



**Comments on the Second Periodical Report  
of the Slovenia  
on the Implementation of  
The Convention on the Rights of the Child**

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**SEECRAN – South East European Child Rights Action Network**

**in co-operation with Slovene NGOs**

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## PREFACE

In co-operation with 14 non-government organisations (NGO's) the national network SEECRAN (South-East European Child Rights Action Network) prepared the report in front of you as a response and commentary to the state report November 2001

This report does not include all areas in which the violations of children rights occur, but only the areas covered by the co-operating organisations through their activities. An additional deficiency of this report is also that there is no special chapter dealing with the relation of the state towards the NGO's, especially those NGO's that draw attention to the violation of children's rights.

The SEECRAN initiative to prepare these comments encountered a great response. All organisations that we turned upon responded and were prepared to actively cooperate at the preparation of this report, regardless of the fact that the financial means have not been ensured for this report (due to the unsatisfactory policy of financing and limited financing sources from abroad numerous NGO's are currently on the verge of bankruptcy). Important guidelines for the co-operation of the included NGO's were the necessary changes in the legislation and practice, which should ensure the implementation of the UN Convention of the Rights of the Child. At a joint meeting the organisations defined the content frame of the report as regards the areas that they will cover. In this sense this report is compiled from individual NGO reports, which differ in the form and style of writing. The national SEECRAN co-ordinator joined the reports into a whole and then the NGO's and individual experts offered their comments. This report was completed in record time.

***During the preparation of the report the NGO's noticed a positive step forward in the sense of legislative changes, but there is a great problem with the enforcement of legislative provisions and the Convention on the Right of the Child in practice. For this purpose the state should:***

- appropriately educate the professional workers (the knowledge on the UN Convention is minimum) and implicate measures which would reduce prejudices and intolerance of expert workers to the different;
- prepare a system of monitoring institutionalised practice and appropriately sanction the violation of child's rights. At this they should take into account the opinions of NGO's;
- establish an expert, multi-discipline team and joint approach for dealing with children and their families (this is not established as a common practice);
- prepare a clear strategy as regards the development of NGO's, the manner of their financing and establish a dialogue, which would enable positive changes at the enforcement of children rights in the everyday practice of all participating sectors.

## INTRODUCTION

***The Convention on the Rights of the Child as a recognisable international legally binding document treats the child as an individual (a person) with all accompanying rights. In its constitutional provision (article No. 65) the Constitution of the Republic of Slovenia from 1991 also especially defined the child's position in relation to others and in relation to the state as well as the conditions for the rights enjoyed by children.***

The signatory states advocate the fulfilment of the Convention on the Rights of the Child every five years in front of a UN Committee for the Rights of the Child in Geneva. Republic of Slovenia had the last plead in October 1996. At that time the Committee accepted the final comments of the report and discussed the broader problems. However, within the frame of these problems we, on a daily basis, encounter numerous violations of the children's rights, which we most commonly do not even consider to be violations. According to the opinion of non-government organisations the expectations for a systematic organisation of some areas in which the children's rights are violated and the improvement of the situation of the children on a concrete living level are still not fulfilled. The reservation on executing paragraph 1 of article No. 9 of the Convention still remains in force, however, the new family legislation, which is currently in the process of adoption foresees the transformations of authority from the centres for social work to the courts. Regardless of the fact that the state, its services and non-government organisations have made a step forward in certain segments the respect of children's rights remains unsatisfactory.

Slovenia has ratified the European Convention on Fulfilling the Child's Rights, which was adopted by the European Council in 1996. The European Convention strengthens the situation of the child in official proceedings, and in article No. 12 it places a demand on the signatories to establish bodies which would propose legislative changes in the benefit of the promotion and reaffirmation of the children's rights, form viewpoints on other legislative proposals which deal with children's rights, notify the media, general public, individuals and bodies that deal with the rights of the child, obtain the viewpoints of children and pass on important information to children as regards the fulfilment of their rights. Appointing a special ombudsman for children is proposed (apart from in the already mentioned European Convention) in the Proposal of the Ministerial Council of the European Council on the Participation of Children in Family and Social Life. In Slovenia, the need for an ombudsman for children has also already been recognised. His appointment is foreseen in the never enforced provision of the Resolution of the Basic Formation of Family Policy in RS, which was adopted by the parliament as far back as 1993. In the Resolution (IV/2/2) the legislator wrote: 'We will legally define also the mechanism of a special ombudsman for children, for the protection of the child and his rights has a priority place in the family policy.' Concrete initiatives for appointing the special ombudsman for

children were also given by non-government organisations. An initiative with a sound foundation and signatures of over 20 non-government organisations was sent to the government by the Association of the Friends of the Youth and the Legal Information Centre of the non-government organisations already three years ago. The initiative was supported also by the Slovene Committee for the cooperation with UNICEF.

Taking into account the specific conditions and the organisation in Slovenia as well as the standpoint of the ombudsman, the Council for Children, which operates within the Ministry of Labour, Family and Social Affairs proposed a change of the law on the ombudsman last year in such a sense that Slovenia would have a fifth deputy who would deal exclusively with children rights.

In September 2002 the ombudsman appointed the deputy for the field of children's rights and social security, which unfortunately is not an appropriate solution. Taking into account that both fields are very complex it is hard to expect that he will be able to work in a way, which is established for the protection of children's rights in countries with a long tradition of an ombudsman for children. This means that he would not only restrict himself to dealing with the received complaints, but he would also actively stand for the protection and enforcement of the rights of the children as a social group and take care that the children were heard and listened to in the society as well as help to improve the position of children within the society.

The second state report on the fulfilment of the Convention on the Rights of the Child, which was prepared by the state in November 2001 is, according to the opinion of non-government organisations that cooperated at the preparation of this alternative report, declarative and not focused enough on the actual life problems. Some non-government organisations have also commented that they had very little time to prepare their comments on the state report or that their comments were not taken into account.

Non-government organisations which participated at the preparation of comments on the 2<sup>nd</sup> state report wish to, with additional data, inform the committee as regards the fulfilment of the basic principles of the Convention and the violation of the children's rights in areas, which in our opinion still represent burning issues and demand a prompt and effective response from the state. These areas are the following:

- Roma children
- Minority Children
- Aliens, asylum seekers and refugees
- The right of the child to contacts with both parents and alimony
- Child fostering and adoption
- Protection of the child as a victim of a punishable offence
- Education on human and children's rights.

# 1. ENFORCEMENT OF THE GENERAL PRINCIPLES OF THE CONVENTION

## i. The Principle of Non-Discrimination

***National and racial intolerance encountered in Slovenia, unfortunately touches also the lives of children. In the discussions on violence experienced by children in the schools or on the streets, insults and stigmatisation on a national basis are exposed as a common form of violence. 'Bosnians, Gypsies, etc.' are nicknames that children from other nationalities or ethnical groups encounter on a regular basis. Adults as well as those who are within institutions responsible for the upbringing of children do not respond to the differentiation on nationality in an efficient and convincing manner. The state would have to show greater readiness to protect these groups of children with an appropriate and more intensive policy and show this also through programmes for enlightening the public as regards the negative influences and the unacceptability of any kind of intolerance.***

***As one of the most exposed groups we should mention the Roma children who are much to often the target of discrimination.***

- Due to their lack of social skills and insufficient knowledge of the Slovenian language they are defined as mentally and physically handicapped already in primary schools and are therefore sent to schools with an adjusted programme. In the school year 1998/99 almost 14 percent of the Roma children were included in schools with adjusted programmes, which is a figure ten times above the Slovenian average. Some Roma people also report on their bad experiences with the local public services (physicians and social workers), who order them to come when the waiting rooms are empty.
- As regards the use of language, there are no legal provisions, which would define the use of the Roma language and official translators. Even though the Constitution states: 'Anyone who is deprived of his freedom has to be immediately notified as regards the reasons for his freedom deprivation in his mother tongue or a language he understands.' For the Roma community it is automatically anticipated that they understand the Slovenian language.
- Eliminatory are also some practices, which are applicable for children with special needs. In his annual report for the year 2000 the ombudsman drew attention to the violation of the rights of children with special needs due to the enforcement of the Law on Guiding Children with Special Needs (LGCSN). On the basis of their intervention the Ministry of Education, Science and Sport responded that they are aware that 'due to the backlog at the enforcement of the law a series of problems have arose, which can only be solved with

guiding procedures. Therefore the Ministry is preparing the conditions for a prompt enforcement of the law.’<sup>1</sup>

Binding provisions on the basis of LGCSN should have been adopted at the latest one year after the adoption of the law, that is until 1<sup>st</sup> July 2001, however, this has still not taken place. The Ministry has prepared provisional solutions only for the enforcement of the task by school administrations, as defined by the law. Therefore children and adolescents can only be included in programmes, which take place in special institutions, however it is not possible to help children with special needs, who are enrolled within regular educational programmes.

***In some Slovene environments a stereotype and declinatory relation towards children with special needs is noticed.*** Therefore somebody with the same level of physical handicap can be enrolled in a certain location into a normal primary school, while in a different location he might be rejected. The problems of these children and adolescents appear also at the continuation of their education at the secondary school level, where they have a limited access to the desired programmes due to architectural and other obstacles.

Slovenia has signed all major international documents, which deal with discrimination. The Constitution ensures ‘equal human rights and basic privileges’ regardless of nationality, race, religious conviction or language. The penal codex foresees for the punishable offence of discrimination a fine of a prison sentence, however, until today there has not yet been a conviction on the basis of this law.

