



REPUBLIC OF  
SLOVENIA



HUMAN  
RIGHTS  
OMBUDSMAN

## Submission by the Human Rights Ombudsman of the Republic of Slovenia (Slovenian NHRI) to the Committee on the Rights of the Child

For review of the Combined fifth and sixth periodic reports of the Republic of Slovenia on the basis of the Convention on the Rights of the Child and the Report outlining the actions undertaken to implement the provisions of the Optional Protocols at the 101<sup>st</sup> Pre-sessional Working Group (May 2025)

**February 2025**

1. The Human Rights Ombudsman of the Republic of Slovenia (the Ombudsman) is a constitutional body with a mandate to protect and promote human rights in Slovenia, granted A status in accordance with the Principles relating to the Status of National Institutions in January 2021. Its mandate includes monitoring, research, issuing opinions and recommendations to authorities, human rights education, awareness-raising and investigating complaints from anyone who believes that their human rights or fundamental freedoms have been violated by a state authority, local government authority or holder of public authority.<sup>1</sup> The Ombudsman may initiate a procedure to review the constitutionality or legality of regulations and may file a constitutional complaint with the Constitutional Court on an individual case before him. The Ombudsman also acts as the national preventive mechanism under the Optional

Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

2. The Ombudsman also acts as an Ombudsperson for Children, however holding an Associating Membership of the European Network of Ombudspersons for Children (ENOC) since 2003, mainly due to a lack of clear legislative mandate in accordance with the ENOC Statutes.<sup>1</sup>

3. In this submission, the Ombudsman briefly outlines its activities and some current children rights issues and concerns in Slovenia that in view of the Ombudsman require attention of the Committee on the Rights of the Child.

### **Independent monitoring**

4. The Committee on the Rights of the Child (CRC) made several observations regarding the independent monitoring in its Concluding Observations in 2013 on the combined third and fourth periodic reports of Slovenia, adopted by the Committee at its sixty-third session (27 May–14 June 2013) (CRC/C/SVN/CO/3-4 of ( July 2013)).<sup>2</sup> Several changes and improvements have been made since then. The Ombudsman has in December 2020 / January 2021 received "A" status accreditation according to the Paris Principles by the Global Alliance of National Human Rights Institutions (GANHRI), which relate to the status and functioning of national human rights institutions.<sup>3</sup> The awarded status has been a sign that the Amendments to the Human Rights Ombudsman Act of 2017 (ZVarCP-B) met the required standards and allowed the Ombudsman for reaccreditation with "A" Status. The Ombudsman is going to apply for reaccreditation within GANHRI in 2025 and is already scheduled for a review by the GANHRI's Sub-Committee for Accreditation (SCA) in October 2025.

5. However, the 2017 legislative amendments have not been sufficient to meet the standards and requirements of the European Network of Ombudspersons for Children (ENOC) Statute, which would result in full membership of Ombudsman in ENOC. Since 2019, when the provisions of the 2017 amendments to the Human Rights Ombudsman Act (ZVarCp-B) became fully operational, the Ombudsman increased its activities concerning children and their rights at the national level, however it notes several

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<sup>1</sup> <https://enoc.eu/who-we-are/becoming-a-member/>.

<sup>2</sup> See paragraphs 18 and 19.

<sup>3</sup> <https://ganhri.org/membership/> and GANHRI SCA Report and recommendations of the Virtual Session of the Sub-Committee on Accreditation (SCA), 7-18 December 2020 – see at: <https://ganhri.org/accreditation/sca-reports/> .

legislative shortcomings, which do not allow the institution to be fully active in all fields of concern regarding the rights of the child and to fully undertake all needed activities to act as an independent Ombudsperson for Children. This was confirmed in ENOC letter to the Ombudsman of 13 June 2024 in which it was explained that Article 4.1. criterion 3 of ENOC Statutes is fulfilled as far as the general Human Rights Institution is concerned but there is no specific reference in the law when it comes to the ability (autonomy) of the Deputy Ombudsman with responsibility for children's rights, if one is assigned this function, to set its own agenda related to this function. Further, regarding Article 4.1. criterion 4 of ENOC Statutes, ENOC explained that, while the Human Rights Ombudsman Act provides for the appointment of 2 to 4 Deputy Ombudspersons at the proposal of the Human Rights Ombudsman, a Deputy Ombudsman with exclusive/sole responsibility for children's rights is not provided for in the legislation. Neither the Human Rights Ombudsman's Act nor the Ombudsman Internal Rules for Procedure that set up the organisational structure and responsibilities within the institution provides that one of the Deputy Ombudspersons is exclusively concerned with protecting and promoting children's rights. It is the Human Rights Ombudsman who decides the area of responsibilities allocated to the different Deputies. Based on the above conclusions, the ENOC confirmed the associate membership status to ENOC of the Ombudsman, while acknowledging Ombudsman's ongoing commitment to children's rights and efforts of seeking improvement of the related legislation and office regulation in order to increase focus on children's rights issues. The Ministry of Justice has made some efforts over the past year; however, the actual outcome of its various consultations with stakeholders remains uncertain. The Ombudsman expects the Ministry of Justice to soon submit the proposal for an amendment to the Human Rights Ombudsman Act for professional and inter-ministerial coordination, which would also formally establish a permanent Deputy Human Rights Ombudsman for children's rights (Ombudsman for Children) and an internal organizational unit for children's rights, both within the existing Ombudsman institution.

