



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### **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)**

1. The Committee considered the combined third and fourth periodic reports of Slovenia (CRC/C/SVN/3-4) at its 1802nd and 1803rd meetings (see CRC/C/SR.1802-1803), held on 6 June 2013, and adopted the following concluding observations, at its 1815th meeting, held on 14 June 2013.

#### **I. Introduction**

2. The Committee welcomes the submission of the consolidated third and fourth periodic reports of the State party (CRC/C/SVN/3-4) and the written replies to its list of issues (CRC/C/SVN/3-4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

#### **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:

- (a) The Act Amending the International Protection Act in 2012;
- (b) The Act Amending the Provision of Foster Care in 2012;
- (c) The Act Amending the Criminal Code Act in 2012;
- (d) The Aliens Act that entered into force in 2011;
- (e) The Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia in 2010;
- (f) The Family Violence Prevention Act in 2008;
- (g) The Mental Health Act in 2008; and,
- (h) The Roma Community Act in 2007.

4. The Committee welcomes the ratification of:
  - (a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in September 2004;
  - (b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in September 2004;
  - (c) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, in April 2008;
  - (d) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in January 2007; and
  - (e) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in September 2004.
5. The Committee welcomes the following institutional and policy measures:
  - (a) The 2013-2020 National Programme of Social Protection;
  - (b) The 2006-2016 Programme for Children and Youth;
  - (c) The National Programme of Family Violence Protection (2009-2014), and its action plans for the periods 2010-2011 and 2012-2013;
  - (d) The Action Plan of the Intergovernmental Working Group for Countering Trafficking in Human Beings, 2012-2013;
  - (e) The projects: “Successful integration of Roma children into education”, 2008-2011, 2011-2014, and “Increasing the social and cultural capital in areas populated by members of the Roma community”, 2010; and
  - (f) The Strategy for Education of Roma, in 2004 and its Amendment in 2011.

### III. Main areas of concern and recommendations

#### A. General measures of implementation (arts. 4, 42 and 44 (para. 6), of the Convention)

##### The Committee’s previous recommendations

6. The Committee, while welcoming the State party’s efforts to implement the Committee’s concluding observations of 2004 on the State party’s second periodic report (CRC/C/15/Add.230), notes with regret that some of the recommendations contained therein have not been fully or sufficiently addressed.

**7. The Committee recommends that the State party take all necessary measures to address those recommendations from the concluding observations of the second periodic report under the Convention that have not been implemented or sufficiently implemented, in particular with regard to coordination, non-discrimination, recovery of child maintenance, violence and abuse of children, and the trafficking of children.**

##### Legislation

8. The Committee notes the adoption of various child-related legislative measures during the period under review. The Committee, however, regrets the continued absence of a consolidated child law that would incorporate all the provisions of the Convention into the State party’s national legislation.

9. **The Committee recommends that the State party intensify its efforts to introduce a comprehensive child law in compliance with all the provisions of the Convention. In the meantime, the State party should continue its endeavour to harmonize existing child-related legislation, including by repealing provisions of the Marriage and Family Relations Act that are not compliant with the Convention.**

#### **Comprehensive policy and strategy**

10. The Committee welcomes the efforts undertaken by the State party to update the 2006-2016 Programme for Children and Youth. However, it remains concerned about the lack of an updated action plan to implement the Programme.

11. **The Committee recommends that the State party expedite its efforts in updating the 2006-2016 Programme for Children and Youth, and ensure its effective implementation by adopting a binding action plan encompassing the necessary elements of the Programme for its application. The Programme and its action plan should be supported by sufficient human, technical and financial resources.**

#### **Coordination**

12. The Committee takes note of the role of the Ministry of Labour, Family, Social Affairs and Equal Opportunities in preparing and presenting a report on the implementation of the Convention, and its endeavour to have focal points in all ministries. The Committee, however, regrets the Ministry's ineffective mandate and lack of capacity to monitor and evaluate the implementation of the Convention across all relevant ministries.

13. **The Committee recommends that the State party strengthen the mandate and capacity of the Ministry, including by providing it with adequate resources, to enable it to effectively coordinate the implementation of the Convention across different sectors and from national to the district and local levels.**

#### **Allocation of resources**

14. The Committee appreciates the considerable allocation of resources for health, education and social services. The Committee is however concerned that the 2012 Fiscal Balance Act has had an adverse impact on the enjoyment of child rights under the Convention. The Committee is also concerned about the absence of a child right's perspective in the budgeting process, as well as mechanisms for the identification, tracking and protection of strategic budget lines to ensure children's rights.

