



## Convention on the Rights of the Child

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### COMMITTEE ON THE RIGHTS OF THE CHILD

#### Thirty-fifth session

#### CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

##### Concluding observations: Slovenia

1. The Committee considered the second periodic report of Slovenia (CRC/C/70/Add.19) at its 938th and 939th meetings (see CRC/C/SR.938 and 939), held on 26 January 2004, and adopted, at its 946th meeting (CRC/C/SR.946) held on 30 January 2004, the following concluding observations.

##### A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report, which follows the guidelines for reporting, and the written replies to its list of issues (CRC/C/Q/SVN/2). The Committee also notes with appreciation the frank and constructive dialogue held with the State party's delegation.

##### B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes a number of positive developments in the reporting period, including:

(a) The recent official withdrawal of the State party's reservation to article 9, paragraph 1, of the Convention;

(b) The ratification in 2002 of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993;

(c) The adoption of legislative and other measures aimed at improving the integration of children with special needs into regular forms of education, including the Guidance for Children with Special Educational Needs Act in 2000;

(d) The adoption of the Family Earnings Act in 1999, under which the age for entitlement to a special childcare allowance was raised, so that a parent of a seriously ill child or a child with mental or physical disability who attends school will receive an allowance until the child or young person reaches the age of 26;

(e) The adoption of new legislation defining the rights of asylum-seekers and refugees, including the Aliens Act and the Asylum Act of 1999, and the additions to the Law on the Temporary Refugee Status (ZZat-A) of 2002;

(f) The ratification in 2001 of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

(g) The adoption of the new Civil Procedures Act in 2003, which strengthens the rights of the child to be heard in civil procedures, as well as of other legislative measures, some of which will be mentioned hereafter.

## **C. Principal subjects of concern, suggestions and recommendations**

### **1. General measures of implementation**

#### **The Committee's previous recommendations**

4. The Committee welcomes that some of its previous recommendations (CRC/C/15/Add.65 of 30 October 1996) have been implemented, but regrets that most of them have not been sufficiently addressed, including the recommendations regarding coordination (para. 21), dissemination of information and training on the Convention (para. 22), allocation of resources (para. 24), measures to reduce school dropout (para. 23) and measures to combat ill-treatment and abuse within the family (para. 25).

**5. The Committee urges the State party to make every effort to implement the previous recommendations which have not yet been sufficiently addressed and those contained in the present document.**

#### **Legislation and implementation**

6. The Committee welcomes the many and various legislative measures taken by the State party to strengthen the protection of children's rights, but is concerned at the lack of effective measures for the implementation of all the recently adopted laws, which creates a gap between law and practice.

**7. The Committee recommends that the State party take the necessary measures, including the provision of adequate financial and human resources, for the implementation of laws, including those recently adopted.**

### **Independent monitoring structures**

8. The Committee notes with satisfaction that the Human Rights Ombudsman of Slovenia is functioning as an independent human rights institution. The Committee also notes with interest proposals under consideration to appoint either a deputy ombudsperson or a special ombudsperson dealing specifically with children's rights.

9. **The Committee recommends that the State party establish either a deputy ombudsperson, a section within the Human Rights Ombudsman's Office, or a separate children's ombudsperson, supported with sufficient human and financial resources, for an independent and effective monitoring of the implementation of children's rights in accordance with the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the protection and promotion of the rights of the child. Furthermore, the Committee recommends that the State party ensures that information on the possibility of filing complaints with the Human Rights Ombudsman is widely disseminated, also in a child-friendly manner.**

### **Coordination**

10. The Committee welcomes the establishment of the Council of Children as an advisory body to the Ministry of Labour, Family and Social Affairs, with overall responsibility for the coordination of measures of implementation of the Convention. However, the Committee remains concerned at the purely advisory character of this body and at the lack of clear structures and mechanisms for the effective coordination of measures of implementation of the Convention.

11. **The Committee recommends that the State party establish effective mechanisms for coordinating the implementation of the Convention, e.g. by providing the Ministry of Labour, Family and Social Affairs with a clear mandate in this regard and with adequate resources for its coordinating role. The State party is encouraged to seek technical assistance from, among others, the United Nations Children's Fund (UNICEF) in this regard.**

### **National Plan of Action**

12. The Committee welcomes the formulation of a National Plan of Action for Children for 2003-2013, "National Development Programme for Improving Children's Situation in the Republic of Slovenia", in cooperation with the National Committee for UNICEF, and stresses the importance of ensuring its effective implementation.