6. The Ombudsman extensively reports on its activities regarding children in two special chapters - on Children and on Child Advocacy - of its regular Annual Report to the National Assembly (Parliament).<sup>4</sup>

7. Since 2018 the Child Advocacy operates within the Ombudsman based on the Human Rights Ombudsman Act as amended in 2017 (ZVarCP-B), while before Child Advocacy

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<sup>4</sup> <https://www.varuh-rs.si/en/publications-events/publications-documents/annual-reports-test/> ..

operated for a decade as a pilot project. Within Child Advocacy, the Ombudsman has a network of child advocates – experts who are closely working with the Ombudsman’s office. Since 2018 each year a Child Advocate has been appointed to around 100 children, while in 2022 the number increased to around 150. The Child Advocacy Service has been established within the Ombudsman to ensure that children’s voices are heard and taken into account in all proceedings that affect them. This service is based on Article 12 of the Convention on the Rights of the Child, which grants children the right to express their views and participate in decisions concerning their rights. Child advocacy provides children with a safe and trustworthy person – an advocate/expert – who helps them formulate and convey their views to the relevant authorities a way that is adapted to the child's needs. Advocates are specially trained volunteers who build a trusting relationship with the child and empower them to express their opinions. Their role is not just to convey the child’s views but also to ensure that the child is heard and that their opinion is considered in decision-making processes. Child advocacy is most commonly used in cases involving child custody, parental contact arrangements, child protection measures, and other family disputes. In many instances, this service has helped decision-makers gain a better understanding of the child’s perspective and has contributed to solutions that better align with the child’s needs.

8. In 2016, a special brochure on Child Advocacy was developed for young people involved in proceedings at social work centers, courts, or schools, helping them understand their rights and how to express their views. The brochure explains in simple terms who a child advocate is, how the advocacy process works, and in which cases a child can request an advocate. It also includes information on children's right to express their opinion, decision-making processes regarding their rights, and practical guidance on obtaining an advocate. The brochure is also available in Italian and Hungarian.

9. Children who need an advocate can contact the Ombudsman in person, via the toll-free phone line 080 36 86, or by email at [otroci@varuh-rs.si](mailto:otroci@varuh-rs.si). Parents, guardians, or other individuals who recognize the need for child representation can also submit a request on behalf of the child.

10. Since November 2020 the Ombudsman has established a mentioned free phone number especially for children 080 36 86, (not only for child advocacy) and an e-mail address for children [otroci@varuh-rs.si](mailto:otroci@varuh-rs.si). Children are encouraged to contact Ombudsman on all issues of their rights, The Ombudsman also have specific information at its webpage in a language that the children can easily understand at “for children” – “ZA OTROKE” at <https://www.varuh-rs.si/za-otroke/levi-meni/isces-pomoc/kako-do->

[varuha/](#). The Ombudsman has also published an informational brochure that clearly explains its role, competencies, and procedures for enforcing rights. The publication is available in Slovenian, Italian, Hungarian, English, German, Serbian, Macedonian, Croatian, Albanian, Bosnian, and three versions of the Romani language. Additionally, an easy-to-read version is available to ensure broader accessibility. The brochure can be accessed on the Ombudsman's official website.<sup>5</sup>

11. In February 2023 the Ombudsman appointed one of Deputy Ombudsman, Dr. Jože Ruparčič, who previously covered multiple areas, exclusively as the Deputy for Children's Rights. Meaning that he is solely responsible for children's rights.<sup>6</sup> He has been independent in his work regarding children's rights and had the support of the Ombudsman, Mr Peter Svetina, who's mandate, however, expired on 24 February 2025.<sup>7</sup> This change allowed for a stronger focus on the protection and realization of children's rights, increasing the capacity for work in this area. The staff who works on children rights does not have other responsibilities. They have multidisciplinary education, from lawyers to psychologists.

12. Children can visit the Ombudsman, responsible for children, in person between 9 AM and 1 PM to discuss their issues and explore possible solutions. Every day, a duty officer specializing in children's rights is available to provide advice and assistance.

