Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

National Report

22. The first Programme for Children and Youth 2006-2016 was drafted in 2006 in compliance with the recommendation of the UN Committee on the Rights of the Child. The Programme includes all important areas of the life of children, particularly those where unresolved or new problems are perceived, with which children and youth are faced in the modern society. It also includes complementary qualitative and quantitative objectives, as well as development guidelines and activities essential to the implementation of the goals set. Individual chapters touch upon normative, administrative-systemic and programme levels as well as upon specific implementation of children’s rights in practice. A priority task was concentrating on guidelines and activities introducing changes, amendments or new solutions within the established activities implemented by national or other services in the field of child care. The Programme for Children and Youth will be implemented in compliance with funds earmarked for the financial realisation for each activity or task. The Government will devote particular attention to improving the situation of children. A special action plan on the Programme for Children and Youth 2006-2016 will be adopted for this purpose.

23. A pilot project “Child Advocate – Voice of the Child” was launched in 2006. The project is aimed at elaborating a model programme of the child advocate; its substantive and organisational basis would allow for its inclusion in the formal system and thus ensure its implementation at the national level. In compliance with the Convention on the Rights of the Child, the model would enable children to actively participate in decision-making processes.

24. A new Family Code that is currently under public debate regulates comprehensively the entire family law, strengthening the influence of the state on relations within the family for the child’s benefit. The novelties include the prohibition of corporal punishment of children, the system of children’s advocacy, the extension of the definition of “family protected under the constitution” (with a view to enhancing the protection of children) and introduction of equal status to same-sex partnerships and heterosexual partnerships.

30. Slovenia has developed two different models of education for members of the Italian and Hungarian national communities, which share the same objectives – bilingualism and co-existence of the two nations and cultures. For the implementation of rights of members of the Italian national community in the field of pre-school, elementary, general secondary and secondary vocational education, in accordance with the legislation, in the areas defined as ethnically mixed, pre-school institutions and schools with Italian as the language of instruction are established. The Slovenian language is a compulsory subject in these schools. In educational institutions in ethnically mixed areas providing education in the Slovenian language, the learning of the language of a national community is compulsory. In ethnically mixed areas where members of the Hungarian national community reside, education is provided bilingually, in the Slovenian and Hungarian languages. These pre-school institutions and schools are attended by children of Slovenian and Hungarian nationalities. This enables pupils to learn a second language in addition to their mother tongue and become familiar with the culture of the other nation. Educational activities are carried out in both languages. When learning the mother tongue and the second language, pupils are divided into groups, which enable them to learn their mother tongue at an advanced level.

31. The Strategy of Education of Roma in the Republic of Slovenia (2004) includes a number of measures: inclusion of Roma children in pre-school institutions at least two years prior to their enrolment in elementary school; inclusion of a Roma assistant in the work of educational institutions as a bridge between the pre-school institution or school on the one hand and the Roma community on the other; introduction of the Romani language as an optional subject; teaching the Slovenian language; introduction of content taken from Roma culture, history and identity into lessons; prohibition of homogenous classes (segregation) of Roma children; introduction of individualisation, internal and flexible differentiation and different forms of learning assistance; building confidence in school and the
elimination of prejudices; further education and training of educational professionals. The Union of Roma of Slovenia was involved throughout the drafting of the document and its president is the president of the working group which drafts annual action plans for the implementation of the strategy. The strategy is aimed at training Roma to contribute themselves to effective integration of the Roma population into various forms of education. The following activities have already been carried out in the area of education: a network of schools with Roma pupils has been formed within which teachers exchange experience and good practices, and additional teacher training is provided; schools implemented projects and other activities of intercultural dialogue; the standardisation of the Romani language was carried out as a basis for its teaching; occupational standards for Roma assistants were developed; a project to develop the method (and materials) for teaching Slovenian as a foreign language is being implemented; the syllabus for a course in Roma culture was drafted and adopted; programmes for vocational training of educational professionals are being implemented for successful work with the Roma pupils; Roma assistants are being trained; the Ministry of Education and Sport has been co-financing education of adult Roma; the project introducing and educating Roma assistants is being implemented with the support of the European Social Fund; young Roma intellectuals endeavour for the awareness raising of members of the Roma community about the significance of knowledge and education through the Roma Academic Club.