**Consequently, the group passes the following recommendation:**

- special attention is to be devoted to these social groups and to the development of policies that will ensure proper and effective implementation of the principle of non-discrimination.

## **ii. The Principle of the Best Interest of the Child**

***We would especially like to draw attention to the procedures that are regulating relations between parents and children, that are also mentioned by the ombudsman in his annual report for the year 2000: ‘The fulfilment of the right of the child to have contacts with both parents is not always ensured in practice. Numerous initiatives show that the state bodies that have jurisdiction over the decisions in the procedures from the relations between the parents and the child do often not take into account that making it harder or disabling personal contacts with both parents is in violation of the benefits and long-term interests of the child.’***<sup>2</sup>

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<sup>1</sup> Summarised from the ombudsman's annual report for the year 2000.

<sup>2</sup> Annual report 2000 – Chapter 2.9 (Ombudsman report)

In article No. 54 the Constitution of the Republic of Slovenia states: 'The parents have the right and obligation to maintain, educate and raise their child. This right and obligation can be taken away or restricted from the parents only in order to protect the rights of the child due to reasons defined by the law.'

In its provisions the Law on Marital and Family Relations discusses the child's benefits, which should be the basis for procedures and matters dealing with children. These provisions define the role of the parents as well as the role of institutions and state bodies.

When the parents live separately the appropriate institutions are legally bound to respect the right of the child, who is separated from one or both of his parents, to regularly maintain contacts with both parents unless this is in contradiction of his benefits. State bodies which have the jurisdiction over the decision making process in the procedures of parenting often do not take into account the fact that contacts with both parents would be of benefit for the child and they do not do enough to enable these contacts for the child. Especially the local Centres for Social Work would have to engage themselves more in establishing a parental relation after the divorce and fulfil the child's right to contacts with both parents.

Non-government organisations and individuals have recently warned as regards this important issue, which needs to be solved as soon as possible, for it touches a large number of children who do not live with both parents. According to the estimate of the Association Ostržek there are approximately 45.000 such children in Slovenia.

It is also noticeable that in court proceedings against an adolescent person, representatives are appointed by the court, who are not truly specialised for this field and who, due to their full work schedule, cannot engage themselves sufficiently and are not always capable of keeping the best benefit of the child in mind.

**Therefore, the group passes the following recommendation:**

- the principle of the best interests of the child should underpin all policies and decisions affecting children, without allowing any approach linked to political or economic or, more generally, adults' interests to prevail.

### **iii. The Right to Living, Survival and Development**

***The right of the child to live, survive and develop includes three conditions, which are the following: to live a healthy life, to be educated and informed and to have access to the basic sources and services, which are necessary for an appropriate living standard.***

***An important indicator, which influences the development, is the information on the level of poverty. In Slovenia this level is on the increase every year. According to the data of the Statistical Office of RS poor people live in 100.000 households and amongst them there are also 72.000***

***children i.e. every fourth child. During the recent years the number of single parent families has risen to 1/5 of all families. These are also on the second place as receivers of various forms of social help. Due to the irregular payment of alimonies from the side of the persons obliged to pay them they not enabled a decent survival. One of the researches carried out by the Faculty of Social Sciences shows that over 50% of the children living in single parent families already found themselves in social exclusion.***

As a signatory of the UN CRC the state has bound itself to ensure such protection and care for the child as is necessary for his welfare, taking into account the rights and obligations of parents, legal guardians or other individuals who are legally responsible for the child and that all legislative and administrative measures will be adopted in order to ensure them.

At the same time the state bound itself that it 'will adopt all appropriate measures, with which it will ensure that the parents or persons financially responsible for the child settle the alimony for the child in the signatory country as well as abroad.' The right of the child to alimony is also ensured by the constitution, which states that children for which the parents do not take care are to enjoy special protection of the state. Respecting the Constitution and the Convention should not allow any evasion or ignorance.

We often encounter cases when the person obliged to settle the alimony evades the payment of it and the care for the survival of the child (or a number of children) is left to the parent with whom the child lives. In the past the state has, through the alimony from the pledgeable and survival fund, helped only children up to 18 years of age, who live in families of which the income per family member does not exceed 55% of the average salary in the country in the past year. However, now the income limitation has been abolished. All children, regardless of the income bracket of their mother now receive the supplementary alimony.

Burning issues are also the cases of domestic violence, which often end with the withdrawal of the victim (the mother and the child) from the apartment and not the violent person. By withdrawing to a safe house or a mother's home the problems are not ended, they are only changed. Living in these institutions is only a temporary measure, and in these times the possibility of solving the housing problem of the mothers and children is more of an exception than a rule. The victims of violence are only rarely successful at the candidature for social apartments, for they do not obtain a sufficient number of points. There are also cases when they cannot apply for the tender, because they can candidate only in the place of their permanent residency, even though they had to move away from it due to their fear of the violent spouse.

**Table: Violence over children<sup>3</sup>**

Punishable offence	Year 2001
Grieve bodily harm	53
Maltreatment	45
Placing into slavery	1
Neglecting an adolescent and rough treatment	207
Sexual assault of a person under 15 years of age	231

An important factor, which influences the development is the level of poverty in the country. According to official statistics 265.000 or 13.9 percent of all people in Slovenia are poor. According to the Statistical Office of the Republic of Slovenia the number of poor children has risen from 13.2 to 16.7 percent in the period between 1993 and 1999. One of the indicators of poverty is also the number of recipients of social benefits, which ensure material and social security for the rightful claimants. Amongst the various social benefits and aids as measures for the protection of the income, the following are of great importance:

- **Child benefits** – 148.000 children live in families at the social bottom, that is families with a maximum income of 245 EURO per family member.
- **Social security benefits** – are received by 19.000 children and adolescents, deprived of a normal family life.

In individual fields we can identify children, who are deprived of access to individual life importance sources such as health, education, employment, and social protection.

## **Health**

In the field of health we can notice children and adolescents who show certain forms of physical deformations (problems with posture) and have problems with malnutrition. Already with primary school children signs of stress are noticeable and during the last ten years (1985 to 1995) 148 children under the age of 18 years committed suicide.

## **Education**

We can notice problems for adolescents who step out of the secondary school educational system before they complete it and thus risk future unemployment or difficulties when seeking for formal employment. The information as regards the drop out rate in our schools shows that every year approximately 1.400 children do not complete the eight grade of primary school. The drop out rate in secondary schools is approximately 4.000 to 5.000 pupils per generation, at which it should be added that all children do not continue their education in secondary schools after they completed their primary school education.

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<sup>3</sup> Data from the Ministry of Internal Affairs

Therefore 23% of all adolescents between the age of 15 and 19 years are not included in any educational programme.

### **Social protection**

The need to offer subsidies for school meals for the materially endangered children and adolescents is growing from year to year, yet at the same time scholarships are on the decline. Great social endangerment is confirmed by the information that 99.000 children (22%) receive subsidies for school meals.

Social exclusion can be noted with children who live in families with a poor material condition. During the last years some schools have been organising elitist extra curriculum activities such as for instance nature school, field and other special education days, which are a large financial burden for parents due to their high costs. This results in the fact that a large number of children cannot attend additional school curriculum. Instead they are 'marked' by attending the school while their peers are in the school in nature.

Social deficiency is a stressful situation, which due to the mounting of numerous problems affects the entire family and especially the child as its weakest link. This is also a general indicator of the health endangerment due to numerous health and psychosocial problems. This influences the child's low self-image, self-confidence, his feeling of being trapped, powerlessness and incapability of fulfilling his plans.

The first state report 'Performing the strategy of social inclusion with the report on fulfilling the programme of the battle against poverty and social exclusion' was adopted in April 2002. The entire report is related to the established system of financial benefits and the current legislation, which the parliament is in the process of adopting or is going to adopt. It does not state the information on the most excluded groups, such as aliens, migrants, refugees and to a large extent the Roma population, while at the others it states data which has got almost nothing to do with reality. The evaluation of the enforcement is very one-sided, without a single critical comment or critical view.<sup>4</sup>

### **Therefore, the group passes the following recommendation:**

- it must be ensured that this basic right is guaranteed to all children living in Slovenia, whatever their nationality, citizenship or social – economic status.

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<sup>4</sup> Summarised from the comments of some non-government organisations of the Report on fulfilling the programme of the battle against poverty and social exclusion

#### **iv. Respect for the Views of the Child**

***The views of the children are not respected in numerous procedures carried out by various institutions and public services.***

The opinions of children are rarely taken seriously, even in cases when they have the right to form their viewpoints. This holds true for the situation within the family as well as for the school, court or administrative proceedings. Apart from this, children, due to the lack of information, often do not realise their rights, which enable them to play an active role in the decision-making processes.

#### **Children victims punishable offence or children under suspicion of the punishable offence**

The institutions and public services often neglect to inform them as regards their rights. They are deprived of their right to information in proceedings (police, social services or court proceedings) and of the right to freely forming and expressing their opinions. Therefore the child is not able to express his view and influence the decision-making processes on the bases of the adequate information. The child does not understand the proceedings and does not understand the outcome of those.

#### **Children view in the social services practises**

As a rule, children are not invited to team meetings during the proceedings at the centres for social work. Most often the parents or the legal guardians are the mediators of information. Children are not given the opportunity to pose questions as regards any decisions that they do not understand and to form their own opinion. The collision of interests between the parents and the children is therefore a very common occurrence. If we want to solve this problem we have to listen also to the child. By not informing the child as regards his rights it is even more questionable whether his rights are truly respected.