13. Yet, the Ombudsman does not keep statistics on initiatives based on the age of applicants. In 2024, the Ombudsman handled 166 initiatives in the field of children's rights, along with an additional 43 initiatives through the single entry point. Professional staff also conducted 151 telephone or in-person consultations. In 2023, the Ombudsman handled 255 initiatives in the field of children's rights, with an additional 44 initiatives related to children's rights processed through the single entry point. Many issues were resolved by professional staff through telephone or in-person consultations with applicants, with 190 such conversations conducted as part of the single entry point. Furthermore, the Ombudsman also addressed certain initiatives that (partially or entirely) concerned children in other areas, such as child advocacy, social affairs (education), restrictions on the personal freedom of minors, the rights of foreigners, and healthcare.

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<sup>5</sup> When to turn to The Human Rights Ombudsman?, [https://www.varuh-rs.si/fileadmin/user\\_upload/pdf/zlozenke\\_nase/zlozenka\\_praviceANG\\_web.pdf](https://www.varuh-rs.si/fileadmin/user_upload/pdf/zlozenke_nase/zlozenka_praviceANG_web.pdf) .

<sup>6</sup> <https://www.varuh-rs.si/en/about-us/deputies/dr-joze-ruparcic/> .

<sup>7</sup> A new Ombudsperson has not yet been proposed by the President of the Republic of Slovenia and elected by the Parliament due to a lack of consensus among the President, the coalition and the opposition as a two-third majority of all members of the Parliament is needed for his/her election.

Initiatives submitted to the Ombudsman by minors are handled within the field of children's rights, where their consideration is not in competition with initiatives from other areas.

14., In 2020 and 2021, the Human Rights Ombudsman carried out a project »If You See Injustice, Use Your Rights (Justice)« aimed at raising awareness among children and adolescents about their rights and the possibility of filing complaints with the Ombudsman. At the launch of the project, Ombudsman Peter Svetina emphasized the importance of child participation and addressed children in a video message (which received over 1,900 views at You Tube and was also presented in schools).<sup>8</sup> Schools also received informational posters, which are available on the Ombudsman's website and YouTube channel. As part of the project, two different posters were distributed to all primary and secondary schools, libraries, and other institutions:

- Poster on Human Rights: It highlighted key children's rights, such as the right to family, healthcare, information, freedom of expression, privacy, education, safety, and equal treatment.
- Poster for Children on How to Contact the Ombudsman: It provided children with information on how to report violations of their rights via the toll-free phone number and specific email address, as already mentioned, and the website [www.varuh-rs.si/za-otroke/](http://www.varuh-rs.si/za-otroke/).

15. The posters were sent to all primary and secondary schools, libraries, and youth centers across Slovenia, as well as to certain healthcare institutions and other organizations working with children. Additionally, a dedicated toll-free phone number and email address were established for reporting potential violations of children's rights. On World Children's Day (November 20, 2020), schools were encouraged to discuss the topic of human rights with students. To support this initiative, the Ombudsman provided teachers with suggested discussion topics and key points for classroom conversations. The goal of the project was to raise awareness among children and adolescents about their rights and the possibility of filing complaints with the Ombudsman. The project included informational materials on how children can recognize and report violations of their rights. It also aimed to empower children to actively contribute to the realization of their rights.

16. The Ombudsman has also conducted human rights and children's rights education in several primary and secondary schools upon invitation and has been actively

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<sup>8</sup> <https://www.youtube.com/watch?v=UyxxZVe-2Kc> .

promoting such activities since 2020. The Ombudsman has also promoted children rights at the National Conference of Schoolmasters of public schools in Slovenia. The Ombudsman pays special attention to children with disabilities, to migrant children and children from disadvantaged areas or poor environments. In last years the Ombudsman – a Deputy-Ombudsman responsible for the rights of the child, members of Unit for Children, Child Advocacy Unit and Center for Human Rights – hold national campaigns in schools and other public institutions (social work centres, hospitals, libraries etc.) on children rights, participate at various conferences, seminars and other events. Deputy Human Rights Ombudsman responsible for children's rights also regularly invites representatives of non-governmental organizations working in the field of protection of children's rights and reducing violence against them for meetings.

17. The Ombudsman regularly collaborates also with Children's Parliaments, organized by the Association of Friends of Youth Slovenia, emphasizing their role in promoting child participation in society. The Ombudsman has taken part in national, regional, and municipal meetings, where children have expressed their views on education, career prospects, and their rights. The Ombudsman has repeatedly highlighted the need for greater state support for child participation and recommended that the findings of Children's Parliaments be considered in policy-making. In recent years, special emphasis has been placed on the importance of including children's voices in decision-making processes that directly affect them. As part of this collaboration, the Ombudsman also raises awareness among children about their right to submit initiatives and complaints. Since 2019, the Ombudsman has included the resolutions of the Children's Parliament in the Ombudsman's Annual Report as recommendations and monitors their implementation. The Ombudsman has been disappointed that the recommendations from the Children's Parliament were neither considered nor mentioned anywhere in the proposed amendment to the Primary School Act in 2023 and 2024.

