, Science and Sport, the Minister adopted a decision to appoint an inter-ministerial working group to comprehensively examine the different approaches, forms and possibilities of an institutional approach to the regulation of this field in Slovenia, and to prepare the content and method of raising awareness among athletes, pupils and students about harassment and abuse, safeguarding against deviant phenomena in sport, such as sexual, verbal, physical violence and neglect.

In 2022, the issue of various forms of violence in sport, known as safeguarding, was raised again, following press reports of "suspected sexual violence in an equestrian club". The Ombudsman already highlighted this problem in Recommendation No. 3 of the 2020 annual report and suggested that more attention should be dedicated to violence in sport. The Ombudsman considers that a systematic approach to regulating this area is needed, based on research and expert debate.

5 RECOMMENDATIONS AND GUIDELINES FOR 2023

From the past recommendations and guidelines provided by the Ombudsman in the annual reports from 2018 to 2021, it is evident that the recommendations are aimed at increasing social responsibility in the field of sport and thus protecting the public interest and the population of Slovenia in the field of sport in Slovenia. Therefore, it is necessary to reiterate, and in the Ombudsman's view crucial for the future development of sport, that human rights begin to be systematically enforced in the context of sports organisations and the competition system, individual competitions, and especially major international sporting events. In particular, the principles of equality, non-discrimination, democracy, legal certainty, etc. must be rigorously applied. This requires ensuring the participation of athletes and coaches as partners in the dialogue between the state and sports organisations at all levels of decision-making in sport. The personal integrity of athletes must be protected by putting in place a risk management system (preventive and curative measures) to protect athletes from various forms of violence in sport. Additionally, as part of the implementation of the right of appeal, the Ombudsman proposes that, in Slovenia, the protection and resolution of disputes arising from sport be made possible before an independent and impartial body. It is therefore necessary to establish a dispute resolution mechanism in sport that guarantees, in particular for athletes and professionals, the impartiality of the decision-making process and their fundamental procedural rights.

In order to protect stakeholders in sport and to ensure both public safety and the public interest in sport, sport organisations need to be made aware of the importance of good governance standards in sport. It would be advisable to adopt national guidelines on good governance for sports organisations under Articles 39, 40, 41 and 42 of the Sports Act.

From the point of view of transparent and protected use of taxpayers' money, it would make sense to explore the possibility of unifying tendering procedures between the Ministry, the Foundation for Sport and local authorities, and to harmonise the reporting system on the use of public funds.

In judgment No. V Ps 1408/2021 issued by the Labour and Social Court in Ljubljana on 16 March 2022, the court upheld the right of registered athletes to a preventive medical examination and ordered the competent ministry to issue a new or updated administrative act. In a status inquiry, the Ombudsman offered to assist the Ministry of Health in bringing the administrative act into line with the rights of athletes. Therefore, at this point, the Ombudsman stresses that the regulation of medical examinations for athletes must follow the principle of equality, both in terms of compensatory justice and distributive justice, and that the system will ensure the value of health to athletes in an accessible and appropriate manner. In the context of the public interest, the contribution of change will be in favour of creating a safe and clean sports environment.

6 MANDATE REPORT FOR 2018–2023

6.1 SUBSTANTIVE REPORT

In 2018–2023, the Athletes' Ombudsman completed his first term in office.

The year 2018 was a landmark year for Slovenian sport in terms of protecting the rights of athletes and coaches, as on 1 April 2018, the Athletes' Ombudsman as an institution was established within the Ministry of Education, Science and Sport. Following my appointment by the Government of the Republic of Slovenia, I was given the opportunity to continue the work I had been doing as the Athletes' Ombudsman within the Olympic Committee of Slovenia – Association of Sports Federations for the next five-year period.

With the establishment of the legal basis of the institution of the Ombudsman for athletes and coaches and its subsequent entry into operation, Slovenia has become one of the leading countries in the field of development and social responsibility in the protection of the rights of athletes and coaches. Such legal regulation thus makes an important contribution to the establishment and enhancement of general social responsibility in sport and the humanity of work with athletes. It also makes an important contribution to creating the conditions for a better implementation of the basic rights that athletes have under the Sports Act and the legal regulations deriving from it. More broadly, the Ombudsman's work makes an important contribution to creating a safe sporting environment which is fundamental in ensuring the well-functioning participation of athletes in sporting activities and the achievement of top sporting results in Slovenia and abroad, adhering to the values present in sport, and is the starting point for ensuring the pursuit of the public interest in the field of sport. Moreover, the establishment of the institution, in addition to the already existing protection possibilities, has provided coaches with additional support to ensure their work in the field of sport and sports organisations in Slovenia is performed consistently, professionally and at a high level.

