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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-fifth session

SUMMARY RECORD OF THE 938th MEETING*

Held at the Palais Wilson, Geneva,
on Monday, 26 January 2004, at 10 a.m.

Chairperson: Mr. DOEK

CONTENTS

* No summary record was issued for the 937th meeting.

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Slovenia (CRC/C/70/Add.19; CRC/C/Q/SVN/2; CRC/C/RESP/53; HRI/CORE/1/Add.35)

1. At the invitation of the Chairperson, Ms. Černoša, Mr. Gosnar, Ms. Mušič, Ms. Strgar, Ms. Vouk-Železnik and Mr. Zidar took places at the Committee table.

2. Mr. GOSNAR (Slovenia), introducing Slovenia's second periodic report (CRC/C/70/Add.19), said that Slovenia had withdrawn its reservation to article 9, paragraph 1, of the Convention on the Rights of the Child on 19 January 2004.

3. The Civil Procedures Act, which had been adopted in 2003, guaranteed children an advocate in all procedures affecting them and obligated courts to inform children who were at least 10 years of age and were capable of understanding the meaning of the proceedings and the consequences of the decision, about their rights in order to enable them to express their opinion.

4. Since 1996, Slovenia had allocated about a quarter of its gross domestic product (GDP) to social protection, which had allowed it to maintain social services for children during its transition from a planned to a market economy. The Parenthood and Family Earnings Act, which had been adopted in 2001, had improved social protection for children and introduced post-natal parental leave for either parent. The new Parental Protection and Family Benefits Act provided parents with a broad spectrum of benefits and entitlements. Amendments to the Social Care and Assistance Act, which had been adopted in September 2001, had updated regulations on social assistance in order to guarantee funds for satisfying minimum subsistence needs.

5. Improvements to Slovenia's social inclusion policy included the adoption of the Placement of Children with Special Needs Act and legislative changes to prohibit the creation of school classes that comprised exclusively Roma pupils. During the war in the former Yugoslavia, refugee children had enjoyed the same entitlements to primary, secondary and tertiary education as Slovene children.

6. Amendments to the Marriage and Family Relations Act had transferred competence for decisions on contact and child maintenance from social work centres to the courts. In accordance with the principle of the best interests of the child, the option of joint custody of a child whose parents did not live together had been introduced. Draft amendments to the Penal Code would include sanctions for the non-payment of maintenance, and would make non-payment of maintenance a criminal offence if the maintenance of a child was threatened. An important addition to the Penal Code was the inclusion of a specific article on the protection of children from violations of their sexual integrity, which would enable Slovenia to ratify the Optional Protocols to the Convention.

7. Monitoring and coordinating the implementation of human rights in Slovenia was the responsibility of the Inter-ministerial Committee for Human Rights. The Council for Children acted as an expert advisory body to the Ministry of Labour, Family and Social Affairs. Slovenia

was in the process of drafting a national development programme for improving the situation of children in Slovenia for the period 2003-2013. He drew attention to Slovenia's contributions to humanitarian and development assistance for child victims of war and other disasters.

8. Ms. VUCKOVIC-SAHOVIC, Country Rapporteur, said that she wished to know why Slovenia had not yet ratified the Optional Protocols to the Convention. She welcomed Slovenia's withdrawal of its reservation to the Convention and its recent ratification of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. The draft amendments to the Marriage and Family Relations Act did not prohibit corporal punishment, and she hoped that a provision to that effect would be included in the Act. She requested additional information about the Council for Children. Although the ombudsman had been accepted into the European Network of Ombudsmen for Children, the Committee was of the view that there should be a special independent ombudsman for children's rights.

9. She was concerned at apparent inequalities in the allocation of resources: 12.9 per cent of Slovenia's population were living at or below the poverty line, and there were reports of an unofficial, hidden poverty that affected single-parent families and ethnic populations. She was concerned that some Roma populations lived without electricity or sanitation.

10. Ms. CHUTIKUL, Alternate Country Rapporteur, asked how the policies and activities of Slovenia's many ministries and offices that were involved in the implementation of the Convention were coordinated. She wished to know about the composition and work of the Council for Children. She enquired whether the proposed national programme for children would be equivalent to a national plan of action in line with the outcome document of the General Assembly special session on children, entitled "A World Fit for Children". She wished to know when and by whom the national programme would be implemented.

11. She encouraged Slovenia to consider establishing a separate ombudsman on children's rights. She asked how people, especially children, were informed of their rights, and wished to know what complaints procedures were open to them. She requested additional information on the involvement of non-governmental organizations (NGOs) in the preparation of the report, and the State's attitude towards NGOs that drew attention to violations of children's rights.

