## UN CRC

<table>
<thead>
<tr>
<th>UN CRC</th>
<th>Succession Date</th>
<th>Care-Related Concluding Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td>CRC/C/SVN/CO/3-4</td>
<td>6 July 1992</td>
<td>8 July 2013</td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="http://www2.ohchr.org/english/bodies/crc/crcs63.htm">http://www2.ohchr.org/english/bodies/crc/crcs63.htm</a></td>
</tr>
</tbody>
</table>

Concluding observations on the combined third and fourth periodic reports of Slovenia, adopted by the Committee at its sixty-third session (27 May–14 June 2013)

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

3. The Committee notes with appreciation the adoption of the following legislative measures:

   ...  
   (b) The Act Amending the Provision of Foster Care in 2012;  
   ...  
   (f) The Family Violence Prevention Act in 2008;

### B. General principles (arts. 2, 3, 6 and 12 of the Convention)

#### Best interests of the child

28. The Committee takes note of the information provided on the incorporation of the right of the child to have his or her best interests taken into account as a primary consideration in national legislation as well as in the envisaged Family Code, and welcomes the entry into force of the Act Amending the Marriage and Family Relations Act in 2004 which shifted the authority to decide on visitation rights and child maintenance from the Social Work Centres to courts. However, the Committee is concerned about information received on the inadequate application of the right in courts and Social Work Centres in cases involving children deprived of a family environment. Moreover, the Committee is particularly concerned about the lack of understanding of the right of the child to have his or her best interests taken into account as a primary consideration in asylum-seeking, refugee and/or immigration detention situations. The Committee is further concerned about the lack of procedures and criteria for the determination of the best interests of the child.
29. In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (CRC/C/GC/14), the Committee recommends that the State party introduce the right of the child to have his or her best interests taken into account as a primary consideration in its Constitution. The Committee further recommends that the State party strengthen its efforts to ensure that the right of the child to have his or her best interests taken into account as a primary consideration, is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects relevant to and with an impact on children, particularly those deprived of a family environment, or in asylum-seeking, refugee and/or in immigration situations, including detention. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance for determining the best interests of the child in every area related to children, and to disseminate this to the public, including Social Work Centres, courts of law, administrative authorities and legislative bodies.

**D. Violence against children (arts. 19, 37 (a) and 39 of the Convention)**

**Corporal punishment**

37. The Committee reiterates its previous concern about the absence of a legal prohibition of corporal punishment within the home (CRC/C15/Add.230, para 40). While welcoming the enactment of the Family Violence Protection Act in 2008, the Committee regrets that the law prohibits only physical violence and only within the family. The Committee is also concerned that corporal punishment in penal institutions, although unlawful as a disciplinary measure under the Constitution and Criminal Code, is not explicitly prohibited. Similarly, the Committee notes with concern that, although corporal punishment is unlawful in educational day-care centres and residential school institutions, it is not explicitly prohibited in other forms of alternative care.

38. The Committee recommends that the State party explicitly prohibit in its national legislation corporal punishment in all settings including at home and amend the Criminal Code as well as the Foster Care Act. This should be undertaken with the objective of prohibiting corporal punishment in penal institutions as well as in all forms of alternative care. It is recommended that the State party strengthen its efforts to
address corporal punishment, in particular within the family, by launching awareness-raising programmes, including campaigns on positive, non-violent and participatory forms of child-rearing, and promote alternative non-violent forms of discipline to corporal punishment.