It is important that the state, in the name of the public interest of the Republic of Slovenia in the field of sport, has recognised the importance of athletes and coaches and has thus provided them with additional institutional protection.

The Ombudsman has been available to help seekers in various ways. During the first the mandate period, the most frequent first contact was by email (120), followed by telephone calls (81) and post or in person during office hours (15). In six cases, the help seekers contacted the Ombudsman in person during office hours.

When interpreting the statistics published in the Ombudsman's annual reports, it is important to stress that they are an informative presentation of the Ombudsman's work and to point out that the first period of the Ombudsman's mandate was a very singular one, due to the global health and humanitarian crisis caused by the SARS-CoV-2 virus (COVID-19). Among other things, this is reflected in the fact that no first contacts were made by post or in person during office hours in 2020 and 2021 due to the epidemiological situation. However, the Ombudsman's work carried on as normal during the pandemic through telecommunication channels. However, in order to limit and prevent the spread of COVID-19 and to comply with the hygiene measures of the National Institute of Public Health (NIJZ) and the work-from-home order, office hours were carried out exclusively by appointment. Despite these measures, it is worth pointing out that in a few cases, the Ombudsman had to meet with the applicants in person because of the importance of the case and the wishes of the applicants. In these cases, the meetings with the Ombudsman were also held in accordance with the Government's rules and the NIJZ measures in place at the time for such meetings.

However, the pandemic has not only had a negative impact on athletes, but also on volunteer and non-professional coaches in clubs and associations who felt the shutdown of sport very strongly. They represent the foundation of Slovenian sport, ensuring the transfer of knowledge and are crucial for its future success. After the reopening of sport after the pandemic, the problem of a shortage of coaches in sports organisations began to emerge. Due to the shutdown of sports activities, many professionally qualified coaches moved to other sectors, especially the non-sport business, and sport was left without amateur coaches, who make up the bulk of the coaching potential in the Republic of Slovenia. This means that, as with athletes, the pandemic shone a light on the importance of the social security provided by the employment of coaches in sports organisations. Particularly from a coach's point of view, the specific nature of sport and the resulting time and content of coaches' work should be emphasised, as is undoubtedly also evident from the content of the Sports Act and other documents. In the long term, it is therefore important to provide for the systemic co-financing of coaches. First and foremost, a long-term recruitment policy for coaches in sports organisations should be developed, which will allow for the accumulation and transfer of knowledge and provide coaches with social security, motivation and a development perspective.