15. **The Committee recommends that the State party secure resources for children, particularly during a time of financial crisis, with a view to ensuring the full implementation of the Convention at all times. In the light of the Committee's recommendations during its Day of General Discussion in 2007 on "Resources for the Rights of the Child – Responsibility of States", the Committee recommends that the State party establish a budgeting process which adequately takes into account child rights and areas of need and priorities. In so doing, the State party should allocate earmarked resources for children in vulnerable situations, as well as establish specific indicators and a tracking system. In addition, the Committee recommends that the State party establish a mechanism to monitor and evaluate the efficacy, adequacy and equitability of the distribution of resources allocated for the implementation of the Convention.**

#### **Data collection**

16. While welcoming the creation of a Child Observatory to monitor the situation of children in Slovenia and establishing a separate database for children in 2004, the

Committee is concerned that the data are not sufficiently disaggregated for all areas covered by the Convention, particularly with regard to children belonging to minority groups including Roma children, children with disabilities, migrant children, refugee and asylum-seeking children.

17. **The Committee encourages the State party to pursue its efforts to consolidate a comprehensive database on children and to introduce indicators on children's rights by which progress in the realization of children's rights could be analysed and assessed. The data should be disaggregated by age, sex, geographic location, ethnicity, migration status and socioeconomic background to facilitate the determination of the overall situation of children and provide guidance for the formulation of programmes.**

#### **Independent monitoring**

18. The Committee is concerned that the Ombudsman's office in the State party is only accredited with a "B" status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. Furthermore, while the Committee commends the appointment of a Deputy Ombudsman in the area of children's rights and social security in line with its previous recommendation (CRC/C/15/Add.230, para 9), it remains concerned about his/her limited capacity, as well as about the few applications sent by children to the Deputy Ombudsman.

19. **The Committee recommends that the State party take measures to bring the Ombudsman's office into compliance with the Paris Principles, and in particular with the fourth condition that is to have a mandate to educate and inform in the field of human rights. Drawing attention to its general comment No. 2 (2002) on the role of independent national human rights institutions, the Committee recommends that the State party provide the Deputy Ombudsman with adequate human, technical, and the necessary financial resources required for the effective implementation of the planned functions. The State party should also improve access for children and deal with complaints from children in a child-sensitive and expeditious manner. It is also recommended that the State party launch awareness-raising programmes among children on their right to file complaints directly to the Deputy Ombudsman, and to ensure that procedures are accessible, simple and child-friendly.**

#### **Dissemination and training**

20. The Committee appreciates the efforts carried out by the Judicial Training Centre in organizing and implementing various forms of training for judges, State prosecutors, State attorneys and judiciary staff. The Committee is, however, concerned that such training is sporadic and lacks consistency and depth. The Committee is particularly concerned about the lack of awareness of children's rights among judges in family departments. The Committee is furthermore concerned that there is no systematic training on children's rights for all other professional groups working with and for children.

21. **The Committee recommends that the Judicial Training Centre improve the quality of, and systemize, child rights training available for the judiciary, including judges, State prosecutors, State attorneys and judiciary staff. The Committee recommends that the State party particularly target judges sitting in specialized courts and ensure that they receive training opportunities on children's rights. The Committee further recommends that the State party take the necessary measures to ensure that all professionals working for and with children are adequately and systematically trained on children's rights, in particular teachers, personnel involved in juvenile justice, health workers and personnel working in alternative care institutions.**

### Cooperation with civil society

22. The Committee is concerned about the limited cooperation with civil society in all aspects of the implementation of the Convention, despite its previous recommendation (CRC/C/15/Add.230, para 21). The Committee is further concerned about the limited resources allocated to non-governmental organizations (NGOs) and also to children's organizations in the State party. This contributes to a narrowing of their scope for action and limits long-term planning.