12. Ms. AL-THANI asked whether there was a system for training professionals who worked with children in the rights of the child, and whether children received complete information about their rights. She also wished to know whether the Government had made any attempt to determine how many children were aware of their rights under the Convention.

13. Ms. SMITH wished to know the Government's views about funding for NGOs, especially since Slovenia was no longer a priority candidate for external funding. She was concerned about the situation of Roma children and wished to know more about the situation of minorities other than Italians and Hungarians. She asked whether Serbs, as the largest minority group in Slovenia, received support. She hoped that the Supreme Court judgement of 10 March 2003 would be implemented by all the Slovenian authorities.

14. Mr. AL-SHEDDI asked how statistical information on children was collated and whether there was a mechanism for analysing data on children. He wished to know whether a comprehensive plan of action existed to ensure that all children's needs were met and whether

there was a mechanism for ensuring that each ministry earmarked funding for children. He asked for an explanation of the apparent decrease in spending on assistance in secondary education in 2002. He wished to know what activities had been undertaken in schools to increase children's awareness of their rights.

15. Mr. KRAPPMAN asked whether the decrease in the number of children born to minority groups was any indication of the living conditions of minorities in Slovenia. The provision that only the views of children who were capable of understanding should be taken into account seemed to leave judges with some leeway, and he requested information on the practical application of the principle of respect for the views of the child. He wished to know whether children's views were respected in everyday life. He asked what measures had been taken to change society's traditional disregard for children's views.

16. Mr. CITARELLA welcomed the fact that Slovenia had withdrawn its reservation to the Convention. He requested data on budget allocations and trends regarding health care for children. He asked why many of the statistics provided in the written replies referred to children between the ages of 15 and 19, even though the age of majority was 18.

17. He expressed concern at the double discrimination suffered by non-national Roma communities. He asked whether programmes designed to combat the high suicide rate among young people had been successful.

18. Mr. FILALI asked when the Government intended to ratify the Optional Protocol on the involvement of children in armed conflict, the Optional Protocol on the sale of children, child prostitution and child pornography, the International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

19. He wished to know whether there were any plans to establish an independent, national human rights commission to replace the Commission of Human Rights of the Ministry of Foreign Affairs. He asked whether any action had been taken to create a special ombudsman for child rights.

20. In view of the stigmatization of Roma children, he asked what the Government was doing to foster a more tolerant society. He wished to know whether the Government had adopted any legislation to eliminate discrimination against minorities, or had taken any steps to improve the access of children with disabilities to primary schools.

21. Ms. SARDENBERG enquired whether the fact that the delegation was composed almost entirely of women reflected men's attitudes towards children's issues. She asked whether the Ministry of Education was the focal point within the Government for the implementation of the Convention.

22. She enquired whether the Government planned to harmonize its data collection systems concerning children. She asked how the Government had assessed the impact on children of the

social and economic reforms undertaken with a view to facilitate Slovenia's entry into the European Union. She wished to know when the Government intended to update its core human rights document, which had been prepared in 1993.

23. She asked on what basis the Government had chosen the NGOs, with which it had worked in preparing the report. She recommended the establishment of a national NGO platform for drafting reports and coordinating implementation of the Convention. She requested further information concerning the national development programme for children for the period 2003-2013.

24. The CHAIRPERSON asked whether a time frame had been established for the introduction of a child protection act. He wished to know why State expenditure on health care had decreased from 7.3 per cent of GDP in 1993 to 6.5 per cent in 1999.

The meeting was suspended at 11.20 a.m. and resumed at 11.35 a.m.

25. Mr. GOSNAR (Slovenia) said that the indigenous Hungarian and Italian minorities enjoyed special protection under article 64 of the Constitution. Article 61 of the Constitution guaranteed everyone freedom to identify with their nation or national community, foster and give expression to their culture and use their language and script.

26. Within the framework of humanitarian assistance, the Skupaj (Together) Centre for the Psychosocial Well-being of Children had been established to help children, particularly children from the former Yugoslavia, to recover from post-conflict trauma.

27. A seminar, attended by a representative of the Office of the United Nations High Commissioner for Human Rights, had recently been held with a view to reforming the Commission of Human Rights of the Ministry of Foreign Affairs.

28. Mr. ZIDAR (Slovenia) said that the Ministry of Education financed a number of educational programmes designed to protect the constitutional right of minorities to use their own language and preserve their culture.

29. Ms. SARDENBERG asked why the Committee on Economic, Social and Cultural Rights had yet to receive an initial report from Slovenia.

30. Mr. ZIDAR (Slovenia) said that, owing to technical difficulties, Slovenia had been unable to report to the Committee on Economic, Social and Cultural Rights; those difficulties had since been resolved. Slovenia had fulfilled all its reporting obligations under the European Social Charter.