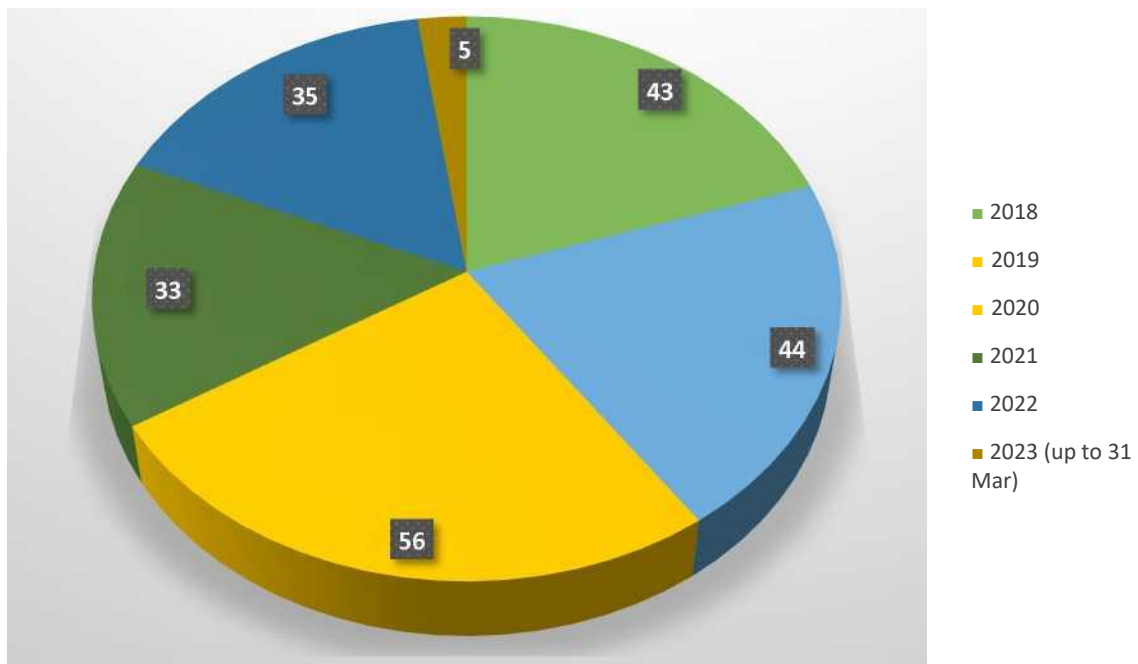
As part of public awareness raising, the Ombudsman's annual reports were also presented to the Expert Council on Sport of the Republic of Slovenia and to the delegates at the Assembly of the Olympic Committee of Slovenia – Association of Sports Federations, when the epidemiological situation allowed. The Ombudsperson also contacted individual national sports federations as necessary. The purpose of these meetings is to inform the members of the Expert Council on Sport, the representatives of the umbrella sports organisation and the leaders of the selected sports organisations of the findings arising from the cases considered in the current year, which are directly or indirectly relevant to their activities, both in terms of the organisation and the particular sport. It should be noted that the purpose here is not to present individual cases, but to inform the competent authorities of the findings related to the functioning of sports organisations and the protection of the rights of athletes and sports workers, which hopefully contributes to the improvement of social responsibility in sport in Slovenia. At the presentation of the Ombudsman's annual report for 2020, the Ombudsman, in agreement with and with the support of the Education and Sport Inspectorate of the Republic of Slovenia, proposed to the Expert Council on Sport of the Republic of Slovenia the establishment of two working groups to address the problem of charging training compensation for young amateur athletes (Expert Council on Sport of the Republic of Slovenia Decision 17d/245) and the re-establishment of a working group to address the issue of protection of athletes against various forms of violence in sport (Expert Council on Sport of the Republic of Slovenia Decision 17d/244).

In the mandate period, from 1 January 2018 to 31 December 2023, the Ombudsman considered 216 different cases concerning various areas of sport. When considering and resolving cases, the Ombudsman communicated with help seekers mainly by telephone and email. Based on the content of the cases and the type of assistance provided to athletes and coaches, three basic forms of assistance or types of procedures can be classified, depending on the predominant element of the case. The first involves informing and advising athletes and coaches about the legal grounds and content of their rights, as well as advice related to a specific issue. The second is obtaining and providing information on cases that have led athletes or coaches to seek help. This form of assistance also includes putting athletes in contact with the authorities responsible for a particular issue or the exercise of a right or other matter

related to the subject matter of the advice. The third is providing assistance in resolving individual cases or disputes. It should be stressed here that the material and procedural diversity of the cases often means that all three forms of procedure are often intertwined and qualitatively complement each other. As an alternative form of assistance, and where the nature of the case so allows, the Ombudsperson also facilitates various forms of mediation and other methods of alternative dispute resolution to resolve outstanding issues between an athlete and an sports organisation.