13. **The Committee recommends that the State party ensure that the National Plan of Action for Children covers all areas of the Convention and takes into account the outcome document of the 2002 General Assembly special session on children, entitled "A World Fit for Children". The State party should allocate sufficient resources towards its realization and the effective functioning of the Council of Children and other bodies which will be charged with promoting and monitoring the Plan.**

## Resources

14. The Committee welcomes the information on budget allocations to health, education and social services, in particular regarding child, parental and family benefits, but is concerned at the decrease in some of these allocations.

15. **The Committee recommends that the State party develop a systematic and detailed allocation of resources in order to provide a clear picture of trends in budget allocations and ensure that resources are made available, in accordance with article 4 of the Convention, to the maximum extent of available resources in order to meet the needs of all children and correct poverty-related disparities.**

## Data collection

16. While welcoming the quantity of statistical data provided in the State party's report and the written replies to the list of issues, the Committee notes that the data are not always sufficiently disaggregated by vulnerable groups. The Committee is also concerned that databases and archives in the State party are not sufficiently coordinated to generate such more specific data.

17. **The Committee recommends that the State party continue and strengthen its efforts to develop a system for a comprehensive collection and evaluation of comparative and disaggregated data on the Convention, including by improving the integration of relevant databases and archives. The data should cover all children below the age of 18 years and be disaggregated by those groups of children who are in need of special protection. The State party should also develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children.**

## Training/dissemination of the Convention

18. The Committee notes with satisfaction that the State party published and made public a report, printed in 2000 copies, which included the initial report, the concluding observations of the Committee thereon, and translations of the Declaration of the Rights of the Child, the Convention on the Rights of the Child and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules). The Committee is, nevertheless, concerned that awareness of the Convention amongst professionals working with and for children, and the general public, especially children themselves, remains low.

19. **The Committee encourages the State party (a) to strengthen, expand and make ongoing its programme for the dissemination of information on the Convention and its implementation among children and parents, civil society and all sectors and levels of government; and (b) to develop systematic and ongoing training programmes on human rights, including children's rights, for all persons working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, teachers, health personnel and especially children themselves).**

## **Cooperation with NGOs**

20. While a number of NGOs received drafts of the second periodic report for comment, the Committee notes the information that these consultations were not carried out in a systematic manner as the drafts were circulated only to a limited number of organizations and the deadline set for making comments was too short.

21. **The Committee encourages the State party to strengthen its cooperation with NGOs and involve NGOs and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention. The Committee also recommends that the State party support and financially assist NGOs, particularly those that work as service providers and supplement the efforts of the State party, maintaining full respect for their autonomy.**

## **2. General principles**

### **Non-discrimination**

22. While taking note of the various programmes aiming at improving the position of the Roma, the Committee is concerned that prejudices and discrimination against the Roma and other minorities in the State party, including Serbs, Bosniacs, Albanians and Croats, remain widespread. The Committee also notes with concern that Roma children continue to be among the most vulnerable groups in Slovenia and that some programmes aiming at uplifting Roma communities make a distinction between “autochthonous” and “non-autochthonous” Roma and exclude the latter group. Furthermore, while welcoming measures taken to facilitate the integration of Roma children into regular primary schools, the Committee is concerned at the high number of Roma children attending classes for children with special needs.

23. **The Committee recommends that the State party intensify its efforts to combat negative stereotypes of and discrimination against Roma children and children belonging to other minorities in the State party. Furthermore, the Committee recommends that the State party take further measures to improve the standard of living of Roma children and ensure that all these children are integrated into mainstream education, so that special assistance and support for Roma children can be provided at regular classes. It also recommends that the State party end the distinction between autochthonous and non-autochthonous Roma.**

### **Respect for the views of the child**

24. The Committee notes with interest the adoption of the new Civil Procedure Act in 2003, which provides children aged 15 or over and capable of understanding the meaning and legal consequences of their actions with the opportunity to be engaged independently in legal proceedings. The Act also prescribes that the court, when ruling on the upbringing and care of children, must notify a child aged 10 years or over of his or her right to express his or her views. However, the Committee is concerned that children are still often not allowed a possibility to present their views when they are in contact with public institutions and social services, including Social Work Centres.