Especially in the procedure for separating the child from the parents, the child has to have (as the affected party) the possibility of playing a role in the procedure and the right to express his opinion (article No.12 of the Convention). In accordance to his age and maturity the child has to therefore be given greater possibilities for a more active cooperation in the procedure in front of CSW and has to be ensured a true possibility to express his opinion, which will to the greatest extent possible also be taken into account. It is also necessary to (as soon as possible) favourably solve the process capability of children in legal proceedings, as well as other proceedings, especially non-legal and administrative, through which a number of children's rights are enforced.

The existing legislation does not offer clear instructions as regards the respect of the rights of a child to his own opinion in procedures placing him in reformatory institutions or foster families.

In cases when it is being decided upon as regards the return of unaccompanied children to their home country the opinion of the child is often not taken into account even if he has the right to state his opinion.

**In the light of the above considerations, the Group passes the following recommendations:**

- to amend existing regulations which currently fail to respect article No. 12 of the UN CRC;
- to raise practitioners' and child care professionals' awareness of the child's right to be listened to in order to promote effective implementation;
- to provide greater support for the participation of children in the life of their community, including direct involvement of children in the decision-making processes.

## 2. ROMA COMMUNITY CHILDREN

***The Roma Children are in all respects the most vulnerable and/or risk group of children in Slovenia.***

***The high level of discrimination and prejudice is present in their social environment as well as among the government officials and professionals. As result of those the discriminative, restrictive and repressive measures are applied in every day practice in public services. The most common is denial or restriction to public services access<sup>5</sup> as well as use of the rule of punishment<sup>6</sup>, often justified as educational measure.***

***Presented cases in this chapter are not isolated cases of the children rights violations but they present the common practice orientation.***

### Roma Situation in Slovenia

According to the 2002 census, 3.246 persons declared themselves as Roma,<sup>7</sup> however, most sources estimate a total of 10.000 Roma people living in Slovenia,<sup>8</sup> out of which approximately 7.000 are "indigenous" and between 2.500–3.000 are "non-indigenous". Slovenia has adopted two specific programmes designed to improve the social and economic status of the Roma community (in 1995 the Programme of Measures for Helping Roma in the Republic of Slovenia, and in the year 2000 the Equal Employment Opportunities for Roma – a joint challenge), however, it must be noted that they exclude the "non-indigenous" Roma from their scope as they address only the "indigenous" Roma. The distinction between the two Roma groups is statutory based,<sup>9</sup> however, the term "indigenous" has so far not been legally defined, nor can it be derived from the constitutionally guaranteed protection of the Roma community.<sup>10</sup> In addition, the 2000 National Programme on the Fight Against Poverty and Social Exclusion also includes measures, which intend to benefit the Roma community. The distinction between the two Roma populations is in contradiction to the prohibition of discrimination provided in article No. 2 of the Convention on

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<sup>5</sup> Reported cases of special office hours for health and social services.

<sup>6</sup> Reported cases: denials of the right for child benefit in cases when the child is not attending the school and number of cases of punishment measures in schools that not apply for other children (including the psychological and physical violence).

<sup>7</sup> *Population Census, Households and Housing, Slovenia, 31<sup>st</sup> March 2003* <<http://www.stat.si/popis2002/gradivo/si-92.pdf>> (accessed 17<sup>th</sup> April 2003).

<sup>8</sup> "Minority Protection in Slovenia," *Monitoring the EU Accession Process: Minority Protection (2001)* (Budapest: Open Society Institute, 2001), pg. 495.

<sup>9</sup> Article No. 39 of the Law on Local Self-Government (Official Gazette RS, No. 72/93, 57/94, 14/95, 26/97, 70/97, 10/98, 74/98, 70/2000, 51/2002) stipulates that "in regions inhabited by the autochthonous Roma, the Roma shall have at least one representative in the municipal council."

<sup>10</sup> Article No. 65 of the Constitution provides that "the status and special rights of the Roma community living in Slovenia shall be regulated by law." However, no such law has been adopted so far.

the Rights of the Child (CRC) as it entails discriminatory practices affecting the children belonging to the "non-indigenous" Roma population. This problem has been noted also by the UN Committee on the Elimination of Racial Discrimination in its latest observations on Slovenia.<sup>11</sup>

The most vulnerable Roma population are the Roma without citizenship rights, who mostly consist of Roma who had been erased from the Registry of Permanent Residents (RPR) of the Republic of Slovenia on 26<sup>th</sup> February 1992. According to official government figures approximately 29.000 citizens from the former SFRY, permanent residents with non-Slovene republican citizenship, who did not obtain Slovene citizenship lost their status of permanent residents.<sup>12</sup>

There are still approximately 4.500 persons with an unsettled status and this problem affects the "non-indigenous" Roma in particular. Namely, the field research indicates that around half of the "non-indigenous" Roma have no legal status in Slovenia and are without any personal documents,<sup>13</sup> which results in a high level of statelessness among the "non-indigenous" Roma population. The lack of personal documents causes numerous problems in a number of life aspects of the "non-indigenous" Roma, particularly regarding their access to health care, housing and social assistance.<sup>14</sup>

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<sup>11</sup> "...the Committee is concerned that discriminatory attitudes and practices may still persist and that the distinction between "indigenous" Roma and "new" Roma may give rise to further discrimination." CERD/C/62/CO/9, 21<sup>st</sup> March 2003, paragraph 10.

<sup>12</sup> Ministry of Interior, *Alien and Citizenship Statuses*, Press Conference of the Office for Administrative Interior Affairs, 19<sup>th</sup> June 2002.

<sup>13</sup> Research carried out by Jasminka Dedić among the Roma population in Ljubljana between February and April 2003.

<sup>14</sup> **The case of the thirteen year old girl V.H.**

*Following the deportation of a larger number of Roma families from Croatia in 1996, amongst which was also the family of the girl V.H., the president of the Roma association Rom notified the Centre for Social Work (CSW) Krško as regards the difficult conditions that the family lived in. The little girl was living with her father and grandmother who took care of her and her younger sister. The little girls were at the time between 6 and 7 years old. Their mother left the family three months after the birth of the younger daughter and nobody knows where she went, while their father constantly kept leaving in search of odd jobs.*

*Regardless of the numerous procedures from the year 1996 onwards, started by CSW Krško and non-government organisations (DRPPD, PIC) in front of the appropriate institutions and the courts for determining the birth, personal name, motherhood and fatherhood, the procedure for the little girl V.H. is as of date not completed. Time and time again the demands are being made for her birth certificate, which can not be obtained, because the girl was not born in a hospital and is not evidenced as a citizen of the Republic of Croatia. The verification procedure through the diplomatic routes in order to determine whether the girl is by any chance registered in the book of citizens of the Republic of Croatia is still continued.*

*Due to the above mentioned facts the girl has no rights to the following:*

- *health care*
- *child benefit*
- *the possibility of legal education (she is attending school due to the good will of the headmaster and the teachers)*
- *material goods that she can not obtain.*

## **i. Health care and social protection**

The 1995 Programme of Measures for Helping Roma in the Republic of Slovenia calls upon the Ministry of Health to address the specific health needs of the Roma community,<sup>15</sup> and the 2000 Social Inclusion Programme seeks to provide the basic health care for underprivileged groups, including the Roma population. Prior to the adoption of the 2000 National Health Care Programme "Health for All," serious breaches of article No. 24 of the CRC occurred among the Roma population with respect to their access to basic health care.

According to the 29 year-old Roma single mother Ms. S. E., who lost her status of a permanent resident due to the erasure from the RPR in 1992, a local health care centre refused to treat her seriously ill child. The reason given was that she doesn't possess a legal status in Slovenia. Currently her situation is changed. She and her child have a permit for temporary residence and as temporary aliens they are not entitled to social assistance. Therefore, Ms. S. E. is not entitled to the subsidy for school meals for her child although she is a single mother. Namely, social benefits are contingent upon Slovene permanent residence or citizenship. This is clearly in breach of article No. 26 of CRC, which requires that "*State parties shall recognise every child the right to benefits from social security, ...*"

However, the most controversial issue is that most of the Roma population affected by the lack of personal documents or Slovene citizenship already had the status of permanent residents, of which they were deprived due to the erasure carried out by the Ministry of Interior in 1992. The Constitutional Court decided that this was unconstitutional in 1999<sup>16</sup> and recently stated that the status of permanent residents must be returned to the persons affected by the erasure from the day they were deprived of this status.<sup>17</sup>

Various surveys show that the Roma population, in particular women and children, suffer from diseases such as tuberculosis, asthma, diabetes and anaemia more frequently than the general population.<sup>18</sup> As many Roma are affected by poverty, which is related to an extremely high unemployment rate among the Roma population,<sup>19</sup> which has a detrimental impact on their health (for

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*Otherwise the little girl has not been neglected, for she is being looked after by her grandmother who she calls mother.*

<sup>15</sup> Section 6, pg. 5.

<sup>16</sup> Constitutional Court decision No. U-I-284/94 of 4<sup>th</sup> February 1999.

<sup>17</sup> Constitutional Court decision No. U-I-246/02 of 3<sup>rd</sup> April 2003.

<sup>18</sup> "Minority Protection of Slovenia", *Monitoring the EU Accession Process: Minority Protection, (Volume 1), An Assessment of Selected Policies in Candidate States 2002* (Budapest: Open Society Institute, 2002), pg. 622.