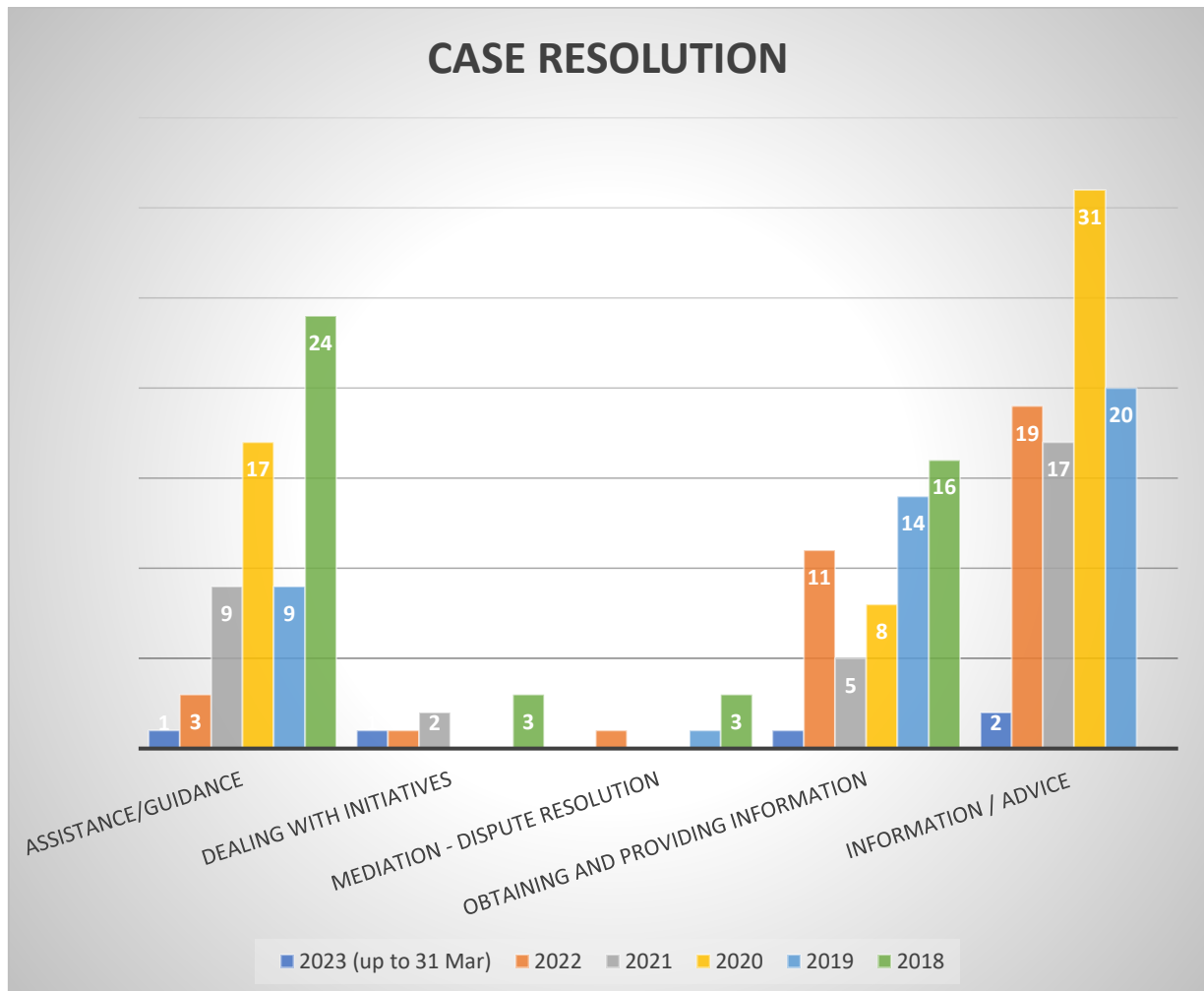
Graph 6:

The graph shows a comparison of the number of cases considered over the years.



Graph 7:

The graph below shows a comparison of how cases were dealt with from one year to the next. The data are generalised for the sake of clarity, so there may be slight variations in relation to the data in annual reports of the previous mandate period. For a more detailed year-by-year overview, please consult the relevant annual report from the previous mandate period.



Informing and advising athletes

The largest number of cases (105) considered in the first mandate period was where information or legal instruction and advice were provided to help seekers.

The cases or issues considered were those that relate to the status of athletes and coaches, whether they are entitled to a particular right and how they can exercise it.

It is characteristic of such cases and procedures that the Ombudsperson does not contact state authorities or sports organisations to support and advise help seekers, but rather uses their own legal knowledge, knowledge of sport and experience gained from other similar cases to advise and guide the athletes.

In substance, these cases mainly concern the legal rules of the Sports Act and the resulting implementing regulations or legal rules that set out the public mandate that the Sports Act confers on sports organisations.

The legal basis to which the advisory procedures referred was mainly Articles 34, 32, 35 and 50 of the Sports Act. The most prominent issues were those related to the right to free transfer of athletes between sports organisations, the procedure for obtaining a withdrawal form and the right of a club to charge and condition a withdrawal form on the payment of training compensation or other obligations, the content and procedure

for exercising the right to a sports pension, and issues related to the qualification of coaches. Even after five years of the new Sport Act, cases related to the free transfer of athletes or the restriction of the registration of an athlete with a new sports organisation subject to the payment of financial compensation are still prevalent. The problem stems from the inconsistency of the registration rules of national sports federations with the Sports Act and the established case law of the Court of Justice of the European Union.

