



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/70/Add.19
18 June 2003

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD
CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Second periodic reports of States parties due in 1998

SLOVENIA*

[18 September 2001]

* For the initial report submitted by the Government of Slovenia, see CRC/C/8/Add.25, for its consideration by the Committee, see documents CRC/C/SR.337-338 and CRC/C/15/Add.65.

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I. INTRODUCTION

1. Pursuant to article 44, paragraph 1, of the Convention on the Rights of the Child, to which Slovenia is a successor (Basic Constitutional Charter on the Independence and Sovereignty of the Republic of Slovenia, *Ur. l. RS*, 1/91-I), and the Act on Notification of Succession Regarding United Nations Conventions and Conventions Adopted Within the International Atomic Energy Agency, *Ur. l. RS*, 35/92), the Republic of Slovenia, as a member of the United Nations Organization and party to the Convention on the Rights of the Child, hereby submits its second periodic report on measures for the implementation of the rights recognized by the Convention.
2. The present report on the measures adopted to give effect to the Convention on the Rights of the Child includes the amendments adopted by the Government of Slovenia between November 1996 and 2001 concerning children's rights. The report also includes measures by non-governmental organizations (NGOs) concerning children's rights and proposals put forward by the Government, the professional public and NGOs on this issue.
3. The report was drawn up in line with the guidelines laid down by the Committee on the Rights of the Child. The bodies which took part in its preparation included the Ministry of Labour, Family and Social Affairs, the Ministry of Education, Science and Sport, the Ministry of Health, the Institute of Public Health, the Ministry of Finance, the Ministry of the Interior, the Ministry of the Environment and Spatial Planning, the Ministry of Defence, the Ministry of Justice, the Ministry of Foreign Affairs, the Office for Occupational Safety and Health, the Statistical Office of the Republic of Slovenia, the Nationalities Office of the Republic of Slovenia, the Office for Religious Communities, the Government Public Relations and Media Office, the Office for Migration and Refugees, the Equal Opportunities Office and the Office for the Disabled.
4. This report by the Government of Slovenia is public. In addition to the ministries, offices and institutes involved in its preparation, copies of the report have been sent to the Human Rights Ombudsman, various NGOs and other professionals with an interest in the field.
5. The overall assessment is that the area is well regulated, as many statutory acts and programmes have been adopted with the intention of implementing the civil, political and social rights of the child. Over the five-year period covered in the report, most of the recommendations made by the Committee on the Rights of the Child have been carried out. Summarizing the main conclusions of the Governmental Report on the Enactment of the World Summit for Children, i.e. the World Declaration on the Survival, Protection and Development of Children and the conclusions of the UNICEF office in Florence "Child Well-being in the EU and Enlargement to the East", it can be concluded that Slovenia is the leading country in Central and Eastern Europe in terms of GDP per capita, that income disparity is comparable to the EU average, and that infant mortality is among the lowest in Europe. The share of GDP spent on education in Slovenia in 1999 was 5.8 per cent, which is above the average for Central and Eastern European countries (5 per cent). The number of children attending secondary education is increasing and equals the average for some EU countries: 30 per cent of children over 16 are not in secondary education in Portugal; this figure is 20 per cent in Greece and 15 per cent in Great Britain. According to UNICEF, only in Sweden, the Netherlands and Belgium do all children attend secondary school.

II. GENERAL MEASURES OF IMPLEMENTATION

6. In the five years since the initial report on the implementation of the Convention on the Rights of the Child, Slovenia, with the intention of implementing the recommendations of the Committee on the Rights of the Child, prepared and adopted new legislation, as well as certain planning documents on the enforcement of the rights of the child.

7. With the Basic Constitutional Charter on the Independence and Sovereignty of the Republic of Slovenia (*Ur. l. RS* 1/91-I) and the Act on Notification of Succession Regarding United Nations Conventions and Conventions Adopted Within the International Atomic Energy Agency (*Ur. l. RS*, 35/92), Slovenia succeeded to the Convention on the Rights of the Child, together with a reservation with regard to article 9, paragraph 1, of the Convention. Paragraph 1 provides that “States parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable laws and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case, such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child’s place of residence.” The Marriage and Family Relations Act (*Ur. l. SRS*, 14/89 - clarified text) specifies that the State may and must interfere with parenting rights through measures carried out by social work centres in the administrative procedure and through certain measures carried out by courts of law, which explains why Slovenia assumed the Convention with the above reservation. The reservation was withdrawn in 1999 (*Uradni list Republike Slovenije, Mednarodne pogodbe*, 5/99).

8. Each individual was guaranteed judicial protection at the time of ratification of the Convention, as well as by article 25 of the Slovenian Constitution (*Ur. l. RS*, 33/91-I), which states that “everyone shall be guaranteed the right to appeal or to any other legal remedy against the decisions of courts and other State authorities, local community authorities and bearers of public authority by which his rights, duties or legal interests are determined”. Under the General Administrative Procedure Act, a complaint against a decision by a social work centre may be filed with a second-instance administrative body (competent ministry), and against its decision an administrative dispute may be instigated at the Administrative Court.

9. Article 1, paragraph 1, of the new Administrative Dispute Act (in force since 1 January 1998) specifies that administrative dispute ensures judicial protection of the rights and legal interests of individuals, legal entities and other persons (if holders of rights and obligations) against the decisions and actions of administrative or (as provided for by law) other State bodies, local community bodies and holders of public authorizations, in a manner and according to the procedure laid down by the Administrative Dispute Act. In an administrative dispute a court of law rules on the legality of individual final acts that State bodies, local community bodies or holders of public authorizations have the authority to issue (art. 1, para. 2 of the Administrative Dispute Act).

10. Since the General Administrative Procedure Act and the Administrative Dispute Act provide for judicial control of decisions issued by social work centres and ensure judicial protection, i.e. juridical review, as defined by article 9, paragraph 1, of the Convention on the Rights of the Child, Slovenia therefore fulfils the general provisions laid down in that paragraph.

11. Under Slovenian law a decision of a social work centre to separate a child from his or her parents is subject to a judicial review under articles 120 and 121 of the Marriage and Family Relations Act in an administrative dispute instigated at the Supreme Court of the Republic of Slovenia by the parents of the child. This shows that the solution applied by Slovenian law, according to which a decision of social care services to separate a child from his or her parents is examined by a court of law in an administrative dispute, is in formal legal terms not contrary to the provisions of article 9, paragraph 1, of the Convention and therefore the reservation stated in the notification act is unnecessary.

12. The guarantee of a representative for the child in all proceedings concerning the child is regulated by procedural legislation; the appointment of a special representative of the child is regulated by the Marriage and Family Relations Act, which provides for a special representative to protect the child's best interests. The new Civil Procedure Act (hereinafter "CPA") provides for an additional regulation and improves the position of the child in civil procedures. In Chapter 27, CPA regulates separately the procedure in marriage disputes and disputes arising from the relationship between parents and children. CPA provisions place more emphasis on the protection of the child's best interests by allowing them to participate in the proceedings. CPA also provides for free legal aid for socially at-risk parties in court proceedings, primarily by waiving payment of the costs of proceedings; it also provides for the ex officio appointment of a representative to a party exempt from the payment of the costs of proceedings. Since the new CPA regulates the procedures in marriage disputes and disputes arising from relationships between parents and children in a separate chapter, it regulates in that same chapter some of the issues previously regulated by the Marriage and Family Relations Act in articles 66, 67, 69, 72, 73, 74, 75, 76, 77, 78, paragraph 4, 100 and 101, which were annulled by CPA.

13. The child's procedural capacity needs to be better regulated, not only with regard to civil procedures but also in other procedures, particularly non-litigious, administrative procedures and disputes. In an administrative dispute the child cannot participate as the "affected party" and has no right to conduct procedural actions either by himself or through a representative. The child should therefore be allowed to participate in an administrative dispute or provided with a special representative or a defence lawyer.

14. In the field of education and training a new law for children with special needs (Guidance for Children with Special Educational Needs Act) was adopted in 2000. The Act regulates educational guidance for children, adolescents and young adults with special educational needs, and prescribes the methods and forms of provision of education and training. With the Act a long-term process of integration of children with special needs in regular forms of education has begun. Activities for the preparation of non-statutory acts (the most important of which is the Rules on the Criteria for Defining the Type and Degree of Impairment) are under way.

15. In 1996, the Programme for the Protection of the Roma was adopted. In addition to other measures it defined the measures for the social integration of Roma children into regular primary schools. Only exceptionally is a whole primary school classroom composed of Roma children; in the 1998/99 academic year there were only seven such classrooms in all Slovenian primary schools. However, in the 1998/99 academic year only 58 Roma schoolchildren out of a total of 1,067 continued their education.

16. Schoolchildren with temporary refugee status are entitled to primary education in the same way as any Slovene schoolchildren; they are also granted equal access to secondary, higher or university education. Ten years of living in Slovenia has allowed these children to adapt to their new environment, attain professional qualifications, or study at college or university. The main objectives of the measures in this area are to normalize their life in their new environment and prepare them for life in their home country once they return. In 1999, Slovenia adopted the Aliens Act, the Act Regulating the Legal Status of Citizens of the Former Yugoslavia Living in the Republic of Slovenia, and the Asylum Act. The extent of health-care services available to these children has yet to be regulated.

17. The Guarantee and Maintenance Fund Act grants children who do not receive the maintenance to which they are entitled under a court ruling or administrative decision the right to replacement maintenance. The right to recovery of maintenance is granted to children under 18 living in a family in which the income per family member is less than 55 per cent of the national average wage in the previous year. In addition, a request for a writ must have been filed at least three months previously. In practice however, the administrative or court proceedings of enforcing the right to maintenance can be quite lengthy.

18. In March 2001 the Child Benefit Act was adopted. This has extended the validity of selective child benefit, which is means-tested and depends on the number of children in the family, until the adoption of the new Parental Leave and Family Benefits Act. At present, over 80 per cent of children potentially entitled to the benefit are receiving it. The Parental Leave and Family Benefits Act, which is currently in parliamentary procedure, will, in addition to selective child benefit and other family benefits, introduce special financial assistance to lone-parent families with several children. The Act also envisages other rights for parents such as the subsidizing of parents' employment, paternity leave, and various flexible options in the use of childcare leave.

19. The new Pension and Disability Insurance Act introduces the option of voluntary participation in mandatory pension insurance under certain circumstances, e.g. when caring for a child under the age of 7.

20. The changes and additions to the Marriage and Family Relations Act put forward by the Government of Slovenia in 2001 have removed the unconstitutional solution relating to the decision on the upbringing and education of children. There is still the need for a more flexible regulation of the right of children to personal contact, since children need to be allowed to maintain contact with other people such as grandparents, adult sisters and brothers or former foster-parents if they are attached to them and if this is in the best interest of the child, and the right of the child to be jointly cared for by both parents. Foster care will be regulated by the Foster Care Act, which is being drawn up. There is also the need for a more precise regulation of adoption.

21. By analysing the implementation of the Resolution on the Foundations for Family Policy in the Republic of Slovenia, the changes and additions to family policy measures were determined. These were incorporated in the new Parental Leave and Family Benefits Act, and the Action Programme Against Poverty and Social Exclusion (adopted in 2000) defined the basic

State measures for the protection of poor or socially excluded people, and therefore also for the protection of children's interests, especially of young unemployed people, school dropouts and others.

22. Slovenia has ratified the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and the European Convention on the Exercise of Children's Rights (*Ur. l. RS, MP, 26/99*).

23. On the basis of the Police Act, the Rules on Police Authorizations were adopted in 2000. The Rules lay down in detail the limits which the police must respect in official dealings with individuals. The Rules instruct the police to act with particular restraint when dealing with children (persons under the age of 14) and minors (aged between 14 and 18), and provides for a complaints procedure. Under the provision of article 8 police authorizations are to be enforced in such a way that "the life and safety of people not involved in the procedure are not endangered, without disturbing them unnecessarily or burdening them with unnecessary obligations", while under the provision of article 12 each and every use of a police authorization must be recorded in a "report on the action completed" or at least in the form of an official note. Regular professional training for all police officers on these issues needs to be provided. While the 1998 Criminal Procedure Act introduced several changes to the way a detention order is granted and executed, which helped to improve conditions for detainees, including juveniles, the length of detention has not changed. In spite of the fact that there are no time restrictions and that individual stages can be lengthy in practice, procedures against minors do not last long (in 1999, 11 juveniles were detained of whom only 3 were detained for more than two or three months).

24. Several suggestions have been made to appoint a special ombudsman for children's rights and to form a government or other suitable body at the level of executive authority to guarantee comprehensive care for children and their interests in Slovenia. The proposals to appoint a special ombudsman for children's rights have been debated by the Committee on the Rights of the Child at the Friends of Youth of Slovenia Association, the Human Rights Ombudsman and the Equal Opportunities Commission of the Slovenian National Assembly. The Equal Opportunities Commission recommended that the possibility of appointing a special ombudsman for children's rights be looked into from the angle of children's best interests. The Legal Information Centre for NGOs was also involved at this stage.

25. The Child Protection Act (currently being drawn up) will provide systemic regulation for the area of children's rights in Slovenia and will lay down the basic mechanisms for the coordination of action in cases of abuse or neglect of children, which is one of the areas in which, in practice, the burden of responsibility is too often shifted around instead of having professionals working together for the best interests of the child. Children must be provided with access to children's rights by means of dissemination of information on children's rights through brochures, TV adverts, telephone hotlines, open days and the Internet, in forms that are easy to understand for children. Parents must also be provided with access to various forms of information and counselling.

A. State measures for the implementation of the Convention

26. In Slovenia the regulation and implementation of the rights of the child are based on the principles of justice, freedom and equal access to social services for all.

27. Measures relating to children's rights are implemented by the State and local communities and also by NGOs. They are based on financial assistance and services directly intended for children or other family members, and ensuring the social and economic welfare of children (family benefits, tax relief, health-care services, subsidized housing, etc.), equal educational opportunities and social inclusion.

28. With the exception of child benefits, the system of family benefits, whose aim is to secure the financial and social security of children and other family members and which is based on universal measures for the protection of children and other family members (maternity and childcare leave, parental allowances, newborn baby allowance) and measures that guarantee protection for the most vulnerable groups (such as children with special needs), has not changed considerably in the period covered by the report. In 1999 a new form of child benefit which depends on the family income and the number of dependent children was introduced. The new child benefit was significantly increased in 1999 - in comparison with the previous amount, the average amount of child benefit in the first few months was 55.7 per cent higher. Following changes to the criteria on child benefits (which took place in 1996 and 1999) and in line with the 2001 Child Benefit Amounts Act, just over 80 per cent of those potentially eligible claim child benefit. In 1999, the age-limit for entitlement to a special childcare allowance was raised (valid since 1 May 1996); now it can be claimed by one of the parents of a seriously ill child or a child with a physical or mental disability until the child is 18 years old and, since 1999, also for a child who regularly attends school, but only until the child is 26.

29. In 1998, the national budget allocated 1.58 per cent of GDP to family benefits (child benefit, special childcare allowance, newborn baby allowance, parental allowance and maternity benefit). Of this, SIT 26,705 million (0.83 per cent of GDP) was for child benefits, an increase of 0.248 per cent compared with 1996 (0.509 per cent of GDP); SIT 567.6 million (0.018 per cent of GDP) for the childcare allowance, an increase of 0.001 per cent compared with 1997; SIT 428.99 million (0.013 per cent of GDP) for the newborn baby allowance (layette), an increase of 0.001 per cent over 1993; SIT 573.75 million (0.018 per cent of GDP) for the parental allowance, a fall of 0.005 per cent compared with 1993; and SIT 22,569.82 million (0.701 per cent of GDP) for maternity benefits, a fall of 0.13 per cent compared with 1993. The national budget set aside 1.67 per cent of GDP in 1999 and 1.85 per cent of GDP in 2000 (first seven months) for an additional increase in funding for family benefits and, as a result, an increase in child benefits.

30. Resources for the implementation of family support programmes were used to co-finance 11 programmes of support for families and children in 1997. In 1998 the Ministry of Labour, Family and Social Affairs funded 55 programmes of support for families selected by public tender with a joint value of SIT 30 million. In 2000, 64 programmes of support for families selected by public tender were co-financed. The total value of the funding

was SIT 20,825,000. These programmes were mostly provided by NGOs as subcontractors (the aim was to achieve greater diversity of providers as well as programmes, and to bring them closer to the needs of the families).

31. The system of tax reliefs for families with children, established by the Personal Income Tax Act, has not changed in the period covered by the present report. Tax relief was envisaged in the form of a reduced basis for the calculation of income tax and is increased for each child supported by the taxpayer. The system is more favourable to families with several children and provides for greater tax relief for taxpayers with higher income (because of the progressive income tax scale, the effects of the relief on the basis for the calculation depends on the individual rate applying to the taxpayer in question). Income tax is also paid from income earned by students or pupils through temporary or occasional work. Under the current income tax system, social security payments and other child or family benefits are exempt from income tax (unemployment benefit, unemployment assistance as the sole source of income, financial assistance under the Social Security Act, incomes related to foster care and payments for care in a family other than the child's own, disability allowances claimed under the regulations on social care for the mentally or physically handicapped, payments to schoolchildren and students for mandatory practical work during schooling, scholarships for schoolchildren and students). In November 1996, the Constitutional Court ruled that the provision of the Personal Income Tax Act providing for tax reliefs for dependent family members but not for the amount of that relief were not in compliance with the Constitution. In connection with this Constitutional Court ruling, the Government has already prepared amendments to the Personal Income Tax Act; these have been submitted to the National Assembly.

32. The education and training system, which includes pre-school education, free primary education and equal opportunities of access to secondary, higher or university education, has not changed significantly during this period.

33. When school curricula and catalogues of knowledge were revised in 1996, instructions for the preparation of curricula and catalogues of knowledge were issued; in them, the issue of children's rights was given special attention. The issue is included in the curricula and catalogues of knowledge in the following subjects: social sciences/civic culture in basic and medium-level vocational schools, civics and ethics in primary schools, history and geography in primary schools, and sociology in grammar schools. The Ministry of Education, Science and Sport is preparing a revision of all subjects taught in schools that will redefine the objectives of primary education, including the following: the provision of general education to all people; the promotion of a balanced cognitive, emotional, spiritual and social development of all individuals; the raising of awareness of an individual's integrity; the teaching of tolerance and respect for difference, cooperation with others, respect for human rights and fundamental freedoms and, through this, the promotion of people's ability to live in a democratic society; the achievement of comparable standards of know-how and the acquisition of knowledge required for continued education; the development of talents and teaching people to appreciate works of art and artistic expression; and the development and promotion of healthy lifestyles and a responsible attitude towards the natural environment. These objectives, of course, serve as the basis and a guideline in the formulation of new syllabuses to be taught in schools. The new

primary education programme (which has been introduced gradually since 1999/2000 and will be applied in all Slovenian schools from the 2002/2003 academic year) includes among its compulsory subjects the subject of “civics and ethics”. This subject will teach primary schoolchildren the basics of civic culture. Schools will teach optional as well as compulsory subjects.

34. In 1996, Slovenia set aside 5.5 per cent of GDP for education (which includes pre-school education, all levels of education and training, as well as support services, other activities and research); this figure was 5.8 per cent in 1999.

35. The healthcare system grants equal access to health services for all children. The National Healthcare Programme of the Republic of Slovenia Until 2004 - Healthcare for Everyone, adopted in May 2000 by the Slovenian National Assembly, includes the following additional health-care activities for children:

- Health education in all schools, modelled on the international example of “health-promoting schools”;
- Provision of round-the-clock paediatric care at all levels;
- Comprehensive preventive and curative treatment;
- Further development of children’s clinics;
- Additional care for children with mental or physical disabilities.

36. Expenditure on compulsory health care in Slovenia was 7.3 per cent of GDP in 1993, 6.7 per cent of GDP in 1998 and 6.5 per cent of GDP in 1999. The share of voluntary contributions for health insurance (compulsory and voluntary parts together) grew during this period, from around 6 per cent in 1993, when voluntary insurance was first introduced, to around 12.5 per cent in 1999. In 1999 the funds accrued by voluntary insurance amounted to around 0.9 per cent of GDP. In 1997 compulsory health insurance (including contributions for sick-leave payments) and voluntary health insurance funds together amounted to 7.5 per cent of GDP.

37. Housing policy was regulated by the 1991 Housing Act and implemented by the National Housing Programme, adopted in 2000. Article 77 of the Housing Act defines the housing measures lying within the competence of the State, which include determining the amount of money to be set aside for the housing of young people, families with several children or young families that qualify for non-profit housing and the defrayal of costs for the distribution of these resources to municipalities. In article 91 the Act also defines the priority groups of citizens eligible for funding from the Housing Fund, where priority is given to young families, families with several children, families with few working family members, young people, the disabled, families with a disabled family member, and people with many years of work who do not have an apartment or who are tenants. Specially selected families (families with several children, families with few working family members, young families, and families with a disabled family member, depending on the type and degree of disability) are given priority when applying for social housing.

Table 1**State funding for housing**

Year	Capital injection in the Housing Fund (in SIT million)	Funding set aside for housing in municipal budgets (in SIT million)	Total (in SIT million)	National budget (in SIT million)	Share of non-returnable funds in the national budget (per cent)
1	2	3	4 (2+3)	5	6
1995	2 287	0	2 288	529 207	0.44
1996	1 500	1 692	3 192	599 200	0.54
1997	1 000	2 075	3 075	737 000	0.42
1998	1 500	2 241	3 741	870 496	0.49
1999	1 500	-	-	960 664	-
2000	1 500	-	-	1 059 708	-

Source: Ministry of the Environment and Spatial Planning.

38. In March 1999 the Government of Slovenia adopted the National Housing Saving Scheme with the intention of systematically encouraging long-term saving by subsidizing interest rates for savings. In 2001 the National Assembly, by passing the National Saving Scheme Act, provided in law for the subsidizing of interest rates for long-term savings, which guarantees the permanence and systematic regulation of the national housing saving scheme.

39. Before 1995, 1.2 per cent of GDP was spent on housing and spatial development; since that year this sector has been given more attention and, as a result, the share increased to 1.6 per cent of GDP in 1999.

40. Social welfare, which includes the prevention and resolution of social problems of individuals, families and population groups, is regulated by the Social Assistance and Social Services Act of 1992 (amended in 2001). The amendments to the Social Assistance and Social Services Act envisage uniform financial assistance to the equivalent of the minimum wage (the basic minimum wage is SIT 37,943). In 2000 the Government and the National Assembly adopted two new planning documents on social security: the National Social Assistance and Social Services Programme Until 2005 and the Action Programme Against Poverty and Social Exclusion. These lay down the priorities of social welfare, including the need to diversify subcontractors in social services, and other measures aimed at fighting poverty and social exclusion.

41. The funding for social assistance payments amounted to 0.4 per cent of GDP in 1997 and 0.3 per cent of GDP in 1998. As part of the system of the shared funding of programmes for preventive and developmental activities, which include the provision of advice and information to children and young people as well as other programmes intended for children and young people carried out by public institutes, voluntary organizations and private individuals, the Ministry of Labour, Family and Social Affairs, on the basis of public tenders, invested over SIT 170 million.