<sup>19</sup> 87% of the Roma population has no permanent employment. The Commission of European Communities, *2002 Regular Report on Slovenia's Progress towards Accession*, pg. 28.

example, they have to cover the costs of medicals, hospital accommodation, etc.). Roma women without citizenship also do not have the right to use social services in mother-child homes or women's safe houses, etc.<sup>20</sup> It is a worrying fact that pregnant Roma women without a legal status have no access even to the most urgent gynaecologist examinations.

Recent field research carried out among the Roma population in Maribor (north-eastern part of Slovenia) in May 2003 reveals that Roma refugees from Kosovo are the most impoverished from the entire Roma population in Slovenia. The Roma concerned are refugees from Kosovo who came to Slovenia during the war in 1999. As the war ended, Slovene authorities started to repatriate the refugees to Kosovo, however, they did not take into account that the Roma people cannot return there, because ethnic minorities (Serbs and Roma in particular) are persecuted in areas in which the Albanians constitute a majority.

Yet the Slovene authorities deprived these Roma people of their temporary refugee status and all rights attached to this status. The Ministry of Interior issued them orders that they have to leave Slovenia within the prescribed time period (usually 6 months) or they will be subject to expulsion from Slovenia after that period expires. These Roma (including children) receive no social protection nor have they any access to basic health care. Furthermore, they suffer from total social exclusion and live in intolerable living conditions without the basic means for survival, such as food, clothing and shelter. Such policy carried out by Slovene authorities is in contradiction to paragraph 1, article No. 22 of the Convention of the Rights of the Child and other international human rights and humanitarian instruments.

## **ii. Education**

Slovenia provides free primary education for all children, however, Roma children are still discriminated against in this field in numerous ways.

The most frequent discriminatory practice affecting the Roma children is the segregation in schooling. For instance, the European Roma Rights Centre (ERRC) reports on the primary school in Leskovec near Krško, where Roma children of nursery school age and in grades 1 to 4 are segregated from non-Roma children not only into separate classes, but also to a separate building.<sup>21</sup>

Another form of discrimination against the Roma children within the education system is the disproportionate placement of Roma pupils in schools for children

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<sup>20</sup> *Supra*, note 2, pg. 505.

<sup>21</sup> Tatjana Perić, "Insufficient: Governmental Programmes for Roma in Slovenia", 2-3 *Roma Rights – Quarterly Journal of the ERRC* 2001, pg. 45.

with disabilities, which are attended by Roma children ten times as often when compared to the general population of children.<sup>22</sup>

The Ministry of Education, Science and Sport of the Republic of Slovenia added to the curriculum of the new nine-year school and the curriculum for nursery schools instructions for adjusting the nine-year primary school programme (until the scholar year 2003/2004. These adjustments are valid also for the eight year primary school) for the Roma pupils and for working with Roma children in nursery schools. Therefore special norms and standards exist for the formation of classes for Roma children. The norm for forming a Roma class in primary schools is 16 pupils, while for forming a regular class in which there are at least 3 Roma the norm is 21 pupils. In the field of pre-school education a Roma class can be formed if there are at least 5 Roma children. In such a class the Ministry co-finances 25% of the total cost of the programme. The Ministry of Education, Science and Sport also acknowledges schools that include Roma pupils additional pedagogic hours for working with these pupils in smaller groups. The Roma pupils are also included in the afternoon activities at school. Some are intended only for Roma pupils, while most Roma children are included into the regular after school activities. In practice it is most commonly the case that the formation of independent classes for Roma children is left to the school management.

In Slovenia there are 272 nursery schools in existence (independent or within primary schools). 40 nursery schools also include Roma children, most of which can be found in the Dolenjska, Posavje, Bela Krajina, Styria and Prekmurje regions. Pre-school Roma children are incorporated into Slovene nursery schools in three ways. Most of them are integrated into regular groups and this is most commonly the case because they do not reach the norm in an individual nursery school as prescribed by the state for the formation of an independent Roma class. A smaller number is included in separated (in the instruction documents issued by the Ministry they use the term *clean*) Roma classes and nursery schools. One of the arguments of the nursery school management and the state for forming separated Roma classes is also that the parents of the Roma children express the desire for separated classes for they do not wish for their children to be the targets of non-knowledge and prejudices against Roma people. This is by no means a way to reduce the problem of Roma discrimination. The Institute for Education of the Republic of Slovenia has also given recommendations for fulfilling the principles and goals of the curriculum, however, its role is merely advisory and its recommendations are normally not carried out in practice. As the largest obstacle teachers usually state the fact that the Roma children do not speak Slovenian and that they also find it hard to learn the language. Forming a separate class certainly does not aid the learning of the Slovene language, for it

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<sup>22</sup> For example, in the school year 1998/99, out of 1.067 Roma children in primary schools in Slovenia, 149 (13,9%) pupils were enrolled in special schools for children with physical or mental disabilities. In comparison, out of a total number of 189.564 children in primary schools, 2,632 (1,3%) were enrolled in such schools. See: *supra*, note 2, pg. 502–503.

is common knowledge that children are best learners when they learn from their coevals through experience learning.

In the documents with the instructions for adjustments it is emphasised that it is necessary to treat the Roma pupils as pupils with different learning needs, which emerge from the lack of knowledge of the Slovenian language. If the state will continue with such a practice something similar might also happen to another group that does not understand Slovenian as well. Apart from that it was a common occurrence in the past (and still is today) that Roma children were placed in schools with an adjusted programme due to their lack of the knowledge of the Slovenian language. In these instructions it is also written that the right of the Roma people for them to use their own language and preserve and nourish their own original culture should be taken into account, however, this recommendation is not taken into account. The Roma children have no lessons intended for learning the Roma language and culture. According to these instructions every pupil should have a specially prepared individual programme, for which separated classes are not necessary. The state warns the teachers that they should not reduce and adjust the learning goals and that the minimum standards of knowledge are obligatory for the Roma children. At the same time they have prepared and published fifteen workbooks for Roma pupils (i.e. for Slovenian language, mathematics and natural and social sciences). Adjusted workbooks for the Roma pupils in the nine-year school are also in preparation. If they reach the norms for forming classes with Roma pupils, primary schools in the Dolenjska, Posavje and Bela Krajina regions tend to form independent classes. Some of them opt for various projects of gradual integration of Roma children.

***Following is an example of such a model:***

- **1<sup>st</sup> grade:** Roma children are incorporated in an independent class. For one hour a day they join the other pupils from grade 1. The school management decides as regards to which subjects they join. In most cases this is drawing or physical education. It is often the case (on purpose or not) that these independent classes with Roma pupils are also physically separated from the other classes (they are located in another building).
- **2<sup>nd</sup> grade:** Roma pupils are integrated amongst the other pupils in individual 2<sup>nd</sup> grade classes. Two hours a day they have classes with their home class, and two hours a day an extra teacher teaches all Roma pupils from the 2<sup>nd</sup> grade. The mathematics and Slovene language classes take place outside of their home class. At this stage it is also most commonly the case that they are together with Slovene pupils during physical education, drawing and music lessons.
- **3<sup>rd</sup> grade:** Roma pupils are integrated amongst the other pupils in individual 3<sup>rd</sup> grade classes. They spend three hours a day at classes with their home class, while one hour a day is lead by the extra teacher who combines mathematics and Slovene language classes outside their home class.

- **4<sup>th</sup> grade onwards:** Roma pupils are integrated amongst the other pupils. However, they still spend one hour a day in classes where the extra teacher combines mathematics and Slovene language outside their home class, otherwise they have classes as scheduled.

This is one of the models, however, every school chooses independently if, when, to what extent and how will it incorporate the Roma pupils into the other classes. Therefore it often happens that they have independent classes for Roma children in the first four years and they include them into other classes merely for the hours of physical education, drawing and music lessons. And even these are made only for show. The decision as regards the integration of the Roma children is left to the school management and thus also to the local community.

The primary schools in the Prekmurje region are much more favourable to the Roma community, as the local community has less prejudices. One of the examples is the primary school Cankova, the headmistress of which has been working with Roma children already for a long time and does not approve of independent Roma classes. In the 1970's they had independent after school activities, however they were soon abandoned, for the conditions improved and the drop out was reduced. In none of the schools in their vicinity do they have separated classes. The number of Roma children at this school changes from year to year, sometimes it even reaches 25% of all pupils. Most of the Roma pupils at this school complete their eight-year school and most of them continue their education by enrolling into a vocational secondary school, mainly in the school for catering. Most of them also successfully complete their vocational education. The school does not have the data on the success of these Roma children in secondary schools due to the protection of personal information, therefore they can not monitor their future education. However, many of them that successfully complete their vocational education find it hard to find a job, because they belong to the Roma population.

In the opinion of the school management the main reason for the success of the Roma children at their school is the work they perform with the parents of the Roma and Slovenian children. The head of class, counsellors and headmasters has performed countless visits to the homes within the Roma settlements. The only keys are to teach everybody tolerance, which has to be a constituent part of the entire education system and co-operation with the local community to sort out the living conditions in these settlements.