It should be stressed that the cooperation with the Education and Sport Inspectorate has so far been good, which has greatly contributed to the fact that the inspection procedures and issuing of orders have made it easier for athletes to obtain their withdrawal form and register with a new sports organisation. However, there is still an issue related to the principle of free transfer, which came to the fore in 2021, which is the sanctioning of a sports organisation if it fails to pay compensation for an athlete it was obliged to register with the relevant national sports federation under Article 34, or if the compensation for the education of amateur non-contractual athlete is concealed among other obligations that are not covered by the law.

In addition to the above-mentioned transgressions, the cases concerned issues related to National Institute of Public Health measures (these issues differed depending on the spring and autumn closure of sports activities, as explained in the 2020 Annual Report), ADEL Anti-Doping education, payment and entitlement to medical examinations for registered athletes, appointment to the national team and payment of the costs of national team appearances, the competences and working conditions of qualified professional staff, and issues related to the annual programme of sport in the local community and the internal acts of sports organisations.

Obtaining and providing information

In 64 cases, the Ombudsman has, on the basis of the content of the case, provided help seekers with information relevant to the question raised or offered an independent interpretation of the rules or circumstances of the particular case being considered.

In this respect, a substantive distinction must be made between cases where a decision has already been made or a legal consequence has already been established, and cases where the case only required an interpretation or an opinion or clarification of the decision of a public authority, a holder of public authority or a sports organisation.

In this set of cases, it is important to highlight the diversity of legal bases of the cases. In addition to the various legal bases such as the Sports Act, the Societies Act, the Waters Act, etc., the COVID-19 situation led to many cases concerning the Government's measures to contain the spread of COVID-19 and the National Institute of Public Health's standards and restrictions in the field of sport. In addition to the above, the cases that stand out are those arising from the exercise of public authority by sports organisations, which forms the basis for the rights of athletes under the Sports Act. The latter mainly concerns the content of internal acts and procedures adopted or managed by sports organisations or other legal entities on the basis of direct or indirect legal authority. They can be divided into two groups. The first concerns the exercise of athletes' rights under the rules and conditions for the registration and categorisation of athletes, while the second mainly concerns the obtaining and communicating of information related to the government's measures to curb the spread of COVID-19 and the National Institute of Public Health's measures. The cases also concerned the rights of the coach in national sports schools, qualification standards for inclusion in the

national team for competitions within the national sports federation or umbrella sports organisation, sports infrastructure, the right to employment of athletes in public administration, the adjustment of school obligations, qualification for professional work in sport, training programmes, public sports infrastructure, taxation of athletes' prizes received outside Slovenia, appointment to the national team, the right to a preventive medical examination, and, as mentioned above, the Government's measures to curb the spread of COVID-19 and the National Institute of Public Health's standards and restrictions in the field of sport.

Providing assistance and guidance

In providing assistance, the Ombudsman takes an active role in resolving situations where the content of the case indicates a potential threat to the rights of athletes or coaches.

In this case, the process of making a decision related to the right of an athlete or a professional in sport may still be ongoing, or the decision or negative consequence may have already occurred. In these cases, in addition to advising help seekers, the Ombudsman was also actively involved in communication with the competent institutions.

In the Ombudsman's first term of office there were 43 such cases, which, in addition to the upgrading of the information and advisory procedures for obtaining withdrawal from a sports club and the payment of training compensation and also concerned sexual violence in sport, the operation of the information system for the registration and categorisation of athletes managed by the umbrella sports organisation on the basis of public authorities, appointment to the national team, compliance of the decisions taken by sports organisations with the internal rules or the rules of the legal order in force in the Republic of Slovenia, the claiming or counting of the status of a top-level athlete in the pension period, and issues related to ethics and irregularities in the operation of a sports organisation. Here again, it is worth pointing out that the more detailed explanation of the National Institute of Public Health measures and standards also stood out in 2020.

Mediation in dispute resolution

During the first mandate period, the Ombudsman held five (5) mediation meetings between the parties to the dispute and assisted the parties in resolving the dispute by using mediation techniques and alternative dispute resolution procedures, thus helping them to converge their positions and reach a solution to the problem at hand. All the cases are from the first two years of the mandate and concern the interpretation and application of the rules of sports organisations, finding a solution to help a sports organisation and providing work for coaches as part of National Sports Schools project.