Abuse and neglect

39. The Committee commends the State party for adopting the 2008 Domestic Violence Prevention Act as well as amending the Provision of Foster Care Act that entered into force in 2013, and takes note of the information provided on decreasing incidents of violence against children within the family in recent years. However, the Committee expresses its concern about the following:

(a) The narrow definition of violence provided within the Domestic Violence Prevention Act which protects children against violence only within families and not in all other settings, as other related regulations also mostly only speak of domestic violence;

40. The Committee urges the State party to:

(a) Ban all forms of abuse and neglect of children in all settings;
(b) Keep records of all cases of child abuse or neglect and systematically share information among all Social Work Centres, and ensure follow-up of such cases in order to avoid situations where the said families are not being monitored and protection measures are not respected;
(c) Establish community protection mechanisms mandated to monitor and report cases of abuse and neglect; and
(d) Expeditiously issue basic rules on contact supervision between abused children and their alleged abusive parents. This should include improving training measures for all professionals working with and for children, in particular those working at the Social Work Centres, on child violence prevention in the family and proper implementation of the contact rules.

E. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Family environment
46. The Committee welcomes the establishment of special family departments in several district courts in the State party. However, the Committee is concerned about the persistence of lengthy legal proceedings which create sustained uncertainty for the child, and the continuing backlog of family cases in courts. The Committee is further concerned that in some cases a parent may obstruct the child’s right to contact with the other parent, whereas the child in other cases is obliged to maintain contact with a parent even if it is not in his or her best interests. While noting the new judicial practice since 2010 to deal with maintenance enforcement cases separately, the Committee reiterates its previous concern (CRC/C/15/Add.230, para 32) on the unresolved issue of non-payment of child maintenance, and is highly concerned about information received that, between April 2010 and December 2011, the amount of unrecovered maintenance stood at more than five million euros, a situation that has not improved since.

47. The Committee recommends that the State party:

   (a) Expedite the execution of its intention as expressed during the dialogue, to establish well-resourced family courts as a means to tackle the family-case backlog, and in the meantime create family departments in all other district courts, namely in Nova Gorica, Slovenjgradec and Ptuj, and continue prioritizing family cases while taking into account the right of the child to have his or her best interests taken into account as a primary consideration;

   (b) Systematically train judges on the application of children’s rights in family cases;

   (c) Sensitize the judiciary on the right of the child to maintain contact with both parents in cases of separation while taking into consideration the best interests of the child, and take effective measures to enforce contact decisions;

   (d) Avoid the practice of issuing supervised contact between the child and parent as a matter of norm, and ensure that all decisions taken are individually examined and based on the principle of the best interests of the child, while taking into account the views of the child in line with articles 3 and 12 of the Convention;

   (e) Provide the social work services with adequate support, including sufficient space and professional staff to ensure that the contact between the child and the parent occurs in a
child-friendly environment and is supervised by trained staff only when necessary;

(f) Expeditiously implement the Committee’s previous recommendation on child maintenance (CRC/C/15/Add.230, para 33) and provide information in its next periodic report on all new measures taken in this respect and their effectiveness; and


Foster care and adoption

48. The Committee welcomes the positive amendments introduced in the Law on Foster Care in 2012 that is aimed at enhancing the mechanism of reviewing and monitoring the placement of fostered children. However, the Committee is concerned about the limited discretion foster-parents enjoy in the everyday life of the child, and about their inability to enjoy socioeconomic benefits, such as tax deductions and sick leave.

49. The Committee recommends that the State party pursue its efforts to regularize fostering activities and take effective measures to regularize the status of foster-parents. In so doing, the State party is requested to ensure that foster-parents enjoy wider discretion on daily life decisions concerning the child in foster care, as well as economic benefits related to the foster-care arrangement, based on the right of the child to have his or her best interests taken into account as a primary consideration. To this end, the Committee recommends that the State party take into account the Guidelines for the Alternative Care of Children annexed to General Assembly resolution 64/142 of 18 December 2009.

H. Other special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Sale, trafficking and abduction

71. The Committee commends the State party on the amendments introduced to the Criminal Code that regulate issues of child trafficking, sexual exploitation and child pornography, as well as the adoption of the Action Plan of the Interdepartmental Working Group for countering trafficking in human beings (2012-2013). The Committee is, however, concerned that the State party remains a country of origin, destination and
transit for trafficking and sexual exploitation of children. The Committee is also concerned about allegations that incidents involving trafficking of Roma children and in particular girls are not investigated and victims are neither protected nor compensated.