42. An important role in the employment of young people (the 1999 survey-based unemployment rate for young people in Slovenia was 18.2 per cent) is played, in addition to scholarships which allow young people from low-income families to study, by active employment policy measures which help young unemployed people to study and prepare to join the labour market. In 1999 the Employment and Insurance Against Unemployment Act introduced a system of compulsory social insurance against unemployment. Two planning documents were also adopted, which directly concern the employment of young people: the Employment Action Programme for Slovenia for 2000 and 2001 and the Programme for Developing a Business Mentality and Creativity Among Young People. The former programme includes measures aimed at young unemployed people who have not completed school and who wish to continue training and education.

43. Public spending on active employment policy programmes in 1998 amounted to 1.31 per cent of GDP. Of this, 0.89 per cent went to unemployment benefits and unemployment assistance and 0.18 per cent to programmes for subsidizing employment and measures aimed at young people. According to the programme, 1 per cent of GDP was to be set aside for the implementation of employment action programmes in 2000, and 1.2 per cent the following year. An additional 0.5 per cent of GDP was to be secured for active employment policy measures from public funding in this year and more than 0.8 per cent of GDP in the next year. For scholarships, 0.4 per cent of GDP was set aside.

44. At the local level, local communities are directly responsible for the setting-up, functioning and funding of social services for children; other services are carried out indirectly through public institutes, private individuals and NGOs operating in local communities. Local communities grant equal access to services in primary education, pre-school education, health care and social services. Preventive health care and primary health care, which are provided by medical centres, pharmacies and private medical workers, are entirely covered by the local community. The local community ensures funding for programmes not provided for in the national budget. The national budget and local community budgets provide funding for investments in public medical institutions. The local community is responsible for pre-school education, which is provided by public and private day-care facilities. In social welfare, local communities maintain public service networks for the following public social services: personal help and family help. Helping families with their household tasks includes professional assistance in the management and organization of family relations and care for children, and enabling families to perform their everyday functions. Home help to families includes social care for those who qualify in cases of disability, old age or for other reasons, when home care can help these people to remain outside institutional care. The local community is also responsible for social housing, built with funds from local community budgets.

B. Involvement of NGOs and volunteers in the implementation of the Convention

45. In Slovenia there are many NGOs contributing to the implementation of the Convention on the Rights of the Child in many areas. In particular they provide children from disadvantaged backgrounds or children with special needs with opportunities to improve their quality of life and to join various activities, i.e. they work towards reducing inequality of opportunity and preventing exclusion; carry out various preventive programmes or programmes of psychosocial

assistance to children and young people (for example, prevention of drug abuse); bring parents together in self-help groups; unite volunteers who in various ways help to improve the psychosocial quality of life of children; strengthen children's control and mental health; or provide different forms of assistance to children with special needs. In practice these activities are combined within individual societies.

46. The focus of activities by NGOs and volunteers in the implementation of the Convention on the Rights of the Child is primarily on the following: helping children (special learning assistance to children and financial assistance to children living in deprivation); family assistance (empowering families to better educate and support their children); drawing attention to various problems; raising awareness; advocacy (drawing attention to unfavourable circumstances that cause suffering and can damage the psychosocial development of children); incentives for campaigns to benefit children; applying pressure on decision makers to respect children's rights; prevention of inequality of opportunity and exclusion; cooperation with social services and State institutions in dealing with children's issues (complementary activity); spreading information about the Convention on the Rights of the Child and on the whole range of children's rights; publications on the protection of children's rights and welfare; and fund-raising for the special needs of socially disadvantaged children (health care, medical aids, holidays, leisure activities).

47. Volunteers contribute to the welfare of children through organized voluntary work by providing psychosocial assistance within non-governmental organizations and societies, for example, the society helping people with brain injuries (VITA), societies helping young drug users, etc.; within organizations whose work is not described as psychosocial assistance but nevertheless has an important psychosocial impact on the children participating (e.g. scouts organizations, sports clubs, etc.); and within public institutes and professional services (schools, social work centres, counselling centres, medical centres, etc.), where they complement or enrich the work of expert institutions. Volunteers act as a safety factor by helping children to overcome bad experiences or combat loneliness. They help children to develop abilities and skills (learning skills, social skills, better psychosocial functioning and improved self-image).

48. The target groups for volunteers are: children who are deprived socially or in any other way; children at risk of developing mental disorders and children with psychosocial difficulties; children who live in unfavourable family circumstances (maltreated children); children with special needs; children with psychosocial difficulties; children with learning disabilities; sick and disabled children; and refugee children or children with asylum-seeker status.

49. In Slovenia many children, especially those between the ages of 14 and 18, take part in voluntary social work. The secondary school system, and to some extent also the primary school system, provide opportunities for regular voluntary work throughout the school year. With the organized psychosocial involvement of children in dealing with these issues, Slovenia encourages and enables children to participate in dealing with problems that affect people with special needs or groups of people that are deprived in some way. Voluntary work represents an important method of socialization, encouraging respect for human and children's rights and allowing children to develop into socially responsible and active citizens.

C. Existing or planned mechanisms at the national or local level for coordinating policies relating to children and for monitoring implementation of the Convention

50. The coordination of all statutory, programme and other measures is conducted by the Government of Slovenia which, in line with the Constitution, law and other general acts passed by the National Assembly, defines, directs and harmonizes the implementation of national policies. As the supreme national body it also passes regulations and adopts various legal, political, economic, financial, organizational and other measures necessary for the development of the country and for the regulation of situations in all areas within the State's competence. An Interdepartmental Commission for Human Rights functioning within the Government is composed of representatives of faculties, administrative bodies and NGOs. It monitors respect for human rights in Slovenia.

51. In addition to the Ministry of Labour, Family and Social Affairs (the Council for the Family functions within this Ministry), the Ministry of Health, the Ministry of Education, Science and Sport, the Ministry of the Interior, the Ministry of Justice, the Ministry of Foreign Affairs, the Office for the Disabled, the Office for the Youth of Slovenia, the Office for Women's Policies and the Nationalities Office, all of which perform tasks that directly concern the implementation of children's rights, the Ministry for the Information Society, which was founded in 2000 with the Act Amending the Government of the Republic of Slovenia Act, also carries out activities that directly concern children and young people. This Ministry conducts affairs relating to information technology and systems, the development of information technology, the promotion of the information society and electronic operations, post and telecommunications, telecommunications links, and systems and innovations - all of which directly concern children and young people.

52. Various institutes play an important role in researching children's issues in correlation with children's rights. These include: the Institute of Criminology at the Faculty of Law; the Institute of Social Sciences at the Faculty of Social Sciences; and the Institute of Economic Research at the Faculty of Economics. In recent years, the Institute of Criminology has completed several studies of children's rights and the maltreatment of children. The study, entitled "Children's rights, peer violence and the disciplining of children in schools and day-care facilities", served as the foundation for the Ministry of Education, Science and Sport when drawing up the Rules on the Rights and Duties of Schoolchildren and the Rules on School Order. The Ministry of Labour, Family and Social Affairs has financed several projects extending over several years by other institutes, including the Institute for Social Sciences at the Faculty of Social Sciences and the Institute for Economic Research at the Faculty of Economics. They have conducted the following studies: "Natal behaviour in Slovenia", "Quality of family life", "Inter-generational transfers in Slovenia", "Position of the family in Slovenia", and "Guidelines for work with children at risk". Projects aimed at promoting health and healthy development were carried out under the auspices of the Ministry of Health, the Faculty of Medicine, medical institutions and the Institute of Public Health, as well as the non-governmental sector, e.g. health protection and the provision of high-quality protection, the prevention and treatment of psychological trauma, integrated protection for especially vulnerable groups, health promotion within the health-promoting schools project, etc.

53. The Institute for Social Protection, which functions within the Ministry of Labour, Family and Social Affairs, was founded in 1996 and is in charge of establishing and updating of various databases used by social services, and of monitoring developmental and experimental programmes.

54. An analysis of the situation of children in Slovenia is being prepared. It will serve as the basis for the definition of new measures for the protection of children's rights. In future, the databases will be kept not only by the Statistical Office of Slovenia, but also by the Institute for Social Protection, which will provide conditions for the systematic monitoring of family and social welfare measures for the implementation of children's rights in Slovenia.

D. Promotion of the Convention and access to the initial report of the Republic of Slovenia on the measures adopted for the implementation of the Convention

55. In 1997 the Government published the initial report on measures adopted for the implementation of the Convention on the Rights of the Child, which contained the initial report, recommendations made by the Committee on the Rights of the Child, translations of the Universal Declaration on the Rights of the Child, the Convention on the Rights of the Child, the United Nations Standard Minimum Rules on Criminal Justice for Juveniles (the Beijing Rules), and extracts of the constitutional provisions on human rights and fundamental freedoms. The report was printed in 2,000 copies and was made public.

56. The Information Centre of the Council of Europe, jointly with the Friends of Youth of Slovenia Association, has produced a translation of the Council of Europe's *Children's Rights in Europe*. Also involved in the preparation of this publication were the Ministry of Labour, Family and Social Affairs, the Ministry of Health, the Ministry of Education, Science and Sport (which also jointly funded the publication), the Faculty of Social Sciences in Ljubljana, and other governmental and non-governmental organizations. This publication contains translations of European conventions on the rights of the child, including the resolutions and recommendations of the Parliamentary Assembly of the Council of Europe and the Ministerial Committee of the Council of Europe, of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and of the Convention on the Rights of the Child. The publication was produced on the occasion of the tenth anniversary of the Convention on the Rights of the Child and was accompanied by a debate entitled "Giving effect to children's rights in Slovenia, Europe and worldwide".

57. When the Guarantee and Maintenance Fund Act was adopted in 1999, the Ministry of Labour, Family and Social Affairs prepared a brochure on the rights of children to State assistance when not receiving maintenance ordered by a court or administratively prescribed and on the rights set forth in that act. In 1999, jointly with the Supreme Court, the Ministry organized a conference for social work professionals and judges in which the attention was drawn to procedures involving children.

58. The annual reports by the Human Rights Ombudsman contain information on the state of protection for children's rights. The 1999 annual report addressed the issue of protecting children's best interests in procedures and relationships involving both parents and children from

the aspect of children's participation, the issue of lengthy procedures before social work centres, especially when it comes to decisions on contacts between parents and children, the issue of neglecting the possibility of appointing a collision representative, the dual role of social work centres when deciding on the best interests of the child, and the problem of child victims of domestic violence.

59. The Friends of Youth of Slovenia Association has organized several discussions on the issue of children's rights. In 2000 three such discussions were held: one on social differences between children, another on the rights of children with special needs, and a third on violence among peers. A national network, TOM, which is a telephone helpline for children and young people, operates within the Friends of Youth of Slovenia Association.

60. An important role in providing information and raising awareness about children's rights is assumed by the Slovenian Committee of UNICEF, which supplies information on children's rights and which, through its programme "Education for Development" in primary and secondary schools, informs children of their rights.

III. DEFINITION OF THE CHILD

61. In the chapter on human rights and fundamental freedoms (arts. 14 to 65), the Slovenian Constitution also provides for children's rights. It is evident from these constitutional provisions that the rights of children are modelled on the Convention on the Rights of the Child.

62. Under Slovenian law a person reaches the age of majority at 18. The provisions contained in the legislation on marriage and family relations, health care, education and training, employment, military service and penal legislation specify in detail the rights of children, depending on their age and maturity. These provisions were explained in the initial report (paras. 45 to 57).

63. The Act Amending the Penal Code (*Ur. l. RS*, 28/99), in the chapter on criminal acts against sexual inviolability, raised the age of minors from 14 to 15, while elsewhere it remains 14.

IV. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

64. The principal provisions concerning human rights and fundamental freedoms, the enforcement of these rights, the protection of personal freedom, personal integrity, human dignity and other human rights and freedoms are contained in the Slovenian Constitution and are based on the principles of freedom and equal rights for all.

65. The chapter on human rights and fundamental freedoms defines the principle of the equality of all individuals, citizens or other groups of people, regardless of their nationality, race, sex, language, religion, political or other beliefs, financial standing, birth, education, social status or any other personal circumstance. All people are equal before the law.

66. Under article 63 of the Constitution it is unconstitutional to encourage national, racial, religious or other inequality or to incite national, racial, religious or other hatred and intolerance. Racial or any other intolerance or the denial of any of the basic human rights and fundamental freedoms is punishable by law (art. 141 of the Penal Code). The Office for Youth has carried out various projects to put tolerance into action in schools and other areas under the slogan of “Everyone different, everyone equal”, and published the *Drugačnik* newsletter. In future, the curriculum will pay more attention to teaching tolerance, respect for difference, cooperation with others, respect for human rights and fundamental freedoms (i.e. skills necessary for life in a democratic society), encouraging tolerance and cooperation with others and respect for human and children’s rights.

67. The principle of gender equality is applied by granting equal civil, political and social rights to women. Slovenian legislation grants equal opportunities with regard to employment and education and equal access to health care. This is reflected in the high proportion of educated women, the increasingly high number of working women, a well-organized parental leave system and health-care system for women, and a comparatively well-developed network of public day-care facilities. Since many employers set additional requirements for working women (demanding, for example, that women promise not to have children while working for them) and only take women on temporary employment contracts, the Office for Women’s Policies, in collaboration with regional employment offices as part of the “Open the Door to Women” campaign, held educational workshops for women job-seekers, in which they were informed of the steps to be taken in the event of the violation of their rights. To this end, the Office published several informative brochures and, with the help of a free telephone hotline and in cooperation with labour inspectors, ensured continuous monitoring and rapid response in cases of unequal treatment of women on the labour market.

68. The principle of equality of children’s rights is applied by granting equal civil, political and social rights to children with physical and mental disabilities, Roma children, children who are members of the Italian or Hungarian minorities, and children from other ethnic and linguistic backgrounds.

69. In Slovenia the principle of non-discrimination against children with physical and mental disabilities is implemented in line with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex). Statutory and planning documents (Training and Education of Disabled People Act, Guidance for Children with Special Educational Needs Act, Developmental Strategy of Care for Disabled People, and other legislative and planning documents) grant children access to health care, training, expert support services, a physical environment, information, education, employment, culture, sports and other activities, as well as to financial assistance.

70. Roma children are also granted special protection. In 1995, the Government adopted the Programme of Measures for the Protection of the Roma in Slovenia, which laid down specific measures for improving the position of the Roma in Slovenia. In line with this programme, Roma children are granted places in educational programmes in day-care facilities at least two years before starting school, and schools attended by Roma children are provided with extra

funding for programmes promoting their socialization. Training and education programmes aimed at providing employment (such as the Employment for the Roma programme) and other social protection programmes offer additional opportunities for their integration at work and in their social environments.

71. Equal education and training opportunities for members of the Italian and Hungarian communities are implemented by granting them the right to education and training in their own languages and the right to participate in the formulation and development of education and training programmes. The Special Rights of the Italian and Hungarian Communities in Education Act regulates in detail the objectives of education and training for members of the Italian and Hungarian communities, the specifics of organizing day-care facilities and schools in their areas, and the method of adapting general programmes, and also sets forth special conditions for professionals working in day-care facilities and schools, for bilingual work, and on the funding of new day-care facilities and schools.

72. In 1999 the National Assembly passed a resolution on the migration policy of the Republic of Slovenia, according to which Slovenia, in keeping with the principles of relative freedom of movement, solidarity and humanitarian compassion, endeavours to implement a well-managed immigration policy that will contribute to the economic and social development of the country. It demands respect for international treaties on the free movement of people and other bilateral and multilateral agreements, and respect for the Geneva Convention on asylum for political refugees for humanitarian reasons under the Temporary Asylum Act as an integral though small (in terms of numbers) part of immigration.

B. Best interests of the child (art. 3)

73. The principle that parents have the right and duty to support, raise and educate their children is laid down in article 54, paragraph 1, of the Slovenian Constitution. This right and duty may only be removed from the parents of a child or restricted in order to protect the best interests of the child specified by law.

74. Many of the provisions of the Marriage and Family Relations Act refer to the best interests of the child as the principal guideline when it comes to actions and measures concerning children. This guideline, which was explained in detail in the initial report (paras. 67 to 70), applies to parents as well as institutions and State bodies.

C. Right to life, survival and development (art. 6)

75. The right of a child to life, survival and development includes his right to social security, health and educational services, employment and housing (explained in the sections on health care, social security, leisure and cultural activities). A child's development includes an expansion of the possibilities and choices. In order to achieve this, three basic conditions must be met: that the child leads a healthy life, is educated and informed, and has access to the basic resources and services required for adequate living standards.

76. The human development index (HDI) for Slovenia and Slovenia's position in comparable international systems is gradually improving. In 1998, Slovenia ranked twenty-eighth (HDI is composed of three indices: economy, health care and education). Slovenia's HDI, and

consequently its position, continued to improve until 1997. The leap in the number of people enrolling in all levels of education led to Slovenia moving up the table in 1997. This increase in enrolments was probably the only positive outcome of the higher unemployment rate among young people who, unable to find a job, decided to continue their studies. Life expectancy has also improved even though of all three HDI components health is where Slovenia achieved least compared with other countries. Despite continued improvements (in 1998, Slovenia attained thirty-third position among all countries in the field of health), health in Slovenia remains relatively inadequate. Slovenia enjoyed a better position under the gender-adjusted index, where it came in twenty-fifth place. The high share of working women in comparison with other countries, women's wages (which compare favourably with those of men) and a higher-than-average proportion of women in education contributed to this (Office for Macroeconomic Analysis and Development, *Report on Human Development, Slovenia 2000-2001*).

77. Human development is affected by the levels of poverty and inequality in the country. According to the Statistical Office, the poverty rate (objective rate), which was calculated for Slovenia for the first time in 1993 (that year 13.6 per cent of households qualified as poor), is falling. Based on the survey data on household spending for 1993, the Statistical Office carried out the first measurements of poverty in Slovenia by using the Eurostat methodology (an analysis of poverty among Slovenian households). The analysis of poverty among Slovenian households for the period 1997-1998 shows that 11.2 per cent of households were below the poverty line, which was a fall of 2.4 percentage points on 1993. That inequality is falling has been confirmed by the Gini quotient, which was 0.29 for 1993 and is currently 0.26 according to the latest calculations. The analysis used a poverty threshold set as 50 per cent of the cross-section of average equivalent spending. According to statistical data the most vulnerable groups are elderly people living alone and older couples without children; the risk of poverty for other people living alone and for families with three or more children under the age of 16 was higher than average though not as high, the poverty rate for these households being 13.8 per cent. Classification according to the age of the reference person confirmed the conclusion that older people were more at risk of being poor. The poverty rate for the group formed by reference persons over 65 is 22.4 per cent. The percentage of children under 16 who live in poor households is 9 per cent.

78. To sum up, households at greater risk of poverty are those run by elderly people living alone or by elderly couples, households with no working family members, households depending on pensions and social welfare, tenants in non-profit and social housing, and households in which the reference person is poorly educated. Poverty is more common in smaller households and in families with five or more members.

79. Some information on the effects of social security payments on poverty and income inequality in Slovenia was provided in a 1998 study by Dr. Nada Stropnik and Dr. Tine Stanovnik, entitled "The effects of social security payments on poverty and income disparity in Slovenia: a comparison between the pre-transition and transition periods". The study shows that in the period 1983-1993 large changes occurred in the structure of the financial sources of Slovenian households as a consequence of large-scale shifts in the economic and social structures of households. The most important change of that period was the

unmistakable fall in the importance of earnings from regular employment (from 71.7 per cent in 1983 to 57.4 per cent in 1993), which is a reflection of the fall in the number of people in employment with regard to the total number of household members. There was also a notable increase in pensions and social security payments. This study also identifies the unemployed as the population group most exposed to the risk of poverty. It also established that the percentage of poor people among children under 18 and people over 60 was slightly above average.

80. One of the indicators of poverty is the number of people on social welfare, which offers them financial and social security. In Slovenia three types of such rights exist: two are intended for the elderly (financial assistance and allowances for pensioners with very low pensions) and one for people of working age who are unable to support themselves and their family (financial assistance). The size of these payments and the fact that the number of people eligible to financial assistance grew until 1997 shows that poverty in Slovenia was on the increase until 1997. In 1997 the average monthly number of eligible people was 34,242. After 1997 the trend settled and even began to be reversed: there were 31,966 eligible people in December 1999 and 32,531 in June 2000. This fall in the number of recipients was probably due in part to active employment policy measures, which gave priority to recipients of financial assistance when placing people in public works or programmes of training for unemployed people, and placed greater obligations on the recipients of financial assistance seeking or taking on a job.

81. The structure of people who qualified for financial assistance in 1999 was as follows: 67 per cent of them were single, 15 per cent were lone-parent families, 14 per cent were full families, and 3 per cent were couples without children. Most of the lone-parent families receiving child benefit had one child only, while most of the full families receiving child benefit had two children. Based on figures on the number of children in families receiving child benefit and the number of people eligible to financial assistance as the only source of income, it can be concluded that 58,555 people (3 per cent of the population) were living on social welfare paid by the State on the basis of the Social Security Act in December 1999.

82. In order to coordinate national and other measures for dealing with poverty and social exclusion in various areas of social policy, including employment, education, social care, health care, housing economy, etc., the Government of Slovenia adopted the Action Programme Against Poverty and Social Exclusion in 2000. The most notable measures included measures of social welfare (development of national networks of homes and shelters for mothers; teams providing counselling to children, young people and people in distress via telephone helplines; and psychosocial help centres for victims of violence), education (expansion of the school network and an increase in the number of places, vocational guidance to establish career preferences, the introduction of new forms of secondary education such as the dual system, vocational courses and the certificate system), health care (within the National Healthcare Programme Until 2004 - complete preventive and curative treatment, the further development of children's clinics, special care for children with mental and physical disabilities, the development of a 24-hour paediatric care on all levels), housing (the setting-up of a system of subsidized non-profit rents), employment (special programmes of personal development and pre-vocational training, education and training for young people, the promotion of new forms of association by young people at the local level with the aim of developing new skills and know-how, and the establishment of funds for the development of human resources).

D. Right to express one's views (art. 12)

83. On 18 July 1996 Slovenia signed the European Convention on the Exercise of Children's Rights of the Council of Europe; under the Ratification Act the Convention entered in force for Slovenia on 23 October 1999. With ratification a new step was taken towards giving effect to the procedural rights of children, granting opportunities for their enforcement and for children's participation in family law procedures before courts of law and administrative bodies.

84. The provision on representation in legal actions instigated by children against their parents is contained in article 213 of the Marriage and Family Relations Act. According to this provision the child is granted the right to be represented by a collision guardian when the interests of the child and the parents are in collision. This provision was explained in the initial report (para. 74).