31. Ms. STRGAR (Slovenia) said that health expenditure had risen to 8.4 per cent of GDP in 2001. Figures concerning health care for children would be supplied in writing.

32. Suicide rates in Slovenia had been high for several decades. Intensive research had been carried out and a national council for suicide prevention had been established with a view to preparing a national strategy and a national plan of action on suicide. Slovenia was a member of the European Network of Health Promoting Schools. The Network trained teachers to promote public health, particularly mental health, in their work with children.

33. Ms. MUŠIČ (Slovenia) said that a decision on the establishment of a special deputy, or a special ombudsman for children would be taken in 2004.

34. Ms. ČERNOŠA (Slovenia) said that the delegation was composed primarily of women because women were often involved in health and social issues in Slovenia. The decreasing number of children in primary education was due to a decrease in Slovenia's birth rate. Reforms had taken place in the education system, and curricula had been revised to include human rights subjects. In the seventh and eighth year of school, children attended classes entitled "training for citizenship and ethics". They also had the option of attending classes in the culture of citizenship, which dealt with human and children's rights. The Work Programme for Education and Training 2010 and an education and lifelong learning programme had been developed. Some 1,400 in-service teacher education programmes had been established with the participation of NGOs. The Ministry of Education provided a considerable part of the funds required by such programmes. Police training programmes on human rights had been introduced, and higher-education programmes in social affairs had been developed.

35. The reduction of discrimination against Roma children would be a long-term process and would require cooperation from the whole population. In 1995, the Government had adopted measures to help Roma children, such as ensuring that they were entitled to two years of pre-school education before starting primary school. In 2002, the Ministry of Education had established a special working group to prepare a strategy for the inclusion of Roma children in education. The Ministry was also funding a project to guarantee equal opportunities in education for Roma children and their families. Segregation of Roma children in schools was no longer possible, since separate schools for Roma children were no longer funded.

36. In 2000, the Placement of Children with Special Needs Act had been adopted. In 2003, several new education programmes had been introduced and measures had been taken to ensure State assistance for the integration of children with special needs into mainstream education. Some 20 in-service teacher training programmes were based on working with disabled children and children with special needs.

37. Changes had been made in the curriculum for Italian and Hungarian children; for example, compulsory Slovene language lessons had been introduced. Measures were being taken to bring the education of Serbian and Croatian children into line with that of Slovene children.

38. Ms.VOUK-ŽELEZNIK (Slovenia) said that legislation on domestic violence was being prepared. The Council for Children was an advisory body to the Ministry of Labour, Family and Social Affairs. The members of the Council, who came from government ministries, universities and NGOs, were experts in children's issues. The Council was preparing Slovenia's plan of action in cooperation with Slovenia's United Nations Children's Fund (UNICEF) Committee.

39. The second periodic report of Slovenia had been sent to NGOs from a list distributed by the Youth Association in 2001 and 2003. However, a number of recently established NGOs had not had an opportunity to see the report before it was submitted to the Committee. A round table had been held to enable NGOs to comment on the content of the report. NGO comments had been included in the report, and the chapter on voluntary work had been drafted in cooperation with NGOs.

40. Slovenia's plan of action, which was also known as the national development programme, was being prepared as the result of a children's summit held in 2000. The plan of action would be distributed to children after it had been adopted.

41. Ms. CHUTIKUL asked whether children would be involved in the preparation of the plan of action.

42. Ms. VOUK-ŽELEZNIK (Slovenia) said that children would be involved in the preparation of the plan. The Ministry of Education and the Ministry of Health provided funding for several NGOs that worked to promote children's rights and develop programmes for children.

43. In 2000, 30.8 per cent of the Slovene population lived below the poverty line. Since the risk of poverty tended to be higher for single-parent families, in 2000 the Ministry of Labour, Family and Social Affairs had developed a programme to eliminate poverty and social exclusion among single-parent families. Child benefits and social assistance had been increased, and the minimum wage and income tax system had been amended to assist single-parent families.

44. Mr. GOSNAR (Slovenia) said that, since the current core document (HRI/CORE/1/Add.35) contained much outdated information, the Government planned to prepare a new one in 2004. It was no coincidence that the Slovene delegation was composed primarily of women, since women made up the majority of the population and were involved in all areas of Slovene society.

45. It was the Government's policy to bring its legislation into conformity with an international instrument before it ratified it. That policy applied to the Optional Protocols to the Convention, which the Government expected to ratify in 2005.

46. The criteria used for judging whether children had attained a sufficient level of maturity in order for their views to be considered were contained in judicial guidelines and were applied on a case-by-case basis.

47. With the assistance of the European Union, a government commission had been established to encourage NGOs to cooperate in various areas of Slovene life. As a result, the organization and resources of Slovene NGOs had improved significantly over the past few years.