18. After years of recommendations, the Ombudsman's recommendation to the authorities to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure the National Assembly of the Republic of Slovenia adopted the Act on the Ratification of the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure on 20 March 2018 (Official Gazette of the Republic of Slovenia – Treaties, No. 24/18, 13 April 2018).

19. In September 2022, the Ombudsman published a second updated version of the Ombudsman's Short Guide on How and When to Complain to the UN Human Rights Treaty Bodies. The aim of the 'NHRI's Guide is to increase awareness of individuals, civil

society and barristers of international human rights and to encourage their use in cases of alleged human rights violations under international human rights conventions. The Guide was distributed to the Slovenian Bar Association, civil society organisations and NGOs that can inform people about the various options for protection of their rights.

### Children's rights

20. The Ombudsman gives several recommendations regarding children rights to the authorities, based on its activities and research. Its main assessments, concerns, and recommendations, many of which it repeats for years, are presented herein.

21. The Ombudsman has persistently and, over many years, raised concerns over the general shortage of experts in clinical psychology of children and adolescents, psychiatry and child psychiatry in Slovenia causing long waiting times in the field of psychological and psychiatric treatment of children.

22. Urgent systemic action is needed in institutional care for children with severe mental health disorders. The Ombudsman considers that children and adolescents should be placed only in secure units which are designed for children and adolescents in terms of staff, space, services and programmes, and not for adults, as is the case with secure units in specialist social care institutions, where they are placed. Primarily the Ombudsman persistently calls for deinstitutionalisation.

23. Another problem is the length of court proceedings, which have a much more negative impact on children and their development than lengthy proceedings have on the parties in general. The lack of forensic court (judicial) experts, in particular clinical psychologists and paediatric psychiatrists, is a critical factor in proceedings involving decisions about the child and his or her rights. The Ombudsman also recalls that, for more than 15 years, the envisaged Juvenile Justice Act (e.g. to reduce the length of detention, to introduce mandatory legal representation from the moment of police custody, etc.) has still not been proposed and adopted, even though this was already foreseen for in the then new Criminal Code in 2008.

24. In public statements and annual reports, the Ombudsman has also highlighted the issue of online violence among young people. The Ombudsman observed that online violence is becoming increasingly extreme, while at the same time, there is a worrying trend of its normalisation and a lack of adequate response from adults. The Ombudsman stressed the importance of early awareness-raising and education for children,

adolescents, parents, and teachers on the safe and responsible use of the internet. Particular emphasis was placed on the need for greater media literacy among children and parents, who should be equipped to critically assess online information and use technology safely and responsibly.

25. The Ombudsman was one of the first to support the establishment of a Barnahus (Children's House) in Slovenia, since a child-friendly multidisciplinary and interinstitutional model for the treatment of sexual abuse victims and offering services to children who are victims or witnesses of violent crimes has been absolutely necessary. The Act on the Protection of Children in Criminal Proceedings and Their Comprehensive Treatment in the Barnahus (Children's House) (Official Gazette of the Republic of Slovenia, No. 54/21) entered into force on 24 April 2021. The Children's House which is operational and treats first cases is a best practice example for the operation of a child-friendly justice system, which includes the speedy processing of cases. According to the information received by the Children's House the number of Court orders increased from 2 in 2022 to 35 in 2023 and 57 in 2024, while the number of included children in comprehensive treatment increased for 2 in 2022 to 54 in 2023 and 79 in 2024. However, a child-friendly justice should be an approach which should extend to all court proceedings.

26. In a particular publicly widely publicized case which lasted several years and concerned children rights, the Ombudsman was in accordance with its mandate actively involved at several levels domestically, however mainly unsuccessfully. Finally, the European Court of Human Rights (the Court) in its judgment in a case *X and Others v. Slovenia* (application nos. 27746/22 and 28291/22) of 26 November 2024 (judgment not yet final) found a violations of Article 8 (right to respect for private and family life) and Article 6(1) (right to a fair trial) of the European Convention on Human Rights (ECHR). The case addressed issues concerning the removal of the first applicant's children from her care and the cessation of contact between them for a longer period. The Human Rights Ombudsman was granted leave to intervene as a third party (*amicus curiae*) and submitted observations to the Court. This contribution provided valuable insights into the legal issues, which the Court considered during its deliberations and the Court largely followed the reasoning and positions of the Ombudsman. The Court found that the assignment of the applicants' case to a particular judge was in flagrant violation of domestic legislation and judicial order, undermining the first applicant's right to a "tribunal established by law" (including the right to a natural judge) and a violation of Article 6(1) of the ECHR. The Court also identified several breaches concerning the right to respect for private and family life (Article 8 of the ECHR). For the applicant children – the order

to remove them from their mother's care in March 2020 lacked relevant and sufficient reasons. Additionally, the children were not properly represented in the contact and custody proceedings, and the prohibition of contact with their mother was unjustified. For the first applicant (mother) – the prohibition of contact with her children was also deemed unjustified. These actions collectively breached the children's right to respect for their family life. The Ombudsman is convinced that all three branches of government need to actively, properly and timely enforce the judgment – through individual and general measures, including through the changes of adequate legal provisions, as appropriate. The issues of ensuring children's contact with their parents in cases of separated parents, as well as matters related to child support, child benefits, and the management of the child's property, remain problematic as a general issue.