85. The new Civil Procedure Act (in force since 14 July 1999) has brought important changes to the area of the procedural rights of children. Among special procedures the Act lists newly regulated procedures in marital disputes and disputes arising from the relationship between parents and children (arts. 406 to 423). Under the chapter containing these articles, children under the age of 18, as well as persons over 18 under the extended parenting right, are considered children. The Act defines disputes between parents and children to establish or contest paternity or maternity, and disputes over the care, upbringing and maintenance of children under 18 or persons over 18 under the extended parenting right, regardless of whether the dispute is being resolved independently or at the same time as a marital dispute, or is a dispute to establish or contest paternity or maternity. In legal disputes arising from relationships between parents and children, courts are obliged ex officio to undertake everything possible to protect the rights and best interests of the child. In keeping with the Act, courts must provide children aged 15 or over and capable of understanding the meaning and legal consequences of their actions with the opportunity to independently perform procedural actions as clients in proceedings. The legal representative of such a child may perform procedural actions only until the child has stated that he will act alone in a legal action. A child under 15 or a child whom the court considers unable to understand the meaning and legal consequences of his actions is to be represented by a legal representative. If the interests of the child and those of the child's legal representative are in collision, the court appoints a special representative; the court acts in the same manner in other cases where, in view of the circumstances of the case, it considers this to be necessary for the protection of the child's best interests. The Act also prescribes that, when ruling on the upbringing and care of children, the court must, in a suitable manner, notify a child over the age of 10 who is capable of understanding the procedure and the consequences of the decision of the start of proceedings and of his rights, and enable him to express his views. Depending on the child's age, he is invited for an informal talk with the judge in or outside the courthouse, organized by a social work centre or school counsellor. A child aged 15 or over who has stated his views in proceedings is delivered the decision by the court and is also entitled to file a complaint.

86. Even though the child's discussion with a judge is informal and the child is aided by persons who are there specifically to provide support for him, this is not necessarily the best solution. The child's view should be presented in court by a person with whom the child is familiar and who has the child's trust, such as an independent defence lawyer.

87. In cases where a minor participates in criminal proceedings as a victim of crime, the child's legal representative has the right to give all statements and carry out all actions to which a victim is entitled under law. A victim aged 16 or over is entitled to give his own statements and to perform procedural actions.

88. The new Criminal Procedure Act, adopted in 1998, brought some improvements to the position of juvenile victims of crime. A juvenile victim must, for the entire duration of criminal proceedings, have a representative who looks after his rights, particularly in relation to the protection of the child's integrity in hearings before the court or when property claims are enforced, in criminal proceedings involving crimes against sexual inviolability or the neglect of children under the age of 18, or when violent behaviour is involved. A child who has been a victim of any such crimes and is not yet 15 may not be heard as a witness during the main hearing. Instead, the child's statement, deposited before the hearing, is read out. Other parties may only question the child indirectly, a procedure whereby the witness - if the panel deems it to be necessary - answers these during a hearing before an investigative judge. The accused may under no circumstances be present at such a hearing, which is intended to prevent the victim from meeting the perpetrator and thus protect the child's psychological and physical integrity.

89. Under the Non-Litigious Procedure Act a child is not able to perform procedural actions and is thereby in principle not able to protect his best interests, but he is able to instigate a procedure through a legal representative or collision guardian. Article 39 of this Act grants courts the power to permit in procedures to resolve personal conflicts and family relationships a party that does not have full business capacity (which of course can refer to a child) to carry out some procedural actions in order to exercise their rights or interests, if it concludes that the person is able to understand the meaning and legal consequences of such actions. In article 61 the Act stipulates that the procedure to obtain full business capacity can be instigated, among others, by a person under 18 who has become a parent, and in article 64 that the procedure to remove the parenting right may also be instigated at the proposal of a child over 15 who is able to understand the meaning of the proposal as well as its consequences.

90. The procedural capacity of a child needs to be better regulated, not only in civil procedures, but also in other procedures, especially in non-litigious and administrative procedures, which are where many children's rights are enforced. A child should also have a special representative in these procedures (a defence lawyer). If a conflict of interest between the child and the child's legal representative arises, the child would be best aided by an independent defence lawyer.

V. CIVIL RIGHTS AND FREEDOMS

A. Right to a name, nationality and parental care (art. 7)

91. The right of a child to be registered in the register of births, the right to a name and the right of children under 18 to acquire nationality were described in the initial report (paras. 76-81).

92. Prior to the adoption of the Act Amending the Citizenship of the Republic of Slovenia Act, it was possible for children under the age of 18 to acquire Slovenian citizenship only if at least one of the parents already had Slovenian citizenship.

93. The new Act makes the naturalization of children under 18 possible even when they have no parents or the parents have lost their parenting right or business capacity and the child has been placed under guardianship and has lived in the country since birth. Here it should be pointed out that the Ministry of the Interior, even before the new Act was adopted, directly applied the Convention when dealing with such cases.

94. In cases where domestic legislation does not provide for a situation that arises in practice, the Ministry of the Interior, by applying the Convention's principle defined in article 3, paragraph 1, on the best interests of the child, allows children to acquire Slovenian citizenship when the circumstances in favour of the child's full integration into the environment in which he has been living since birth are so powerful that the cited provision of the Convention can be used as the grounds for the child's naturalization (in 17 cases the Ministry of the Interior has issued naturalization decisions that bypass the conditions set for naturalization by the Citizenship Act by basing its decisions directly on the Convention).

95. One case in which the Ministry of the Interior assessed that naturalization would undoubtedly be in the best interests of the child even though that child did not meet the conditions was that of a girl born in Slovenia whose mother did not meet the conditions for naturalization and had had her application rejected. The Ministry of the Interior should have rejected the mother's application for citizenship for her minor daughter, in line with the country's domestic legislation on the naturalization of children. However, it was established that the girl had been living in Slovenia since birth and was allegedly a victim of a crime that had affected both mother and daughter, so the Ministry of the Interior took into account the best interests of the child and granted Slovenian citizenship to the young girl by directly applying the Convention.

B. Right to freedom of expression and to access to information

96. The right to freedom of expression and to access to information was explained in the initial report (paras. 82-88).

97. In the past few years public libraries have waived borrowing and membership fees for young members; this has led to a significant rise in membership of public libraries. In Slovenia secondary school students are provided with free Internet access through a special network that allows them to pay the cost of telephone calls only.

98. Protection for children in the media is provided for by the Public Media Act and the Radiotelevizija Slovenija Act. Under the Public Media Act, any advertising intended for or featuring children must take into account the fact that children are especially gullible, and may not promote violence, pornography or any other that could adversely affect their mental, moral or physical development. Films and other shows (except news reports) that may have adverse effects on the physical, moral or mental well-being of children and young people may only be broadcast between 11 p.m. and 6 a.m., and the contents must be clearly labelled. In line with the Public Media Act, the provision on the protection of children from violence, pornography and other such contents also apply to printed and electronic media. Article 4 of the Radiotelevizija Slovenija Act states that Slovenian radio and television broadcasters must protect children and young people from contents that may adversely affect their mental and physical development.

99. Slovenia has ratified the European Convention on Transfrontier Television and has therefore harmonized this area with most European countries (*Ur. l. RS*, 57/1999; *MP*, 18/1999).

100. One important form of freedom of expression and participation of children in Slovenia is the children's parliament, organized by the Friends of Youth of Slovenia Association; here children express their opinions on matters of their own choice every year. So far, the children's parliament has met in 11 sessions, with children presenting their demands for improved road safety and for a friendlier and less polluted environment, discussing leisure activities, expressing opinions on how to make schools more children- and teacher-friendly, expressing their desire for less violence and more friendship among peers ("The power of the friendly word"), drawing attention to relations between children and adults, identifying how children can say no to alcohol, cigarettes, drugs and all forms of intolerance, debating school life and the changes introduced by the new Rules on the Rights and Duties of Schoolchildren, and emphasizing the importance of relationships between peers, with a stress on young people helping each other, preventing violence and overcoming differences. They have also pointed out that the media is an indispensable source of information and communication and one that they would like to learn more about and monitor from a critical distance, and whose development they would like to follow. At the tenth children's parliament session (entitled "We fancy each other"), they warned that they were already able to fall in love and think about sexuality. With the intention of providing equal opportunities for all children and young people, they put forward a proposal to include children with special needs.

101. In addition to the children's parliament, more needs to be done to make it easier for children to express their opinions within social services such as education and health care, as well as within other services that directly concern the right of children to express themselves freely.

C. Right to freedom of thought, conscience and religion (art. 14)

102. The right of children to freedom of thought, conscience and religion was described in the initial report (paras. 89-92).

103. Under the law, a child requires permission from his parents or guardians in order to be able to attend religious lessons. At present, it is being considered whether the age at which children still require permission from parents or guardians to attend lessons given by religious communities should be lowered. The proposal is contained in the draft law on religious communities, which the Government submitted to the National Assembly in 1998.

D. Freedom of association and freedom of peaceful assembly (art. 15)

104. This provision of the Convention was explained in the initial report (paras. 93 and 94).

105. The method of exercising these rights is laid out in the Political Parties Act, the Societies Act, the Representativity of Trade Unions Act, the Legal Status of Religious Communities Act (right of association), and the Public Gatherings and Public Events Act (right of assembly). Pursuant to article 6 of the Political Parties Act, a young person who is at least 15 years old may become a member of a youth wing of a political party and, subject to written permission from his legal representative, a party member as well. Pursuant to article 5 of the Societies Act, a young

person may also become a member of a society. If a young person is under 7 years of age, the membership statement must be signed by the child's legal representative; for a child aged between 7 and 15, the child's legal representative must give consent in writing. According to this Act, the society must, in its founding act, define the special rights and duties of those of its members who are minors. Pursuant to the Public Gatherings and Public Events Act, children are granted the right to organize and participate in a public assembly or public event.

E. Protection of privacy (art. 16)

106. The protection of children's privacy was described in the initial report (paras. 95-99).

F. Protection from torture and other cruel, inhuman or degrading treatment or punishment (art. 37, para. (a))

107. The prohibition of torture and other cruel, inhuman or degrading treatment or punishment was explained in the initial report (paras. 100-106).

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

108. This provision of the Convention was described in the initial report (paras. 107-109).

109. Under Slovenian law a family is not a legal subject or the holder of rights and duties. Article 2 of the Marriage and Family Relations Act defines a family as a living community of parents and children which, for the good of the children, enjoys special social protection because, under the law, the social importance of a marital union lies precisely in the formation of a family. Under this Act, parents have the duty to support their children, and to care for their life, health and education. The Marriage and Family Relations Act includes under the term "marital union" a common-law union as the long-term union of a man and a woman who are not married which, under family law, is perceived as equal to a marriage in certain legal consequences. If such a union includes a child, this is a family in which the parenting right is exercised by the father and the mother together. The term "family" from the definition can also be interpreted in a broader sense; a community in which a child lives with a person who is not the child's biological or adoptive parent can also be considered a family on condition that such a community is governed by the individual (long-term) permanent relationship of an adult caring for the child and that, in legal terms, such a community is close to a family union of parents and children. Provided these two conditions are met, a child living with a foster-parent or a young child living with his guardian can be considered a family. When parents live separately, the parenting right is exercised by the parent with whom the child lives; if the parents are divorced or the marriage has been dissolved, this right is exercised by the parent who has been granted the right to care for and bring up the child. Where one of the parents is deceased or unknown, or the parenting right or business capacity has been removed from that parent, the other parent has the parenting right. Cases where one of the parents exercises the parenting right alone are commonly referred to as "lone-parent families". As far as decisions which may have a major influence on the child's future development are concerned, such decisions are made by both parents in agreement, i.e. including the parent with whom the child does not live, if this parent is fulfilling his/her duties towards the child.

110. Like all other modern societies, Slovenia is experiencing changes in the patterns of family and marital life, which are reflected in a greater diversity of family forms, a low number of marriages, fewer divorces, and a growing number of lone-parent families and of reorganized families where one of the parents attempts to set up a new marital union.

111. In the past decade the number of marriages has fallen while the age of people upon marriage is increasing (since 1999, the age of women and men entering their first marriage has been higher or the same as the average age of mothers upon the birth of their first child). A family with two children is still the most common form, followed by families with one child and by lone-parent families.

112. The number of common-law unions and children born out of wedlock is growing. Before the 1970s only 10 per cent of children were born out of wedlock. Since then their numbers and proportion have grown, amounting to 33.6 per cent of all births and 46 per cent of first-born children in 1998. The proportion of children born outside marriage and recognized by both parents is growing (it was 55 per cent in 1970 and has been over 90 per cent since 1993).

113. Statistical data on common-law unions is unsatisfactory even though such unions are, in legal terms, equal to marriage and the children born within such unions have the same rights as children born in wedlock. According to data from the 1981 census, 10,300 couples lived in common-law unions; this number had risen to 17,300 by 1991. Couples living in common-law unions were mostly young (aged between 20 and 34).

114. Most divorced couples have children. Each year about 2,000 children are affected by divorce. Most of these children stay with their mothers; only exceptionally is custody granted to the father. The reasons can be sought in the fact that parents usually decide for themselves that the child will remain with the mother, and also that it is extremely difficult for judges and social workers to decide that the child should live with the father. Nevertheless, in recent years the number of children living with their father has grown.

Table 2
Marriages and divorces, 1991-1999

Year	Number of marriages	Number of divorces
1991	8 173	1 828
1992	9 119	1 966
1993	9 022	1 962
1994	8 314	1 923
1995	8 245	1 585
1996	7 555	2 004
1997	7 500	1 996
1998	7 528	2 074
1999	7 716	2 074

Source: Statistical Office of the Republic of Slovenia.

Table 3
Custody of children in divorce, 1989-1998*

Custody granted to	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Husband	95	86	81	98	96	88	76	104	112	101
Wife	1 296	1 204	1 182	1 242	1 222	1 208	933	1 190	1 185	1 194
Joint	45	38	40	38	28	40	34	46	33	41
Other persons	7	5	1	3	1	3	2	5	6	2
Institutions	-	1	-	-	-	-	1	-	-	-
Other options	8	5	4	6	13	15	9	17	9	21
Total	1 451	1 339	1 308	1 387	1 360	1 354	1 050	1 362	1 325	1 359

Source: Statistical Office of the Republic of Slovenia.

* Only dependent children from the most recent marriage included.

115. For children, divorce can mean the loss of a parent and new living conditions. The risk factors for the economic stability and upbringing of children and the levels of emotional distress suffered by the children depend largely on the degree of cooperation between the parents after the divorce.

116. Public health, education (guidance services) and social services, as well as NGOs (religious and other) within local communities, grant children and parents equal access to counselling and other services, and thus to the enforcement of their rights recognized by the Convention.

117. In the area of social services, counselling for children and parents is provided by professionals (psychologists, social workers, special needs experts) in 62 social work centres where parents and young people in difficult family situations are offered counselling in the form of learning assistance for children, counselling and help when dealing with dependencies, activities for a healthy living, assistance to children with behavioural or personality disorders, and other preventive and counselling programmes.

118. Special importance is given to marriage counselling sessions prior to divorce where the spouses are given an opportunity for a fresh start under new conditions and in new circumstances. The child's cooperation at this stage is vital. Mediation as a form of assistance to parents and children when parents are going through a divorce is now being introduced. In future it will have to be afforded more attention. In 1998 there were marriage or family advice centres in eight social work centres and three guidance centres for children and young people. In the period 1996-2000, 40 social work centres developed and carried out 368 different additional programmes. The number of additional (preventive and developmental) programmes providing education, information and guidance for parents, spouses and children increased in 1993, when the Ministry of Labour, Family and Social Affairs began to share the funding of programmes selected in public tenders. Individual social work centres developed projects of providing

information, education and guidance as their typical services. Projects include the Čepovan project (for children from socially disadvantaged families who, through work in teams resembling a family environment and under supervision, learn social skills required for future successful development), the Piran model (for children with minor behavioural or personality problems), and various workshops for young people. They are part of primary prevention targeting primary schoolchildren, and annually include up to 10,000 adolescents in the seventh and eighth grades (25 social work centres are participating). The focus is on developing positive patterns of life (mental, emotional, behavioural) for children, and preventing alcohol or drug abuse, violence, the spread of AIDS among young people; at the same time they serve as a fine example of interdisciplinary and cross-departmental cooperation (schools and education, social care) and links between governmental and non-governmental sectors. Programmes of support for families and children, of preparation for partnership and parenthood, and of preservation and strengthening of the mental health of children and young people, co-financed by the Ministry of Labour, Family and Social Affairs, selected by public tender and mostly provided by NGOs, offer a greater choice of services.

119. In addition to these services and programmes carried out by governmental and non-governmental organizations, there are counselling centres for children, young people and parents in Ljubljana, Koper, Maribor and Novo Mesto which have multidisciplinary teams of experts helping young people and children through developmental problems or in crisis situations. The centres, which are organized according to the regional principle, work closely with various institutions and provide information and counselling. In 1996 about 2,000 children and their parents received various forms of assistance, including: guidance through problems in relationships between family members, helping children with learning and behavioural problems, and helping physically or psychologically abused children.

B. Parental responsibilities (art. 18)

120. These provisions of the Convention were explained in the initial report (paras. 113-125).

121. Article 113 of the Marriage and Family Relations Act stipulates that the parenting right is to be exercised by the parents in agreement; when the parents live separately, the parenting right is to be exercised by the parent with whom the child lives (art. 114). In compliance with article 18 of the Convention on the Rights of the Child, the parents share common responsibilities for the upbringing and development of the child. Because of this provision Slovenian law enforces common care for the upbringing and education of children. Under the condition that this is in the child's best interest, an agreement that would allow both parents of the child to remain jointly responsible for the care and upbringing of the child would be possible in cases of consensual divorce (under the current regulation, given that in article 78/2 of the Act this only applies to divorce suits).

122. The State grants working parents access to public and private day-care facilities. The Nursery Schools Act grants parents the right to choose programmes for their children in public or private day-care facilities. The parents of children who are unable to attend day-care facilities because of illness may, under a special procedure, exercise an entitlement to pre-school day care at home. The law permits public and private day-care facilities to have various pre-school

education programmes (full day, half day, shorter morning, afternoon or alternate sessions) in day-care facilities themselves or in day-care families which provide care in the home of a pre-school teacher or assistant teacher.

123. According to data supplied by the Ministry of Education, Science and Sport in the 1999/2000 academic year, there were 274 public day-care facilities, of which 99 were organized by their founders (municipalities) as independent bodies and 155 as pre-school departments in primary schools. In the same year there were 14 private day-care facilities in the whole country. The programmes of day-care facilities are based on the curriculum for day-care facilities (a national document), while programmes of private day-care facilities vary; these are formulated by the founder and can be carried out if approved by the expert council on general education. Private day-care facilities currently provide programmes based on special teaching methods (Waldorf-style day-care facilities), programmes that include Christian content, and programmes with an emphasis on the English language. Music and some private day-care facilities carry out the ordinary programme, i.e. the curriculum for day-care facilities.

124. The proportion of pre-school children in day care is gradually growing, yet, according to statistical data, 40 per cent of children aged between 1 and 7 do not regularly attend any form of organized institutional care. These children are looked after by their families, relatives or neighbours. The number of children in day-care facilities is the highest among children aged between 3 and 6 or over (in the 1997/1998 academic year there were 53,761 such children, and in 1999/2000 54,528), while the number of children under 3 years of age in day care is falling (in the 1997/1998 academic year there were 9,901 such children, and in 1999/2000 9,623). There are relatively few day-care families and their number is dwindling each year. In 1990/1991 there were 107 day-care families caring for 640 children; in 1998/1999 there were only 30 left, caring for 245 children.

125. For children not in day-care facilities, playgroups and other shorter programmes are organized; day-care facilities provide these as additional services (an 80-hour educational programme, travelling day-care facilities, toddlers' hours, storytelling hours, various workshops, festivities).

126. On behalf of children not included in pre-school day-care facilities, the Government of Slovenia put forward an amendment to article 70 of the new Parental Leave and Family Benefits Act which increases child benefit by 20 per cent in comparison with the current amount.

127. Programmes of pre-school care are financed from public sources, the founder's resources, payments by parents, donations and other sources. The amount to be paid by the parents is set by the local community on the grounds of the Rules on Payments by Parents for Day-care Programmes. Parents pay up to 80 per cent of the full cost of the programme attended by the child and this is considered to be payment in full. If more than one child from the same family is in day care, parents pay the cost for the older child(ren) according to one category below what they would normally have to pay. Parents receiving social assistance under the Social Security Assistance and Social Services Act are, under the Nursery Schools Act, exempt from payment. The Act also stipulates that applications for children from socially disadvantaged families must be given priority.

Table 4
**Number and percentage of children whose parents are exempt from paying
for pre-school care, 1989-1999**

Year	Number	%
1989	1 255	1.7
1990	1 668	2.3
1991	1 932	2.8
1992	2 563	3.9
1993	2 806	4.2
1994	4 148	6.2
1995	4 208	6.3
1996	-	-
1997	2 742	4.4
1998	2 659	4.2
1999	5 386	4.2

Source: Statistical Office of the Republic of Slovenia.

128. Until 27 May 2000 the Rules on Payments by Parents contained a special article that allowed a day-care facility to exclude a child if the parents did not make regular payments. The Constitutional Court of the Republic of Slovenia ruled that the provision was unconstitutional and illegal; it was thus annulled.

129. In giving its reasons the Constitutional Court emphasized that article 56 of the Constitution granted children special protection and care, that the Nursery Schools Act granted children the right to attend day-care facilities and that article 3 of the Convention on the Rights of the Child stated that the best interests of the child had to be the main guideline for the legislator. This means that any solution to the issue supplied by means of an amendment to the Nursery Schools Act will have to favour the protection of children's rights over the economic interests of day-care facilities.

C. Separation from parents (art. 9)

130. This provision of the Convention was explained in the initial report (paras. 126-136).

131. Under the Marriage and Family Relations Act, the decision on the care and education of children in the event of divorce due to an intolerable situation or the annulment of a marriage is made by a court of law (art. 78); in all other cases where parents do not live together (or no longer do so) and they are unable to reach agreement on their children's upbringing and education, the decision is made by a social work centre (art. 105). On 1 July 1999, the Constitutional Court ruled it unconstitutional that, under article 105 of the Marriage and Family Relations Act, the decision on the care and education of children lay within the competence of social work centres while at the same time lying within the competence of courts of law under article 78 of the same Act. The Constitutional Court considered the arrangement according to

which, in some cases, the decision on the care and education of children whose parents no longer live together lay within the competence of a court and in others of a social work centre to be contrary to the Constitution; it therefore instructed the National Assembly to remove the discord within one year. The Ministry of Labour, Family and Social Affairs has drafted amendments to the Marriage and Family Relations Act. The most important change will occur in article 105, paragraph 2, of the Marriage and Family Relations Act which will read as follows: “If the parents are unable to reach agreement, the decision shall be made by a court of law in keeping with article 78 of this Act.” The proposal removes the above unconstitutionality. Another possible legal solution could be provided with a special law on the protection of children that would include not only State measures in this field, but also rules of special procedure that would guarantee maximum protection for the child’s best interests and rights.