25. **The Committee recommends, in the light of article 12 of the Convention, that measures be taken to ensure that children are given the opportunity to be heard not only in civil law procedures (such as those relating to custody and visitation rights) but in all other legal procedures and decision-making processes, including at Social Work Centres. Furthermore, the Committee recommends that the right to be heard should be extended also to children below the age of 10 who are able to understand the significance of the proceedings.**

### **3. Civil rights and freedoms**

26. The Committee notes the rulings of the Constitutional Court (U-I-284/94 of 4 February 1999 and U-I-246/02 of 3 April 2003) that the erasure of about 18,300 people originating from other parts of the former Socialist Federal Republic of Yugoslavia from the Register of Permanent Residence in 1992 had no legal basis and that the permanent residence status should be restored to the affected persons retroactively. The Committee is concerned that many children were negatively affected by this erasure, as they and their families lost their right to health care, social assistance and family benefits as a consequence of losing their permanent residence status and children born in Slovenia after 1992 became stateless.

27. **The Committee recommends that the State party proceed with the full and prompt implementation of the decisions of the Constitutional Court, compensate the children affected by the negative consequences of the erasure and ensure that they enjoy all rights under the Convention in the same way as other children in the State party.**

### **4. Family environment and alternative care**

#### **Family environment**

28. The Committee welcomes the proposed changes to the Marriage and Family Relations Act, outlined in the State party's written replies to the list of issues, but is concerned that the right of a child who has been separated from one of his or her parents to maintain regular contact with both parents and other relatives is not sufficiently protected under current legislation.

29. **The Committee encourages the State party to expedite the enactment of changes to the Marriage and Family Relations Act and take all necessary measures to protect the right of children to maintain contacts with both parents.**

30. The Committee appreciates the work and the role of Social Work Centres in providing administrative and other types of assistance to children and families, but is concerned at the lack of appropriate and effective measures to strengthen professional capacities of the staff of these centres, as well as at the often lengthy procedures applied.

31. **The Committee recommends that the State party take all necessary steps to provide ongoing training to the staff of Social Work Centres and provide for efficient administrative, legal and practical measures to ensure quality and efficiency of all activities of these institutions.**

### **Recovery of maintenance**

32. While welcoming the Act amending the Guarantee and Maintenance Fund of 2002, which removed the income restriction on exercising the right to compensation of maintenance, the Committee is concerned that the recovery of maintenance is not sufficiently protected in law and in practice and that the administrative and court proceedings of enforcing the right to maintenance are often lengthy.

33. **The Committee urges the State party to take further measures to ensure a more effective implementation of legislation on the payment of maintenance, including by ensuring more expeditious court proceedings and strict enforcement of administrative and court orders.**

### **Adoption and foster care**

34. While welcoming the new Implementation of Fostering Activities Act of 2003, which provides for a more systematic regulation of fostering activities, the Committee is concerned that the mechanisms for reviewing and monitoring the placement of fostered children are not sufficient. Furthermore, the Committee is concerned at the lack of standards and regulations on adoption and of a national adoption register.

35. **The Committee recommends that the State party ensures that the legislation on foster care and adoption is in conformity with the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. The law on adoption should guarantee the right of the child to know his/her origin and access to information about his/her background. Furthermore, the Committee recommends that the State party: (a) establish a national register of children to be adopted and of families qualified to adopt, which takes full account of the best interests of the child; (b) put in place mechanisms for monitoring the situation of fostered and adopted children; and (c) ensure that procedures of fostering and adoption are handled by a qualified and efficient multidisciplinary team.**

### **Abuse and neglect**

36. The Committee welcomes the information that the Police Act has been amended, allowing the police to remove an alleged perpetrator of child abuse or other forms of family violence from the home for up to 10 days and that the courts can extend this period for 30 days. The Committee, however, remains concerned that child abuse in the family and in institutions appears to be widespread. Furthermore, while noting that an Act for Prevention of Violence in the Family is in preparation, it is concerned that the existing preventive and protective measures taken to address the problem are not sufficient.

37. **The Committee recommends that the State party continue and strengthen its efforts to address the problem of child abuse by, inter alia:**

(a) Ensuring full and effective implementation of the changes in the Police Act and adequate ongoing training of police officers and judges;

(b) **Expediting the drafting and approval of the Act for Prevention of Violence in the Family and related changes in the family law, legislative measures which should provide for effective procedures and mechanisms to receive, monitor and investigate complaints, including intervention where necessary;**

(c) **Ensuring that cases of ill-treatment are investigated and prosecuted, that the abused child is not victimized in legal proceedings and that his or her privacy is protected;**

(d) **Providing training for parents, teachers, law enforcement officials, care workers, judges, health professionals and children themselves in the identification, reporting and management of cases of ill-treatment, using a multidisciplinary and multisectoral approach;**

(e) **Ensuring effective coordination among the multidisciplinary team dealing with child abuse and neglect;**

(f) **Carrying out public education campaigns about the negative consequences of ill-treatment of children;**

(g) **Providing facilities for the care, recovery and reintegration of victims.**

38. The Committee notes with concern the high incidence of violence in schools on the part of teachers or staff and peer violence and bullying, including inappropriate and offensive attitudes on the part of some teachers towards pupils. It welcomes in this regard the appointment of the Commission for Analysis of the Problem of Violence in Slovene Education in 2003 charged with providing proposals for measures to deal with cases of violence, including regular additional training for teachers.