Roma children without a legal status in Slovenia are highly discriminated with respect to the provision of primary education. Two such examples are S. H. (13) and S. H. (15), asylum-seekers from Serbia who arrived to Slovenia with their parents in 1992. None of them were accepted to any of the primary schools in Ljubljana, although their parents went to the school authorities at the primary school Boris Kidric in Ljubljana and asked them if their children could attend this school. The school authorities replied that the Ministry of Education informed them that they (i.e. the aforementioned Roma children) do not have the right to

education, because they have no legal status. Only recently (as they obtained the status of asylum seekers) the school authorities suggested that they could attend an evening primary school.<sup>23</sup>

It must be pointed out again that there are still many cases of Roma children from Kosovo who lost their temporary refugee status. Consequently they are excluded from primary education, although paragraph 1 of article No. 22, of the 1951 Convention Relating to the Status of Refugees stipulates that "*the Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.*"

Four Roma children of school age (E. A. (7); S. A. (11); E. A. (14); A. A. (15)), whom the author encountered during the field research carried out in Maribor in May 2003, are such examples. In 1999, the entire family (5 children and their parents) came to Slovenia from Kosovska Mitrovica in Kosovo. Upon their arrival they were granted the status of persons with temporary refuge. Following the conclusion of the war in Kosovo, all members of the concerned Roma family were deprived of the temporary refugee status and consequently of all their rights, including the right to primary education, social protection, health care, etc.

### **Recommendations:**

- integration of Roma children into mixed classes already from the very beginning of school,
- gradual abolishment of separate classes, with no exceptions,
- in the nine-year primary school programme the level of classes and external differentiation at the mathematics, Slovenian language and foreign language classes, therefore separating the Roma children from the rest for the Slovenian language and mathematics classes is not reasonable if the state argues that for the Roma children in the same way as any other child the minimum standards of knowledge are defined,
- individualised plans of work for every pupil, the state should take care of educating the teachers as regards how to prepare individualised plans of work,
- teaching the Roma language and their culture to the Roma children within the frame of the regular classes,
- the assistant teacher in the first grade of the nine-year school, where there are five Roma children or more should be a Roma or somebody that the Roma children can trust,
- according to the recommendations of the Institute for Education of the Republic of Slovenia, we could (similarly to how it is done in the Czech

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<sup>23</sup> This problem was also addressed by CERD by saying "*...the Committee is concerned at the existing practice that some children may be educated in vocational centres for adults, others in special classes. Recalling its General Recommendation XXVII on discrimination against Roma, the Committee encourages the State party to promote the integration of children of Roma origin into mainstream schools.*" CERD/C/62/CO/9, 21<sup>st</sup> March 2003, paragraph 11.

Republic) have a Roma assistant in nursery schools with Roma children, ensure that a large number as possible of Roma youth continue their education with appropriate scholarships and encouragements to those who would employ the young and educated Roma members of the community,

- introduction of new methods and forms of work, including cooperation learning, which would make it easier for the Roma children to learn Slovenian language from their coevals,
- monitoring and controlling what goes on in schools as regards the education of Roma children, clear and binding instructions for all, and already now monitoring the current separated classes, various integration processes of Roma children into classes with other children, the violence over Roma children from their coevals, teachers, etc.

### **iii. Separation of Roma children from their parents**

Although Slovenia made a reservation on article No. 9(1) of the CRC, it must be noted that the separation of children from their parents frequently affects the Roma community. One such example is the 31-year-old Roma man Mr. S. F., whose child H. F. (12) was taken away from him and placed into foster care. As he is without any legal status and personal documents he is afraid to visit his child, because the employees at the Centre for Social Work threatened that they would call the police if he comes close to the child.

### 3. CHILDREN BELONGING TO ETHNIC MINORITIES (ARTICLE NO. 30)

In its first concluding observations on Slovenia, the Committee on the Rights of the Child expressed its concern that "... *society is not sufficiently sensitive to the needs and situation of particularly vulnerable children, such as the Roma children,*"<sup>24</sup>.

The Committee made recommended that Slovenia should: "... *take all appropriate measures to maintain and strengthen the full enjoyment of the rights of children, particularly with a view to ensuring the allocation of available resources to their maximum extent for the implementation of the economic, social and cultural rights in the light of the principles of non-discrimination and the best interests of the child.*"<sup>25</sup>.

Slovenia has done very little in this respect, in particular regarding the provision of the cultural rights under article No. 30 of the CRC.

As mentioned above, Slovenia differentiates between the "indigenous" (indigenous Roma, Hungarians and Italians) and "non-indigenous" ethnic minorities (Albanians, Bosniaks, Croats, Serbs, Macedonians, etc.).<sup>26</sup> Such a distinction has resulted in a notable gap between the declared minority protection standards and the status of the minorities living in Slovenia. Therefore constitutes discrimination prohibited under article No. 2 of the CRC and a violation of article No. 30 of the CRC protecting cultural rights of the children belonging to ethnic minorities.

The Constitution and minority legislation provides extensive minority protection for Hungarian and Italian national minorities. In comparison to them The Roma minority finds itself in an unequal position. The rights of the Italian and Hungarian communities are defined by 37 laws, while the Roma issues are dealt with in merely seven special laws. Slovenia ratified the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML). With the entered declarations upon ratifications limited the application of both international instruments for minority protection only to Hungarian and Italian national minorities and the indigenous Roma community. However, even the indigenous Roma do not enjoy the same level of protection under these two instruments as the Hungarian and Italian national minorities. The Slovene State Report under the FCNM explains *that "due to the specific situation of the Roma community ... the same criteria of minority*

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<sup>24</sup> Concluding Observations of the Committee on the Rights of the Child, Slovenia, 30/10/1996, CRC/C/15/Add.65, paragraph 17.

<sup>25</sup> Ibid., paragraph 24.

<sup>26</sup> See *Census of Population, Households and Housing, Slovenia, 31<sup>st</sup> March 2003* <<http://www.stat.si/popis2002/gradivo/si-92.pdf>> (accessed on 17<sup>th</sup> April 2003).

*protection as are applied to the other two indigenous ethnic communities cannot be applied to the Roma community.*<sup>127</sup>

Article No. 8 of the Elementary School Act<sup>28</sup> provides that *"in compliance with international agreements, the teaching of their respective native languages and cultures shall be organised for the children of Slovene citizens living in the Republic of Slovenia whose mother tongue is not Slovene. The teaching of Slovene may also be offered."*

According to the 2000 Slovene State Report under FCNM, in the school year 1999/2000 only the teaching of Macedonian, Albanian and Arabic language was provided in accordance with article No. 8 of the Elementary School Act. The teaching of Macedonian language was organised in Ljubljana (12 pupils), Kranj (28 pupils), Jesenice (12 pupils) and Celje (10 pupils), Albanian language in Ljubljana (12 pupils) and Arabic language in Ljubljana (15 pupils).<sup>29</sup>

Children belonging to the most numerous ethnic, religious or linguistic minorities (i.e. Bosniaks, Croats and Serbs) are offered no organised classes, where they could learn their native languages and about their specific cultures, which is a prerequisite for the preservation of their ethnic, religious or language identity. Evidently, this is contrary to articles Nos. 30 & 2 of the CRC prohibiting the discrimination of any kind.

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<sup>27</sup> *Slovene State Report*, 2000, paragraph 17.

<sup>28</sup> Official Gazette RS, No. 12/96.

<sup>29</sup> *Supra*, note 20, paragraph 59.

## 4. ALIENS, ASYLUM SEEKERS AND REFUGEES

### i. Aliens

Even after almost ten years the second State Report does not mention the situation of 18.305 persons, who were erased from the registry of permanent residents of the Republic of Slovenia in February 1992. At that stage all permanent residents of RS, citizens of SFRY, who did not have a Slovene Republic citizenship and who did not become RS citizens according to article No. 40 of the Law on citizenship (Official Gazette RS No. 1/91) were erased from the registry.

According to the statement of the representative of the Ministry of Interior this 'technical move' affected a large number of people who lived in Slovenia, some of whom lived in Slovenia for a period of up to 40 years. With this completely illegal and inhumane intervention the state cut off this large group of people from the legal base of their existence – it disabled them from their (current or new) employment, gaining pensions and social security, it took away their personal documents, etc.

The difficulties the parents encountered due to their loss of their legal status in the country was to a large extent felt by their children. They found themselves without health care, they lost their child benefits and the right to social benefits. Due to the extremely difficult social status in the family some children had to end their education and find illegal work.

According to the Ministry of Interior there were 13.501 foreign citizens with an existing permit for permanent residency registered in Slovenia on 31<sup>st</sup> December 2000.

On the basis of the Law on Aliens 35.471 foreign citizens had a temporary status of an alien. This number represents all foreign citizens who had a valid permit for temporary residency, or a valid work or business visa.

Amongst the valid permits for the first residency permits issued with the intent of employment and work and family reunion are the most numerous. The permits from the aforementioned reasons represent 78.3% of the total share of permits issued for the first residency. Permits issued with the purpose of employment and work dominate with 40.7%, they are followed by the permits for reuniting families of closer family members of Slovene citizens (22.2%) and permits for reuniting families of aliens who have a permit for permanent residency in the Republic of Slovenia or a permit for temporary residency due to employment and work, studies or have a legal status of a refugee in Slovenia (15.4%).

**Scholarships:** Until the year 2002 only citizens of the Republic of Slovenia were entitled to scholarships according to the Law on Republic and Cadre Scholarships and Scholarships for the Talented. In 2003 the constitutional court

overruled the Law in that part which did not allow aliens with permanent residency in the Republic of Slovenia the right to a scholarship. In 2003 also children who have a permanent residency in the Republic of Slovenia will be able to apply for scholarships.

**Aliens who arrived in RS in an illegal way** (illegal boarder crossing) are placed in closed type centres for aliens. According to the Law on Aliens, the police should place adolescent aliens and children not accompanied by parents or other legal representatives in a special wing for minors. The centre does not have such a wing. There are also cases in which the adolescent person was not dedicated a caretaker. In such circumstances the respect of the rights to education and free movement are placed under question, for children in such institutions can remain without the right to go out for a number of years.