27. The Ombudsman highlighted the issue of accessibility of secondary schools in its 2019 Annual Report and made two recommendations, which remain unfulfilled. The Inspectorate of Education and Sport of the Republic of Slovenia promised regular inspections of kindergartens, primary and secondary schools, and access to education for persons with disabilities. When at the end of 2022, the Ombudsman checked to see how this promise had been implemented, it found that the Inspectorate had not kept it, citing staff shortages and a higher number of emergency initiatives, and an increase in the number of different types of violence in the school environment as the reasons.

28. After years of Ombudsman's interventions, the National Assembly finally passed in 2023 an amendment to the Health Care and Health Insurance Act, which grants parents who stay with their sick child in the hospital the right to financial compensation during temporary absence from work. Parents can now stay in the hospital with their sick child free of charge until the child turns 14, whereas previously this only applied until the child was six.

29. In 2023 the Ombudsman pointed out that the needs of the surrounding population, including the needs of school children, must be taken into account when conducting training activities of the Slovenian Armed Forces (for example, the Poček training ground and the Municipality of Postojna), as well as the appropriate conditions for conducting their lessons. Noise can have a negative impact on learning, language skills, motivation, and concentration, thus affecting memory and the performance of more or less demanding tasks; it can also cause irritability and behavioral disorders. The Ombudsman also drew attention to the importance of healthy food for children in schools and kindergartens, as it handled several cases in this regard.

30. The Ombudsman, in collaboration with eleven organizations active in the field of children's rights, has issued a Joint Statement regarding the planned reform of the school system for the next decade (2023-2033) in September 2023. The statement outlines shared views on the current situation and presents ten proposals (recommendations) for improving the school system in Slovenia through a child-rights centred approach:

- 1) The introduction of new mandatory primary school-subjects should not result in an increase in the total number of teaching hours per week or school year. Instead, existing curricula and the scope of subject content should be adjusted accordingly.
- 2) A mandatory multidisciplinary subject should be introduced at all grade levels of primary and secondary education. This subject should equip students with "life competencies" as part of the standard school curriculum. The content should vary across different grades, depending on students' age and maturity. Topics should include soft skills such as awareness and prevention of violence within and outside the school environment (especially online violence, given the strong correlation between physical and online bullying as shown in research studies), mental health prevention and promotion of a healthy lifestyle and relationships (enhancing self-esteem and self-respect, coping strategies for frustration, anxiety, and anger, assertive and non-violent communication, responsibility – not just rights), human rights and fundamental freedoms, non-discrimination, stereotypes, sex education, social skills, media literacy, relationships (healthy and unhealthy relationships, partner violence, communication), safe use of the internet and ICT, functional literacy, personal finance management (financial literacy), integrity, environmental issues, sustainable development, first aid, etiquette, public speaking, etc. To implement this, we call for either an expansion of the existing subject Ethics and Citizenship Education to incorporate these contents, ensuring its presence in all nine grades of primary school and all years of secondary education, with an age-appropriate and progressive learning approach, or for the introduction of a new subject that would comprehensively train students in various life competencies in a multidisciplinary manner. The primary goal of such a revised or new subject should be to develop life skills, necessitating appropriate teaching methods (group work, discussions, expert visits, institutional visits, project-based learning, etc.) and knowledge assessment methods that would result in descriptive evaluations (if reintroduced).
- 3) A systematic approach to education on the safe use of ICT and media literacy should be established. We call for the integration of media literacy and ICT topics into school curricula and, most importantly, the introduction of a mandatory subject on computer science and informatics across all grades of primary and secondary education. This subject must incorporate all key elements of media literacy to create a safe and

supportive online environment, allowing children access to high-quality content and the development of digital skills.