132. The right to personal contact between parents and their children does not stem from the parenting right, nor is it a remnant of that right, but an independent element of parenthood. Under Slovenian law, however, personal contact between parents and their children is not only the right of parents, but also of the child. Contact is given legitimacy foremost by the child’s best interests. It would therefore be in the child’s interests if, in addition to contact between parents and children, provisions were made for the child to have contact with other persons to whom he is attached, for example grandparents, adult brothers or sisters, or former foster-parents. Slovenian law grants this possibility in article 119 of the Marriage and Family Relations Act according to which social care services must perform all measures to protect the child’s best interests. Nevertheless, it needs to be explicitly defined that children are entitled to maintain contact with persons they feel close to, except where this is contrary to their best interests.

D. Family reunification (art. 10)

133. The right of children to be reunited with their parents was explained in the initial report (paras. 137-140).

134. Article 3 of the 1999 Asylum Act defined the terms “family integrity” and “the rights of close relatives”. By granting the right to asylum to close relatives, the commonly accepted principle of family integrity contained in numerous international acts and enjoying international protection was respected. According to this article, the right to asylum is granted to the close family members of a refugee. Under this Act close family members are the following: the spouse, unmarried children who are still minors, and the parents of refugees who are still minors. A person authorized to care for a child is also considered to be a close family member of a child under 18.

E. Recovery of maintenance for the child (art. 27, para. 4)

135. This provision of the Convention was explained in the initial report (paras. 141-145).

136. Financial responsibility for a child is an important part of parental obligations and is independent of the parenting right. In line with the Marriage and Family Relations Act, parents have a duty to pay maintenance for a child even if the parenting right has been removed from them or if it has ended but the child continues to study regularly, is unable to earn a living due to a mental or physical disability and has no source of income. The new Civil Procedure

Act (CPA) now explicitly stipulates that a court must rule on the care, education and maintenance of children, regardless of the parties' requests and also if neither of the spouses make any claims. The only condition is that where no claims have been made by the parties involved, this option must have been specially provided for by law, while the authorization to make the decision is general and independent of whether such a request has been made (art. 408, para. 2., of CPA).

137. A court ruling sets the amount of maintenance to be paid according to the needs of the beneficiary (the child) and the financial capacities of the party obliged to pay maintenance; the amount is then harmonized with the decision of a social work centre so as to reflect changes in the cost of living and wages in Slovenia. The same method is applied for maintenance agreed upon at a social work centre, unless a different manner of harmonization that is more favourable to the beneficiary can be agreed upon. A legally binding ruling on maintenance is sent out by the social work centre in the beneficiary's area of permanent residence. In the event that maintenance is not paid, a writ to execute the court ruling or administrative decision is issued. The writ procedure is initiated at the proposal of the beneficiary. The costs of execution are borne by the defaulting party.

138. In order to protect children's interests and their right to maintenance, Slovenia, through the Guarantee and Maintenance Fund Act (adopted on 23 June 1999 by the National Assembly using the fast-track procedure), institutionalized the right to replacement maintenance for children who do not receive their court or administratively granted maintenance and live in a family in which the income per family member is less than 55 per cent of the average wage in the country in the preceding year. The Fund acquires resources for unpaid replacement maintenance from the national budget and by recovering debts. The purpose of the Guarantee Maintenance Fund is to ensure the social security for children from low-income families where persons who should pay maintenance do not do so regularly. Under the Guarantee and Maintenance Fund Act a child who has been granted the right to maintenance with a temporary decree, final ruling or agreement reached with a social work centre (and the person who is obliged to pay is not paying maintenance) is entitled to replacement maintenance. The child must be a Slovenian citizen with permanent residence, if so stipulated in bilateral agreements or under the condition of reciprocity. The eligible person may not be older than 18 and must be living in a family in which the income per family member is less than 55 per cent of the average wage in the preceding year. In addition, a writ must have been filed at least three months prior to this. Since 1 October 2000, the replacement maintenance for a child under 6 has been SIT 10,794, for a child aged between 6 and 14 SIT 11,873; and for a child over 14 SIT 14,032. When the maintenance itself is lower than the above amount, the replacement maintenance equals the maintenance set by the ruling, temporary decree or agreement. If any maintenance has been paid, the replacement maintenance is reduced by the amount paid.

139. Between October 1999 and September 2000 the Guarantee and Maintenance Fund received 2,106 claims for replacement maintenance for 2,704 children. Statistical data show that most of the claims were made for one child (70 per cent), 24 per cent for two children and just over 3 per cent for three, four or five children. There are also cases when one person is not paying maintenance for several children with different people representing their interests. Most claims (just under 97 per cent) were made by mothers and 3.4 per cent by fathers. Most commonly, maintenance is set by a court ruling (in 70 per cent of cases), and in 29 per cent of

cases an agreement was reached at a social work centre. In almost three quarters of filed claims, the writ-issuing procedure has not been completed. Most claims are made for schoolchildren aged between 6 and 14, 36 per cent are made for children aged between 14 and 18, and just over 6 per cent for children under the age of 6. By mid-October 2000 the Fund issued 1,953 decisions, of which 1,426 were granted. As at 30 October 2000 the Fund had paid a total of SIT 151,493,003. The average monthly payment was around SIT 11,000. So far, 72 persons obliged to pay maintenance have reimbursed the Fund by SIT 4,642,884.

Table 5

Number of claims and of children claiming replacement maintenance

Month	Number of claims	Number of children
Between 18 and 31 October 1999	494	666
November 1999	474	616
December 1999	202	252
January 2000	155	214
February 2000	122	165
March 2000	155	184
April 2000	89	115
May 2000	106	137
June 2000	115	153
July 2000	58	70
August 2000	62	81
September 2000	74	87
Total	2 106	2 704

Source: Guarantee and Maintenance Fund.

140. The best interests of the child are also protected when the person not paying maintenance is a foreign citizen or a refugee. Under article 47 of the Aliens Act, at the request of a court or social work centre such a person is not issued with a passport (which would allow him to leave the country if he had not paid the maintenance he is obliged to pay as a result of a marriage or a relationship between parents and children to eligible persons with permanent residence in Slovenia).

141. The penalty for non-payment of maintenance determined with an executable court settlement, an agreement reached before another body, or any other executable decision prescribed by article 20 of the Penal Code is imprisonment for a period of up to one year. If a

conditional sentence has been passed by a court, the court may order the defaulting party to pay maintenance regularly and also to pay overdue maintenance or to comply with other obligations associated with the maintenance and prescribed by a court ruling.

Table 6

Number of adults against whom criminal proceedings in connection with non-payment of maintenance initiated by State prosecutors have been completed, by type of ruling, 1990-1999

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Charge rejected	54	61	64	64	43	46	76	85	111	77
Charge upheld	94	124	110	99	66	91	96	90	98	106
Other	1	2	0	0	2	0	4	5	4	1
Total	149	187	174	163	111	137	176	180	213	184

Source: Statistical Office of the Republic of Slovenia.

142. Despite the institutionalization of the Maintenance Fund and the right of low-income families to replacement maintenance, in reality many children who have been granted the right to maintenance by a court ruling or administrative decision do not actually receive it. It is therefore important that rapid response by courts in cases of writs is ensured, or alternatively the right to replacement maintenance is granted to all children.

F. Children deprived of their family environment (art. 20)

143. This provision of the Convention was explained in the initial report (paras. 146-158).

144. When children and young people are not cared for by their parents, or have no parents or family care, they are granted special protection by the State. Their situation is regulated by the Marriage and Family Relations Act. Around 86 per cent of such children are looked after by means of alternative forms of care such as guardianship, foster care and adoption. The remaining 14 per cent are placed in institutional care or other forms of care (housing communities). In 1999, a total of 1,158 children were under guardianship as a special form of social care; in comparison with 1995, this represents a decrease of 105 (in 1995 social work centres dealt with 1,263 children). In Slovenia there are around 750 foster families; in 1999 they were caring for an average of 1,490 children and young adults. In February 2000 there were 1,440 children staying with foster families. Every foster family is entitled to payment for the costs of caring for the child, and the foster mother also receives a small financial remuneration (in 1999 this was around 11 per cent of the average net wage). A certain number of foster mothers (between 120 and 130 in 1999) perform this as their only and main job (they are self-employed). In recent years, children with special needs have not been placed with foster families as much as they used to be because the State has developed other forms of care (such as clinics and mobile care units).

145. The number of children adopted in Slovenia is falling year by year. According to figures provided by the Statistical Office, there were 86 adoptions in 1994, 64 in 1995, 57 in 1997, 46 in 1998 and 59 in 1999 (of these, 23 were one-sided adoptions). Most children adopted were under the age of 5 (around 80 per cent).

146. At present, there is no home in Slovenia providing institutional care for children and young people deprived of normal family life. All children under the age of 7 who, for various reasons, cannot live with their biological families are placed in family care, i.e. with foster families. The only exception is children who are placed in institutions providing special education. Schoolchildren and young people are mostly placed with foster families as well. There are educational institutions for schoolchildren and young people, and homes for young people. In Slovenia there are eight educational institutions for children with behavioural and personality problems and two homes for young people; all are part of the school system. Two of these institutions have their own primary schools with small classrooms (6-12 children). Four of them (in various locations throughout the country) accept children aged between 7 and 15. Three are intended for children with behavioural and personality problems aged between 15 and 18. The children in these homes are able to receive secondary education inside or outside the institution. Educational work is conducted in the form of educational and housing groups. At the start of the school year the total number of children in all these institutions was 409 (of whom 251 were placed by social work centres in 1999); they were divided into 33 educational and 17 housing groups.

147. The Ministry of Labour, Family and Social Affairs has begun to prepare the Foster Care Act, which will lay down the conditions for becoming a foster parent, define the obligations of foster mothers and social work centres, and regulate fostering fees and contracts, the procedure of acquiring permits for fostering and for performing fostering as a full-time job, and other issues concerning the application of the Act.

148. More attention needs to be paid to the organization and coordination of work in the area of adoption even though the main problem at the moment is the question of how to harmonize professional work with practical application of existing knowledge. The organizational problems include the development of a supervisory network involving all adoption professionals, and additional training for professionals (which at the moment is a somewhat neglected area). There is no doubt that in addition to Clover, an NGO that already provides advice, education and training on issues relating to adoption, other agencies providing assistance in preparations for adoption or mediation in international adoptions will be created. In any case, professional standards will have to be set for work with individual participants in the adoption procedure and supervision of the application of these standards organized.

G. Adoption (art. 21)

149. This provision of the Convention was explained in the initial report (paras. 159-168).

150. Since the number of adoptions in Slovenia is falling, Slovenia acceded to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry

Adoption in 1999. With the Act Ratifying the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (*Ur. l. RS, MP, 14/99*), the Ministry of Labour, Family and Social Affairs was appointed as the central body responsible for implementing the Convention; it will, in cooperation with social work centres, other authorized agencies, the Ministry of the Interior and other competent ministries ensure implementation of the Convention. Bilateral agreements with Albania and Macedonia on international adoptions are being prepared; these will allow Slovenia to engage in adoption procedures with these two countries.

H. Protection of abused, maltreated and neglected children (arts. 19 and 39)

151. This provision of the Convention was explained in the initial report (paras. 169-182).

152. In the areas of education (guidance services in primary schools, schools with programmes adapted for special needs, training institutes for children with special needs, and secondary schools providing assistance to children, young people and parents), health care and social care, public services conduct standardized programmes of assistance to parents and children. These include therapy, counselling and other measures to help parents and children in social distress and difficulty.

153. Under the Social Assistance and Social Services Act, services aimed at preventing social problems and difficulties (social prevention) include activities and self-help support for individuals, families and other groups of people, including children. In compliance with the Social Assistance and Social Services Act, public service includes social first aid (for example, social help to children and young people, crisis centres for young people), personal help services, help to families (psychosocial and/or social pedagogical help to families, multi-expert crisis teams to plan and monitor procedures and measures for dealing with the neglect or abuse of children, day centres), home help to families, care in an institution or another family, or other organized forms of management and care. An important form of social care for abused, maltreated and neglected children is the crisis centre (such centres exist in Ljubljana and Celje Maribor) for children at risk; these primarily offer protection and personal help to children, young people or families by providing one-day treatment sessions or short-term stays and counselling, or by creating conditions for their return to a home environment or family. They have 12 rapid response teams (operating within social work centres) which are organized on a regional basis and provide round-the-clock assistance in cases of family violence or children in distress. At the national level, this type of rapid response is supported within public work programmes by the B & Z company which, in association with the Papilot institute, carries out the Psychosocial Assistance to Victims of Crime project throughout the country. A considerable number of children at risk receive treatment within the framework of this project.

154. Five new crisis centres are planned within the National Social Assistance and Social Services Programme Until 2005. Since one crisis centre will cover an area containing around 250,000 people, they will have to be set up for a region or several municipalities, and will cover the entire country.

155. Social work centres act upon the slightest suspicion of danger to a child. In 1997, they acted in 2,756 cases involving children they considered to belong to the category of children at risk; in 1998 and 1999 there were 2,531 and 2,537 such cases, respectively.

Table 7
Number of children at risk, by category, 1999

Child's age	0-6	7-14	15-18	Total
Neglect	260	442	105	807
Psychological abuse	148	322	122	592
Physical violence	62	180	89	331
Sexual abuse	29	83	33	145
Suspicion of maltreatment	212	369	81	662
Total	771	1 396	430	2 537

Source: Ministry of Labour, Family and Social Affairs.

156. Professional services are expected to provide extra protection for children against the consequences of crimes committed by adults, sometimes by their own parents (violence, sexual abuse). Training is provided for groups of experts (social workers, health workers, education professionals, educational institutions, courts, the police, etc.) aimed at enabling the multidisciplinary handling of these issues. Teamwork is becoming common practice when working on these issues. Most social work centres have teams composed of experts from various fields of expertise who are able to detect any risks to children in the early stages and can, based on shared information, develop strategies for dealing with the problem and of course for punishing offenders. These multidisciplinary teams regularly include crime experts who specialize in investigating such crimes. Their duty is to plan and monitor the procedures and measures aimed at stopping child neglect and abuse, and achieving further normalization of the child's life. In Slovenia there are around 50 such teams operating on the administrative unit level.

157. In 1998 the Ministry of Labour, Family and Social Affairs prepared guidelines for working with children at risk. The purpose of the guidelines is to coordinate activities, and to protect children at risk (from physical and mental violence, injuries and abuse, neglect and lack of care, torture or abuse, including sexual abuse) and enable their rehabilitation; this is carried out by governmental or non-governmental organizations. The guidelines contain concrete solutions and proposals for working with children at risk, procedures for the protection of children at risk and the administrative procedure in the case of a child at risk, and set up an organizational system for working with such children. The content of work with victims, families and offenders is left to the methodology and various theoretical approaches to the

content, method and function of expert work in such cases. Since the guidelines have not yet properly been implemented in practice, the Child Protection Act is being drafted; this will regulate preventive and curative work in this field at the national level.

158. Special support in the physical and psychological recovery of children who have suffered abuse or neglect is provided by NGOs in the form of telephone helplines for children, women and victims of crime. NGOs also play an important role in prevention (for example, the Society Against the Sexual Abuse of Children, which, in addition to existing networks of other institutions, supplies additional information and support to experts and the general public working with abused children).

159. Shelters for abused women and children (currently in Ljubljana, Maribor, Krško and Novo Mesto - more are being founded) provide help to mothers and children who are victims of family violence. In line with the National Programme of Social Care Until 2005, places for 200 mothers and children in homes and shelters are planned by 2005.

160. Punishment for child neglect and abuse is provided for by the Penal Code. Individual provisions (article 201 defines the crime of neglect and cruel treatment of a minor, whereas article 183 defines the crime of sexual assault on a person under 15). In 1991 the Ministry of the Interior uncovered offences and brought criminal charges in 51 cases of neglect and cruel treatment of minors (95 such cases in 1995 and 151 in 1999). In 1989, 64 cases of sexual assault on children under 15 were uncovered, and criminal charges brought in these cases (89 criminal charges in 1995 and 162 in 1999).

Table 8

Crimes and charges brought under articles 201 and 183 of the Penal Code, 1995-1999

Year	Number of crimes uncovered and criminal charges brought under article 201 of the Penal Code	Number of crimes uncovered and criminal charges brought under article 183 of the Penal Code
1995	95	89
1996	107	89
1997	136	117
1998	113	176
1999	151	162

Source: Ministry of the Interior.

161. The number of people convicted of child maltreatment and neglect is also increasing. In 1998 there were 44 adult perpetrators sentenced under article 201 of the Penal Code, an increase of 14 over 1997.

I. Periodical review of placement (art. 25)

162. This provision of the Convention was explained in the initial report (para. 183).

VII. BASIC HEALTH AND WELFARE

A. Children with special needs (art. 23)

163. Children with special needs enjoy the special care of the State. Mentally or physically disabled children and other people with serious disabilities have the right to education and training to prepare them for active participation in society (funded from public resources). They are granted equal access to health and other services, and the right to financial assistance within the system of family benefits, tax relief and other benefits arising from employment, pension and disability insurance and social welfare.

164. These rights were described in the initial report (paras. 185-203).

165. In 1999 the age for entitlement to a special childcare allowance was raised and, in keeping with the Family Earnings Act, is paid to one of the parents of a seriously ill child or a child with a mental or physical disability under the age of 18; since 1999 it has also been paid for a child who attends school, but only until the age of 26. In July 2000 the allowance was SIT 12,737 and, if the child was in an institution providing day care free of charge, it was SIT 8,491. Parents are not entitled to the allowance for the period during which the child is in 24-hour free-of-charge care in an institution. The right is universal, is not means-tested and does not interfere with the right to child benefit.

Table 9

**Average number of children entitled to a special childcare allowance
and funds spent, 1997-2000**

Year	Average monthly number of recipients	Resources (in SIT million)
1997	3 705	495.35
1998	4 132	567.60
1999	4 424	631.13
2000	4 581	722.60

Source: Ministry of Labour, Family and Social Affairs.

166. In addition to changes to family benefits, the new Parental Leave and Family Benefits Act, which is currently going through its second reading, proposes special benefits for parents of disabled children, such as the possibility of an additional 90 days of leave to care for a child and shorter working hours, with wages being paid for actual work and the State paying

social security contributions on behalf of the worker. The new Pension and Disability Insurance Act, adopted in 2000, has already introduced an option that allows the mother, father or another person caring for a disabled child unable to function independently to join a voluntary pension and disability scheme. This will help to gradually reduce the differences between families whose children have been placed in institutional care and those who care for a disabled family member at home.

167. Education and training for children with special needs is provided for by school legislation. Under the new school legislation (adopted in 2000), groups of children and young people with special needs are as follows: children with mental disabilities, children who are blind or of poor sight, children who are deaf or hard of hearing, children with speech defects, physically disabled children, children with long-term illnesses and children with single defects, children with behavioural and personality disorders, and children and young people (under the age of 18) who need specially adapted programmes and additional professional assistance, adapted educational programmes or special education programmes. Education for children with special needs is based not on the objectives and principles identified by the laws governing individual fields of education, but also on the following objectives and principles: equal opportunities and respect for their differences, maintaining a balance between the various aspects of the child's physical and psychological development, the integration of parents in education and training processes, the securing of suitable conditions for the best possible development of an individual child, timely referral to a suitable educational programme, education in schools as close to the place of residence as possible, comprehensive and complex education and training, an individualized approach, the continuity of educational programmes and an interdisciplinary approach. In the 1998/1999 academic year, day-care facilities in Slovenia had 56 developmental units (1.7 per cent of all day-care units). Most of these developmental units (62.5 per cent) were for mentally disabled children and 22 per cent for physically disabled children. These developmental units were attended by 277 children (0.44 per cent of all children in day care); 156 (65 per cent) were in units for mentally disabled and 67 (21 per cent) in units for physically disabled children. In the 1997/1998 academic year developmental units employed 151 professionals, of whom 80 (53 per cent) were specially trained pedagogues. The number of developmental units has fallen dramatically in recent years as more of these children are integrated into regular units and also because more of these children remain at home for various reasons, where they are cared for by their family, relatives or neighbours. Pre-school education at home for children who, because of illness are unable to attend day-care facilities provided by a day-care institution or other legally registered entities providing such care has not yet taken off in practice, except within public work programmes. There is a considerable need for the organization and regulation of early detection of children with special needs.

168. In 1999 primary schools with specially adapted programmes were attended by 2,948 children, of whom 2,632 were children with minor mental disabilities, 37 were blind or of poor sight, 153 were deaf or hard of hearing, 65 had behavioural and personality disorders, and 61 were physically disabled. Institutes or primary school units with adapted

programmes were attended by an additional 1,996 children, of whom 410 were deaf or hard of hearing, 87 blind or of poor sight, 167 physically disabled, 444 had behavioural and personality disorders and 888 had minor, serious or severe mental disabilities. The total number of children with special needs in primary education was 4,944, of whom 124 were blind or of poor sight, 563 deaf or hard of hearing, 229 physically disabled, 509 with behavioural or personality disorders and 3,520 with various degrees of mental disability. Various forms of secondary education with adapted programmes were attended by 563 young people.

169. In addition to whole-day care, new forms of working with children with special needs are being developed, such as day-time care (eight to nine hours), half-day care (four to five hours), short-term and temporary stay, and housing communities whose aim is to provide suitable and comprehensive treatment within a home environment and to level the opportunities for independent life. An important role in the area of working with children and young people with special needs is assumed by the disabled people's organizations which organize schools for parents, provide support for families with disabled children, and carry out individual support services for disabled students (supplying study material in adapted forms, transport).

170. A general assessment is that this is a well-organized area. There is a network of special institutions that are constantly improving their programmes, and the position of families whose child is in institutional care or who have a child or young person with special needs in other forms of organized care (full-day care, half-day care, short-term or temporary stay in an institution, mobile services, etc.) or who stays at home is gradually becoming more equal; this can also be assessed as a positive development. The growing number of housing communities that take in young people with disabilities is also encouraging. In June 2000 a basic law on the education of children with special needs, a law that had been missing from Slovenian legislation, was adopted (Guidance for Children with Special Educational Needs Act). Thus the long-term process of the integration of children with special needs into regular forms of education has begun. It regulates educational guidance for children with special needs and defines the methods and forms of education and training. Instead of the current system of classification of children, which lay within the competence of the Ministry of Labour, Family and Social Affairs, the Act prescribes that the mandatory testing of the classification be carried out by the Ministry of Education, Science and Sport. The new feature introduced by the Act allows the referral of children with special needs to regular educational programmes, adapted to their abilities and with additional expert help provided, to adapted programmes that provide an equivalent level of education, to programmes that provide less demanding levels of education, and to special educational programmes. An important new feature of the Act is that it provides for special equipment for students with special needs.

171. The participation of young disabled people in the labour market is made possible by programmes of training and preparation for employment and by other measures, including: protection from dismissal, adaptation of the workplace and machinery to the abilities of disabled people, vocational training for disabled people, and support for self-employment.

The Programme for the Employment of Disabled People Until 2002 has raised the volume and quality of training for the disabled, which will allow them to compete for jobs on the labour market.