**Guardianship:** Adolescent aliens without parents or guardians must be placed under guardianship. If he is not an asylum seeker, but an adolescent alien who found himself in the Republic of Slovenia due to the circumstances, the centre for social work starts the procedure for appointing a guardian (notifies the Ministry of Labour, Family and Social Affairs, which contacts the Ministry of Exterior, which in turn contacts the Ministry of Exterior of the child's home country). These procedures take a very long time and a number of children become of age during the process and the guardianship does not reach its purpose. In such an event it would be possible to avoid the long-lasting procedure by dedicating a guardian for a special case instead of a guardian for adolescents, for in such an event the above described procedure is not necessary.

## **ii. Asylum seekers**

In article No. 14 the Law on Asylum, which was passed in 1999 defines that the asylum procedures in the cases of adolescents should be prioritised and should be solved in a quick manner. However, regardless of this the procedures can take a number of years, in some cases so long that the adolescents become of age and their applications are not being dealt with as a priority any more. During this time they are left to fend for themselves for a number of years, without any upbringing and positive influences which would aid them at their development and maturing. Due to this fact a number of adolescent asylum seekers leave the country before the asylum procedure is completed.

In 2001 the Slovene Ministry of Interior received 1.882 applications for an asylum according to the provisions of the Law on Asylum. In the year 2001 the number of applications for an asylum was reduced by 6.11 times. The reduction in the number of applications for the asylum is a consequence of the introduction of the visa to enter Bosnia and Herzegovina for the Iranian citizens, which were the most numerous amongst asylum applicants in the year 2000.

TABLE: Number of people who asked for the asylum status between 1998 and 2001

	1998	1999	2000	2001
<b>No. of adults</b>	8.637	11.961	12.647	1.592
<b>No. of children</b>	232	572	296	290
<b>TOTAL</b>	8.869	12.533	12.943	1.883

**SOURCE:** *Asylum sector, Ljubljana, January 2003 (summarised from the contribution by Špela Urh, which was presented at the international conference in Stockholm; Stockholm University, Department of Social Work: 160-169)*

The asylum applicants have the right to be housed in the asylum home or its subsidiary, or they can settle also somewhere else if they have the opportunity to do so. In the 3<sup>rd</sup> paragraph of article No. 45 the Law on Asylum states that persons who have their own means for survival are responsible of carrying the cost or a part of the costs of their housing in the asylum home. The regulations on the ways and conditions of ensuring the rights of asylum seekers does not define what happens when one runs out of his own funds or how this is determined.

Asylum seekers and persons with a recognised special form of protection, who are housed in the asylum home or its subsidiary are according to article No. 8 of the regulations entitled to two or three courses of food daily. Article No. 8 of the regulations define additional meals applicable to their health conditions and special needs for persons with special needs (for example children, pregnant women, ill people), however, it is not specified on the base of which norms this is determined.

Working with children during the asylum procedure is based on improvisation. They are left to their own resources, nobody really deals with them, for we do not have established appropriate services that would take care of the wholesome development of the children (especially unaccompanied children).

**Guardianship:** unaccompanied adolescent asylum seekers should be placed under guardianship for special cases in the shortest possible period of time. Currently these procedures are too slow due to the uncoordinated operation of the Asylum Home (Ministry of Interior), centres for social work and the non-government organisation, which is supposed to take care of guardianship. On the other hand an unaccompanied child needs a guardian for his schooling as well as other needs, for which the guardian for special cases is not specially trained.

A special problem is represented by the centres for social work, which have a bureaucratic attitude towards children with foreign citizenship's, instead of quickly acting in accordance to the best benefit of the child.

**Proposal:** unaccompanied children should be dealt with by a team of people, which would take care of all the various needs of the child and act within the spirit of the greatest benefit of the child.

**The family reunion :** the institution of reuniting the family is defined in two United Nations conventions – the Convention on Sorting the Status of Refugees and the Convention on Children's Rights. The asylum department, which decides as regards the application for the asylum, must, in accordance to the provisions of the convention, discover the possibilities of reuniting the child with his family (seek out the parents, discover whether they can support him, etc.). Already the sole validity for beginning the family reunification process is questionable.

The most common practice in such cases is that Sector for Asylums asks the UN High Commissioner for Refugees UNHCR to start such a procedure. This is in contradiction to the UN CRC, which states that the signatory states are obliged to participate in all the endeavours of the United Nations and other competent international and non-government organisations which co-operate with the United Nations at the protection and aid of unaccompanied children or at the search for parents or other family members of any refugee child (article No. 22).

In the event that the family reunification procedure is unsuccessful, the competent body must continue with the procedure of validating the application and if the adolescent fulfils the criteria, the application must be granted and he must receive the asylum. By no means can the competent body reject the application for the asylum with the explanation that the adolescent person applying does in fact suit the criteria for asylum, however, somewhere he has got his parents and for a adolescent it is the best to live with his parents. At this it should be mentioned that such an argumentation was used in the case of a seventeen year old, who after living on his own for a number of years most certainly had no more need to live with his parents. In this case the institution of reuniting the family was abused.

### **The case of a child from the Centre for Aliens**

***We are giving an example of the disorganisation at the operation of the institutions, which work with children.***

**A young girl B.K. (8 years old)** was caught on the boarder between Slovenia and Italy in July 2001. While her parents and two sisters managed to cross the boarder she was placed in the Centre for Aliens.

Before arriving in Slovenia the girl and the family lived in Germany for a number of years. There they had submitted a request for an asylum and the little girl spoke German very well.<sup>30</sup>

The Centre for Aliens notified the UNHCR and a non-government organisation offering psychosocial help to refugees and other illegal immigrants as regards the girl's arrival to Slovenia. Because there was no response from these organisations, the care for this girl was taken over by the president of the non-government organisation Mozaik, which organised creative workshops for children in the Centre for Aliens. In July 2001 she managed to discover that the girl's parents are in Germany as asylum seekers, therefore she started the procedure for family reunification. At the same time she was also trying to get her settled outside the Centre for Aliens due to the inappropriate living conditions in there. She obtained the parent's permission to do that. The president of the association was also the girl's representative in the family reunification procedure.

Since the girl's arrival to Slovenia the president of the association repeatedly contacted all appropriate institutions (the UNHCR offices in Ljubljana and Nurnburg, the German Red Cross, the German Embassy in Ljubljana, etc.), which should take care of family reunification. Except for empty promises that they would help they did not do anything. At the end of August 2001 the girl's guardian received the information from the German Embassy in Ljubljana that Germany is not going to allow the reunification of the child with her family in Germany.

Taking into account the slowness and inefficiency of the appropriate institutions (in the entire proceedings they had support only from the Centre for Aliens) the people at the Mozaik association decided that they will take care of the little girl and enable her normal living conditions until her safe reunification with her family. At the beginning of the school year the girl was enrolled into school despite the numerous difficulties, which occurred from the uncoordinated operation of appropriate institutions. They also encountered difficulties when the girl had to be taken to the doctor, during her individual visits to the doctor as well as the regular school medical examination. Every time the payment of health services was raised as an issue.

Until her departure to Germany at the end of December 2001, which was organised by her guardian without any help by the appropriate institutions, the little girl was in regular telephone contact with her family.

**Health Care:** the scope of the health care is defined by the regulation on the ways and conditions of ensuring the rights to asylum seekers and aliens who were granted special protection. Taking into account that they have (on the basis

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<sup>30</sup> The family was in Germany in the procedure to obtain an asylum, which lasted for nine years. Because they did not receive a positive answer they returned to their home country – Kosovo. Due to the unsettled conditions at home they set off abroad once more in the anticipation that this time they will have better luck with obtaining the asylum status in Germany.

of article No. 24 of the Convention) the right to the highest achievable level of health care and to the services of health and health rehabilitation institutions the provision is a perfect example of the violation of rights defined by international contracts which are in the hierarchy of legal acts above the legal as well as sub-legal acts.

**Reciprocity**: According to the Convention on the Refugee Status a refugee is a person who is persecuted because of one of the convention reasons and can not or will not subdue to the protection of his home country, which means that he denounces the protection of his home country from legitimate reasons. In the event of adolescent refugees the acts of state services that call upon reciprocity as regards the fulfilment of his rights (for example to child benefit) is illegal. After three years of living in the Republic of Slovenia it is illegal to demand the rights in relation to reciprocity, if the situation of an adolescent refugee would be more favourable for him according to the Slovene law. The state bodies wrongly use the term of reciprocity for the child refugees, for they are taken from the protection of their home country and are under the protection of the country that granted them their asylum. Therefore they should have the same rights (to child benefit, scholarships, education, etc.) as children who are citizens of the Republic of Slovenia.

### **iii. Former holders of the temporary refuge status**

Refugees from Bosnia and Herzegovina had only a temporary refuge status in the Republic of Slovenia. After ten years of 'temporality' 2.307 of them remained in Slovenia. In February 2000 there were around 1.250 children (from 7 to 18 years of age) still registered in Slovenia. The Law, adopted in 1997, defined their legal status on Temporary Refuge. With their proposals numerous non-government organisations that monitored the refugee problem during this period tried to influence this legislation so that it would offer greater possibilities for temporary refugees to be integrated into the Slovene society and expand the scope of their rights. Unfortunately, most of these proposals were overlooked by the state institutions while preparing the legislation.