Consideration of petitions

During his first term of office, the Ombudsman considered seven (7) petitions relating to different areas of sport. The petitions concerned the problem of unprofessional work in sport, the management of the public sports infrastructure, the regulation of sports disciplines, the amendment of the Bloudek Awards Act, the compliance of the Conditions, Rules and Criteria for Registration and Categorisation of Athletes in the Republic of Slovenia with the Sports Act, the legal regulation of the recognition of seniority for top athletes during their sporting career, and measures to prevent the spread of COVID-19.

It is also worth pointing out here that due to the restrictions of the right of assembly and the Government's measures to curb the COVID-19 pandemic and the measures in force, the traditional working meetings with the Olympic Committee of Slovenia – Association of Sports Federations, the Education Inspectorate of the Republic of Slovenia,

The Sport Directorate at the Ministry of Education, Science and Sport were not held in 2020. Nevertheless, the Ombudsman was always in contact with them in a way that was in line with the restrictions at the time.

Issue of petitions

In the course of his work, the Ombudsman became aware of various systemic problems that have become apparent in the consideration of cases. As a result of the examination, obtaining of information and evaluation of the systemic problem, the Ombudsman issued four petitions in the first year of his mandate. Of these, three related to Article 34 of the Sports Act and one to Article 65 of the Sports Act. Following the Ombudsman's initiative, the Ministry of Education, Science and Sport issued a circular.

In accordance with the information obtained and the problems raised, the Ombudsman organised working meetings with the Olympic Committee of Slovenia – Association of Sports Federations, the Education and Sport Inspectorate of the Republic of Slovenia and some sports federations during the first two years of his work. The purpose of the meetings was to inform the management of the areas highlighted in relation to their activities.

Participation in events

In addition to directly assisting athletes and coaches, during his first term in office the Ombudsman was involved in various activities related to education and awareness-raising on the rights of athletes and coaches and the importance of their protection of the individual and their participation in sport.

In this context, the Ombudsman has successfully worked with the Olympic Committee of Slovenia – Association of Sports Federations in raising awareness and informing young athletes about their rights, providing a general presentation of the Ombudsman as an institution and the activities it carries out, and informing them about the course and types of proceedings before the Ombudsman.

The Ombudsman also participated in other expert meetings and activities organised by various state bodies and NGOs. To name but a few, there was the 12th SLOADO Anti-Doping Conference, the Legal Clinic for Sport at the Faculty of Law of the University of Ljubljana (*Pravna klinika za šport na Pravni fakulteti Univerze v Ljubljani*), and the Days of the Olympic Committee of Slovenia – Association of Sports Federations (*Dnevi OKS – ZŠZ*).

The participation of the Ombudsman in events and activities was lower in 2021, as he did not participate in activities related to education and awareness-raising on the rights of athletes and coaches and the importance of their protection for the individual and their participation in sport, mainly due to the pandemic and the COVID-19 measures in place.

6.2 OVERVIEW OF RECOMMENDATIONS AND GUIDELINES ISSUED IN 2018–2023

During his first term of office, the Ombudsman issued the following recommendations and guidelines:

RECOMMENDATION No. 1 (2018)

On the basis of the cases considered and the information obtained, the Ombudsman recommends that the principle of free transfer guaranteed to athletes by Article 34 of the Sports Act be consistently implemented in 2019. In this context, it is necessary to ensure the harmonisation of the internal legal acts of sports organisations governing the registration of competitors and transfers between sports organisations in the official competition systems. In harmonising the internal legal acts of sports organisations with the provisions of the Sports Act and the Conditions, Rules and Criteria for Registration and Categorisation in the Republic of Slovenia, it is necessary for the Education and Sport Inspectorate of the Republic of Slovenia to ensure the implementation of the provisions of Article 34 of the Sports Act and thus protect the public interest in the field of sport in Slovenia by carrying out controls.

RECOMMENDATION No. 2 (2018)

An area that needs special attention and is one of the key areas for ensuring the public interest in the field of sport, as defined by the Sports Act, and which is also an essential element of the development of sport in Slovenia, is the enforcement of the principle of priority of use of public sports facilities and areas for outdoor sports. The priority of use for sports programmes referred to in Article 6 of the Sports Act, which are co-financed by the state or local community, must be ensured to ensure that these programmes have priority access to the public sports infrastructure at times when it is convenient for the respective categories and programmes. This applies in particular to school gyms owned by the state or a local authority. It is recommended that the allocation of dates/hours be carried out according to a pre-established procedure that takes into account the provisions of the Sports Act referring to the public interest and priority of use of public sports facilities. It is also necessary to ensure accessibility to public sports facilities through the pricing of the use of public sports facilities. The pricing structure should take into account that for sports programmes recognised and co-financed by the local authority or the state, the market price of use is not charged, with the pricing structure covering only the actual maintenance costs.