23. **The Committee reiterates its previous recommendation and recommends that the State party take concrete steps to systematically involve communities as well as civil society in the planning, implementation, monitoring and evaluation of policies, plans and programmes related to child rights. The State party is also encouraged to consider increasing its financial support to child rights-based NGOs to enable them to discharge their role more efficiently.**

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

### Non-discrimination

24. The Committee, while being aware of legislative and policy measures adopted during the period under review to uplift Roma communities, remains seriously concerned about the persistent discrimination against Roma children in all stages of their lives, with no effective remedies for acts of discrimination committed by public and private actors. The Committee is particularly concerned that:

(a) The distinction between autochthonous and non-autochthonous Roma populations continues to exist in national legislation and programmes despite the Committee's previous recommendation (CRC/C/15/Add.230, para 23), especially that the 2007 Roma Community Act only applies to autochthonous Roma populations;

(b) Many Roma communities including children are denied access to adequate housing and drinking water; and,

(c) Roma children enjoy limited access to education and a high number of them are attending classes for children with special needs despite the Committee's previous recommendation.

25. **In the light of article 2 of the Convention, the Committee recommends that the State party ensure that all children in the State party enjoy equal rights under the Convention without any discrimination, and to this end:**

(a) **Consider repealing the distinction between the two types of Roma status and provide the whole Roma community with a status free of discrimination, inter alia, by applying the Roma Community Act to all Roma populations, as also recommended by the Human Rights Committee in 2005 (CCPR/CO/84/SVN, para 16);**

(b) **Pursue ongoing measures and take other necessary measures to ensure the effective elimination of any form of discrimination against children of Roma origin, in particular provide access to adequate housing, drinking water and education in line with the recommendations of the Committee on the Elimination of Racial Discrimination (CERD/C/SVN/CO/6-7, paras. 8-10);**

(c) **Establish a monitoring mechanism that can detect discrimination against Roma children, and effectively investigate, prosecute and punish any discriminatory act directed at children of Roma origin; and**

**(d) Introduce sustainable public education and awareness-raising programmes, involving children, families and communities on the adverse effects of discrimination on children. This should be undertaken with a view to changing the general attitude towards the Roma community, fostering a more multicultural sensitive society. To this end, the Committee requests that the State party provide specific information in its next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account general comment No. 1 on article 29, paragraph 1, of the Convention on the aims of education (CRC/GC/2001/1).**

26. The Committee welcomes the enactment of the Registration of Same-Sex Partnership Act in 2006, and takes note of the information provided during the dialogue with the State party's delegation on the administrative decision of 2011 permitting same-sex couples to adopt children. The Committee, however, expresses its concern about the lack of provisions regularizing the status and rights of children in same-sex couples in the above-mentioned Act and in other legislation. The Committee is further concerned that children of same-sex couples face various forms of discrimination in school based on their family's sexual orientation, with no appropriate redress provided.

**27. The Committee urges the State party to ensure regularization of the status of children of same-sex families, either by amending the Registration of Same-Sex Partnership Act or by including an appropriate provision in the envisaged Family Code. The Committee further recommends that the State party take effective measures to prevent and punish forms of discrimination against children of same-sex families and ensure that these children receive proper counselling services, if necessary, in schools.**

#### **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.**

#### **Right to life, survival and development**

30. While welcoming the State party's policy measures to decrease the child mortality rate as a result of traffic accidents, including the National Programme of Road Traffic Safety (2007-2011) and the Road Safety Action Plan of 2006, the Committee expresses its concern that traffic accidents remain the major cause of fatal injuries of children and young people in the State party. The Committee also notes with concern that opportunities for children of Roma origin to develop to their full potential from early childhood through adolescence are limited in terms of, among others, access to early childhood care and development, health and quality education.

**31. The Committee recommends that the State party strengthen its measures to protect all children from injuries due to road traffic accidents, including through more effective implementation of the 2007-2011 National Programme of Road Traffic Safety, and promote public campaigns to intensify traffic awareness among children, parents and the public in general. The Committee further recommends that the State party intensify its efforts to ensure the survival and development of all children in the State party with particular attention to children of Roma origin in line with article 6, paragraph 2, of the Convention.**

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

32. The Committee appreciates the existence of the Child Parliaments aimed at encouraging children to express their own views through a democratic process. This includes the establishment of the "Advocate – a child's voice" project in 2007 that aims to develop a model for a Children's Rights Advocate which could be included in the formal legal system. The Committee is, however, concerned that the child parliament project is run by civil society and therefore is not provided with adequate support, especially financial support, to enable the programme to be sustainable. The Committee is further concerned that the right of the child to be heard in legal proceedings and in the Social Work Centres is not adequately implemented in practice. In this respect, the Committee is particularly concerned about the overreliance of family departments on experts' opinions while insufficient weight is given to the views of the children concerned.