39. **The Committee recommends that the State party take all measures to ensure that discipline in schools is upheld in a manner that respects the human dignity of the child. It also encourages the State party to ensure that the commission appointed by the Minister of Education to analyse the problem of violence in Slovene education be given adequate support. Furthermore, the Committee recommends that the State party strengthen measures to address the general problem of violence among adolescents, inter alia, through education and awareness-raising campaigns.**

### **Corporal punishment**

40. The Committee is concerned that there is no legislation explicitly prohibiting corporal punishment within the home and that the latest draft amendments to the Marriage and Family Relations Act do not envisage such a prohibition.

41. **The Committee recommends that the State party strengthen its efforts to address ill-treatment of children in the family, including by raising awareness of alternative, non-violent forms of discipline though public campaigns. The Committee also urges the State party to consider introducing an explicit prohibition on corporal punishment of children in the family, either in the draft amendments to the Marriage and Family Relations Act or in the special act on preventing violence in the family currently in preparation.**

## **5. Basic health and welfare**

### **Children with disabilities**

42. The Committee notes with concern that implementing measures based on the Law on Guiding Children with Special Needs, adopted in 2000, have still not been adopted and that, as a consequence, children with disabilities who are not enrolled in special institutions cannot take advantage of programmes provided for in the law. It is also concerned about the low enrolment of female children with disabilities in school.

43. **In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69, paras. 310-339), the Committee encourages the State party to ensure the expeditious adoption of implementing measures concerning the Law on Guiding Children with Special Needs, and to address the low enrolment of female children with disabilities in school.**

### **Health and health services**

44. While acknowledging the measures taken by the State party to ensure that basic health care is provided for the most vulnerable groups in society and the overall good health indicators in Slovenia, the Committee is concerned at the relatively poor health situation of some children, particularly those belonging to the Roma community, and the relatively high maternal mortality rate. Furthermore, the Committee is concerned about the increasing incidence of alcohol abuse and tobacco smoking among adolescents.

45. **The Committee recommends that the State party give priority attention to identifying and addressing the causes of the poor health situation of some children, particularly Roma children, and the high maternal mortality rate. It also recommends that the State party take further preventive measures and treat adolescents who abuse tobacco and/or alcohol.**

### **Mental health**

46. The Committee notes with concern the increase in the number of suicides among young people aged between 7 and 19 in the reporting period.

47. **The Committee recommends that the State party strengthen its efforts and programmes to prevent suicide among young people. The Committee also recommends that the State party ensure psychosocial counselling for children with mental health problems and for those subjected to various forms of abuse to improve the early detection and prevention of suicide.**

### **Social security**

48. While welcoming measures undertaken to fight poverty, including the Action Programme against Poverty and Social Exclusion, adopted in 2000, the Committee is concerned about the incidence of poverty in the State party, particularly among Roma and single-parent families.

49. **The Committee recommends that the State party continue and further strengthen measures to combat poverty, including special measures targeted at single-parent families and the Roma community.**

## **6. Education, leisure and cultural activities**

### **Education, including vocational training and guidance**

50. While welcoming the extension of primary education from eight to nine years and the increase in the enrolment rate in secondary education registered in the reporting period, the Committee is concerned about the high school dropout rate in secondary education.

51. **The Committee recommends that the State party take measures to address the high dropout rate in secondary education.**

### **Aims of education**

52. While noting with appreciation that human rights education is included in the curriculum in Slovene schools, the Committee notes that this subject is not included at university level for future teachers.

53. **The Committee encourages the State party to introduce human rights education, particularly on the rights of the child, in the curricula for teacher training at university level and to strengthen efforts to promote within the school environment the spirit of understanding, peace, tolerance, equality of sexes and friendship among all peoples and ethnic and religious groups.**

## **7. Special protection measures**

### **Children in situations of emergency (refugee and internally displaced children)**

54. The Committee notes with satisfaction that children with temporary refugee status are able to enrol in primary and secondary education under the same conditions as Slovene children. It notes with concern, however, that the extent of health-care services available to these children has still to be regulated.