RECOMMENDATION No. 3 (2018)

In the area of good governance of sports organisations, the Ombudsman recommends that the Olympic Committee of Slovenia – Association of Sports Federations, as the umbrella sports organisation, raise awareness among its members and other sports organisations in Slovenia of the importance of responsible, transparent and legal activities in

accordance with ethical standards in sport, both for sports organisations and for individuals. In doing so, Olympic Committee of Slovenia – Association of Sports Federations carries out the missions and roles it has under Articles 4 and 5 of the Rules of the Olympic Committee of Slovenia – Association of Sports Federations and acts in accordance with the principles defined in Article 7 of the Rules.

RECOMMENDATION No. 4 (2018)

As regards the public co-financing of sport programmes and other projects from public funds from the state, local authorities, the lottery fund and others, it is necessary to ensure effective control over the credibility of applications and the monitoring of the use of funds. However, the focus of monitoring should be on ensuring that programmes, professional staff and other items subject to public funding are not double-funded. It is therefore necessary that the programme funders themselves ensure the constant monitoring of funding at the time of application and subsequently during the implementation of the programmes. This should also be one of the priorities of the Education and Sport Inspectorate of the Republic of Slovenia.

RECOMMENDATION No. 5 (2018)

In order to ensure the resolution of disputes in sport, it would be advisable to consider the establishment of an independent arbitration body for sport in Slovenia, which would ensure the fast and efficient out-of-court settlement of disputes in sport. The Ombudsman will endeavour to organise periodic consultations and educational events on the highlighted topics related to ensuring a "clean sports environment" in Slovenia, together with the Ministry of Education, Science and Sport, the Olympic Committee of Slovenia – Association of Sports Federations, sports organisations and other research institutions in the field of sport.

RECOMMENDATION No. 1 (2019)

Due to the large number of cases in which the basis for decision-making was the internal acts of sports organisations or decisions of the bodies of sports organisations, it is necessary to start systematically implementing the standards of good governance of sports organisations in the operation of sports organisations. This is particularly true in the area of managing the financial resources that sports organisations receive directly or indirectly from public funders, such as the Ministry of Education, Science and Sport, the lottery fund and local authorities.

Similarly, when sport organisations are practically exercising the legal delegation of public authority, it would also be useful to raise awareness and provide more detailed information on the importance of, compliance with and implementation of the general legal standards applicable in the legal order of the Republic of Slovenia. In particular, the principles of the Administrative Procedure Act should be applied in a meaningful way in the procedures for the exercise of public authority, thus guaranteeing the fundamental rights of athletes or coaches.

RECOMMENDATION No. 2 (2019)

The Ombudsman addressed a petition to the Ministry of Education, Science and Sport (document No. 092-119/2018/80 of 7 January 2019) for the adoption of a implementing regulation, the adoption of which is required by paragraph one of Article 65 of the Sports Act. The regulation should lay down the rules, regulations and criteria for the recruitment of top-level athletes and coaches in the public administration in accordance with Article 63 of the Sports Act. Based on the increase in the number of cases and issues flagged by athletes in relation to the employment of athletes in the public administration, I would like to address a petition to the Government of the Republic of Slovenia to adopt the implementing regulation provided for in Article 65 of the Sports Act.

RECOMMENDATION No. 3 (2019)

In order to increase overall social responsibility in sport and contribute to ensuring a clean sports environment, it is recommended that all sports organisations that are mainly or to a large percentage publicly funded adopt codes of ethics that define and set out the framework according to which all actors within a specific sport should operate. This should apply in particular to persons who have decision-making power and control over the financial resources of sports organisations. First and foremost, it is necessary to define and ensure the avoidance of conflicts of interest and duties, the incompatibility of functions and the principles of democracy and transparency in decision-making. The possibility of developing a uniform code of ethics and rules of expected conduct for leading sports officials in Slovenian sport should also be explored, thus ensuring the minimum standards of good governance of sports organisations.