At the beginning of the war in Bosnia and Herzegovina in 1992 approximately 17.000 children between 7 and 16 years of age arrived to Slovenia. Education on the primary school level took place within the frame of the so-called Bosnian schools, and the classes took place in the mother tongue of the children with 362 teachers from Bosnia and Herzegovina. Apart from the advantages, such education had as a consequence also the segregation of children and their restriction to the vicinity of the refugee centres. The classrooms were poorly equipped and poorly supplied with didactic aids. In the period between 1993 and 1995 the number of children was on the decline and problems arose at forming classes, therefore the Ministry of Education and Sport started with the programme of enrolling the children into Slovene primary schools.

Larger problems seem to have occurred with adolescents, who wanted to enrol or continue their comprehensive education in secondary schools. The interest of the adolescents was large and the problems arose due to the disorganised enrolment system and lack of free places in schools. Apart from that, some schools demanded the payment of school fees, which represented a great burden for their parents. Later on the situation changed so that the adolescents who had the status of temporary refugees could enrol into the comprehensive education programmes under the same conditions as their coevals, Slovene citizens.

As regards the organisation of health care the Law on Temporary Refuge Status in article No. 22 defined that the scope, forms and ways of health care for persons with a temporary refuge status will be defined by the Minister within 30 days of the enforcement of the legislation. This provision was in contradiction to the constitution, which in article No. 51 defines that everybody (this means that also the holders of a temporary refuge status) has the right to health care under the conditions defined by law. With the challenged legal provision the legislator delegated the organisation of the right to the Minister, which is in contradiction to article No. 87 of the constitution, according to which the rights and obligations of citizens and other persons is defined by the parliament through the legislation, while the bodies of the executorial power, have the right to operate only within the constitutional principle of dividing the power and thus work only within the frame of the legislation.

Furthermore, in article No. 24 the UN Convention on the Rights of the Child ensures the children the highest possible level of health care and not only the basic health care as defined by the Law on Temporary Refuge Status. Children and adolescents with a temporary refuge status did therefore not enjoy any special attention, nor did they have the right to free basic health care. Therefore the children, adolescents and mothers were left to the good will and arbitrariness of the medical staff. In practice (in health centres, maternity wards, emergency units) calling upon the Convention on the Rights of the Child was not possible.

In July 2002 the parliament (through a shortened procedure) adopted additions to the Law on the Temporary Refuge Status (ZZZat-A), prepared by the Ministry of Interior of RS. These additions would greatly improve the living conditions of persons with a temporary refugee status, especially enforcing the rights to permanent residency, employment and enrolment into the existing social care programmes.

#### **iv. Former holders of the temporary refugee status, who gained the status of an alien prior to the adoption of ZZZat-A (the overlooked)**

According to the Law on the Changes and Additions to the Law on Temporary Refugee Status persons with a temporary refugee status had the right to apply for a permanent residency. From this all former holders of the temporary refugee status who gained the status of an alien before ZZZat-A was adopted were exempt. This group includes:

- Students/children who obtained a permit for temporary residency due to their studies or other education. In the event that the student/pupil due to any circumstance (illness, failure at his education, etc.) terminates his education for a period of one year or concludes his education and fails to gain employment he ceases to fulfil the conditions for temporary residency.
- Workers who were employed and gained a working permit and a permit for temporary residency due to their employment.
- Persons, who, while still adolescents gained the status of an alien on the basis of family reunification by one of his parents who had a status of an alien (these were mainly underage children and persons who needed to be kept).

In the first two cases we are dealing with a group of people, who, during the duration of the temporary refugee status showed the most initiative and will to improve their situation, however due to the temporality of the permit for temporary residency they are in danger of losing their status due to various objective reasons. Even in the event that these persons manage to retain their permit for temporary residency they will have to prolong it for the period that they want to live in Slovenia on the basis of the permit for temporary residency, for the next eight years. Due to the fact that in comparison to the others they have merely a permit for temporary residency, they are placed in a worse situation and therefore punished. Adolescents from the third case will lose their status of an alien, which they have gained on the basis of family reunification once they become of age. They will be able to keep it only in the event that they will themselves satisfy the conditions for the status of an alien in the moment their status ceases. These persons found themselves in an economically and socially insecure position and are thus equalised with other aliens, however at this we should not forget that we are dealing with persons that are endangered, i.e. persons who need special protection and cannot be equalised with other aliens.

Regardless of the fact that with ZZZat-A the temporary refugees gained the possibility for a relatively favourable solution to their status, the aforementioned group of people was left out of this special provision, instead of being rewarded

for their endeavours to fit in the normal life flow as soon as possible. This group was dealt with as all other aliens, even though they should be dealt with as refugees, which they in fact are. As persons who gained the status of an alien according to ZZZat-A these persons are also refugees from Bosnia and Herzegovina and former holders of the temporary refugee status.

**Children with special needs:** A certain number of children with a temporary refugee status were placed in institutions for children with special needs. The costs of their housing was covered by the Office for Immigration and Refugees. Following the change in their status and obtaining permanent residency, the obligation for settling the costs according to the law was passed upon the municipalities in which the children have permanent residency. However, the municipalities rejected these obligations due to intolerance and well as from reasons of financial nature. Because these are mainly poorer municipalities the settlement of the costs is an additional burden to the municipal budget (the costs in such an institution amount to approximately 150.000 SIT per month). This piece of information also proves that the legislation did not entirely sort out the problem of the persons who had a temporary refugee status in Slovenia.

## **v. Unaccompanied children**

In 2002 there were 141 unaccompanied children in Slovenia, out of which 24 were asylum seekers and 117 children who did not apply for an asylum. So far asylum has been granted merely to four children, all in 2001. Most of the children leave Slovenia and continue their journey into Western Europe, while some are, in accordance to the Law on Aliens returned by the police to their home country or the country they entered Slovenia from. It is worrying that for a great number of children it is not known how they left Slovenia or where they went. The reasons for this can by all means be found in the years-long lasting procedures, poor living conditions and poor training of the workers from the Asylum Home to work with the aforementioned group of children. Most of the unaccompanied children in Slovenia came to Slovenia because they left their home country due to their fear of persecution, drafting by force, wars, violation of basic human rights or hunger and poverty. Some decided to leave their home because they lost their parents or were ditched by them.

Unfortunately, they often become victims of the white slave trade and sexual abuse. Most children who fall victims to the white slave trade come from families with disorganised relations or interior conflicts, which are the consequence of high unemployment, low income and social insecurity. In some countries, like for instance Albania and Nigeria we can track the inclusion of the family members into the trade with young girls for sexual abuse. Criminal associations also use unaccompanied children for their needs, for they know that in the event that they are caught, the children will often be acquitted in legal proceedings due to their youth.

The Slovene Law on Aliens (Ztuj-1-UPB-UL RS 108/02) deals with unaccompanied children in article No. 60 (measures in cases of adolescents). According to this article the centre for social work has to (in accordance to the legislation) immediately appoint a temporary representative to an adolescent person who arrived in the Republic of Slovenia illegally, without the company of parents or legal representatives, or remained without such accompaniment on arrival in the Republic of Slovenia. It is also stated that the body that captured him cannot return him to the country he has arrived from or the representatives of the country he is a citizen of. The police has to place these persons in the Centre for Aliens.

In practice the provision to appoint a temporary representative is not implemented, however talks to perform this are being carried out between the local Centre for Social Work (CSW Postojna), the Centre for Aliens and the non-government organisation Slovene Philanthropy. As regards the experience with guardianship for special cases of adolescent asylum seekers the Slovene Philanthropy is supposed to be appointed for the representative also in the event of the aforementioned adolescent aliens.

In article No.14 the Law on Asylum (Zazil-UL RS No. 61/99) deals with unaccompanied adolescents and mentions amongst other things also that for an unaccompanied adolescent who applies for an asylum the appropriate body of the Republic of Slovenia should appoint a legal representative. In practice this provision has been implemented only in 2001. The role of the guardian for a special case for adolescent asylum seekers was appointed to the non-government organisation Slovene Philanthropy.

In the year 2002 this non-government organisation had guardianship in 24 cases. In 17 cases the adolescents were male and in 7 cases they were females. Their age varied between 14 and 18 years of age, except for one case when they were dealing with a 13 year-old boy. Most of them came from Sierra Leone and Moldavia (5), which are followed by the Federal Republic of Yugoslavia (4) and Iran (2). This year nobody was granted an asylum.

Slovenia remains more of a transit country than the final destination for unaccompanied adolescents. According to the Slovene Philanthropy most adolescents leave the country due to the following reasons: poor information, the fact that there is no separate housing with full care, too long procedures, poor training of the workers of the Asylum Home to work with this category and similar.

Problematical seems to be also the sole procedure for appointing the guardian, which takes far too long (approx. 2 to 4 months from the application for the asylum). This is most probably also a reason that most of them leave the country within a short while, for during this time they are without the appropriate support of a guardian and very often poorly or not at all informed as regards their rights.

## Recommendations:

- Slovenia desperately needs a detailed and long-term integration programme through which aliens (aliens with permanent and temporary residency, refugees and other persons under humanitarian protection) would be offered help at their inclusion into the Slovene society. The integration programme has to include an action plan of the operation for state and private institutions on all levels and fields of life (residency, employment, education, social and health services, social participation in organisations, etc.).
- As regards unaccompanied children, who arrived illegally into the Republic of Slovenia we propose that article No. 60 of the Law on Aliens should be immediately implemented. Such a child should be appointed a guardian. We propose that guardianship should be given to a larger number of non-government organisations and not merely one, for this is the only way that such guardianship will truly function efficiently. Non-government organisations, which are in charge of providing guardianship should draw a contract with the Centre for Aliens in which they would define their manner of cooperation. It would be sensible for the Centre for Aliens to notify the non-government organisations as regards the individual cases of unaccompanied children immediately and not only when they are officially placed under their guardianship with the provision of the centre for social work.
- The Ministry of Labour, Family and Social Affairs should be actively included in the solving of the unaccompanied children problem.
- It would be sensible to organise special safe houses for **all** categories of unaccompanied children, with all the necessary services (social workers, psychologists, etc.), which would efficiently monitor their situation. It would be sensible for such houses to be founded by non-government organisations, while the Ministry of Labour, Family and Social Affairs should take over the major part of financing.
- The employed in the social services of the Centre for Aliens and the Asylum Home have to be subject of constant training in the field of unaccompanied children.
- The Ministry of Labour, Family and Social Affairs should think of the possibility of handing unaccompanied children into foster families. Prior to this appropriate education of foster families should take place.