B. Health and health services (art. 24)

172. These provisions of the Convention were explained in the initial report (paras. 204- 227).

173. In 2000, the National Assembly adopted the National Health-care Programme for Slovenia - Health for All By 2004, which includes activities for the protection of the health of children and young people, such as improving health education and medical and dental care for children, the comprehensive protection of the health of pre-school children and young people based on a clinic system, the execution of special programmes for the detection and monitoring of children and groups at risk, and the application of modern preventive programmes. The scope, content and organization of preventive health care are defined in the Instructions on the Implementation of Primary-Level Preventive Healthcare (*Ur. l. RS*, 19/98) issued by the Minister of Health. In the introduction the Instructions lay down the new set-up by naming doctors in charge of individual types of care and medical areas. The basic duty of these doctors is to ensure in their medical areas that any difficulties in connection with staffing, time, finances or the organization of application of the national programme are dealt with immediately, and to regularly monitor whether enough trained personnel are available to work with children and young people.

174. In its main part the Instructions on the Implementation of Primary-Level Preventive Health Care (adopted on 12 March 1998) describe in detail the standards guaranteed by the State to all children, young people under 19 and students. The scope of these standards has not changed since the initial report. The funding of preventive programmes through mandatory insurance has been adapted to the Instructions. The system of funding allows doctors to adapt between 5 and 10 per cent of their preventive programmes to the needs of their patients.

Table 10

Number of preventive examinations of children, by pre-school and schoolchildren's clinic, 1996-1998

Year	1996		1997		1998	
	0-6	7-19	0-6	7-19	0-6	7-19
Number of children	143 704	362 048	138 313	350 599	133 733	342 070
Number of children examined	1 282 000	612 400	1 026 000	556 800	1 320 000	609 500

Source: Institute of Public Health.

175. The prescribed immunization programmes for pre-school children and schoolchildren in Slovenia have been slightly expanded in recent years.

176. In 1999 immunization with the acellular component of whooping cough was introduced for pre-school children and schoolchildren; a gradual transition from two doses of diphtheria and tetanus vaccine to one is being made.

177. There have been no changes to the programme of immunization against poliomyelitis in the past five years. For immunization a three-type, live oral vaccination is still compulsory, with the exception of children who themselves or whose family members are immunodeficient, in which case dead vaccination is used. In line with the worldwide immunization doctrine, Slovenia will introduce dead parenteral vaccinations for all children, in combination with other vaccinations of course.

178. There have been some changes to immunization against measles, mumps and rubella. As a result, children are now vaccinated with a combined vaccination in their second year and are given a booster when starting school. In the spring of 1998 vaccination against hepatitis B was introduced in line with the WHO recommendation for all children starting school. In 2000 immunization against *Haemophilus influenzae type b* was introduced for pre-school children.

179. In Slovenia newborn babies are compulsorily vaccinated against tuberculosis in the first few days after birth or within the first year, while schoolchildren in the seventh or eighth grade of primary school are compulsorily tested without inoculation.

180. In line with WHO doctrine there are plans for the immunization of pre-school children and schoolchildren with combined vaccinations that will protect against several illnesses at the same time. There are plans to improve computer records of childhood vaccinations and to upgrade them into a uniform system.

181. The overall health care (prevention and treatment) of children and young people in primary education is provided by pre-school clinics and schoolchildren's clinics, and by private clinics for children and young people. According to estimates by the medical profession, doctors spend 40 per cent of their time on prevention and 60 per cent on treatment, which is unsatisfactory.

182. In 1998 there were 63 medical centres for the general public and one medical centre for students in Slovenia. The public health-care network included 44 clinics for pre-school children, 44 clinics for schoolchildren and young people, 22 combined clinics, and 12 developmental clinics. Medical care for children and young people was also provided by 40 private medical centres in 1999. In the same year medical care for women was provided by 53 clinics and 31 private gynaecological surgeries.

Table 11

Vaccination rate for pre-school children and schoolchildren in Slovenia, 1996-1998

Year	1996		1997		1998	
	First	Booster	First	Booster	First	Booster
Diphtheria/Tetanus						
Pre-school children	96.88	94.26	92.53	86.77	90.13	85.64
Schoolchildren		97.35		97.32		98.08
Tetanus						
Secondary schoolchildren		95.76		95.31		96.52
Pertussis	96.18	93.53	91.89	86.28	89.47	85.14
Poliomyelitis						
Pre-school children	97.21	94.44	90.97	84.9	90.23	84.45
Schoolchildren		98.19		97.35		98.04
Measles						
Pre-school children	91.56		94.7		91.6	
Schoolchildren		97.68		97.3		97.47
Mumps						
Pre-school children	91.52		94.7		91.59	
Schoolchildren		97.68		97.3		97.47
Rubella						
Pre-school children	91.52		94.7		91.69	
Schoolchildren		97.65		97.23		96.66

Source: Institute of Public Health.

Table 12

Proportion of first and return visits for medical treatment to pre-school and schoolchildren's clinics, 1996-1998

Year	1996		1997		1998	
	0-6 %	7-19 %	0-6 %	7-19 %	0-6 %	7-19 %
First visit	56.1	55.2	48.4	54	52.6	54.1
Return visit	43.9	44.8	51.6	46.0	47.4	45.9
Total	100	100	100	100	100	100

Source: Institute of Public Health.

183. In 1998 there were 3.2 medical centres per 100,000 people. There was one clinic per 4,325 children and young people up to the age of 19, and one gynaecological team per 9,182 women over the age of 15.

184. The average staffing situation in primary health care in 1999 was as follows: there was a team of child doctors for every 943 pre-school children (0-6 years) and a school doctors' team for every 2,338 young people (7-19 years). The composition of a preventive medical team is prescribed and is as follows: one specialist doctor, one nurse and one medical technician per team.

Table 13

Average number of doctors for pre-school children and schoolchildren, young people and women (over 13) in primary health care, 1999

Individual type of health care	Number of patients per doctor	Target
Pre-school children	943 children (0-6 years)	Instructions on the Implementation of Primary-level Preventive Health Care 800 children (0-6 years)
Schoolchildren and young people	2 338 young people (7-19 years)	1 700 young people (7-19 years)
Women	9 182 women over 15	6 500 women over 15

Source: Institute of Public Health and the Rationalization or New Organization of Paediatric Health Care project.

185. Since 1996 all hospitals in Slovenia have treated children in children's hospital units, regardless of the illness, and children have had their medical condition monitored by a paediatrician who is a regular staff member or consultant.

186. Table 14 below shows that there has been an increase in the past three years in the rate of hospital treatment for 0-6-year-olds; in the 7-19 age group the rate has not changed significantly.

Table 14

Hospital treatment rate for children (0-19 years), 1996-1998

Year	1996		1997		1998	
	0-6	7-19	0-6	7-19	0-6	7-19
Number of children	143 704	362 048	138 313	350 599	133 733	342 070
Number of examined/1 000	169.2	80.6	194.1	76.8	199.5	80.1

Source: Institute of Public Health.

187. In 1999 a start was made on the Rationalization or New Organization of Paediatric Health Care project at the primary, secondary and tertiary levels. Its aim is to reduce the number of hospital treatments of children and the average length of hospitalization, and to redirect diagnostic and treatment work to specialist clinics at the secondary level and day hospitals. The primary level paediatric health-care network is to be strengthened and 24-hour paediatric care ensured. By linking paediatricians at all three levels, the exchange of knowledge will be increased and the treatment of children raised to a higher level. The project is trying to preserve the personnel structure, i.e. specialist paediatricians and school medicine specialists at the primary level (first contact), despite the political intention to have general or family practitioners for all age groups.

188. According to figures for 1998, 99.8 per cent of women in Slovenia give birth in maternity wards. On average, 8.3 examinations are carried out during pregnancy, which is one examination more than in the preceding five-year period. Just under half of pregnant women attend antenatal classes. The proportion of women pregnant for the first time and attending antenatal classes was higher than the proportion of other pregnant women.

189. Of all young women under 19, 3.4 per cent gave birth (regarding age at the time of giving birth, 83.3 per cent of these young mothers are over 18). One fifth of them are single mothers and their percentage is growing.

190. The rate of legal abortions has been falling most visibly in various categories of young women. In 1998 there were, on average, 12 legal abortions per 1,000 young women under 19, while the rate of legal abortions among young girls under 16 was, as expected, low, i.e. two legal abortions per 1,000 young girls.

191. The infant mortality and antenatal mortality rates continue to fall. In 1999, 94.2 per cent of newborn babies weighed more than 2,500 g (identical to the proportion from the early 1990s).

Table 15

Infant mortality rate, 1987-1999

Year	Stillborn	Early infant mortality	Antenatal mortality	Infant mortality
1987	4.8	5.6	10.4	11.2
1988	4.0	5.4	10.3	9.0
1989	6.0	4.6	10.6	8.2
1990	4.5	4.2	8.6	8.4
1991	4.9	4.7	9.5	8.2
1992	5.5	4.6	10.1	8.9
1993	4.8	3.3	8.1	6.8
1994	5.3	2.8	8.1	6.5
1995	4.4	2.6	7	5.5
1996	5.6	2.4	7.9	4.7
1997	4.9	2.9	7.7	5.2
1998	6.5	2.9	9.4	5.2
1999	5	2.4	7.4	4.6

Source: Statistical Yearbook on Health, 1987-1999.

192. In the last three-year period a growth in the suicide rate among young people aged between 7 and 19 was observed. There were 6.4 suicides per 100,000 young people in 1996, 6.8 in 1997 and 10.2 in 1998 (7-19-year-olds). In the same period, the suicide rate for people over 20 was, on average, 39.2 per 100,000 people. On average the risk of committing suicide was 2.7 times greater for boys than girls. In collaboration with WHO a trial application of the national programme for the prevention of suicide was carried out in three municipalities in the Zasavje region where the problem is worst. The project included campaigns and procedures for assessing the programme so that it could be applied later throughout the entire country. An ongoing workshop is running under the title "Suicide and the Prevention of Suicide in Slovenia" for first-contact doctors and for teachers with the aim of teaching them how to respond correctly when detecting the first signs of the phenomenon and how to control the treatment of persons at risk later on. As part of the National Health-Care Programme Until 2004, provisions are made for the preparation and implementation of programmes for the healthy mental life of children and young people in particular.

193. While admitting that Slovenia's road safety record is one of the poorest in Europe, one road indicator - road safety for children - places Slovenia among the better developed and safer countries. The number of children killed or injured on the roads has been falling gradually since 1970. The number of pre-school children killed on the roads fell from 32 in 1970 to 2 in 2000, and of schoolchildren from 26 in 1972 to 6 in 2000. In 1999, eight children died in road accidents.

194. HIV/AIDS infection rates in Slovenia are low. According to figures published by the Institute of Public Health between 1 January 1986 and 30 September 2000, 89 cases of AIDS were reported, as required by law. The annual AIDS rate was between 0.5 and 0.7 per million inhabitants. Most of those infected with AIDS have already died; according to estimates there are now 28 AIDS patients in Slovenia. Of the total number of those infected (89 cases), 76 were adult males, 11 adult females and 2 children (1 boy and 1 girl). Both children were infected during or after birth. Between 1 January 1986 and 30 September 2000, a total of 75 cases of HIV infections were confirmed which so far have not developed into full-blown AIDS; 58 of those infected were adult males, 16 were adult females and 1 was a girl.

195. As part of the revision of the school curriculum a proposal for health education was put forward covering nine areas: family life, the psychological aspects of health, personal hygiene, healthy sex education, food and eating, exercise and health, safety, first aid, and the use and abuse of substances. Health education is an interdisciplinary curricular subject.

196. Slovenia has been a member of the European Network of Health-Promoting Schools since 1993 (a project run by the Council of Europe, EU and WHO). Twelve schools in Slovenia took part in the Health-Promoting Schools project in the trial phase, joined since 1998 by 130 primary and secondary schools, residential homes for students and the Institute for the Deaf and Hard of Hearing. The evaluation results show that the programme has evolved to the stage where the formation of a national strategy of health promotion in schools should be considered. A number of meetings were organized in March 2000 with the support of a WHO consultant at which the topic was discussed; they yielded promising points of departure for the formulation of the strategy.

C. Social security and housing (arts. 26 and 27)

197. The fundamental rights of children to social security were described in the initial report (paras. 228 and 229).

198. The right of parents to a wage compensation for the nursing of a sick child for the period in which they care for a close family member for the duration of their child's illness, which guarantees economic and social security and the necessary level of care for the child, was amended in 1999. The 1999 Health-care and Health Insurance Act stipulates that, at the proposal of a collegium of experts from the Paediatric Clinic at Ljubljana University Hospital, the entitlement to a wage replacement can be extended by a medical board of the second degree in cases deemed necessary because of a brain injury, cancer or other serious deterioration of health. The right to a wage compensation for caring for a child can be exercised by one of the parents of a child under the age of 18. One of the parents can also be granted this right for the period in which the child is in hospital.

199. Between 11 and 13 per cent of the Slovenian population are cared for at home when ill. According to statistical data, sick leave taken in order to care for sick family members represents a negligible amount of lost working days per employee and does not amount even to 1 per cent of lost working days per worker. Sick leave is used more by women than by men. The average length of absence from work in order to care for a family member between 1990 and 1996 was 6.5 days.

Table 16

Sick leave to care for family members, 1990-1999

Year	Percentage of lost working days per worker		Number of cases per 100 workers in a year	
	Men	Women	Men	Women
1990	0.1	0.7	6.2	40.9
1991	0.1	0.6	4.7	32.6
1992	0.1	0.5	4.6	27.8
1993	0.1	0.6	5.9	31.5
1994	0.1	0.6	6.3	29.4
1995	0.1	0.5	5.6	28.4
1996	0.08	0.45	4.4	24.42
1997	0.05	0.44	3.88	26.85
1998	0.06	0.44	3.92	27.02
1999	0.05	0.44	3.81	26.40

Source: Institute of Public Health.

200. The right to parental leave is granted to women in employment, self-employed women, women farmers and sole traders, and lasts 365 days. Of these, 105 days are classed as maternity leave and 260 days (or, if the mother works part time, until the child is 17 months old) as childcare leave, which can also be used by the father of the child in agreement with the mother.

There is also extended childcare leave for premature babies, for the second and every additional live child from a multiple birth, and for a child with a serious physical or mental disability (childcare leave is extended until the child is 15 months old as full absence from work, or until the twenty-third month of life of the child if the carer works part time). During maternity leave and childcare leave, payment equals the full average monthly wages of the recipient in the 12 months prior to the leave and is adjusted in accordance with the movement of the average wage. Since 1995 the lower limit for the payment has been equal to the minimum wage.

Table 17

Average number of recipients of parental leave, and funds spent, 1990-2000

Year	1990	1994	1995	1996	1997	1998	1999	2000 (estimate)
Average monthly number of recipients	22 891	19 257	17 261	17 080	16 914	16 374	16 181	16 300
Funds (in SIT million)	0.0	14 865	16 566	18 887	21 202	22 570	24 541	27 730

Source: Ministry of Labour, Family and Social Affairs.

201. Fathers rarely use parental leave (0.6 per cent in 1997, 0.8 per cent in 1998, 0.9 per cent in 1999 and 0.95 per cent in the first seven months of 2000). This small proportion cannot be explained by the loss of income since parents receive the full wage equivalent while on leave. Nor is parental leave so long that fathers would risk losing their job if they took the leave. Since fathers are not directly entitled to parental leave, the current legislation does not grant fathers who are employed the right to childcare leave and childcare benefit unless the mother is also insured (i.e. employed).

202. The new Parental Leave and Family Benefits Act, which is going through its second reading, provides for a completely new regulation of parental leave, parental benefits, and the right to shorter working hours and to the subsidizing of the employment of parents. It also provides for various forms of parental leave: maternity leave (105 days), paternity leave (90 days), and childcare leave (260 days). In specific cases such as the birth of twins, of a premature baby or of a baby who needs special care, or when the parents are already caring for one or more pre-school children when the new baby is born, childcare leave can be extended.

203. All mothers who do not meet the conditions for the right to maternity benefit or any other wage replacement or pension are entitled to a parental allowance for the same duration (365 days), which equals 52 per cent of the guaranteed wage (in July 2000 it was SIT 22,077). In the second part of parental leave, this right can be transferred to the father. The right to a parental allowance is also granted to women who are in secondary school or at university, first-time job-seekers, housewives, and some farm wives.

Table 18
**Average monthly number of recipients of parental allowance,
and funds spent, 1994-2000**

Year	Average monthly number of recipients	Funds (in SIT million)
1994	2 474	423.48
1995	3 015	559.36
1996	2 822	554.28
1997	2 735	566.33
1998	2 616	573.75
1999	2 563	602.16
2000*	2 449	607.98

Source: Ministry of Labour, Family and Social Affairs.

* Funds set aside by the 2000 budget.

204. A layette is a form of one-off State assistance given upon the birth of a child to all children whose mother or father has permanent residence in Slovenia. The parents can choose from three types of assistance in kind, or take money to the equivalent value of the layette. The layette is currently worth around SIT 29,000. Parents are increasingly choosing money over other forms. In 1993, a total of 19,632 parents received layettes (17,637 in 1998 and 17,295 in 1999).

Table 19
**Average monthly number of parents entitled to a layette,
and funds spent, 1993-2000**

Year	Average number of entitled parents	Funds spent (in SIT million)
1993	19 632	316.35
1994	18 912	343.17
1995	18 408	406.25
1996	18 428	396.86
1997	18 111	443.34
1998	17 637	428.99
1999	17 295	452.38
2000*	18 081	506.87

Source: Ministry of Labour, Family and Social Affairs.

* Funds set aside by the 2000 budget.

205. Child benefit, a financial assistance to children, has been paid since 1 May 2001 in line with the Child Benefit Act. The amount of child benefit depends on the number of dependent children and the income per family member in the preceding year. The Act divides recipients into three categories, depending on the number of children, with the amount going up with each additional child in the family. Child benefit is adjusted twice a year with the growth index for living necessities. After the 1996 and 1999 changes to the criteria for child benefit, and in line with the Child Benefit Act, child benefit is received by over 80 per cent of potential beneficiaries.

Table 20**Structure of child benefit recipients and amounts, 1997**

Income per family member as a percentage of the average wage in Slovenia	Child benefit as a percentage of the guaranteed wage	Child benefit in December 1997 (in SIT)	Child benefit as a percentage of the average net wage	Average number of recipients	Structure of recipients (%)	Share of funds spent in 1997
Up to 25	22	8 109	8.2	98 902	24.21	36.66
25.1-30	19	7 004	7.1	36 671	8.98	11.74
30.1-40	16	5 898	6.0	82 292	20.14	22.18
40.1-45	13	4 792	4.9	38 347	9.39	8.40
45.1-55	10	3 686	3.7	60 607	14.84	10.21
55.1-110	7	2 580	2.6	91 710	22.45	10.81

Source: Ministry of Labour, Family and Social Affairs.

Table 21**Child benefit, by amount and income category, June 2000**

Income per family member as a percentage of the average wage in Slovenia	Average monthly income per family member in 1999 (in SIT)	Child benefit per individual child (in SIT)		
		1st child	2nd child	3rd and subsequent children
Up to 15	Up to 25 987	17 642	19 406	21 170
15 to 25	25 987 to 43 311	15 084	16 672	18 259
25 to 30	43 311 to 51 974	11 497	12 849	14 202
30 to 35	51 974 to 60 636	9 056	10 350	11 644
35 to 45	60 636 to 77 960	7 410	8 644	9 979
45 to 55	77 960 to 95 985	4 704	5 881	7 057
55 to 75	95 985 to 129 934	3 528	4 704	5 881
75 to 99	129 934 to 171 513	3 085	4 234	5 410

Source: Ministry of Labour, Family and Social Affairs.

Table 22
Child benefit under the Child Benefit Act, in SIT

Income per family member as a percentage of the average wage in Slovenia	Child benefit per individual child		
	1st child	2nd child	3rd child
Up to 15	17 639	19 403	21 167
15 to 25	15 081	16 669	18 256
25 to 30	11 495	12 848	14 200
30 to 35	9 055	10 349	11 642
35 to 45	7 409	8 644	9 878
45 to 55	4 704	5 880	7 056
55 to 75	3 528	4 704	5 880
75 to 99	3 058	4 234	5 410

Source: Ministry of Labour, Family and Social Affairs.

206. The new child benefits increased considerably in 1999; in the first months following the changes the amounts were higher by as much as 55.7 per cent in comparison with benefits before the increase. Since under the law child benefits are adjusted twice a year, there is no longer any danger of child benefits falling behind in real terms.

Table 23
Average number of recipients of child benefit, and funds spent, 1990-2000

Year	Average monthly number of children	Funds for child benefits (in SIT million)	Share of funds for child benefit of GDP (%)
1990	152 393	978.41	0.50
1991	158 120	1 766.37	0.51
1992	149 435	4 475.53	0.45
1993	147 478	7 311.50	0.51
1994	187 639	10 777.92	0.58
1995	222 634	14 146.69	0.64
1996	342 443	20 354.93	0.80
1997	408 532	25 117.46	0.86
1998	410 864	26 705.10	0.83
1999	405 040	35 159.00	0.98
2000*	406 000	45 000.00	1.14

Source: Ministry of Labour, Family and Social Affairs.

* Funds set aside in the 2000 budget.

207. Family benefits include a special childcare allowance which pays for part of the cost of caring for a child with special needs.

208. The new Parental Leave and Family Benefits Act (submitted for reading in 1998) envisages an increase in child benefits for lone-parent families (if the child lives in a lone-parent family, the child benefit is to be increased by 10 per cent) and a special financial allowance for large families (SIT 70,000).

209. In keeping with the Personal Income Tax Act, tax relief for people with children includes a reduced income tax base which, for the first child, equals 10 per cent of the average annual wage in Slovenia, or 50 per cent of the average wage if the child suffers from a mild, serious or severe mental or physical handicap. For each additional child there is additional relief equivalent to 5 per cent of the average wage. The age-limit is 18, except for children in school (for whom the age-limit is 26). There is no age-limit for children who are unable to work. Tax reliefs are more beneficial to high-income families, while child benefits are more favourable to low-income families. For example, a family with three children and an income equivalent to two average wages benefits by approximately SIT 50,000 more from child benefits than from tax relief for children; before the 1999 changes to child benefits, the two benefits were equal.

Table 24
Tax reliefs for 2000

	Annual tax relief (in SIT)
For one child and any other dependent family member - 10 per cent of the average wages (AW)	230 003
For two children - 25 per cent of AW	575 007
For three children - 45 per cent of AW	1 035 013
For four children - 70 per cent of AW	1 610 020
For five children - 100 per cent of AW	2 300 028
For every additional child the tax relief is increased by 5 per cent of AW	
For a disabled child - 50 per cent of AW	1 150 014

Source: Ministry of Finance.