33. In March 2008, the Family Violence Prevention Act entered into force which defines physical, sexual, psychological and economic violence and disregard to provide due care to family members. Children, elderly and disabled persons enjoy special protection against violence. If the victim of violence is a child, anyone is obliged to inform a social work centre, the police or the state prosecutor’s office accordingly. Another novelty lies in the possibility for the victim to choose an assistant who accompanies him/her in all proceedings related to family violence and can help in settling problems. In addition, the victim has the right to a legal representative who defends his/her interest in the proceedings. A multidisciplinary team lead by the social work centre draws up an aid plan for a victim in collaboration with other authorities. The Act stipulates free legal assistance to the victims of violence in court proceedings. The court can impose certain restrictions in case of acts of violence, prohibiting to the perpetrator the following: entering to the accommodation premises where the victim lives; coming at a specified distance within the proximity of the accommodation where the victim lives; coming near the places that the victim regularly frequents; establishing contact with the victim in any way. On the victim’s request, the court can require the perpetrator to transfer the common residence into exclusive use by the victim. In case of a divorce, the spouse victim can demand that the other spouse (the perpetrator of violence against the victim or his/her children) leave him/her in exclusive use of the accommodation in which both of them live. In order to protect the children, the court assigns the residence to the spouse with whom the children live. All the above restrictions and measures apply for a maximum of six months with the ability of extension for additional six months. Based on this Act, all competent authorities (the police, education, health and social institutions) should adopt their own rules for acting in the event of domestic violence.

52. The Constitution guarantees fundamental rights pertaining to education. According to the Constitution, physically or mentally handicapped children and other severely disabled persons have the right to education and training for an active life in society. Under the Organisation and Financing of Education Act, education shall aim at guaranteeing optimum development to individuals regardless of their sex, social and cultural background, religion, racial, ethnic or national origin, and physical and mental handicaps; educating for mutual tolerance, developing the awareness of the equality of rights for men and women, respect for human diversity and mutual cooperation, respect for children’s and human rights and fundamental freedoms, and fostering equal opportunities for both sexes in education. The Elementary School Act also deals with the rights of the national communities, rights of the Roma community, foreign nationals and children with special needs. Education Guidelines for Sustainable Development from Pre-school to University Education, adopted in 2007, promote intercultural dialogue, quality interpersonal relations and development of social skills (non-violence, tolerance, cooperation, respect). The Ministry of Education and Sport publishes calls for applications for research projects on the prevention of violence and intercultural dialogue, for projects carried out by educational institutions (recognition and prevention of violence, education for gender equality), and for training of educational professionals (for tolerance and acceptance of diversity, intercultural cooperation and learning, promotion of intercultural dialogue, equal opportunities, and the recognition and prevention of violence). Several projects are underway, teaching respect for human rights.

64. Prior to the ratification of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts, the Service in the Slovenian Armed Forces Act was amended; its Article 7 now stipulates that military service or other jobs in the army cannot be performed by persons under 18 years of age.

65. In its Resolution on the National Social Assistance Programme 2006–2010, the Ministry of Labour, Family and Social Affairs defined a network of maternity homes and shelters for women and children, with current capacity for about 330 persons. Safe houses and maternity homes only receive co-financing from the Ministry. The initiative for launching such programmes has to stem from the local communities or individual organisations within them. The majority of programmes in the network operate in the form of local social institutions.

66. In 2007, the Minister of Education and Sport adopted the Strategy for the Integration of Migrant Children and Primary and Secondary School Students in the Education System in the Republic of Slovenia. Its most important measures include: adapted curriculum to enable fast and successful integration into the education process; drafting of strategies for cooperation with parents and their involvement in school life; encouraging intercultural learning and a positive attitude towards understanding and accepting diversity; Slovenian as a second language; teaching of migrant children’s mother tongues; education and training of teaching professionals. The Ministry published a call for applications based on the strategy with a view to providing conditions for the implementation of measures defined therein and developing mechanisms that would contribute to a more effective integration of migrant students into the school system and their better integration into society, and improve their status in the labour market. Training programmes for teaching professionals are being carried out, aimed at ensuring successful work with migrant children and adolescents.
1. The Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Slovenia to ratify ICRMW and CED.