**33. In the light of its general comment No. 12 (2009) on the right of the child to be heard in implementing the Convention (CRC/C/GC/12), the Committee recommends that the State party assume primary responsibility for the effective operation of the Children's Parliament and provide it with adequate human, financial and technical support. The Committee also recommends that the State party ensure that the child's views are de facto heard in legal proceedings in courts and at Social Work Centres. To this end, the State party should provide opportunities for children's views to be heard in legal proceedings, among others by expanding the system of a children's advocate, and should ensure that courts attach due weight to the views of the children concerned.**

**C. Civil rights and freedom (arts.7, 8, 13-17, 19 and 37 (a) of the Convention)**

**Name and nationality**

34. The Committee notes with appreciation the legislative and policy measures undertaken to comply with the Constitutional Court rulings of 1999 and 2003, as well as with the European Court of Human Rights decision of 2012. However, the Committee is seriously concerned that the rights of former permanent residents of Slovenia originating from former Yugoslavian republics (the so-called *erased*) whose legal status was unlawfully revoked in 1992, have not been guaranteed. The Committee is in particular concerned that:

(a) A compensation scheme has not yet been finalized to compensate the violations of the rights of *erased* people and their children in line with the European Court of Human Rights ruling in 2012;

(b) A large number of persons were excluded from the effect of provisions of the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia, despite the amendments introduced in 2010, particularly in relation to children who have been born outside Slovenia after 25 June 1991;

(c) The Law failed to provide reparation for human rights violations that *erased* people suffered following the illegal revocation of their residency, inter alia, children of *erased* people who had limited access to comprehensive health care and many of which had no access to secondary schools; and,

(d) The administrative proceeding required to reobtain a permanent residence permit is lengthy; applications of *erased* people are still being rejected; and administrative bodies mistreat *erased* people through the application procedure.

**35. The Committee urges the State party to accelerate its efforts to give effect to the two Constitutional Court decisions of 1999 and 2003 and the ruling of the European Court for Human Rights of 2012. To this end, the State party is requested to finalize the compensation scheme mentioned during the dialogue, which should cover all *erased* people and their children, and ensure its full application. In so doing, it should ensure consultations with *erased* people in order to properly cover all the rights violated and their genuine and fair estimations, and provide specific information in its next periodic report on the measures and programmes aimed at restoring *erased* peoples' rights.**

**36. It is also recommended that the State party:**

(a) **Expediently amend the Legal Status Act in order to include in its provisions all people who suffered from the illegal revocation of their permanent residence in 1992, in particular children of *erased* people born outside Slovenia after 25 June 1991, and introduce new provisions for reparation of the violations of their rights;**

(b) **Expedite and simplify the application proceedings for obtaining permanent residence permits by *erased* people; systematically abstain from rejecting such applications; and sensitize the administrative staff dealing with these applications on treating the *erased* people with dignity and without prejudice; and,**

(c) **Consider ratifying the 1997 European Convention on Nationality and the 2006 Council of Europe Convention on the avoidance of statelessness in relation to State succession.**

## 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;

(b) Lack of rules that govern the supervised contact between the abused child and the alleged abusive parent, as well as of the availability of well-trained staff at the Social Work Centres supervising such contact;

(c) Absence of a consolidated data system on children at risk of abuse or neglect and the lack of coordination between all Social Work Centres; and,

(d) Information received that abused children in many cases are obliged to meet with their allegedly abusive parents against their will.

**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) Expediently 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.**

#### **Sexual exploitation and abuse**

41. The Committee is concerned about the limited definition of violence against children in national legislation which does not explicitly refer to sexual violence. The Committee is further concerned about reports received on underage forced marriages of Roma children involving sexual practices violating the children's dignity. The Committee also notes with concern that Roma girls are often subject to sexual violence and exploitation by family members and there is a lack of adequate programmes for the recovery of these child victims of sexual abuse.