210. Unemployment benefit is granted (in keeping with the new Employment and Insurance Against Unemployment Act) to a person who, in the last 18 months, has been employed for at least 9 months without interruption, or 12 months with interruptions, before the end of employment and who, within 30 days, reports to the Employment Service of Slovenia. This person may, within 30 days of the end of the right to unemployment benefit, exercise the right to unemployment assistance if his/her income is less than 80 per cent of the guaranteed wage. Unemployment assistance is paid for six months. For the first three months unemployment

benefit equals 70 per cent of the basic wage and in subsequent months 60 per cent of the basic wage (but not less than 80 per cent of the guaranteed wage) and can only be paid for a maximum of 24 months. At the end of December 1999 the Employment Service of Slovenia was paying unemployment benefits to 31,227 individuals, or to 13.5 per cent fewer people than in December 1998. At the beginning of 1999 the lowest unemployment benefit (under the old law) was SIT 31,266 gross (SIT 39,082 under the new law). In addition to unemployment benefits and unemployment assistance, the State also funds active employment policy programmes.

Table 25

**Unemployment benefit (UB) and unemployment assistance (UA)
recipients, 1991-1999**

Year	Number of UB recipients (Dec.)	Number of UA recipients (Dec.)	Total (UB+UA)	Growth index (UB+UA) (preceding year = 100)	Duration of UB (in months)	Average duration of UA (in months)	Average number of recipients (UB+UA)	Proportion of UB and UA recipients in average monthly unemployment
1991	31 818	14 110	45 928	168.6	4.2	7.6	30 053	40.0
1992	32 532	18 229	50 762	110.5	8.5	10.4	46 191	45.0
1993	42 582	20 052	62 634	123.4	14.3	19.0	55 618	43.1
1994	31 452	11 036	42 488	67.8	14.4	8.0	53 454	42.1
1995	28 305	5 936	34 241	80.6	12.7	7.3	36 824	30.3
1996	33 715	4 112	37 827	110.5	13.1	5.9	36 343	30.3
1997	37 152	3 734	40 886	108.1	11.6	3.7	40 791	32.6
1998	36 082	2 818	38 900	102.8	14.3	3.7	41 065	32.6
1999	31 227	3 283	34 510	88.7	17.8	3.9	36 905	31.0

Source: Employment Service of Slovenia.

211. In line with the Employment and Insurance Against Unemployment Act, children aged between 15 and 18 (secondary school students) and students aged between 18 and 26 are entitled to company, national or Zois scholarships. Company scholarships are granted by companies and employers in keeping with their needs; national and Zois scholarships are granted by the State. National scholarships are awarded to apprentices, secondary school and university students who otherwise would not be able to continue studying; Zois scholarships are given to gifted secondary school or university students. In 1998 the income limit for national scholarships was made the same for all applicants (130 per cent of the guaranteed wage, i.e. SIT 615,523). In addition to the financial background of applicants, the study results, abilities and interests in the chosen study course and profession are taken into account when awarding scholarships. Scholarships for gifted secondary and university students are not means-tested. In December 1999 the average national scholarship for apprentices and secondary school students studying in their home town was SIT 11,307.86, for those who travelled daily SIT 20,917.43 and for those who lived away from home during their studies SIT 27,377.56. Students studying in their home town received SIT 15,127.64, those commuting daily SIT 25,683.27 and those living away from home SIT 31,302.64. The average Zois scholarship in December 1999 for secondary school students studying in their home town was SIT 17,136,

for those who travelled to school daily SIT 26,436, for those who lived away from home SIT 33,035, and for those who studied abroad SIT 38,517. In December 1999 the average Zois scholarship for students studying in their home town was SIT 24,083, for those who travelled to school daily SIT 34,173, for students living away from home SIT 39,814, and for students studying abroad SIT 50,688. Currently 34 per cent of all young people in education are receiving some form of scholarship (national, Zois or company).

Table 26

National and Zois scholarships, 1993-1999

Academic year	National scholarships	Chain index	Zois scholarships	Chain index	Total	Funds spent (in SIT million)	Index
1993/1994	47 830	-	6 581	-	54 411	7 342 909	100.0
1994/1995	45 482	95.1	6 921	105.0	52 403	8 886 660	121.0
1995/1996	47 200	103.7	7 437	107.5	54 637	10 097 590	137.5
1996/1997	46 210	97.9	8 733	117.5	54 943	13 043 274	177.6
1997/1998	45 803	99.1	9 952	114.0	55 395	10 532 221	143.3
1998/1999	43 136	94.6	11 222	107.1	54 358	13 709 384	205.4

Source: Employment Service of Slovenia.

212. The right to a family pension is granted to family members of a deceased pensioner or person with the required amount of years of pension insurance cover (workers, farmers, traders and other sole traders, or self-employed persons performing public or State functions), provided they meet the conditions set by the Pension and Disability Insurance Act. The new Pension and Disability Insurance Act, adopted in 2000, provides for voluntary participation in mandatory pension and disability insurance in certain circumstances, such as when caring for a child under the age of 7 or for an elderly person, expands the circle of insured persons to include parents of children under the age of 1, and reduces the retirement age by each birth or adopted child (the set retirement age is lowered by eight months for the first birth or adopted child and by four months for each additional child). It also provides for the option of purchasing pension insurance cover for the first three years of the child's life if the person was not insured during that time at all.

213. The 1991 Housing Act and the National Housing Programme, passed by the National Assembly in 2000, determine the social instruments of housing policy. Their aim is to help people and families with low income who are unable to find housing or pay housing bills to acquire and use housing. This includes, in particular, families with several children, families where few members work, young families, disabled people, and families with disabled family members, as well as other citizens with low or no income. The basic social housing instrument is the right to social housing. The right to social housing is granted to all Slovenian citizens who meet the income-related requirements set in article 26 of the Social Security Act. Under this Act, these limits are as follows: for children up to the age of 6, 29 per cent of the national

average wage; for children aged between 7 and 14, 34 per cent of the national average wage; and for children from the age of 15 until the end of their schooling, 42 per cent of the national average wage. The operational objective of the National Housing Programme is to achieve and subsequently maintain the target of building 2,000 social housing units a year by 2009. In 2000 municipalities plan to build 350 social apartments, while current demand is for around 7,000 apartments. The National Housing Programme envisages significant changes to the system of granting housing help, which is currently regulated by the Social Security Act; these have been partly applied with the most recent changes to the Housing Act (January 2000). This change to the Housing Act allows tenants with the right to rent a social housing apartment under the Social Security Act to pay a lower rent, and to be relieved of the costs of depreciation and investments in the apartment (objective subsidies). There is also a need to expand the circle of people entitled to subjective subsidies, in keeping with the forecast changes to entitlements to social assistance. The National Housing Programme estimates that its application will provide children with better opportunities for healthy physical and mental development.

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education and aims of education (arts. 28 and 29)

214. The education system, which includes pre-school education, free primary education and equal access to secondary, higher and university education, as well as the regulation and funding of education, were described in the initial report (paras. 230-264).

215. In March 2000 the new Music Schools Act, based on general principles of primary education, was passed. The provisions of the Convention on the Rights of the Child (art. 29), the EU Resolution on Music in Schools and the Charter of the European Conference on Musical Education were also respected. The last two documents in particular insist that the State must make provisions for musically gifted children and found special institutions for their training (in Slovenia music schools are attended by 11 per cent of all schoolchildren); the State must also ensure the development of vocal and instrumental music groups in schools (an orchestra is a requirement for the formation of a music school and, as a rule, all primary schools have a children's and a youth choir). The lessons must be conducted in classrooms which are suitable in terms of space and acoustics, and which are fitted with audio-visual equipment and other compulsory teaching aids. Teachers must have appropriate training (in Slovenia music teachers must have a relevant university degree, which guarantees that all music teachers are highly trained and skilled musicians). In order to be allowed to operate, a public music school must also give music lessons to pre-school children from the age of 5 in the form of music playgroups.

216. In the 1996/1997 academic year there were 491 public primary schools with 9,925 classrooms in Slovenia. Primary schools were attended by 205,339 schoolchildren in all. The average number of children per classroom in primary schools was 20.6. In the 1999/2000 academic year the number of schools increased to 497 (9,657 classrooms); they were attended by 189,342 primary schoolchildren. The average number of children per classroom was 19.6.

217. For the past seven years the policy of the Ministry of Education has been to provide as many children applying for secondary school with a place on a course of their choice as possible, and as many children leaving primary school with a place in secondary school as possible.

In 2000 the Vocational and Professional Education and Training Act was amended. While under this Act and the Grammar Schools Act general vocational and professional education is not compulsory in Slovenia, it is equally accessible to all children free of charge for compulsory subjects. That general, vocational and professional schools are truly accessible can be seen from the proportion of enrolment in these schools, which for the 1999/2000 academic year was 98 per cent of the whole generation (87 per cent in 1986/1987 and 93.3 per cent in 1995/1996).

218. In the 1999/2000 academic year, secondary education was provided by 138 public and 7 private secondary schools, 3 music schools, 2 open universities and 6 institutes for young people with special needs. In the first year of all secondary school programmes together, 29,802 students enrolled (9,671 in grammar schools, 8,881 in four-year technical or other professional schools, 9,833 in three-year secondary vocational training programmes and 1,417 in basic vocational training programmes). On average, classrooms were considerably larger than in primary schools, as an average secondary school classroom had 26 students and grammar schools nearly 29 students per classroom.

219. The number of students completing their secondary education is growing: 22,517 in the 1980/1981 academic year, 19,154 in 1984/1985, 21,793 in 1993/1994, 22,197 in 1994/1995 and 25,750 in 1998/1999.

220. The 2000 national budget set aside SIT 1.6 billion for subsidizing school meals. The subsidy is currently SIT 90 per day for each primary schoolchild and SIT 120 per day for each secondary school student. Children who qualify for fully subsidized meals under specific conditions (low-income or unemployed parents, children from families with long-term social problems, family illness, alcohol abuse in the family, etc.) are identified by the counselling service, which examines each case individually. On this basis, 22.8 per cent of children receive subsidized meals. The Ministry of Education, Science and Sport also guarantees free meals to all schoolchildren in the first grade of a nine-year primary school and their parents receive financial assistance under the regulations on social security. Schoolchildren are given free meals for as long as they are receiving financial assistance.

221. The State has pledged long-term assistance for the purchase of school textbooks. Since 1996 all primary schools must have a textbook fund, which means that all pupils from the first to eighth grades (or the ninth grade, once school reform reaches that level in 2001) can borrow textbooks for a fee set by the Rules on the Management of Textbook Funds. In the 1997/1998 academic year the Ministry began to encourage the setting up of textbook funds in secondary schools. In the 1999/2000 academic year, 80 per cent of secondary schools decided to set up their own book funds. In the following year (2000/2001) only the lower grades of four-year programmes had yet to establish textbook funds; their inclusion will allow all secondary school students to borrow books from the book funds.

222. Since 1994 the State has set aside SIT 1,031,320,000 for textbook funds in primary schools and SIT 574,340,000 in secondary schools.

223. In the 1999/2000 academic year the State gave 42 primary schools participating in the trial application of the nine-year primary school project a one-off payment for each schoolchild in the first grade. This amounted to a total of SIT 5,950,000. The State will continue with this form of assistance in 2000/2001. In 1996 the Government of Slovenia adopted the Decree on Consent to the Prices of New Textbooks as a measure aimed at harmonizing prices.

224. Further and higher education are regulated by the Higher Education Act and the Vocational and Professional Education and Training Act. The University of Ljubljana has 26 departments (20 faculties, 3 academies, and 3 higher colleges); the University of Maribor has 10 departments (9 faculties and 1 higher college). In addition to these two universities there are seven higher education institutions in Slovenia (two faculties and five colleges).

225. In implementation of the Vocational and Professional Education and Training Act, new two-year higher professional colleges for catering and the tourist industry, machinery and electronics are being introduced gradually. The programmes are equally accessible to all young people and are set up according to the regional principle. In 1996/1997 the first generation of students (430, of whom 346 were young people and 84 adults) attended five higher colleges teaching six study programmes. In the 1999/2000 academic year nine colleges with 13 programmes were attended by 1,478 students, of whom 817 were young people and 661 adults. In 1999, a total of 329 students graduated from higher colleges.

226. The number of students in university programmes is on the increase. There were 50,667 students in the 1996/1997 academic year and 66,198 in 1999/2000. There were 3,059 teaching staff in 1996/1997 and 3,465 in 1998/1999. There were 22.8 students per lecturer in 1997/1998 and 23.8 in 1998/1999. The number of students who complete university is also increasing. The number of students who completed higher college was 2,746 in 1995/1996 and 2,707 in 1998/1999. The number of students graduating was 4,507 in 1995/1996 and 7,060 in 1998/1999. The number of students completing postgraduate studies is increasing: 355 received Master's degrees and 199 received Ph.Ds in 1995/1996 (597 and 258, respectively, in 1998/1999).

227. Children who fail to complete school (school dropouts) continue to be a problem. The issues of dropout rate and more appropriate education are closely connected to the issue of flexibility of forms of education which must be able to accommodate the various needs and interests of schoolchildren, students and apprentices. The new school legislation (passed between 1996 and 1999) allows for various forms of education (dual system, certificates system, vocational courses). It is important for the education system to allow transition in a horizontal as well as vertical direction, and to allow a return to education (lifelong learning), thus increasing the proportion of professionally qualified people.

228. Schoolchildren who have not successfully completed compulsory primary education (i.e. successfully completed the eighth grade) but have fulfilled their obligation towards primary education in a lower grade (usually the 6th or 7th) can further their education within secondary education in basic vocational training programmes, which normally last two and a half years. These programmes cover the following areas: agriculture, the food industry, electrical installations, textiles, glassmaking, carpentry, the construction industry, machinery and services.

In the 1999/2000 academic year there were 15 basic vocational training programmes in nine areas with a total of 2,400 places. The programmes were attended by 1,417 students (4.8 per cent of all students enrolling in secondary schools in that year).

229. Lately more attention has been given to those who drop out of secondary school because of poor study results. By improving the methods of work in schools in the past five years (from the 1994/1995 to 1998/1999 academic years) the percentage of students repeating a grade fell on average from 5.4 per cent to 4.06 per cent. The problem has also been alleviated by additional measures that enable young people to complete secondary education. Grammar school students who fail the matriculation exam can join a one-year vocational course where they can obtain vocational qualifications and then find employment in their chosen profession. Since the 1998/1999 academic year secondary schools, as part of a tender for the provision of education to unemployed people prepared by the Ministry of Labour, Family and Social Affairs and the Ministry of Education, Science and Sport, have reintegrated dropouts who left school some time ago, training them for their first profession. Important measures intended to remove the discrepancy between desires and actual enrolment include: expansion of the network of schools and school places; vocational guidance to establish professional desires; a revision of the curriculum; and the introduction of new forms of secondary education.

230. The proportion of students who successfully enrol in a study course of their choice is increasing - this obviously gives students the best motivation to work and complete their studies. In the 1997/1998 academic year, 93.5 per cent of students made it into a programme of their choice (96.3 per cent in 1999/2000). There has been a decline in the dropout rate among secondary school students, which nevertheless remains high. The highest dropout rate has been observed among students in basic vocational training. There are no considerable gender differences. The dropout rate is characteristically high in the first year - as many as 40-50 per cent of students drop out in the first year, 30 per cent in the second year and 20 per cent in the third year. The number of those dropping out in the fourth year is negligible.

231. Through various education and employment programmes for young people carried out by the Ministry of Labour, Family and Social Affairs in cooperation with the Ministry of Education, Science and Sport, the employment system enables children and young people who have left it prematurely to join the labour market. Among the more important programmes in this regard are the Employment Action Programme for Slovenia for 2000 and 2001 and the Programme for Developing a Business Mentality and Creativity Among Young People. The Employment Action Programme for Slovenia for 2000 and 2001 gives special attention to young unemployed people and is a combination of target-oriented programmes and measures executed by various institutions. With the help of the continued reform of vocational education and training, it aims to achieve a more open school system, reduce the proportion of those who leave the education system prematurely, and raise the general educational level of the population. To facilitate the transition of young people from school to employment, it envisages the development of a dual system of education, more rapid development of more practically-oriented higher and high schools, the adjustment of programmes to new know-how, and the introduction of new forms of preparation for employment such as learning workshops and learning companies.

232. Programme 5000, which includes publicly certified programmes providing primary, general, vocational, professional, technical or university education, forms part of the Action Programme. The programme is intended for unemployed people, in particular:

- Those without professional or vocational qualifications, especially those under 26;
- Those with vocational or professional qualifications who are unable to find employment in their profession and have been registered with the Employment Service for over six months.

233. The key guideline in working with unemployed people is to provide a shorter path to employment. The duration of training or of the period before finding a job depends on the type of training undertaken by an individual and on the previous skills, abilities and qualifications of the unemployed person. The duration of training is defined by the subcontractor by means of an education plan and normally lasts three years at most.

234. The key target of the Programme for Developing a Business Mentality and Creativity Among Young People is to ensure an appropriate system of guidance and funding for the development and execution of various forms of training for individual target groups of young people, especially by developing their abilities and understanding for the basic principles of company operation and business skills, thus enabling them to join the labour market. The programme includes primary school children, students of secondary vocational and crafts schools, and dropouts who wish to continue their education. The programme is not intended for young unemployed people only, as it has a more preventive role and includes all young people; it is an expansion of existing programmes (business enterprise teaching groups in primary schools, summer workshops for young people in vocational schools, etc.) for all areas of activities of young people. Various ministries (Ministry of Labour, Family and Social Affairs; Ministry of Education, Science and Sport; Ministry of Economic Activities; Ministry of Small Business and Tourism; and Ministry of Agriculture, Forestry and Food) will provide 50 per cent of the funding, local communities 25 per cent, participants 15 per cent (fees) and sponsors 10 per cent. Up to 50 per cent of the school fees will also be funded. The total amount set aside for the programme in 2000 was SIT 221,492,771 and SIT 451,207,525.

235. In keeping with article 29 of the Convention, international treaties, and Council of Europe's and EU directives, additional lessons in the mother tongue and culture of children who are foreign citizens were organized in the academic year 1999/2000 (in the Albanian, Croatian, Macedonian and Hungarian languages).

236. Italian schools function in the municipalities of Izola, Koper and Piran. Each municipality has one complete eight-year primary school, with local schools that have classes from the first to fourth grades in the smaller towns. In addition, day-care facilities in Italian are provided. In the 1999/2000 academic year Italian-language schools were attended by 504 children, and day-care facilities by 235 children. In that area there are also three secondary schools where lessons are taught in Italian (two grammar schools and one vocational school). In the 1999/2000 academic year the Antonio Sema Grammar School in Piran had 65 students in four classes, and the Gianni Rinaldo Carli Grammar School in

Koper 56 students in four classes. The Pietro Coppo vocational school in Izola trains for the professions of clerk, shop assistant, secretary and car mechanic, and in the 1999/2000 academic year had 145 students in 17 classes. After completing secondary education a small proportion of students find jobs; others continue their studies in Slovenia or, in many cases, go on to universities in Italy.

237. In the bilingual areas of the municipalities of Lendava and Murska Sobota along the Hungarian border, education in day-care facilities and primary schools is conducted in both languages. This allows children of either nationality to learn not only their own language, but also the language and culture of the other community. Lessons are conducted in both languages; during language lessons, children are divided into two groups as lessons in the mother tongue are more demanding. In the 1999/2000 academic year, bilingual schools in the municipalities of Lendava, Dobrovnik and Moravske Toplice were attended by 1,078 schoolchildren and bilingual day-care facilities by 359 children. After primary school, children can continue their education in a bilingual school in Lendava or in one of the Slovenian-language secondary schools in Murska Sobota or elsewhere. Students who wish to continue to learn Hungarian are given lessons in their mother tongue. In 1999/2000 the bilingual school in Lendava had 21 classes with 381 students. The school has five grammar-school classes and also gives classes for those wishing to become clerks (eight classes), shop assistants (five classes) and machinery technicians (three classes).

238. Primary education for the Roma in Slovenia is conducted in keeping with the Primary School Act and other regulations. Only rarely is a whole primary school classroom composed exclusively of Roma children (in the 1998/1999 academic year there were only seven such classrooms in the whole of Slovenia). This goes to show that primary schools are more inclined to integrate Roma schoolchildren into ordinary classrooms. This approach to the integration of Roma children in combination with occasional work in smaller groups has yielded good results in recent years: the number of Roma children who complete the upper grades in primary schools is increasing, as is the number of those who, after completing primary school or compulsory education, continue their schooling. In the 1997/1998 academic year, 88 Roma schoolchildren completed their compulsory schooling, and in the 1999/2000 academic year 55 joined further education. The placement of Roma schoolchildren in afternoon care has contributed to better school results. In the 1999/2000 academic year there was one such afternoon-care unit exclusively for Roma children. In total, 405 Roma schoolchildren are included in afternoon care. In the 1999/2000 academic year, 1,130 Roma schoolchildren received school snacks and 545 also received school lunches. Up until 31 December 1998 the Ministry of Education, Science and Sport paid SIT 1,000 a month per Roma schoolchild (SIT 1,100 after 1 January 1999). Schoolbooks for Roma children are provided by schools from textbook funds.

239. Article 100 of the Guided Education Act instructs schools to individualize programmes and provide options for the fast-track study of individual subjects or even of the entire programme for the year. This regulation is in line with modern trends in the provision of special care for gifted children and is in compliance with paragraph 1 (a) of article 29 of the Convention on the Rights of the Child. There are also Waldorf schools for gifted children.

B. Leisure, recreation and cultural activities (art. 31)

240. Slovenes like to spend their spare time in the company of relatives and friends. They learn about the world around them from the mass media and from people they know personally. Young people socialize in public places more than the rest of the population. Cultural events in particular attract young or better educated people (Quality of Life in Slovenia, FDV, Ljubljana 1996). The pattern of leisure activities by young people is similar. Most of their spare time is spent with friends and peers, in clubs, listening to music, going to the theatre and exhibitions, writing diaries and poems, visiting relatives, playing sport, reading cartoons, sleeping, doing nothing, watching TV, going to rock concerts or messing around with computers. In their spare time young people also help parents with domestic chores.

241. In general the pace of life of schoolchildren is set by their school. As a result they have more time on Saturdays and Sundays than during the week. They take part in various voluntary leisure activities in schools such as sports, arts, social and humanitarian activities or other cultural extra-curricular activities.

242. One important activity undertaken by the Friends of Youth of Slovenia Association is the organization of leisure activities for children and young people. They organize summer and winter holidays in 17 facilities at the seaside or in the mountains. Over 60,000 children a year spend their holidays in these facilities. Through such activities the Association guarantees children high-quality and safe holidays. The Association also organizes festivities during December in day-care facilities and schools (*Veseli December*, or "Merry December"), and organizes or participates in festivals.

IX. SPECIAL PROTECTION MEASURES

A. Refugee children (art. 22)

243. At the end of 1999, a total of 4,369 persons with temporary protection were registered in Slovenia, and nearly 30 per cent were under 16 years of age. This figure is changing on a daily basis, as a significant number of refugees, in particular those from the Kosovo area, are returning to their country of their own free will. In February 2000 there were about 1,250 refugee children - persons with temporary protection (aged 7 to 18) - from Bosnia-Herzegovina and Kosovo in Slovenia.