- 4) When revising curricula from preschool through secondary education, the First Phase of the UN World Programme for Human Rights Education should be considered, particularly its recommendations on enhancing human rights education and tolerance. This includes reviewing both new and existing textbooks. Additionally, experts in human rights education should be included in the curriculum reform commission, following consultation with the Ombudsman (Ombudsman's Recommendation No. 2 (2022)).
- 5) Teachers and schools should be provided with adequate professional support to address various challenges in schools, along with additional training and professional development focused on soft skills education. At the tertiary level, the training of future educators should consider the introduction of new courses or adjustments to existing curricula in line with these recommendations.
- 6) Under the new concept of the expanded school program (as proposed in the draft amendments to the Primary School Act), a structured collaboration should be established between the education system and the non-governmental sector or independent state institutions. These organizations can complement formal education with non-formal learning experiences, ensuring practical engagement and the involvement of professionals from the field.
- 7) Regarding home education, at least in the first year of primary school, attendance at school should be mandatory to help children familiarize themselves with the school environment, learning processes, work habits, and social interactions. Additionally, home education should be subject to stricter regulations, ensuring that the child's best interests remain the primary criterion (e.g., home education should be permitted in cases of health issues, frequent relocations, or extensive travel, rather than solely based on parental preference). Furthermore, knowledge assessments for home-schooled students should cover all subjects in the curriculum and the entire subject matter for each grade, rather than only a selected subset of subjects.<sup>9</sup>
- 8) Authorities responsible for education policy should adopt legislative measures to regulate monitoring of items brought into schools, particularly for checking school bags and screening for dangerous objects, including weapons, drugs, and alcohol (Ombudsman's Recommendations No. 11 (2022) and No. 88 (2018)).

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<sup>9</sup> This recommendation was in principle implemented.

- 9) The curriculum reform process should take into account expert findings on children's need for more physical activity in schools and the promotion of movement culture as a means to improve children's physical and mental well-being.
- 10) Inclusive education must be ensured for all children, including those with special needs, taking into account their diverse requirements and appropriate teaching methods, while also adapting minimum knowledge standards in educational programs where necessary.

31. The Ombudsman pays constant attention to the situation of children with special needs, including raising awareness of the need to reduce institutionalisation. In 2020, the Ombudsman also recommended that the competent ministry introduce family assistance in families caring for children with special needs under 18, aiming to reduce the institutionalisation of children with special needs and to realise the rights of children with special needs to family life. Unfortunately, this recommendation has not yet been implemented.

32. With regard to children with special needs, the Ombudsman issue a reminder in 2020 that an immediate response to perceived problems in the area of integrated early treatment of preschool children with special needs is essential for adequate protection of their rights. In Ombudsman's opinion, pupils who have certain deficits, obstacles, or disorders should be able to pass the matura with adjustments. Otherwise, rights protected by the Convention on the Rights of Persons with Disabilities and Article 4 of the ZMat may be interfered with, as well as Article 11 of the ZIMI. The Ombudsman considered the case of comparable use of rights. If a student cannot attend a school residential trip due to health problems, simply because it is not clear how the necessary presence of an additional child's companion will be financed, the child's constitutional rights are violated. The Ombudsman therefore recommends to the Ministry of Education that all children who have health problems and who, due to the fact that they would not have to be provided with a companion, would not be able to attend a school residential trip, but would like to, be adequately provided with a companion.

33. The Ombudsman also strives to regulate the transport of children with special needs to and from their place of education. In some cases, the Ombudsman found that municipalities only reimburse transport costs rather than organising transport as required by law.

34. For ten years, the Ombudsman has been drawing attention to the problems of blind and partially sighted children. However, there are still problems in the educational

process regarding the systemic unavailability of adapted learning materials for blind and partially sighted children, as well as the lack of appropriate adaptations in the participation of children in various knowledge competitions. The Ombudsman has recently received clarification that additional funding has been granted for new posts to prepare materials for learning materials for blind and partially sighted children.<sup>10</sup> Since 2022 the Ombudsman has also addressed the issue of discrimination of children with special needs in various fields, e.g. regarding the difficulties in converting textbooks for the blind and partially sighted, impossibility of inclusion in the insurance for injuries at work and occupational diseases when performing compulsory practice, and the recognition of unconstitutionality of the valid definition of the allowance for assistance and services for minor children with special needs.

35. In 2019, the Ombudsman dealt with a complaint asking why only blind children are entitled to the allowance for assistance and care under the Pension and Disability Insurance Act (ZPIZ-2), while other children with disabilities who have similar or even greater difficulties are not. The competent ministry replied that the ZPIZ-2 is only one of six acts that grant an allowance to different categories of beneficiaries who require permanent assistance and care from a third party. The Ombudsman pointed out that the needs of people who fall into these different categories are comparable, as they all arise from the need for assistance from a third party to carry out basic or supporting daily tasks. Still, the criteria, conditions, and amount of this assistance or allowance are regulated very differently. The Ombudsman has considered the above issue in the context of Article 14 of the Constitution of the Republic of Slovenia, which obliges the legislator to regulate life situations that are similar in a similar way. Taking into account the fact that no comparable right is provided for children with disabilities who are not blind but who also require the assistance of a third person to perform basic or supporting daily tasks, the Ombudsman found a violation of the principle of equality in connection with Article 52(1) of the Constitution of the Republic of Slovenia (Rights of persons with disabilities). In 2020, the Ombudsman recommended to the relevant ministries that children with disabilities who are not blind but who also require assistance in performing basic or supporting daily tasks should be assisted by a third party. This recommendation was not implemented. The Ombudsman is not satisfied with the current situation and considers that setting up a system for assisting children with special needs with daily tasks would be helpful.