72. The Committee recommends that the State party:

(a) Further empower the above-mentioned Interdepartmental Working Group, inter alia, by providing it with adequate human, technical and financial support, to enable it to discharge its role effectively, and provide detailed information in its next periodic report to the Committee on the implementation of its Action Plan and its impact on the prevention of trafficking of children;

(b) Investigate all cases of child trafficking and sale of children without discrimination and prosecute perpetrators under the relevant provision of the Criminal Code, and sensitize law enforcement officials on the strict application of the Criminal Code;

(c) Intensify efforts to raise awareness of sex trafficking focusing on vulnerable groups of children, including Roma children; and

(d) Identify trafficking victims among vulnerable populations, particularly Roma children, and provide them with appropriate rehabilitation and counselling services, and provide specialist training for, and enhanced resources to, the Social Work Centres.

Follow-up to the Committee’s previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography

73. The Committee, while welcoming the State party’s efforts to implement the Committee’s concluding observations of 2009 on the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SVN/CO/1, 2009) notes with regret that some of the recommendations contained therein have not been fully addressed. The Committee is in particular concerned about information received on the increasing incidents of sale of Roma girls and about the deficient response of the State party to prevent and punish such incidents. The Committee is further
Concerned that, despite legislation reforms undertaken during the period under review, the Criminal Code is not fully compliant with the provisions of the Protocol, in particular with regard to the prohibition of forced adoption and sale of children.

74. The Committee reiterates its previous recommendation under the Optional Protocol (CRC/OPSC/SVN/CO/A, para 1) and recommends that the State party:

(a) Undertake targeted measures to prevent the sale of children, child prostitution and child pornography and pay increased attention to certain groups of vulnerable children, such as Roma;

(b) Adopt all necessary measures for the protection of children that are victims of forced marriage and sale;

(c) Effectively investigate all such cases with a view to bringing perpetrators to justice and punishing them adequately, and provide girl victims of forced marriage and sale with access to shelters as well as rehabilitation and counselling services and reintegration programmes; and,

(d) Intensify its law reform efforts and fully harmonize its national legislation with the Optional Protocol on the sale of children, child prostitution and child pornography, in particular by introducing provisions explicitly prohibiting sale of children and forced adoptions.
<table>
<thead>
<tr>
<th>OPAC to CRC</th>
<th>Ratification Date</th>
<th>Care-Related Concluding Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>23 Sept 2004</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ICCPR</th>
<th>Succession Date</th>
<th>Care-Related Concluding Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6 July 1992</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ICESCR</th>
<th>Succession Date</th>
<th>Care-Related Concluding Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6 July 1992</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CEDAW</th>
<th>Succession Date</th>
<th>Care-Related Concluding Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6 July 1992</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CRPD</th>
<th>Ratification Date</th>
<th>Care-Related Concluding Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>24 April 2008</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UPR</th>
<th>Date of Consideration</th>
<th>Link to Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>16 Feb 2010</td>
<td><a href="http://www.ohchr.org/EN/HRBodies/UPR/Pages/SISession7.aspx">http://www.ohchr.org/EN/HRBodies/UPR/Pages/SISession7.aspx</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hague Intercountry Adoption</th>
<th>Ratification Date</th>
<th>Link to Country Profile</th>
</tr>
</thead>
</table>
Acronyms and Abbreviations:

CEDAW  Convention on the Elimination of All Forms of Discrimination against Women
CRC    Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD   Convention on the Rights of Persons with Disabilities
ICCRP  International Covenant on Civil and Political Rights
ICESCR International Covenant on Economic, Social and Cultural Rights
OPAC to CRC Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
UN     United Nations
UPR     Universal Periodic Review