244. In 1999 Slovenia adopted the Aliens Act, the Act Regulating the Legal Status of Citizens of the Former Yugoslavia Living in the Republic of Slovenia, and the Asylum Act. The Aliens Act defines as an alien any person without Slovenian citizenship. The Act Regulating the Legal Status of Citizens of the Former Yugoslavia Living in the Republic of Slovenia provides that citizens of another successor country to the former Yugoslavia who, on 23 December 1990, had their permanent residence registered in Slovenia and who actually lived there will be able to apply for a permanent residence permit. In this way any person who did not submit an application under article 40 of the Citizenship of the Republic of Slovenia Act or whose application was late will be able to apply for a permanent residence permit. Under the Asylum Act the right to asylum is granted to aliens who request protection for reasons cited

under the Convention relating to the Status of Refugees and its Protocol (Geneva Convention). Article 2 of the Act provides that asylum is the protection granted to aliens in the Republic of Slovenia. It includes, in particular, the right to reside in the Republic of Slovenia, rights granted to aliens on the basis of the Geneva Convention, and rights provided by the Asylum Act itself. Asylum-seekers have the following rights: the right to reside in Slovenia until the application procedure is finally closed; the provision of basic living conditions, basic health care, education, financial assistance or an allowance; free legal aid for the implementation of their rights pursuant to the Act; and the right to humanitarian aid. The scope of these rights is the same as for persons with temporary protection.

245. Refugees who have been granted refugee status have the following rights: the right to permanent residence, financial assistance, basic housing, health care, schooling and education, assistance in integrating into the new environment, the right to work, and inclusion in active job search programmes. Refugees who receive no income, do not own property and have no persons who are obliged to provide for them, or capable of doing so, have the right to financial assistance in compliance with Slovenian regulations and in accordance with the law governing social security. Close family members of a refugee who live with that refugee in Slovenia without possessing their own property or income also have the right to financial assistance. This assistance amounts to 60 per cent of the financial assistance provided under the first paragraph of article 50. Financial assistance allocated to the refugee's close family members depends on the entitlement and duration of the refugee's right to financial assistance.

246. Schoolchildren with temporary protection are accorded the same treatment as Slovenian children in terms of their rights to primary education. They are also guaranteed equal access to secondary and tertiary education. A decade of living in Slovenia has allowed these refugees to adapt to their new environment, to attain professional qualifications or to pursue studies at a college or university. The main objectives of these measures have been to normalize their life in their new environment in Slovenia and to prepare them for life in their home country once they return.

247. Slovenia was first faced with the task of educating refugees at the outbreak of war in Croatia. Children who were displaced during the war and came to Slovenia were accepted into the Slovenian school system, and had no major problems integrating back into their local school environments once they returned home. The first massive wave of refugees was seen at the outbreak of war in Bosnia-Herzegovina in 1992, among whom there were about 17,000 children aged between 7 and 16. Education programmes were carried out in the 1992/1993 academic year in 45 municipalities and at 55 locations, and involved 362 teachers from Bosnia-Herzegovina. Between 1993 and 1995 the number of schools and locations gradually fell. As a result of this drop in the number of schoolchildren, school classes were more difficult to put together. In addition, many teachers left for third countries. For this reason the Ministry of Education, Science and Sport prepared a project for the 1995/1996 academic year whose aim was the integration of schoolchildren with temporary protection into Slovenian primary schools.

248. Refugees with temporary protection from Bosnia-Herzegovina - schoolchildren who wished to enrol in Slovenian secondary schools - were in a more difficult position than children of compulsory school age. They had no command of the Slovenian language and the education programmes they had attended at home were incompatible with Slovenian ones, while the major problem was lack of room for them in existing Slovenian school programmes. Young people and their parents, however, showed an extremely high level of interest in enrolling in secondary schools in Slovenia. For this reason the Slovenian Ministry of Education, Science and Sport issued a recommendation for all Slovenian secondary schools to accept refugees from Bosnia-Herzegovina with temporary protection who were of secondary school age, should there be any vacancies in their programmes.

249. In the following academic year, the situation in the area of the integration of refugees from Bosnia-Herzegovina with temporary protection - secondary school children - steadily improved. In the past few years these children have been able to enrol in the Slovenian school system under the same conditions as Slovenian citizens (no tuition fees charged).

250. Ever since it welcomed its first refugees, Slovenia has applied a foreign-student-friendly policy. Until 1999 citizens of Bosnia-Herzegovina had encountered no major problems in enrolling in tertiary education institutes, although as foreign students they should have been liable to the payment of tuition fees.

251. Between 1992 and 1999 about 10,000 refugees with temporary protection enrolled in primary and secondary schools, and in four-year tertiary education programmes.

252. In the past two years there has been a considerable growth in the number of asylum applications under the Asylum Act (for refugee status under the Convention). In 1999, a total of 744 asylum applications under this Act were submitted. This number does not include accompanied minors whose parents or other legal representatives applied for asylum on 13 August 1999. In 1999 about 170 asylum applications were therefore submitted by accompanied and 40 by unaccompanied minors. In 2000, a total of 9,244 asylum applications were submitted, which was a dramatic increase over the previous year. In 2000, 11 persons were granted refugee status, 5 of whom were minors. Article 3 (integrity of the family and rights of close family members) of the Asylum Act (*Ur. l. RS*, 61/99, 113/2000 - CC Decision, and 124/2000) determines that the right to asylum under this Act can also be granted to close family members of refugees, namely spouses, unmarried children who are minors, and parents of juvenile refugees. For unaccompanied minors, the person authorized to care for the child is considered to be a close family member. In the asylum procedure these close family members of the refugee are granted the same legal status as the asylum-seeker. Article 14 of the Asylum Act devotes special attention to unaccompanied minors (i.e. aliens under 18 years of age) who arrive in Slovenia or who, upon their arrival in Slovenia, remain unaccompanied by parents or other legally responsible persons. Their asylum applications have priority and must be resolved in the shortest time possible. Such minors may also not be deported to their country of origin or to a third country willing to accept them, unless adequate reception and care are provided for them in this country. Prior to the commencement of the procedure, Slovenia must appoint legal guardians for unaccompanied minors who apply for asylum. Article 28 of the Asylum Act

provides that a legal guardian must be appointed for an unaccompanied minor before the start of the asylum procedure, and that in examining the asylum application lodged by an unaccompanied minor the competent authority, in cooperation with the legal guardian, must take into account the level of the minor's mental maturity. Unaccompanied minors, and of course all other asylum applicants as well, have the right to the provision of care, basic living conditions, basic health care, financial assistance or allowance, free legal aid for the enforcement of their rights and humanitarian aid; children of school age also have the right to free education. In practice, there are difficulties in issuing decisions on the appointment of a legal guardian for applicants who are minors, since it is extremely difficult to find a person willing to assume the responsibilities entailed in being a guardian. However, the asylum procedure for unaccompanied minors cannot be carried out without this condition. Talks are currently being held with the aim of actively involving NGOs in addressing this issue.

253. Efforts to improve the living conditions of asylum-seeking children and persons with asylum status also extend to the organization of nursery schools and leisure activities for these children, the collection of toys and the raising of funds for their special needs, such as health care. These activities are carried out by NGOs.

254. The principle of integrity of the family has consistently been respected in Slovenia in respect of conditions for entry into Slovenia and the granting of temporary protection.

255. In terms of the regulation of international relations, the application of the Private International Law and Procedure Act needs to be mentioned. This Act regulates the competence of bodies and the application of the law. A majority of unaccompanied children with temporary protection in Slovenia live with their parents or another close relative. For the regulation of guardianship, the law of the country of which the minor is a citizen is applied. Decisions of Slovenian bodies (social work centres) on temporary protection measures are made pursuant to the law of the foreign country. In instances of abuse or torture of children with temporary protection in Slovenia, the competent body decides on the necessary temporary measures. Social work centres must therefore act in accordance with articles 120 and 121 of the Marriage and Family Relations Act. The competent bodies of the foreign country must be notified of these measures as soon as possible. The conditions for adoption and the cessation of adoption are evaluated and determined on the basis of the law of the country of which the adopter and adoptee are citizens. When the adopter and the adoptee have different nationalities, the law of their countries is applied cumulatively to the conditions of adoption and the cessation of adoption. When the spouses jointly adopt a child, in addition to the law of the country of which the adoptee is a citizen the laws of the countries of which the two spouses are citizens is applied to the conditions of adoption and the cessation of adoption. The decision on the form of adoption is made on the basis of the law of the country in which adoption is concluded. The effect of adoption is evaluated on the basis of the law of the country of which the adopter and adoptee are citizens at the time the adoption was concluded. When they have different nationalities, the law of the country of their permanent residence is applied. When the adopter and adoptee have different nationalities and at the same time their places of permanent residence are not in the same country, the law of the country of which the adoptee is a citizen is applied.

B. Children in armed conflict (art. 38)

256. Even during the aggression of the Yugoslav army at the end of 1991, Slovenia did not restrict any of the children's rights acknowledged by the Constitution and the Convention. It acted in accordance with the regulations of humanitarian law applicable to international armed conflicts, including the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflict (Protocol I). No rights of the child acknowledged by the Constitution or the Convention were therefore restricted during the military aggression of June 1991.

257. Article 38 of the Convention on the Rights of the Child relating to children involved in armed conflict suggests that this area of international law be regulated by *lex specialis*. It is currently regulated by the Optional Protocol of the Convention on the involvement of children in armed conflict, to which Slovenia is a signatory.

258. In Slovenia the area of protection of children in armed conflict is regulated by the Military Service Act. Article 27 of the Act provides that conscripts are enrolled for military service in the calendar year in which they reach 19 years of age. Paragraph 5 of this article specifically provides that conscripts must be 19 years old. However, this paragraph also provides that, in the event of immediate danger of war or during a state of war, the Slovenian president may issue a decree recruiting 18-year-old conscripts for military service. Paragraph 4 of article 27 provides that conscripts may also be persons aged 18 who volunteer for military service.

259. It needs to be stressed that general law defines a child as any person from birth until they are 18 years of age, while humanitarian law ensures legal protection for children from birth until they reach 15 years of age. Children are among the most vulnerable categories of civil society, and for this reason their personal development, education and care and their living conditions have to be paid due consideration even in the direst of circumstances. On the basis of the provisions of the Military Service Act, we believe that the legal regulation of this area in Slovenia meets the minimum requirements laid down by article 38 of the Convention on the Rights of the Child.

260. In the period between November 1996 and August 2000 covered in the present report, no regulations were adopted in the defence area that would affect the rights of the child.

261. Slovenia has made a major contribution to the psychosocial and psychological well-being of children traumatized by war. Members of the Slovenian Philanthropists' Society, Ljubljana Counselling Centre for Children, Adolescents and Parents and, recently, a number of other institutions as well have implemented several education programmes of psychosocial help to children affected by the war in Bosnia-Herzegovina, and education programmes intended for mental health workers and teachers from Chechnya. In 2000 the Slovenian Ministry of Foreign Affairs financed two major seminars entitled "Help for Traumatized Children at School"

for 100 teachers from Kosovo. Such seminars will also take place in 2001. Within the Stability Pact an international conference on the mental health of children in post-war situations will be organized in May this year.

C. Children in criminal proceedings (art. 40)

262. The provision of this article was explained in the initial report (paras. 281-306).

263. In 1998 and 1999 the Criminal Procedure Act and the Penal Code of the Republic of Slovenia were amended. A new Enforcement of Penal Sanctions Act was adopted in 2000.

264. These Acts introduce changes in respect of children and minors in criminal proceedings.

265. Children under the age of 14 continue to be considered unable to violate criminal law (14-16 = young minor, over 16 = older minor, from 18 = young adult). Children are dealt with by the social services, no criminal sanctions may be applied against them, and no educational or safety measures may be administered against them.

266. The main change introduced by the Act Amending the Criminal Procedure Act which affects the implementation of article 40, paragraph 3 (b) of the Convention is the institution of settlement. Alongside the well-established institution of diversion (from criminal prosecution), settlement is an alternative method to the standard method of resolving criminal cases, since with the institution of settlement public prosecutors have been given the discretion, with the agreement of the suspect and victim, to transfer the report of a crime for which a fine or imprisonment of up to three years is provided to the settlement procedure. In this way the conflict between the victim and the suspect of the criminal offence can be resolved without recourse to criminal proceedings and in the same environment in which the conflict took place. Settlement is conducted by an independent conciliator, while full respect for human rights must at the same time be assured. The public prosecutor must take into account the nature of the criminal offence, the circumstances in which it was committed, the minor's previous life, and his personality characteristics, on the basis of which he may find that the initiation of criminal proceedings against the minor would be unreasonable, despite evidence of the minor's guilt. However, the difference between diversion and settlement is not clearly defined.

267. The system of criminal sanctions for minors remains virtually unchanged. Their enforcement is regulated by the Enforcement of Penal Sanctions Act. The only new educational measure is placement in a training facility, which may be imposed by the court and which replaces the previous measure of placement in a training facility.

268. Educational measures may, during their enforcement, be monitored or halted by the court, when new circumstances arise or when this seems appropriate on the basis of education, correction or training. In addition, conditional release is possible during the enforcement of placement in an educational or correctional facility, when the minor has spent at least one year in the institution and when, on the basis of results, education and correction, a reasonable

conclusion may be drawn that during conditional release the minor will not repeat the crime. For this reason, the management of the institution in which the educational measure is being enforced must, every six months, report on the minor's behaviour to the court which has imposed the measure, while the judge himself may also visit a minor placed in an institution.

269. Imprisonment in a prison for juveniles and fines remain the principal sentences imposed on minors; disqualification from driving and deportation for aliens remain the secondary sentences. With the Act Amending the Penal Code, the system determining fines has been changed - now they can be imposed not only in daily instalments (a minimum of SIT 2 and a maximum of SIT 180), but also as a fixed amount (a minimum of SIT 10,000 and a maximum of SIT 1.5 million), provided the minor's own income allows him to pay this fine himself. To the provisions on the imprisonment of juveniles, the amended Penal Code only introduced a number of minor changes. The maximum sentence of five years' imprisonment was previously applied to minors only for those criminal offences for which a minimum sentence of five years of imprisonment was normally prescribed. The duration of imprisonment remains the same: it may not be shorter than six months or longer than five years. However, for criminal offences for which 30 years' imprisonment are normally provided, minors may be sentenced to a maximum of 10 years' imprisonment. The sentenced minor can be paroled but no earlier than after serving six months in the penal institution.

D. Children deprived of their liberty (art. 37)

270. Deprivation of liberty and detention orders are regulated in greater detail by the Criminal Procedure Act, which is explained in the initial report (paras. 307-310).

271. With the Act Amending the Criminal Procedure Act, adopted in 1998, certain changes were made in respect of the detention order and its enforcement; this helped to improve conditions for detainees. Minors must now be detained separately from adult detainees. Only exceptionally may the juvenile court judge order detention to be served with adults, provided that, with regard to the minor's personality and other circumstances in the specific case, this is in the interest and to the benefit of the minor. In either case, all the care, protection and necessary individual help that they may need with regard to their age, sex or personality must be ensured, their dignity respected, and their physical and mental health protected. A detained minor must have counsel available to him throughout the duration of the detention order against him. If counsel is not chosen by the minor himself, one must be appointed by the court *ex officio*. Appeals may be filed against the detention order. Supervision of the treatment of detained persons is carried out by the president of the district court, who must to this end visit the detainees at least once every week himself, or appoint a judge to perform the supervision. With the permission of the juvenile court judge, detained persons may be visited by close relatives, a physician or some other person, but only under supervision. Only the Human Rights Ombudsman or his deputy, a foreign diplomatic or consular representative (when the detained person is a citizen of this foreign country), or an organization protecting the minor's interests (when the minor is a stateless person) are permitted to make unsupervised visits and correspond with a detainee.

272. The new Criminal Procedure Act did not introduce any changes to the duration of detention. However, despite the fact that there are no time restrictions provided and that individual stages of the procedure can be lengthy, in practice procedures against minors (as well as the duration of detention after a sentence or educational measure has been proposed) do not normally take a long time.

Table 27

Final criminal proceedings against minors before a panel

	1996	1997	1998	1999
Total	843	990	1 009	1 068
Detained	12	15	18	11
Up to 3 days	2	3	-	3
3-15 days	1	2	-	-
15-30 days	-	-	-	1
1-2 months	2	5	6	4
2-3 months	7	5	12	3

Source: Statistical Office of the Republic of Slovenia.

273. The enforcement of penal sanctions is regulated by the Enforcement of Penal Sanctions Act (*Ur. l. RS*, 22/00). The Act regulates the enforcement of all penal sanctions, including juvenile prison and educational measures. In Slovenia there is only one juvenile prison, the Celje Young Offenders Prison, where minors over 16 serve their sentences. This facility was founded pursuant to the Enforcement of Penal Sanctions Act by means of an order issued by the Government of Slovenia (*Ur. l. RS*, 84/00).

274. In Slovenia the educational measure of placement in a correctional facility is carried out in the Radeče Juvenile Correctional Facility, which was founded pursuant to the Act.

275. In the past five years there have been no major fluctuations in the number of convicted juvenile offenders to whom the educational measure of placement in a correctional facility has been applied.

276. In 1996 an average of eight persons were serving sentences in the juvenile prison (seven in 1997, four in 1998, six in 1999 and seven in 2000). In 1996 there was an average of 20 persons in the juvenile correctional facility (29 persons in 1997, 24 in 1998, 24 in 1999 and 21 in 2000). On 30 January 2001, 7 persons were serving sentences in the juvenile prison and there were 21 persons in the juvenile correctional facility.

277. Older minors serve sentences in the juvenile prison separately from adult prisoners in a special juvenile prison facility (hereinafter the "facility") where, as a rule, they can remain only until they reach 23 years of age. Solitary confinement of the sentenced minor is allowed only for severe disciplinary violations and for a maximum period of seven days. Minors have the right to correspondence and visits (at least twice a week). When the minor shows discipline in work and

study, the manager of the facility may allow him to visit his parents and other persons. The convicted minor serving a prison term has the right to spend at least three hours a day in the open air.

278. Children deprived of their freedom have immediate access to legal aid and other appropriate assistance. They are guaranteed the right to receive visits, at their request, from the person authorized to represent them in their affairs, or a legal adviser if one has been appointed. If the convicted minor is a foreign citizen, stateless person or refugee, he may also be visited by the consular representative of his country or the organization protecting his interests. Facilities are also obliged to afford convicted minors free legal aid for the protection of their rights laid down in the Enforcement of Penal Sanctions Act and the regulations issued on the basis thereof, and to assure these minors access to this Act and the regulations issued on the basis thereof, as well as access to various international legal acts ratified by the Republic of Slovenia and related to the enforcement of penal sanctions and the protection of human rights.

279. A convicted minor who believes he has been subjected to torture or to other form of cruel or inhuman behaviour may submit an application for judicial protection. The facility is obliged to send his application to the responsible public prosecutor. If the convicted minor suffers damage as a result of such an act, he may claim damages pursuant to the law directly from the person who caused the damage. In the event of other irregularities or violations of the prisoner's rights for which no judicial protection is provided, the convicted minor has the right to complain to the director of the Prison Administration of the Republic of Slovenia or the Ministry of Justice. Supervision of the legality of treatment of convicted minors is carried out by the Ministry of Justice, the president of the District Court in the territory in which the facility or department is located, the Human Rights Ombudsman, and international bodies engaged in the protection of human rights and the prevention of torture and inhuman or degrading treatment or punishment.

280. A convicted minor has unlimited right of correspondence with close family members, while correspondence with other persons is allowed only when this is in accordance with the minor's treatment programme. Privacy of correspondence and of other media is ensured. Inspection of correspondence is permissible only when there is reasonable suspicion that objects that the minor is not allowed to possess in prison are being brought in. Inspection takes the form of the opening of the consignment by the minor in the presence of an authorized facility employee, whereby the facility employee may not read the contents of the letter. A convicted minor may telephone close family members, authorized persons, consular representatives or representatives of an official organization protecting the interests of refugees. Telephone calls may not be tapped. When tapping is required for security reasons in order to preserve order and discipline in the facility, the manager of the facility may forbid a convicted minor from making telephone calls.

281. In the facility in which a minor has been placed to serve a sentence in a juvenile prison or in the case of an educational measure of placement in a correctional facility, the minor's personality is comprehensively examined upon reception by an expert team composed of the manager of the facility, a psychologist, a pedagogical expert, a social worker, a doctor and, when required, by a psychiatrist or other expert from the facility.

E. Physical and mental recovery of abused, neglected or punished children (art. 39)

282. The provision of this article was explained in the initial report (paras. 312 and 313).

283. Children with temporary protection benefit from a range of psychosocial help services provided by various governmental and non-governmental institutions and individuals (Centre for Psychosocial Help to Refugees at the Slovenian Philanthropists' Society, Society for the Development of Prevention and Volunteer Work, MOST Volunteer Work Society, KUD France Prešeren Cultural Society, Sezam, etc.), which are all a part of one programme of psychosocial help to children with temporary protection. In 1996 the Ministry of Health established cooperation with top experts in this area from the Department of Child and Adolescent Psychiatry at the University of Glasgow. Slovenian health institutions also joined a British Council project for the development of services in this area.

284. The psychosocial help programme, which was already in existence at the time Slovenia welcomed its first refugees from Croatia, chiefly encompasses services and activities aimed at normalizing their life in a new environment, helping children with temporary protection who have experienced emotional distress to recover, and exerting influence on public opinion to establish positive attitudes towards refugees and their acceptance. Several activities for children with temporary protection, which are also based on this programme, are organized in transit centres and in the place of their residence (in host families): nursery schools, schools, various employment and leisure activities for children, adolescents and parents, counselling and therapy for children in emotional distress, education on the emotional distress of children and help to these children (organized for experts, teachers and volunteers), help in the area of mental health to refugee children with special needs, and the exertion of influence on public opinion with the aim of promoting positive attitudes. Approximately 70 per cent of children with temporary protection benefit from various programmes of counselling and therapy aimed at helping them to cope with emotional distress caused by war.

285. The Centre for Psychosocial Help to Refugees at the Slovenian Philanthropists' Society, which is a partner of the Office of the United Nations High Commissioner for Refugees, carries out the following activities for refugee children: the organization of study assistance for children with school problems (here tutors and volunteers pay special attention to teaching the Slovenian language); social activities involving both volunteers and refugee children (developing friendly relations, helping children with their school problems and also helping them in crisis situations); the search for financial resources and the distribution of study grants; the provision of funds for special needs (such as special medical measures - funds are raised through donations); the development of organized activities in refugee centres (organization of improvised nursery schools for children from Kosovo); and the organization and implementation of education for various groups of experts who deal with refugee children and their families. The purpose of this training is to acquaint groups of various experts with the needs and rights of refugee children and their parents, and to carry out campaigns aimed at refugees and activities for the integration of refugee children. Sezam has organized various creative out-of-school activities for refugee children, dance groups, the Hour of Friendship and Peace programme and a puppet show; KUD France Prešeren Cultural Society has organized music and photography workshops; and GEA provides legal aid.