9. The Committee on the Rights of the Child (CRC) recommended the ratification of the Protocol against the Smuggling of Migrants by Land, Sea and Air to the United Nations Convention against Transnational Organized Crime.10 The Committee on Economic, Social and Cultural Rights (CESCR) recommended that Slovenia ratify the ILO Conventions bearing on rights enshrined in the Covenant, such as the ILO Equality of Treatment (Social Security) Convention (No. 118) and the ILO Prevention of Major Industrial Accidents Convention (No. 174).11 CRC18 and CEDAW19 noted with appreciation the appointment of a Deputy Human Rights

6. Ombudsman dealing specifically with the protection of the rights of children that has competence to monitor violations of the rights of children, including violations of the provisions of the Optional Protocol, deal with complaints and request information, including from the Ministry of Defense, as previously recommended by CRC in 2004.20 CEDAW encouraged Slovenia to establish a deputy Gender Equality Ombudsman with a specific mandate to promote the rights of women.21

8. While welcoming the adoption of the Action Plan for the fight against human trafficking for the period 2008-2009, CRC was concerned that there is no specific plan of action covering all aspects of the Optional Protocol.23 It recommended that Slovenia develop, in consultation and cooperation with all relevant stakeholders, a national plan of action aimed at addressing sale of children, child prostitution and child pornography, and provide adequate human and financial resources for its implementation.24

19. CRC noted with appreciation the 2008 amendment to the Penal Code to criminalize the mere possession of child pornography. However, it remained concerned that the legislation does not criminalize all the acts constituting offences55 and recommended that Slovenia review its legislation, in particular its Penal Code, to bring it into full conformity with OP-CRC-SC.56 CRC also recommended that Slovenia criminalize the production or dissemination of materials advertising the sale of children, child prostitution or child pornography, in line with OP-CRC-SC.57 In 2008, the ILO Committee of Experts, with respect to the use, procuring or offering of a child for the production of pornography or for pornographic performances, recalled that it requested Slovenia to provide a definition of the term “minor” under section 187 of the Penal Code.58 It also asked Slovenia to indicate whether the use of a child under 18 years of age for prostitution is prohibited, and to provide a copy of the relevant legal provision.59

20. CRC was 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.60 It recommended that Slovenia 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. It also urged Slovenia 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.61

22. In 2009, CRC was concerned at the weak enforcement of legislation relating to offences referred to in OP-CRC-SC, in particular, the prosecution and punishment of those responsible for acts involving the sale of children, child prostitution and child pornography.63 It recommended that Slovenia take the appropriate measures to expand training activities for the judiciary, prosecutors, police and other public officials so as to ensure the prosecution and punishment of perpetrators of acts prohibited by OP-CRC-SC. It also recommended that Slovenia undertake evaluation of all the cases that did not lead to sentences in order to identify the causes that prevented advancing in the prosecutions and punishments.64

23. In 2009, CRC welcomed that recruitment or use of children under the age of 15 in an armed conflict would be punished with imprisonment for no less than fifteen years, if the children take direct part in hostilities.65 It recommended that Slovenia consider criminalizing the mere recruitment of children at the ages of 16 and 17 and their use in hostilities as separate offences and that recruitment as such is criminalized by the law for both peace and wartime. It further recommended that Slovenia consider reviewing its domestic legislation with the view to adopt a binding definition of “direct” participation hostilities and to extend to legal persons the criminal liability for the acts and activities enumerated in the Optional Protocol.66

24. CRC welcomed the proposed changes to the Marriage and Family Relations Act, but was 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 was not sufficiently protected under current legislation.67 It encouraged Slovenia 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.68

31. In 2004, CRC was 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, it was concerned about the increasing incidence of alcohol abuse and tobacco smoking among adolescents.66 It recommended that Slovenia 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 recommended that Slovenia take further preventive measures and treat adolescents who abuse tobacco and/or alcohol.87

35. In 2004, CRC was 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.95 It recommended that Slovenia continue to strengthen and expand efforts to ensure that children from all ethnic groups fully enjoy their rights.96

37. In 2004, CRC welcomed 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 of 2002.100 In 2003, Committee against Torture (CAT) welcomed the amendments to the Aliens Act and the Asylum Act, thereby bringing domestic legislation into line with the Convention.101

39. CRC noted 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. It encouraged Slovenia to take further measures to ensure that asylum-seeking and refugee children are granted equal access to services, including health care.