48. The CHAIRPERSON wished to know what follow-up was given to the recommendations of the children's parliament.

49. Ms. VUCKOVIC-SAHOVIC said that the delegation should comment on measures that the Government had taken to regulate the status of temporary refugees, who had been denied the right to apply for permanent residence status. She wished to know whether the Government planned to change its policy to ensure that no group would be systematically excluded from applying for that status.

50. Since most of the population of Slovenia was Roman Catholic, she enquired whether religious education in schools was compulsory and, if so, what allowance was made for children of other religions or those who professed no religion. She asked why the Muslim community, which numbered some 30,000, did not have a mosque.

51. The decline in the number of households consisting of an extended family increased children's vulnerability. She wished to know how Slovene society generally regarded single mothers. She wondered what style of parenting prevailed in Slovenia and whether children's views were respected in the family. The new foster care regulations prohibiting corporal punishment should also apply to families. The conditions relating to maternity and childcare leave in Slovenia, which lasted 365 days and was remunerated on the basis of the mother's full average monthly wages, should serve as an example to other countries.

52. It was important to provide human rights training to students in universities and teacher training institutes. She asked why human rights education was considered an optional course at the primary and secondary level.

53. She urged the Government to participate in the regional activities of the Stability Pact for South Eastern Europe that were aimed at combating human trafficking. She enquired whether the Government planned to raise the age of recruitment to at least 18 in order to bring it into conformity with the Optional Protocol on the involvement of children in armed conflict.

54. Ms. CHUTIKUL requested information on the shared responsibility of the central and local governments for early childhood education. In particular, she wished to know who was responsible for setting and monitoring standards. She enquired whether pre-school education was provided for disadvantaged children, such as children from minority groups, and whether teachers were familiar with children's rights.

55. She asked whether the textbook fund was still in operation and whether it benefited all children, including members of ethnic minorities. It was unclear why a fee was charged when children borrowed a textbook. She requested disaggregated statistics on kindergarten attendance according to ethnic affiliation.

56. She wished to know whether professional counselling was available to children with mental health problems and learning disorders. She asked what duties had been attributed to the three professional councils set up to oversee the quality of education in Slovenia and whether they were adequately staffed. She wished to know whether quality indicators existed and to what extent they were linked to children's rights.

57. She requested information on the activities of the national working group on trafficking. Slovenia had apparently not taken many legal measures to implement the recommendations of the Yokohama Conference against the Commercial Sexual Exploitation of Children and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

58. Ms. SMITH wished to know to what extent article 14 of the Convention on religious freedom was implemented in everyday life in Slovenia. There should be no age limit placed on taking children's views into account during civil proceedings; the sole criterion should be whether or not children in such circumstances were able to understand the issues involved.

59. In view of recent changes to legislation regarding joint custody of children, she enquired whether joint custody would apply even against the will of one of the parents. It was important for visitation rights to be clearly established by law.

60. The paucity of information on common-law marriages made it difficult to assess what impact the disintegration of such marriages had on children. She asked whether children born in and out of wedlock had the same rights, including the right to counselling in the event of their parents' separation.

61. She enquired whether the high percentage of pre-school children not enrolled in day-care centres in Slovenia meant that such centres were too costly, and she wondered what other arrangements were available to parents.

62. Ms. ALUOCH asked for clarification of the statement that, under Slovene family law, common-law unions were perceived as equal to marriage in terms of certain legal consequences. She wished to know what rights accrued to women, and through them to their children, in the case of their partner's death or in the case of separation.

63. Ms. ORTIZ said that the legislation and practices pertaining to foster care and adoption in Slovenia should be thoroughly reorganized in order to ensure greater respect for the rights of children. A greater balance needed to be struck between the excessively high number of children in foster homes as compared with those in adoptive families. Greater technical support and professionalism were needed in following up children's cases, maintaining proper record keeping and ensuring children's right to know their biological parents.

64. She wished to know how long a child remained in foster care, and the reason for the low number of adoptions. She asked whether a central authority existed to coordinate both national and intercountry adoptions, and, if so, whether it cooperated with NGOs working in the field. She enquired whether Slovenia had enacted legislation on adoption that was in conformity with the Convention on the Rights of the Child and with the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

65. Ms. LEE requested further information on the provisions that would be included in the proposed child protection act. She was disturbed by the reported increase in the number of cases of sexual assault on children under the age of 15, and she wished to know how offenders were dealt with and what kinds of services were provided to victims. The use of cage beds in children's psychiatric wards should be abolished.

66. She wished to know why such a low percentage of the general population had completed primary education and why fewer girls than boys were enrolled in secondary education. She requested an explanation for the relatively low enrolment of disabled girls in primary and secondary schools.

The meeting rose at 1 p.m.