42. **The Committee recommends that the State party:**

**(a) Define violence in its legislation comprehensively to include all forms of violence including the sexual exploitation and abuse of children;**

**(b) Conduct an in-depth study on sexual abuse of children, in particular pertaining to early and forced marriages within the Roma population to determine its root causes and assess its magnitude;**

**(c) Take all measures necessary to put an end to incidents of forced and underage marriages of Roma children who are subject to sexual practices violating their dignity particularly on the night of the wedding, and effectively investigate such incidents;**

**(d) Establish a specific mechanism for the detection, investigation and prosecution of child sexual exploitation and abuse; and,**

**(e) Create programmes and policies for the prevention, recovery and reintegration of child victims in accordance with the outcome documents adopted at the 1996, 2001 and 2008 World Congress against Sexual Exploitation of Children and Adolescents held in Stockholm, Yokohama, Japan, and Rio de Janeiro, Brazil.**

#### **Harmful practices**

43. The Committee is deeply concerned about the inadequate response by the State party to prevent and punish harmful practices such as early marriages and forced marriages within the Roma population, as well as about the alleged lenient approach demonstrated by the Social Work Centres permitting early marriages. The Committee is further concerned about the inappropriate redress mechanisms available for victims.

44. **The Committee recommends that the State party:**

**(a) Establish a system to track all cases involving early marriages and forced marriages within the Roma populations;**

**(b) Investigate effectively such cases with a view to bringing perpetrators to justice and if convicted, punishing them adequately;**

**(c) Increase awareness-raising programmes within the Roma population on the harmful impact of early marriage on children, especially girls;**

**(d) Enforce existing legislation and ensure that marriages of children under the age of 18 years are allowed only in exceptional cases with a judicial decision and only when it is in the best interests of the child concerned; and**

(e) Provide victims with appropriate rehabilitation and counselling services as well as shelters, and sensitize the staff at the Social Work Centres on how to identify and treat victims of such practices without discrimination.

#### **Freedom of the child from all forms of violence**

45. Recalling the recommendations of the United Nations study on violence against children of 2006 (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee further recommends that the State party take into account general comment No. 13 (2013) on the right of the child to freedom from all forms of violence (CRC/C/GC/13), and in particular:

- (a) Develop a comprehensive national strategy to prevent and address all forms of violence against children;
- (b) Adopt a national coordinating framework to address all forms of violence against children;
- (c) Pay particular attention to and address the gender dimension of violence;
- (d) Cooperate with the Special Representative of the Secretary-General on violence against children and other relevant United Nations institutions.

#### **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, Slovenj Gradec 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) **Expediently 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**

(g) **Consider ratifying the Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations, the Convention on the Law Applicable to Maintenance Obligations, and the European Convention on Contact concerning Children.**

#### **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.**

#### **F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3), of the Convention)**

##### **Children with disabilities**

50. The Committee welcomes the ratification of the Convention on the Rights of Persons with Disabilities in 2008 and notes with satisfaction the amendments introduced in the Elementary School Act in 2011 as well as the elaboration of the 2007-2013 Action Programme for Persons with Disabilities. However, the Committee regrets that, according to the 2011 annual report of the State party Ombudsman, the implementation of the aforementioned programme has not resulted in greatly improved access for children with disabilities to basic social services, especially in the fields of health and education.

51. **Recalling its general comment No. 9 on the rights of children with disabilities (CRC/C/GC/2006/9) the Committee recommends that the State party ensure that**

children with disabilities fully enjoy their rights under the Convention, in particular their right to health, education and adequate standard of living. The Committee encourages the State party to allocate the necessary resources for an effective implementation and extension of the above-mentioned programme with a view to guaranteeing to all children with disabilities access to education and health care, opportunities for play and culture, family life, protection from violence, an adequate standard of living and the right to be heard.

#### **Health and health services**

52. The Committee is concerned about the ethnic disparity in access to, and provision of, health services whereby children belonging to minority groups enjoy lesser access, despite the elaboration of the Strategy for enhancing health and the development of an action plan for reducing inequalities in health in the Promurje region. The Committee is, moreover, concerned about increasing child obesity in the State party.

53. **The Committee recommends that the State party ensure that all children in the State party have similar access to basic health services, and further increase its efforts in eliminating any ethnic disparity in access to, and provision of, health services in all regions in the State party. In this respect the State party should, inter alia, effectively implement the Strategy for enhancing health and the action plan for reducing inequalities in health in the Promurje region, and conclude similar strategies in all regions concerned in the State party. The Committee encourages the State party to pursue its efforts to combat childhood obesity and intensify measures to raise awareness of healthy nutrition among parents, children and the public in general and promote healthy eating habits particularly among young children and adolescents.**

#### **Adolescent health**

54. The Committee welcomes the enactment of the Mental Health Act in 2008. However, it is concerned that suicide is the second major reason for mortality among children aged 10-14. The Committee is further concerned that tobacco and alcohol consumption as well as drug and substance abuse among adolescents constitute a significant problem in the State party.