RECOMMENDATION No. 1 (2020)

Given the importance of the fight against doping in sport and the protection of athletes and coaches, training programmes for coaches should include a mandatory presentation of the fight against doping in sport, with an emphasis on the procedural and sanctioning part of the rules, and should inform them of the consequences of the presence of traces of substances on WADA's list of prohibited substances in sport in an athlete's sample.

RECOMMENDATION No. 2 (2020)

In the light of the consequences of prohibition of sports activities in 2020 (COVID-19) and the further development of sport in Slovenia, it would be necessary to analyse the consequences of the pandemic on the general population, with a focus on children and youth, to analyse the situation of sports organisations and to statistically evaluate the loss of income of sports organisations, and to prepare a strategy for the recovery of

sport and sports organisations after the pandemic in cooperation between the Ministry of Education, Youth and Sport, local communities and the civil sphere of sport.

RECOMMENDATION No. 3 (2020)

Sport organisations should place more emphasis on awareness-raising and education on the different forms of violence in sport. Two forms in particular should be highlighted. These are sexual and verbal violence. Sports organisations should have policies and awareness-raising programmes in place and rules in place to deal with suspicions of such irregularities or infringements.

RECOMMENDATION No. 4 (2020)

I reiterate the need to establish an independent arbitration body in Slovenia for the resolution of disputes in sport, and to provide an independent body for the resolution of complaints through the arbitration.

RECOMMENDATION No. 1 (2021)

The year 2021 was an extraordinary year due to the COVID-19 health and humanitarian crisis. Due to the stopping of sports activity in the first part of the year and the subsequent gradual restarting, the number of cases considered was lower, although it should be noted that the substantive structure of the cases remained comparable to the previous year. That is why the Ombudsman chose not to make specific recommendations to the government and sports organisations in the 2021 report, but rather to recommend general guidelines for 2022.

First and foremost, and as already evident from previous reports, the principles of equality, democracy, transparency, integrity, constitutionality and legality in sport and, last but not least, respect for human rights in sport must be upheld. In particular in the areas of working with athletes, organising events, and the operation of sports organisations, where they have a regulatory role in the particular sport and hold the status of a national sports federation or umbrella sports organisation. In particular, the process of legislation has to follow the specificities of the legal regulation required to protect the public interest in the field of sport and which is carried out by sports organisations. In general, however, there is a need to internalise this awareness in Slovenian sport and to adopt rules that will govern the personal integrity of sports officials, especially those who have decision-making power in the management of a particular sport and in the distribution of financial resources, both public and private.

The pandemic has also critically highlighted the shortage of amateur coaches in sport, and the brain drain of such profiles into the private business sector and other areas of society. In order to retain their knowledge and skills, it would be a good idea to adopt a policy on the recruitment of coaches and to coordinate recruitment at national and local level, and to find alternative employment opportunities, thus allowing more coaches to be recruited in sport organisations. It would also make sense to take a systemic approach to the regulation of athletes sports scholarships and the employment of

athletes in the public administration in such a way that both measures, aimed at ensuring, in particular, the social security of athletes, are qualitatively upgraded and the areas are regulated in a meaningful and comprehensive manner by means of criteria, conditions and requirements.

The Ombudsman does not have detailed information on the implementation of the recommendations mentioned above, but it should be noted that, despite the Ombudsman's recommendations from previous years, the Ombudsman's perception is that there has been no qualitative progress in these areas.

In view of the future development of the institution of the Athletes' Ombudsman and the effective provision of the legal tasks of the Athletes' Ombudsman, consideration should be given to the forms and possibilities of upgrading the institution in terms of professionalisation and administrative and legal support for its functioning. Due to the number and diversity of cases considered, the Ombudsman finds it difficult to ensure that all the tasks assigned to him by the current Sports Act are carried out. The biggest obstacle is the lack of administrative and technical support to take the Ombudsman's work to the next level in terms of education and public awareness.

After five years of operation, the number and diversity of cases, and social circumstances and shake-ups, it can be reasonably concluded that the Ombudsman as an institution of preventive protection in the form of providing and obtaining information, guidance, advice and mediation in dispute resolution has become well established in the Slovenian sporting community. The latter is mainly indicated by the fact that sports organisations are generally responsive to petitions, enquiries and recommendations. It is also encouraging that sports organisations are proactive in regulating the rights of athletes, and occasionally approach the Ombudsman themselves with questions on how to regulate a specific area relating to athletes.