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<sup>10</sup> For information, the Advocate of the Principle of Equality in June 2022 published its special report The Situation of the Deaf in the Educational System, available at: <https://zagovornik.si/wp-content/uploads/2022/08/The-Situation-of-the-deaf-in-the-Educational-System-1-1.pdf>.

36. In 2022, the Ombudsman asked all music schools in the country to explain how many children with autism attend their school and how many children with autism who wanted to enrol had done so in the past but could not because they had failed the entrance exam. Based on the replies, the Ombudsman concluded that music education in Slovenia is mainly designed to discover and develop talent – purely in the direction of results. Nevertheless, some (smaller) music schools are very inclusive of people with disabilities. The Ombudsman pointed out that children in music schools have no right to an accompanist or other support. The Ombudsman welcomed in 2024 the decision of the Ministry of Education to actively focus on systemic changes that will improve the possibilities for the inclusion of children with special needs in music schools.

37. In 2021, the Ombudsman recommended that the competent ministry develop systemic measures to ensure that children with special needs and disabilities are appropriately treated and integrated into society. The ministry replied that it is strongly committed to reforming services for children with special needs and agrees with the Ombudsman that systemic measures should be taken comprehensively and in cooperation with the other ministries to enable a more efficient provision of services in the public network. The ministry also reported that a National Implementation Plan in the field of social protection for 2022–2025 is under preparation, based on the Resolution on the National Social Protection Programme (ReNPSP) for the period 2021–2030, adopted in March 2022, which will identify key actions to achieve the objectives of the ReNPSP by defining indicators and financial resources. The Ombudsman repeated his recommendation in 2022, as many measures have been planned but not yet adopted.

38. As already mentioned, the Ombudsman has persistently and, over many years, raised concerns over the general shortage of experts in clinical psychology of children and adolescents, psychiatry and child psychiatry in Slovenia. In 2022 the Ombudsman recommended that the Ministry of Health and the Ministry of Labour, Family, Social Affairs and Equal Opportunities ensure prompt and quality health care for children and adolescents with mental health problems. A very important topic that was in the foreground in the past year is also a general mental health of children and adolescents. A condition for children's good health is their good mental health. Urgent systemic action is needed in institutional care for children with severe mental health disorders. The Ombudsman considers that these children and adolescents should be placed only in secure units which are designed for children and adolescents in terms of staff, space, services and programmes, and not for adults, as is the case with secure units in specialist

social care institutions, where they were placed. Primarily the Ombudsman persistently calls for deinstitutionalisation.

39. Social exclusion of Roma remains widespread, particularly in south-eastern Slovenia. Many Roma in this region live in segregated settlements without security of tenure, some even without basic services such as adequate safe drinking water, sanitation and electricity. The Ombudsman has consistently called for access to adequate housing for Roma to be ensured.

40. In the Roma settlement of Goriča vas, in the municipality of Ribnica, a baby tragically died at the end of 2019, according to available information, also due to inadequate living conditions. The Ombudsman had already addressed the issue of access to safe drinking water in the *Special Report on the Living Conditions of the Roma in South-Eastern Slovenia* (May 2012), recommending that adequate access to safe drinking water be ensured. In March 2014, the Ombudsman explicitly urged the mayor of Ribnica to ensure basic infrastructure, particularly safe drinking water and sanitation, for the local population. However, this recommendation was not implemented. In 2015, the Ombudsman once again called on the Government of the Republic of Slovenia to adopt and enforce all necessary measures to provide access to safe drinking water and sanitation in Goriča vas, either through public access points or a direct public connection. As this request was also disregarded, the Ombudsman ultimately determined that the human rights and fundamental freedoms of the settlement's residents had been violated. In 2016, the Slovenian Government provided plastic water tanks, but these froze during the winter months, rendering them unsuitable for the residents. The Ombudsman reiterated that the installation of plastic water tanks in Roma settlements could only serve as a temporary solution. Such measures are entirely inadequate in periods of extreme high and low temperatures. Following the tragic death of the baby, the Ombudsman reiterated in February 2020 that the severe lack of infrastructure in Goriča vas posed a serious threat to the health of the Roma community living there. The Ombudsman again urged the Government of Slovenia to take immediate action to ensure access to safe drinking water, sanitation, and electricity or to find an alternative solution, such as relocation, that would provide decent living conditions. No response was received within the set deadline.