55. **The Committee reiterates its previous recommendation (CRC/C/15/Add.230, para 47) to take effective measures to prevent suicide among young people. To this end, the State party should accelerate its efforts to finalize the National Programme for Mental Health, with a view to reducing the suicide rate in the State party. The State party is also requested to ensure that child perspectives are incorporated and special psychosocial support programmes are introduced for adolescents in the above-mentioned programme and related action plans. The State party should, moreover, collect disaggregated data on suicide occurrence. It is further recommended that the State party take effective measures to decrease and prevent adolescents' tobacco and alcohol consumption as well as drug and substance abuse, by launching awareness-raising programmes targeting youth on the detrimental impact these habits may have on their healthy lifestyle. Based on information provided during the dialogue, it is also recommended that the State party expedite the introduction of a policy on adolescents' health and provide detailed information on that in its next periodic report.**

#### **Breastfeeding**

56. The Committee welcomes the information of the existence of 13 baby-friendly hospitals in the State party. However, it regrets the lack of data on breastfeeding rates, and

expresses its concern at the underregulated marketing of food for infants, young children and adolescents.

**57. The Committee encourages the State party to establish baby-friendly practices in all maternity care institutions. The Committee urges the State party to collect data on breastfeeding and infant nutrition and to strengthen the monitoring of existing marketing regulations related to infant food formula and regulations relating to the marketing of breast-milk substitutes, including bottles and teats, and ensure that such regulations are monitored on a regular basis and action is taken against those who violate the code. Finally the State party is requested to ensure that no promotional material from milk food companies is allowed in any maternity care institution.**

#### **Standard of living**

58. The Committee is highly concerned that:

(a) The number of children living in poverty in Slovenia is increasing, and that children belonging to minority groups, in particular Roma children, are poorer than children belonging to the majority population;

(b) Most Roma people still live apart from the majority population in isolated settlements or on the border of larger towns; Roma settlements are generally kept below minimum living standards and unregulated; and, the Roma population's homes are in a very poor condition;

(c) In 2011 more than a fifth of Roma settlements had no access to safe drinking water and adequate sanitation; and,

(d) Data on how many Roma children are living in poverty, have access to adequate housing, and to safe drinking water, are not collected.

59. **The Committee recommends that the State party:**

(a) **Take all necessary measures to build a national system of social protection that would provide a holistic and effective response to children's poverty and vulnerability, while paying particular attention to children belonging to minority groups including Roma children, inter alia, by effectively implementing the National Programme of Measures for Roma (2010-2015) in all municipalities;**

(b) **Avoid cutting child benefits in future reforms, and incorporate a child perspective in all strategies, particularly those pertaining to reforms, including the 2012-2013 National Reform Programme;**

(c) **Provide security of tenure to all Roma communities by taking measures to regularize their settlements and, in so doing, undertake meaningful consultations with the Roma communities concerned. In the meantime, and as a matter of urgency, expand access to safe drinking water and adequate sanitation to all Roma settlements regardless of the legal status of the land on which they live;**

(d) **Collect ethnically disaggregated data on children living in poverty as well as children's access to adequate housing and safe drinking water; and**

(e) **Intensify its efforts to comply with the recommendations set forth in the report of the Special Rapporteur on the human right to safe drinking water and sanitation (A/HRC/18/33/Add.2), in particular with the minority-related recommendations therein.**

## **G. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

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

60. While noting the increased enrolment of children under the age of 5 in preschool educational institutions, the Committee is concerned about the lack of holistic programmes for early childhood development. The Committee is also concerned that the passage of the Fiscal Balance Act in 2012 has resulted in the introduction of new education fees and removal of scholarships that were available for students at secondary level school. While noting with appreciation policy measures to integrate children belonging to ethnic minorities including Roma children in mainstream education, inter alia, the Roma assistants and the Roma preschool educational projects as well the Strategy of Education of Roma (2004, 2011), the Committee expresses its concern at the following:

(a) Roma children are rarely enrolled in preschool educational institutions, and the majority of Roma children in primary and secondary school are enrolled in classes for children with special needs;

(b) The above-mentioned Roma projects are not provided with sufficient support and are implemented sporadically, subject to the discretion of schools;

(c) Low school performance by Roma children even at elementary level, and high rate of school dropout at all school levels; and,

(d) Schools still use outdated materials that reinforce stereotypes, prejudice and negative perceptions of Roma.