55. **The Committee encourages the State party to take further measures to ensure that asylum-seeking and refugee children are granted equal access to services, including health care.**

56. The Committee welcomes the Law on Asylum of 1999 and the amendments to the Law on Aliens of 2002 which stipulate that cases involving children and adolescents should be given priority and processed quickly and that a legal guardian should be appointed to separated children in deportation procedures. The Committee is, however, concerned about reports that unaccompanied children are not provided with adequate support during the asylum procedure and that the appointment of a legal guardian to such children takes too long.

57. **The Committee recommends that the State party ensure the effective implementation of the Law on Asylum and the amendments to the Law on Aliens concerning asylum claims involving children and the appointment of a guardian to unaccompanied children. The State party should ensure that reception centres have special sections for children and that necessary support, including access to education, is given to children and families throughout the process with the involvement of all authorities concerned with a view to finding durable solutions in the best interests of the child.**

#### **Administration of juvenile justice**

58. The Committee welcomes the adoption in 2000 of the Rules of Police Authorization under the Police Act, which instruct police officers to act with particular restraint when dealing with children and minors and provide for a complaints procedure, and takes note of the acknowledgment in the State party's report (para. 23) of the need to provide regular professional training for all police officers on these issues.

59. **The Committee recommends that the State party ensure the effective implementation of the Rules of Police Authorization under the Police Act, and encourages the State party to ensure that regular special training is provided for police officers on how to deal with children and minors.**

#### **Children in situations of exploitation, including physical and psychological recovery and social reintegration**

##### **Drug abuse**

60. The Committee notes with concern the increasing use of illicit drugs among children in the State party.

61. **The Committee recommends that the State party strengthen measures to address the problem of drug abuse among children.**

##### **Sexual exploitation and trafficking**

62. While welcoming the measures taken by the State party to combat and raise awareness of the problem of trafficking in persons, including the establishment of the Interdepartmental Working Group on Combating Trafficking in Human Beings, the Committee is concerned about reports that Slovenia serves as a transit and destination country for trafficked women and girls. The Committee is also concerned that there is no specific prohibition in law of trafficking in human beings, including for the purpose of prostitution and other exploitative purposes.

63. **The Committee recommends that the State party further strengthen its efforts to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by undertaking studies to assess the nature and magnitude of the problem and allocating sufficient resources to this field, in accordance with the Declaration and Agenda for Action, and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children. The State party is encouraged to ratify the United Nations Convention against Transnational Organized**

**Crime and its two supplementing protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the Protocol against the Smuggling of Migrants by Land, Sea and Air. The Committee also encourages the State party to classify “trafficking” as a grave criminal offence under its Penal Code.**

64. The Committee is concerned that children are not protected in the legislation against abuse on the Internet and that there is no legislation on sex tourism and child pornography.

65. **The Committee recommends that the State party strengthen the legal protection of children against various forms of abuse on the Internet, including child pornography, and introduce legislation which would make Slovene citizens liable to criminal prosecution for child abuse committed abroad.**

### **Children belonging to a minority group**

66. The Committee is concerned that children belonging to some ethnic groups in Slovenia, such as Bosniacs, Croats, Serbs, Albanians and others, do not enjoy fully some of their cultural rights.

67. **The Committee recommends that the State continue to strengthen and expand efforts to ensure that children from all ethnic groups fully enjoy their rights, in particular those mentioned in article 30 of the Convention.**

68. **The Committee recommends that the State party ensures the effective implementation of the Rules of Police Authorization under the Police Act and encourages the State party to ensure that regular special training is provided for police officers on how to deal with children and minors.**

## **8. Optional Protocols to the Convention**

69. The Committee notes that in September 2001 the State party signed the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, and encourages the State party to proceed to ratify both Optional Protocols.

## **9. Dissemination of documents**

70. In light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations thereon adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within all levels of administration of the State party and the general public, including concerned NGOs.

## **10. Next report**

71. The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention includes ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. The Committee recognizes that some States parties experience difficulties in reporting in a timely and regular manner. As an exceptional measure, in order to help the State party catch up with its reporting obligations so as to be in full compliance with the Convention, the Committee invites the State party to submit its third and fourth periodic reports by 24 June 2008, date on which the fourth periodic report is due. Such a report should not exceed 120 pages (see CRC/C/118).

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