Summary of Stakeholder information

17. SRI stated that Slovenian NGOs estimated that 1,500 to 2,500 trafficked women pass through Slovenia every year, usually from Eastern Europe and the Balkans en route to Western Europe, and that 1,500 to 2,000 women and girls are trafficked to Slovenia annually. It also stated that Slovenia is, to a much lesser degree, also a country of origin for trafficking in women and children. According to local NGOs, around 100 Slovenian women and girls have been trafficked abroad, mostly to Western European countries. SRI explained that in 2005, the National Assembly passed a witness-protection law designed to improve prosecution of forced-prostitution and trafficking cases. SRI recommended establishing mechanisms to control the boarders and airports to detect human trafficking cases, with full involvement and overseen by human rights state offices and relevant civil society organizations, as well as to conduct an awareness campaign to inform women about rights in regard to human trafficking and to reduce their vulnerability. In 2005, the CoE-Commissioner welcomed the efforts in preventing and combating trafficking in human beings. It also welcomed the reflection period of three months, which is granted for all victims of trafficking in Slovenia, but expressed concern about the strict conditions for issuance of even a temporary residence permit.

18. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment within the home is still lawful. It stated that the 1991 Constitution, the 1989 Marriage and Family Relations Act and the Penal Code (amended in 1999) are not prohibiting corporal punishment in all settings. It stated that in 2004 the Government informed of its intention to consider an explicit prohibition of corporal punishment of children within the family, but noted that no information about it has been available. In 2008, a number of government officials signed the Council of Europe petition against corporal punishment of children in all areas.

19. The Ombudsman noted that the judicial backlog has been statistically reduced, but stated that it continues to receive reports of nine or more years of court proceedings. The Ombudsman recommended the adoption of measures to ensure faster decision-making on interlocutory injunctions, since some courts need several years to issue a decision on the proposal for issuing an interlocutory injunction. It stated that the situation is similar in the case of enforcement proceedings. The Ombudsman was also concerned about long court procedures regarding the child custody. It called for the establishment of specialised family courts as soon as possible and the introduction of a Child Advocate. In 2005, the CoE-Commissioner welcomed the efforts to reduce the judicial backlog and the length of court proceedings. It remained concerned, however, about the continued backlog especially in civil cases concerning private persons and encouraged the government to take further measures to reduce backlog.

20. The Ombudsman stated that the media is excessively interfering in the privacy of both adults, and children. It stated that, although the Journalists’ Honorary Tribunal confirmed statements from most of the Ombudsman's notifications, it is clear that the media’s self-control is not enough, and that more efficient mechanisms need to be considered. It welcomed the solutions in the new Penal Code which offered the possibility for penalising the unnecessary and harmful exposure of children in media.

39. In 2006, the CoE-ECRI strongly recommended that Slovenia ensure that all measures provided for in the “Strategy for the Education of Roma in the Republic of Slovenia” are implemented in practice and that time frames, resources, responsibilities, outcomes and monitoring mechanisms are clearly set out in order to facilitate implementation. It urged Slovenia to ensure that no Roma child without learning disabilities is sent to a special needs school. It recommended that Slovenia strengthen efforts to recruit a number of Roma teaching assistants that meets the needs, improve participation of Roma children in pre-school education, extend provision of Romany language classes, ensure that curricula for all children reflect Roma culture, history and identity and promote appreciation for diversity.

40. In 2005, the CoE-Commissioner also said that the separation of Roma children from the others in important subjects does not fulfil the criteria of full integration. It also increases the risk of Roma children being taught at a lower standard than the others, which could have serious consequences for the Roma children and their prospects for the future. Consequently, the CoE-Commissioner recommended that Slovenia revise the implementation model adopted in Bršljin and ensure full integration of Roma children in the normal classroom for all the subjects. The model should be revised in consultation with experts on education and Roma representatives. It also said additional support should be made available to the school, teachers and the Roma pupils and their families.

41. AI stated that children removed from the registry of permanent residents in 1992, or whose parents were removed from the registry, have in some cases lost access to secondary education. While no recent cases have been reported of children being excluded from school as a result of the “erasure”, AI remained concerned about the ongoing effects for some of “the erased” of the loss of years of education, and of the delays in the completion of their studies.

Final Report and Conclusion: To follow