61. **Taking into account its general comment No. 1 on the aims of education (CRC/GC/2001/1), the Committee recommends that the State party:**

(a) **Develop well-financed early childhood development programmes, using a holistic approach to cover all needs of children under the age of 5 years, while paying attention to the most vulnerable groups of children which include Roma children;**

(b) **Refrain from introducing more education-related fees and pursue its intention, as expressed during the dialogue, to repeal the austerity measures with a negative impact on children as soon as possible, and reintroduce school scholarships;**

(c) **Allocate increased resources to the Strategy of Education of Roma with a view to raising the enrolment of Roma children in preschool educational institutions, and integration in mainstream education, and ensure effective implementation of the Strategy throughout all regions of the State party, as well as create a truly inclusive educational system welcoming children from all minorities;**

(d) **Systematically implement and monitor implementation of the Roma assistants and the Roma preschool educational projects in all schools in the State party. This should include providing them with increased human, technical and financial support with a view to reaching out to all children concerned in the State party and substantially raising the level of Roma children's performance in schools and decreasing dropout rates at all school levels; and,**

(e) **Remove all references to prejudice against the Roma population in school textbooks and take measures to foster a culture of tolerance and multiculturalism in schools.**

**Human rights education**

62. The Committee is concerned about information received that NGOs have the main responsibility for carrying out human rights education in schools.

63. **The Committee recommends that the State party, while continuing its cooperation with civil society, assume primary responsibility in delivering human rights and in particular child rights education in schools. The State party is also encouraged to do so by providing considerable technical and financial support for civil society to enable it to systematically deliver child rights education in schools. The Committee further recommends that the State party consider developing a national plan of action for human rights education, as recommended in the framework of the World Programme for Human Rights Education.**

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

**Asylum-seeking and refugee children**

64. The Committee notes with appreciation the information received on the amendments to the International Protection Act that regulate asylum seekers' access to basic health services. However, it remains concerned that unaccompanied minors and children with families who lack legal status have access only to emergency health care. The Committee is also concerned that age assessment tests, including those which may be harmful to the child, are conducted frequently, as well as about the lengthy procedures to determine the minor's application for international protection. The Committee is further concerned about the State party's decision to decrease by 50 per cent the financial assistance provided to asylum seekers staying outside the Asylum Home.

65. **The Committee recommends that the State party:**

(a) **Ensure that unaccompanied minors and children with families who lack legal status, have access to basic health services with no discrimination;**

(b) **Refrain from a regular conduct of age assessment tests and ensure that such procedures are taken only as a measure of last resort; and,**

(c) **Expedite the determination of the international protection application, in line with the International Protection Act, and reconsider the decision to decrease the financial support to asylum seekers staying outside the Asylum Home.**

66. The Committee is further concerned that:

(a) Unaccompanied minors are not assigned legal guardians immediately after entering the State party. Furthermore, the Social Work Centres which are legally mandated to protect the rights of unaccompanied children, fail to do so and the already limited staff therein is not trained for this work;

(b) Legal assistance to unaccompanied minors who apply for international protection is provided only in the second and third instances of the application procedure, while unaccompanied minors in the process of deportation have no access to legal assistance, and only NGOs provide this service that is subject to the availability of foreign funding; and,

(c) Unaccompanied minors who apply for international protection are routinely provided only with subsidiary protection that lasts until they reach the age of majority.

67. In the light of its general comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin (CRC/GC/2005/6), the Committee recommends that the State party:

(a) Ensure that all unaccompanied minors are provided with a legal guardian immediately after crossing the border and are provided with legal assistance at all stages of the application for international protection; systematically train staff of the Social Work Centres on how to uphold the best interests of the unaccompanied minors and provide these Centres with adequate support;

(b) Assume responsibility for providing legal assistance to unaccompanied minors, also by providing steady financial support to child rights-based NGOs providing legal assistance to unaccompanied minors;

(c) Abstain from the practice of providing unaccompanied minors with only subsidiary protection; instead, give priority to international protection applications filed by unaccompanied minors, and ensure an expeditious and thorough process for applications based on the principle of the best interests of the child concerned; and,

(d) Consider acceding to the 1961 Convention on the Reduction of Statelessness.