41. In 2023, the Slovenian Ombudsman found that residents of the Roma settlement of Goriča vas still lacked access to drinking water and electricity. The Municipality of Ribnica rejected a proposal to establish public access to water and electricity, arguing that this would create an unequal situation compared to other Roma who pay for these

services. The Ombudsman criticised this stance, highlighting that access to drinking water is not a privilege but a basic necessity that must be guaranteed for all, irrespective of the legal status of their land. Furthermore, the residents of Goriča vas face serious health risks due to a polluted watercourse near the settlement. Many suffer from chronic bronchitis, asthma, and other illnesses linked to environmental contamination. The odour from the watercourse is particularly severe during the summer months. Following the Ombudsman's intervention, the Public Utility Company Grosuplje conducted an inspection and found that the watercourse contained overflow from the sewer system and waste obstructing its normal flow. The watercourse was deemed hazardous to health, yet no clear responsibility for its remediation was established. Despite receiving over half a million euros in state funding between 2021 and 2023, the Municipality of Ribnica has not ensured improvements in the living conditions of the settlement. The Ombudsman, therefore, reiterates the urgent need for immediate action by the responsible authorities.

42. The Ombudsman also regularly draws attention to the close connection between living conditions for children with school performance and (later) employability. As a result of the violation of the right of access to water and sanitation, Roma children face serious threats to their health and the health of those they come in contact with (e.g. at school) and to severe obstacles to growing up and education, which will permanently mark their personality and further life path.

43. A 2022 Institute for Ethnic Studies report found only 21.3% of Roma pupils complete all nine grades of primary school, with the south-eastern region averaging just 12.3%. The Ombudsman conducted research in 2020 on the schooling of Roma children during the Covid-19 pandemic. The findings reveal that many Roma students lacked the necessary technology and resources for remote learning, making access to education significantly more difficult. Schools and Roma assistants made efforts to support these students by providing computers, printed materials, and additional assistance. However, challenges such as poor living conditions, lack of parental support, and limited digital literacy persisted. The research highlights that Roma children generally face greater educational barriers, which were further exacerbated during the pandemic.

44. A 2018 National Institute of Public Health study revealed Roma men have an average life expectancy of nearly 20 years less than the general Slovenian population. Premature mortality among Roma is 69%, compared to the national average of 19%, and the child mortality rate for Roma aged one to five is seven times higher.

45. The Ombudsman also notes a problem of child marriages in Roma population, which might also result in forced marriages and even trafficking in human beings. However, the Ombudsman notes a lack of official data, knowledge and awareness regarding these issues at schools, social work centres as well as at the prosecution offices and courts.

46. The Ombudsman systematically emphasizes since 2019 that the collection of data disaggregated by protected grounds has been recommended to Slovenia by several international monitoring mechanisms, including the Committee on the Rights of the Child. In this regard, the Ombudsman recommends that the competent authorities adopt adequate legislation in order to enable and ensure systematic collection of disaggregated data as per protected personal grounds, including children, in all areas of social life, including schooling, with the aim to accurately determine the situation and trends regarding (in)equality in society and to promote equal treatment and equal opportunities when observing applicable national and international standards on personal data protection.

47. In 2022, the Ombudsman was informed of the first communication against Slovenia before the Committee on the Rights of the Child (CRC) where the Ombudsman made a request to submit a third-party intervention and the request was granted. The case (CRC Case No. 195/2022 and 196/2022) concerns an unaccompanied minor from Myanmar (of Rohingya ethnicity) who lived in a refugee camp in Bosnia and Herzegovina and made several attempts in 2020 and 2021 to cross Croatia and Slovenia irregularly. He was allegedly pushed back by Croatian Police several times and also once by Slovenian Police in July 2021. The allegations regarding his encounter with the Slovenian Police include lack of individualized assessment, failure to recognise him as a minor, ignoring of his asylum claim and violation of the principle of non-refoulement, which matches the kind of violations detected by the Ombudsman in other border procedures with migrants around the same time.

48. According to national legislation (Aliens Act), unaccompanied minors and families with children should primarily be accommodated in appropriate facilities for children. However, in practice, families with children and some unaccompanied minors have been detained in the Postojna Centre for Foreigners, which is a closed facility. The Ombudsman has been calling on the authorities for years that adequate alternative accommodation should be provided for families with children and that detention of minors should only be used as a last resort, remains unimplemented. Slovenia introduced a regulation effective of 1 April 2024, aimed at ensuring appropriate care and accommodation for unaccompanied minors. The regulation established a dedicated reception centre and accommodation unit specifically for these children, including those

classified as irregular migrants, individuals intending to seek asylum, applicants or recipients of international protection, and individuals under temporary protection schemes. With this change, unaccompanied minors are no longer detained in the Postojna Centre for Foreigners, which is a closed facility. The Ombudsman welcomes this step towards ensuring the rights and welfare of unaccompanied minors. However, families with children (who are not applicants for international protection) are still detained in the Postojna Centre for Foreigners, despite national legislation (Aliens Act), which stipulates that families with children should primarily be accommodated in facilities appropriate for children. According to information received from the Postojna Centre for Foreigners, four families with a total of ten children, who had not applied for international protection, were detained there in 2024.

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