F. Child labour (art. 32)

286. This provision was explained in the initial report (paras. 318-322).

287. In a special section the applicable Employment Act regulates the employment of schoolchildren and students, and provides that they may temporarily work for an employer. Their rights and obligations must be laid down in a collective agreement or general act. The provisions of the Work Breaks and Holidays Act, the Occupational Safety Act, the Special Protection of Young People Act and the Liability for Damages Act must be applied to such work.

288. The new Employment Act, which is currently in parliamentary procedure, contains a special chapter on the protection of children, which is not defined in the legislation in force. The proposed Employment Act in this section regulates:

- The practical training of apprentices, and secondary school and university students within educational programmes;
- Labour conditions for children under 15;
- The application of certain security provisions of this Act to the above-stated cases, to temporary or occasional work by secondary school and university students over 15, and to volunteer apprenticeship.

289. Children under 15 are prohibited from working; only exceptionally are children allowed to participate in film-making and theatrical performances and in the preparation and display of works of art and other works from the areas of culture, sports and advertising activities against payment. Children over 13 may carry out light work for a maximum period of 30 days in any given calendar year, and other activities during school holidays, in the manner, within the scope and on condition that such work does not endanger their safety, health, morals or education. The types of light work are determined by executive regulations. Children may perform this work with the prior permission of the labour inspector; such permission is issued on the basis of an application made by the child's legal representative. The working hours of children under 15 who carry out light work during the summer holidays may not exceed 7 hours a day or 35 hours a week. The working hours for labour carried out by a child during the school year and outside the school timetable may not exceed 2 hours a day or 12 hours a week. Children are prohibited from doing night work between 8 p.m. and 6 a.m. Children must be guaranteed a daily rest period of 14 consecutive hours in each 24-hour period.

290. The established rules prohibiting hard work, the rules on the limiting of daily and weekly working hours, the rules on work breaks and weekly rest periods and the rules on the relative prohibition of night work, and on longer annual vacations for employees under 18, shall remain in force but shall be aligned with the Council of Europe's Guidelines No. 94/33 of 1994 on the protection of young people at work.

291. Young people may not carry out hard physical work that may endanger their health or have a harmful effect on their health or on their physical development, or cause psychological damage. The maximum working hours for a young worker are 8 hours a day or 40 hours a week, which means that young people may not be engaged in overtime work. The rest period between two successive workdays must not be shorter than 12 hours. When workers under 18 work a minimum of 4.5 hours a day, they have the right to a 30-minute break. In contrast to the legislation in force, there is uniform prohibition of night work for all young people between 10 p.m. and 6 a.m. Exceptions may only be made in the event of force majeure, or when adult workers are not available, provided that during the three weeks following such night work young people are assured an appropriate rest period. The annual vacation for young people must, by reason of their age, be extended by seven days.

292. Labour inspectors are finding that the number of violations in respect of employment of workers under 18 is small, or else they are surreptitious. Here, work by minors carried out through the mediation of student work services has not been taken into account. For work carried out through student work services, inspectors are finding that young people are still being employed in construction and are performing work that has to be carried out at considerable height without appropriate protection. Inspectors normally issue regulatory orders. In analysing the security of workers, labour inspectors found 25 violations of legislation on the protection of the rights of women and children, of which the majority were violations of the rights of women.

293. Slovenia has ratified 68 ILO conventions, of which 7 are basic ILO conventions regulating to the areas of freedom of association, the right to collective bargaining, the abolition of forced labour, discrimination in employment and work, and the determination of minimum age of employment, which directly refer to children. At its 87th regular session, the International Labour Conference in 1999 adopted Convention No. 182 concerning the Prohibition of the Worst Forms of Child Labour and Immediate Action for their Abolition. Slovenia ratified this Convention in March 2001 (*Ur. l. RS, MP, 7/2001*).

G. Drug abuse (art. 33)

294. This provision of the Convention was explained in the initial report (paras. 323-325).

295. The prevalence of the use of drugs in Slovenia can be illustrated by statistical data from individual studies on the risk behaviour of young people, which includes drug abuse.

296. In 1995 and again in 1999 the European School Survey Project on Alcohol and Other Drugs (the ESPAD Survey), using a common methodology, was being implemented in 26 selected European countries on children born in 1979 and 1983. For both surveys a representative sample of first-year students in Slovenian secondary schools (approximately 2,400 students) was selected. A comparison of results shows certain changes in the prevalence of the use of legal and illicit drugs within the four-year interval.

Table 28**Surveyed percentage of persons who have never used drugs from the list comparison between 1995-1999**

Drug	Percentage of abstinent persons in 1995	Percentage of abstinent persons in 1999
Alcohol	13.1	8.7
Cigarettes	41.1	35.7
Solvents	87.7	85.5
Tranquillizers (not prescribed by a doctor)	92.4	92.1
Any illicit drug*	86.6	74.4

Sources: E. Stergar, European School Survey Project on Alcohol and Other Drugs (ESPAD 1995): report on the Republic of Slovenia, Zravstveno varstvo 1999, 38, Supplement and E. Strgar, European School Survey Project on Alcohol and Other Drugs, (ESPAD 1999): report on the Republic of Slovenia, Ljubljana: Slovenian Institute of Public Health, 2000.

* The following drugs were considered: marijuana, amphetamine, LSD, crack, cocaine, heroin and ecstasy.

297. Most young people have at some time consumed alcoholic beverages - as many as 91 per cent answered that they had already had a full glass of wine, beer or strong liquor. Sixty-four per cent of first-year secondary school students had already crossed the line between smoking and non-smoking. Illicit drugs had been used by 26 per cent of students surveyed while 15 per cent had inhaled solvents. Eight per cent had used tranquillizers which had not been prescribed by a doctor at least once.

298. In the month before the survey, nearly two thirds had consumed alcoholic beverages while over one third had been drunk during that period. Among these, over two thirds had been under the influence of alcohol once or twice, one fifth 3 to 5 times, 8 per cent 6 to 9 times, and 5 per cent 10 or more times in the preceding month. Nearly two thirds of the surveyed sample (64.3 per cent) had already smoked cigarettes. A quarter (25.7 per cent) had done this 40 times or more, less than a quarter (23.5 per cent) 5 times or less, one tenth (10.5 per cent) between 6 and 19 times, and 4.6 per cent between 20 and 39 times. There is no statistically significant difference between boys and girls in the total frequency of cigarette consumption throughout their lives. Seventy one per cent of the surveyed sample said they had not smoked cigarettes in the past month. This group included persons who said they had never smoked at all (64 per cent) and those stating they had smoked less than one cigarette a week (7 per cent). Of the group which smoked cigarettes every day, 15 per cent smoked less than 1 cigarette a

day, 38 per cent between 1 and 5 cigarettes, 25 per cent between 6 and 10 cigarettes, 15 per cent between 11 and 20 cigarettes, and 6 per cent over 20 cigarettes a day. No statistical connection between sex and the number of cigarettes smoked daily could be established.

299. Nearly three quarters of the surveyed sample (74 per cent) said they had never used any illicit drugs. Thirteen per cent had used them up to five times. Less than 3 per cent had used illicit drugs between 6 and 9 times, 10 and 19 times, and 20 and 39 times. Seven per cent answered that they had used an illicit drug 40 times or more. A higher percentage of girls said they had never used an illicit drug.

300. A quarter of the surveyed sample had already smoked marijuana or hashish: one third once or twice, one fifth 3 to 5 times, 10 per cent 6 to 9 times, 10 to 19 times and 20 to 39 times, and 18 per cent 40 times or more. A higher percentage of girls said they had never used marijuana or hashish, or had used it between 10 and 19 times. There was a higher percentage of boys in all other categories relating to the frequency of the use of marijuana or hashish.

301. Removing marijuana consumption from the illicit drugs category, 95 per cent of the first-year secondary school students surveyed replied that they had never used illicit drugs. Four per cent had used them up to 5 times, 0.5 per cent 6 to 9 times, and 1 per cent 10 or more times. There was no statistically characteristic difference between the sexes.

302. Twenty-five per cent of students who had already smoked cigarettes had had their first cigarette at age 11 or younger. One third of those who had already drunk beer or wine had had their first glass at age 11 or younger; 13 per cent of those who had already drunk a full glass of strong liquor had done this at age 11 or younger. Among marijuana smokers, 80 per cent had had their first experience with it at age 14 to 15.

303. Comparison of the 1995 and 1999 results indicates that during these four years the percentage of young people who tried and later regularly used various drugs increased, with alcohol and cigarettes being the most common. The percentage of respondents who had first used alcohol or cigarettes at age 11 or younger was also higher.

304. In the 1990s the percentage of young people who tried cigarettes for the first time and smoked them on a daily basis grew. The Slovenian Institute of Public Health has prepared, at the initiative of and together with the Lung Disease Patients' Society, a prevention programme for primary schools, entitled "Promotion of Non-Smoking". The programme includes a teacher's handbook, education for teachers, and worksheets for schoolchildren between the third and eighth grades. A test launch will begin at 11 "health-promoting schools" and at the Osmih Talcev Primary School in Logatec in the 2000/2001 academic year.

305. A statistical picture of drug consumption can be supplemented by data from the Slovenian Institute of Public Health on drug users in 15 outpatient centres for the treatment of illicit drug users, which mostly provide methadone therapy. Table 29 below shows the profile of drug users undergoing medical treatment.

Table 29**Register of treatment of drug users in 1999**

Contact with the centre (covered in the record)	Total	First-timers
Number of persons seeking medical assistance	1 057	409
Estimate of coverage	>50%	100%
Avoidance of double counting	Yes	Yes
First treatment	38.7%	100%
Own decision to come to the centre	92.9%	95%
Drug abuse problem		
Heroin as primary drug	93.6%	86.6%
Cocaine as primary drug	0.8%	1.7%
Injection	81.6%	76.6%
Smoking (heroin, opiates)	5.9%	11%
Daily consumption of primary drug	51.9%	69.6%
First use of primary drug at age 15 or under	4.3%	5.4%
Average age upon first consumption of primary drug	18.2	18.7

Source: D. Nolimal, M. Vegnuti, M. Belec, Slovenian Public Health Institute, in collaboration with the Network for the Prevention and Treatment of Addiction to Illicit Drugs, June 2000.

306. On the basis of this statistical data we may conclude that although young people in Slovenia are not unfamiliar with the use of illicit drugs, the prevalent drugs in Slovenia are alcohol and tobacco.

307. The prevention of the use of illicit drugs, harm reduction in drug abuse, the addressing of treatment-related problems, social problems related to drug abuse and its monitoring, and the illegal manufacture of and trafficking in drugs are regulated by the Penal Code of the Republic of Slovenia, the Health-care and Health Insurance Act, and the Social Security Act. The Illicit Drug Precursors Act was adopted in 2000 and the Manufacture and Trafficking of Drugs Act in 1999, in addition to the Prevention of the Use of Illicit Drugs and the Treatment of Addicts Act. These acts from 1999 apply sanctions to the manufacture of and trafficking in drugs, regulate prevention and the treatment of drug users, determine conditions under which the manufacture of, trafficking in and possession of illicit drugs are legal, and provide sanctions for the possession of illicit drugs as a criminal offence. Among the new measures that the Prevention of the Use of Illicit Drugs and the Treatment of Addicts Act has introduced to this area are the regulation of measures for the prevention of illicit drug use and the treatment of

addicts, which had previously been carried out without specific regulation. Prevention measures include the dissemination of information, health, educational and counselling activities, treatment, social security services, and programmes for addressing and monitoring social problems related to the use of illicit drugs. These activities are carried out by the competent ministries (the Ministry of Health, the Ministry of Education, Science and Sport, the Ministry of Labour, Family and Social Affairs, and other ministries) and are also dealt with as part of the National Health-care Programme of the Republic of Slovenia Until 2004 and the National Social Security Programme Until 2005.

308. Various types of programmes for the prevention and treatment of drug abuse and for the social rehabilitation of addicts allow drug users to seek help in health-care institutions (network of centres for the prevention of drug addiction, child psychiatry clinics, school health centres, psychiatric hospitals/detoxification programmes, and other institutions), social work centres, therapeutic communities and other forms of treatment. At the same time, Slovenia encourages the development of other activities in this area carried out by self-help groups and NGOs.

309. The Slovenian Public Health Institute estimates that around 75 governmental and non-governmental institutions are active in the area of health care and social security, providing help to users of illicit drugs (such as the Robert AIDS Foundation, B & Z, the Help Centre for Young People in Ljubljana, the Addiction Prevention Centre in Maribor, Kranj Social Work Centre, the Centre for the Treatment of Drug Addiction in Ljubljana, Sežana Social Work Centre, the Projekt Človek (Human Project) Society, Drog Art, the Meaning of Life Society (*Društvo smisel življenja*), the Zarja Society, the Preparation Centre of the Pelikan Institute, Fužine Counselling Service, Stigma, Koper Council (*Svet Koper*), the Srečanje (Meeting) Therapeutic Community, Maribor, Brežice, Kranj, Koper and Ljubljana Health Centres, and other organizations disseminating information and providing counselling and rehabilitation services to addicts. They also include 15 outpatient centres for the treatment of drug users; these mainly provide methadone maintenance treatment.

310. Along with social security services, the Ministry of Labour, Family and Social Affairs has co-financed 35 programmes in the area of social security, 5 of which were co-financed for a longer period of time. In 2000, over SIT 140 million were allocated to the co-financing of such programmes, which covered a wide range of fields: self-help programmes, low-threshold programmes, different programmes for achieving and maintaining abstinence, and standard high-threshold programmes.

311. In 1998 the Government of Slovenia established the Government Office for Drugs, which monitors the areas of prevention, the use of illicit drugs, treatment and social problems caused by drug abuse, and is responsible for harm reduction. The Government Commission for Drugs, which was established in the same year, is responsible for the preparation of a national programme and measures for its implementation. Forty local action groups also work in the area of drug-related problems, and are also responsible for prevention in this area, which also affects children.

H. Sexual exploitation and sexual abuse (art. 34)

312. This provision of the Convention was explained in the initial report (paras. 326 and 337).

313. Article 183 of the amended Penal Code of the Republic of Slovenia, adopted on 23 March 1999, raises the age-limit for victims of sexual assault on a child from 14 to 15. There is also a new restriction for sexual assault on a person below 15 years of age “where there is a marked discrepancy between the maturity of the perpetrator and that of the victim”. Prior to the amendment of this article, children under 14 had absolute protection, since any form of sexual activity harmful to a child under 14, irrespective of other characteristics of the victim, the manner in which the offence was committed, the perpetrator, or the relation between the victim and perpetrator was considered a criminal offence. The amendment of the Penal Code from 1999 allows for exemption in certain cases: children under 15 are now no longer considered victims of a criminal offence when they participate in an equal, loving or peer relationship.

314. In criminal proceedings involving criminal offences enumerated in article 183 (sexual assault on a child), the juvenile victim must, from the initiation of proceedings, be provided with an authorized person to look after his rights, particularly rights related to the protection of his integrity during an examination before a court. To juvenile victims without such an authorized person, the court must assign one *ex officio* (art. 6 of the Civil Procedure Act).

315. For cases where the victim of a sexual assault is over 15 years of age, sanctions are provided within the provisions of other articles of the Penal Code:

- Rape (art. 180);
- Sexual violence (art. 181);
- Sexual abuse of a defenceless person (art. 182);
- Violation of sexual integrity by abuse of position (art. 184).

316. For these criminal offences the age of the victim is not determined; the only restriction is the age-limit of 15 years. These provisions are applied by taking into account the characteristics of the victim (for criminal offences under article 182), the position of the perpetrator (for criminal offences under article 184) and the manner in which the offence was committed (arts. 180 and 181), and apply in the same way to minors (under 18) and adult victims. Paragraph 1 of article 184 provides sanctions for persons who, by abusing their position, induce a person of the same or a different sex to have sexual intercourse with them or to perform or submit to any other lewd act. For this act a sentence of up to three years in prison is provided. A higher prison sentence (up to five years) is provided in paragraph 2 of this article for the same act committed against persons over the age of 15 who are entrusted to the perpetrator to teach, educate, protect or care for. A large majority of victims covered by paragraph 2 of article 184 are minors between 15 and 18 years of age.

317. Since 1996 the number of adult perpetrators convicted of sexual assault on a minor has increased. In 1996, 16 adult perpetrators were convicted of sexual assault on a minor, while in 1998 there were 25 adult perpetrators against whom criminal proceedings before a panel were final.

318. Article 185 of the 1999 Act Amending the Penal Code (procurement) now provides stiffer punishment for such acts. In respect of the provision of the Convention on the “exploitative use of children in prostitution or other unlawful sexual practices”, article 185 of the Penal Code of the Republic of Slovenia provides for a sentence of up to three years in prison for persons who engage in pimping or who procure the opportunity for sexual intercourse or another lewd act. A graver offence is considered to be acting as pimp for a minor, for which a sentence of between 1 and 10 years’ imprisonment is now provided with the amended Penal Code while previously a sentence of only 3 months to 5 years was provided. Sentences have also been raised for the basic form of procurement, i.e. from up to three years’ imprisonment to imprisonment of between three months and five years.

319. Sanctions for the exploitative use of children in pornographic performances and materials are provided within the provisions of article 187 (presentation and manufacturing of pornographic material). Any presentation of pornographic content or provision of access to pornographic content to a child below the age of 14 (sentence of up to one year in prison), abuse of a minor (person under 18) for the production of pornographic pictures, audio-visual or other objects of pornographic content, and employment of a minor to act in a pornographic performance (sentence of up to three years in prison) are criminalized.

320. This year Slovenia signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

I. Child abduction (art. 35)

321. Article 200 of the Act Amending the Penal Code of the Republic of Slovenia provides sanctions for the abduction of a minor: “Whoever unlawfully abducts a minor from his parent, adoptive parent, guardian or institution, or from a person to whom the minor has been entrusted, or whoever detains a minor or prevents him from living with a person he is entitled to live with, or whoever malevolently prevents the implementation of an enforceable judgement referring to a minor shall be punished by a fine or given a prison sentence of not more than one year.” In practice, these acts are most often committed by parents, guardians or relatives. Article 144 of the Penal Code of the Republic of Slovenia provides separate sanctions for kidnapping provided that the “abduction of another was done in order to compel him or any other person to perform an act or to fail to perform an act or to suffer any harm”. For this reason, instances in which one of the parents, a relative or some other person abducts a minor from the person to whom that minor had been entrusted are dealt with under article 200 of the Penal Code, since the motive of the perpetrators in such instances is to keep the minor with them and not extortion.

322. In 1996 the judicial authorities tried 31 adults on charges of kidnapping or abduction of a minor (27 in 1997). Five adults were given sentences for abducting a minor in 1996 (six in 1998).

Table 30**Abductions of a minor between 1996 and 1998**

	Final criminal proceedings against adults before the public prosecutor		Final criminal proceedings against adults before panel	
	Total	Indictment presented	Total	Number of sentenced persons
1998	-	-	14	6
1997	27	15	10	4
1996	31	15	10	5

Source: Ministry of Justice.

323. Slovenia is a signatory to the Hague Convention on the Civil Aspects of International Child Abduction (*Ur. l. RS, MP*, 6/93). Until 1996 the Ministry of Labour, Family and Social Affairs was the central regulatory body responsible for the implementation of the Convention. With a government resolution of 4 November 1996, the Ministry of the Interior was appointed as the new regulatory body. On the basis of the Convention the Ministry of the Interior, as the central regulatory body, cooperates with State signatories in the treatment of individual cases when children with permanent residence in Slovenia are taken abroad, or when children of foreign citizenship are brought to and held in Slovenia.

324. Cases involving children of Slovenian citizenship taken abroad have mainly been dealt with by the central regulatory body under the Convention in the past five years; most often these countries were Croatia and Bosnia and Herzegovina. However, implementation of the Convention in Croatia and Bosnia and Herzegovina is difficult since they have not declared their acceptance of Slovenia's accession in the way required by article 38 of the Convention.

J. Children belonging to an ethnic minority (art. 30)

325. The provisions of this article of the Convention were explained in the initial report (paras. 339-341).

326. Slovenian legislation ensures protection of the rights of children from ethnic and linguistic communities or backgrounds who live in Slovenia, on two levels: by protecting the individual rights of children who are members of any minority group which stem from the Convention on the Rights of the Child; and by ensuring the special rights of national minorities. Special rights of national minorities cover the areas of education and training, culture, contacts with their country of origin, use of national emblems, the public provision of information and publishing, representation, cooperation in decision-making, and the establishment of their own organizations. Slovenia supports the exercise of these special rights both financially and morally. On ethnically mixed territories the Italian and Hungarian languages enjoy equal status with the Slovenian language.

327. The care and education of children who are members of the Italian and Hungarian national communities are focused on the preservation of their language and national identity, the teaching of respect for and understanding of ethnic and cultural differences, and the promotion of coexistence in ethnically and linguistically mixed territories. In order to meet these goals, programmes in schools attended by members of the Italian and Hungarian communities include the history, cultural and national heritage of their native countries. The fact that all children in these territories learn both languages and that there are therefore no language barriers to communication between them further contributes to the consolidation of peaceful coexistence in ethnically mixed territories. Children who are members of the Italian and Hungarian communities actively engage in various out-of-school cultural and other activities related to their national community, and take an active part in various activities that connect them to the language and culture of their country of origin.

328. Regulations take into account the specific educational needs of Roma children. Special standards have been provided for departments that accept Roma children. Additional school hours for teaching these children in smaller groups are also acknowledged outside normal school classes. These children also enjoy special care aimed at securing their opportunities in life, providing education and training for work and employment.

329. The law gives children with foreign or no citizenship who reside in Slovenia the right to primary school education under the same terms as those applicable to Slovenian citizens. In accordance with international treaties, language courses in their mother tongue are provided for such children. For the children of Slovenian citizens who reside in Slovenia and whose mother tongue is not Slovene, language courses in their mother tongue and courses teaching their culture of origin are organized in accordance with international treaties, while a Slovenian language course may additionally be arranged when required.

330. Cultural activities, which are supported by the State, are extremely well developed. The publication of special newspapers is allowed, while other publishing activities are also well developed. As early as 1970 the Ministry of Culture launched a special programme in this area, while in the 1990s the programme was extended to cover new minority groups. In addition to the cultural creativity of national communities, these programmes now also cover the Roma people, immigrants, residents of non-Slovene origin in the Kočevje area, and indigenous residents. In 1999 a programme also covered the Jewish community.

331. In order to preserve the cultural identity of national communities and to enable them to keep up with current events, the entire area of provision of information in the language of the national community is of extreme importance. Programmes for the Italian and Hungarian national communities are provided by the Koper-Capodistria RTV Centre and the Maribor Regional RTV Centre. Via the Regional Office, Slovenia co-finances publishing activities and radio and television programmes for the Roma people and for both national communities. Radio programmes intended for the Roma community, which are broadcast in the Roma and Slovenian languages, focus on the education of and provision of information to the Roma people, on the presentation of their culture, and on acquainting the rest of the nation with their specific problems. This in turn encourages tolerance and peaceful coexistence.