#### **Children belonging to minority groups**

68. The Committee urges the State party to take all effective measures to reduce disparities in the enjoyment of rights between children belonging to minority groups, in particular Roma children, and children belonging to the majority population in all areas covered under the Convention, and to pay particular attention to standards of living, health and education as recommended in previous paragraphs, and to report on progress achieved in that respect in its next periodic report to the Committee.

#### **Economic exploitation, including child labour**

69. The Committee is concerned about the allegedly growing phenomenon of child begging in the streets and the involvement of children from vulnerable populations, particularly Roma, in forced illegal activities such as theft and the sale of illegal drugs. The Committee is also concerned about the lack of disaggregated data in the State party report. The Committee further expresses its concern that self-employed children are not protected against hazardous work.

70. The Committee recommends that the State party:

(a) Conduct a national study on child labour in the State party, including the phenomenon of child begging in the streets and illegal activities, to determine its root causes and assess its magnitude, and provide detailed information in its next periodic report on that;

(b) Take effective measures to prevent child forced labour and identify victims of forced labour among vulnerable populations, particularly Roma;

(c) Establish mechanisms to detect, investigate and prosecute, with commensurate sanctions, cases of child forced labour, and collect ethnically disaggregated data on the involvement of children in illegal work to facilitate analysis of the situation of children in this area;

(d) Ensure that all of its employment legislation and regulations, including the Employment Relationships Act and the Rules on Protection of the Health at Work of Children, Adolescents and Young Persons, are in conformity with the rules set out in International Labour Organization (ILO) Convention No. 182 (1999) concerning

**the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and apply to self-employed children;**

**(e) Consider ratifying ILO Convention No. 189 (2011) concerning decent work for domestic workers; and**

**(f) Seek technical assistance from the ILO International Programme on the Elimination of Child Labour in this regard.**

**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.

**Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on children in armed conflict**

75. The Committee, while appreciating the State party's efforts to implement the Committee's concluding observations of 2009 on the State party's initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/SVN/CO/1, 2009) is concerned that children who fled to the State party from war zones do not have access to rehabilitation services and social integration programmes. Furthermore, the Committee notes with concern that these children as a matter of practice are only given subsidiary protection until they reach the age of majority and thereafter are refused extension of such protection, while the insecure situation in their country of origin has not necessarily changed.

76. The Committee reiterates its previous recommendation under the Optional Protocol (CRC/C/OPAC/SVN/CO/1, para 13 (c)) that the State party provide all children seeking refuge in the State party and who have fled from war zones, with immediate access to rehabilitation services and counselling as well as social reintegration programmes. The Committee further calls upon the State party to provide suitable security and protection to child asylum seekers fleeing war zones, and refrain from the practice of only providing subsidiary protection until they reach the age of majority.

**Administration of juvenile justice**

77. The Committee is concerned about the lack of special provisions for children in the State party's Criminal Code, and expresses its concern about the non-availability of open educational institutions for children aged 14-16 years who are in conflict with the law.

78. The Committee encourages the State party to pursue its intention to establish special provisions in its Criminal Code for children. In so doing, the State party should bring its juvenile justice system fully into line with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), the Guidelines for Action on Children in the Criminal Justice System, and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice (CRC/C/GC/10). Furthermore, the Committee recommends that the State party strengthen alternative and non-judicial dispute resolutions for young children in conflict with the law. It is also recommended

that the State party ensure that deprivation of liberty of these children is taken only as a measure of last resort. The Committee further encourages the State party to improve measures of rehabilitation and social reintegration, and to consider placing children aged 14-16 years who are in conflict with the law in open or semi-open educational institutions.

#### **I. Ratification of international human rights instruments**

79. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocol to the Convention on Economic, Social and Cultural Rights.

#### **J. Cooperation with regional and international bodies**

80. The Committee recommends that the State party cooperate with the Council of Europe towards the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

#### **K. Follow-up and dissemination**

81. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, *inter alia*, transmitting them to the Head of State, the National Council and National Assembly, the Prime Minister, relevant ministries, the Constitutional Court and local authorities for appropriate consideration and further action.

82. The Committee further recommends that the combined third and fourth periodic report and the written replies by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and the Optional Protocols thereto and of their implementation and monitoring.

#### **L. Next report**

83. The Committee invites the State party to submit its next combined fifth and sixth periodic report by 24 June 2018 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In accordance with General Assembly resolution 67/167 of 20 December 2012, in the event a report exceeding the page limitations is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned

**guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, translation of the report for purposes of examination of the treaty body cannot be guaranteed.**

**84. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).**

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