## 5. CUSTODY AND UPBRINGING OF CHILDREN IN THE EVENT THAT THEIR PARENTS ARE SEPARATED

*Since the number of separated and divorced in the Republic of Slovenia is increasing the large number of children is living with one parent (with mother 90%). The procedures for establishing the legal custody, alimony's settlement and agreements on the child's contacts with the parents are taking fare too long and procedures are the subject of the public discussions and critiques. The government has taken significant steps to change the present legislation and practises that would include the institution of the Family Court. There fore we can expect the improvement with the view of the more favourable legislations and rules of conduct.*

*However there were very little on non discussions present among the professional or in general public about the child participation in the legal custody and access to other parent agreement procedures. The present practises doesn't provide the provisions that are assuring the right of the child to be informed about his/her possibilities and to present his/hers view on custody and access to other parent matters.*

According to the UN Convention on the Rights of Children both parents are equally responsible for the child's upbringing and development (article No. 18). In principle this solution holds true also when the parents do not live together. The ZZZDR provision article No. 114/1,2 is in contradiction to the Convention provision, for according to it the parenting right is performed by the parent the child was appointed to in court. This solution is even in contradiction to the Constitution of the Republic of Slovenia, because it limits the parenting responsibilities and rights to one of the parents, which is not always performed to the best benefit of the child (Convention article No.3).

Table: Divorces regarding to whom the children were appointed.<sup>31</sup>

Children appointed to	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Husband	86	81	98	96	88	76	104	112	101	108	82
Wife	1204	1182	1242	1222	1208	933	1190	1165	1194	1183	1215
Husband and wife	38	40	38	28	40	34	46	33	41	38	39
Other persons	5	1	3	1	3	2	5	6	2	-	-
Institutions	1	-	-	-	-	1	-	-	-	1	-
Other possibilities	5	4	6	13	15	9	17	9	21	34	4
<b>TOTAL</b>	<b>1339</b>	<b>1308</b>	<b>1387</b>	<b>1360</b>	<b>1354</b>	<b>1055</b>	<b>1362</b>	<b>1325</b>	<b>1359</b>	<b>1364</b>	<b>1340</b>

<sup>31</sup> Statistical Office of the Republic of Slovenia, Ministry of Interior – Central registry of inhabitants. Divorces regarding to whom the children were appointed (absolute data and structural shares), Slovenia 1990 – 2000.

In the procedures dealing with the relations between the children and their parents the benefit of the child must always be the main rule. Especially in the procedure for separating the child from his parents the child, as an affected party, must have the possibility of co-operating and expressing his opinion (Convention article No. 12). Therefore, in accordance to his age and maturity the child has to be given greater possibilities for a more active co-operation in the procedures in front of the CSW and be ensured a true possibility to express his opinion, which will be to the greatest extent also taken into account.

After handing in the demand for divorce proceedings or suggesting a mutual agreement divorce the CSW performs a counselling session with both spouses. The priority of the expert counsellor of the Centre who leads the counselling discussion is to ensure that the spouses settle their relations to their common children. The conclusions of the counselling discussions and any agreements that might be reached during them between the spouses have to be oriented towards the greatest benefit of the children. Therefore, it would not go amiss if in this earliest decision phase as regards the relations between the spouses and their children, a greater emphasis would be placed also on the changed relations of parenting after the divorce proceedings and the formation of more flexible relations, which enable more relaxed and higher quality contacts to the benefit of the children.<sup>32</sup>

### **i. The right of the child to contacts with both parents**

The internal legislation (ZZZDR) defines the right to contact as the right of the parents, which they are entitled to according to the law. However, they should not be and are not merely the right of the parents, but predominantly they should be the right of the children. We meet the violation of the convention provisions also in practice, when the parent who is appointed the child following the divorce proceedings does not take into account the provisions on contacts and considers himself the exclusive and sole holder and executor of the parenting right. As such he takes the right to his own judgement whether he will allow contacts or not. The compatibility of our legal organisation of personal contacts with the organisation defined in the Convention (article No. 9/3) and the European Convention on fulfilling the rights of the child will be reached only by redefining the material and process legislation.

According to the organisation of personal contacts included in ZZZDR the contacts are the rights of the parents, which they are entitled to according to the law. However, personal contacts between the child and his parents are not only the right of the parents (articles Nos. 78/3, 106 and 169 of ZZZDR), but mainly the right of the child. The UN Convention on the Rights of the Child defines that a

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<sup>32</sup> Annual report 2001, Ombudsman – Chapter 2.10.

child that is separated from one or both parents has the right to regular personal contacts and a direct connection with both parents, unless this is in opposition to his benefits (article No. 9/3). The convention specially defines that the child whose parents do not live in the same country has the right to keep personal contacts and a direct connection with both, except in extraordinary circumstances (article No. 10).

The internal legislation (ZZZDR) violates the provisions of this convention for the right to contacts is defined merely as the right of the parents. The possibility of contacts should not exist merely due to the fulfilment of the interests of the parents. Primarily the contacts are legitimised by the benefit of the child. It is an actual benefit, the benefit of an individual child. The purpose of the contacts does not lie only in the possibility of the parent who does not live with the child to fulfil his emotional needs and that he, by seeing him and talking with him or through communication with him at any time, is updated with his physical and mental state and development, but also and especially in the fact that the child preserves his emotional attachment, connection with him and the feeling of mutual belonging.

ZZZDR gives the possibility to renounce or restrict the rights to contact to the parent – which is offered to the parents according to the law – if the contacts would not be in the benefit of the child. If one or both of the parents are not renounced or restricted of this right, this right should not be restricted or renounced by anybody. This is often not taken into account especially by the parent who has the child, for he sees himself as the exclusive and sole holder and performer of the parenting right and therefore takes the right to judge whether he will allow contacts or not. This line of thought will be changed by the legal provision according to which the parent with whom the child lives will be obliged to enable personal contacts between the child and the other parent.

There is also a reasonable doubt that the legislative problem of the child's capability of establishing the conventional (material) right to personal contacts in front of the court is solved. At the definition of the legal conflicts between the parents and the child (article No. 406 of ZPP) the Law on Legal Proceedings (ZPP) does not mention disputes as regards the rights to personal contacts. From this it would emerge that as regards the establishment of the child's right to contacts they can not use the provision from ZPP as regards independent appearance in court (which would include also the right to start legal proceedings) of the child, who has reached the age of fifteen and is of sane mind (articles Nos. 409/1,2 and 410/3 of ZPP), nor the provisions of the collision representative for a child younger than fifteen who would start and lead a legal proceeding in the name of the child and in which the child who has reached the age of ten would have the right to express his opinion which the court should take into account if it is to the benefit of the child). The court should appoint a collision representative – in accordance to the provisions defined in article No. 409/4 of ZPP – because the establishment of the child's right to contacts is in opposition to the will of the legal representatives: the parent with who the child

lives and is disabling contacts and the other parent who is not willing to establish this right of the child (and himself).

Even though the child has, according to the material law (UN Convention on the Rights of the Child), the right to contacts with both parents, there is no legal possibility to establish these rights through legal proceedings (with the social services). According to ZUP a child (as a person who has not got full business capabilities) cannot deal with any acts within the legal proceedings (ZUP article No. 53), the legal representatives do not wish to start the procedure and the collision representative can not be appointed.

The current regulations also do not define the explicit possibility that a new provision as regards personal contacts is issued. ZPP defines (as did ZZZDR in article No. 78/4) that the court can issue a new provision on the guardianship and upbringing of the child only in the event of changed conditions and benefits of the child (article No. 421/4 of ZPP), however, it does not foresee the possibility of issuing a new provision on removing or restricting the rights to contacts. Of course, life situations exist in which the changed conditions and the protection of the benefits of the child make it necessary to change the right to contacts after the divorce, that is when the right to contacts is being enforced. In violation of the Convention is also the fact that our law does not have any regulations, which would enable the child contacts with people that he is connected to through the family and he is personally attached to them, except if this is to the contrary to his benefit.

The benefits of the child demand that the decision as regards such an important issue for him, such as contacts with both parents, is reached in the shortest possible period of time. All bodies that decide upon the procedure of establishing contacts between the parents and children would have to deal with this matter as a priority and ensure that a decision is reached within the legal time frame, taking into account the constitutional provision that children are subject to special protection and care.

Unfortunately, we can ascertain that in numerous cases centres for social work (CSW) do not act efficiently, on time and decisively enough. Thus, it is almost a rule that the violation of the legal time frame of two months for the establishment and handing the provision on the first level occurs. It is similar also in the procedure of complaint decision-making. At this it is especially worrying that the state has seemingly accepted such violations of the legal time frame, defined in the interest of the parties in the proceedings.

Instead of ensuring faster complaint decision-makings the Ministry of Labour, Family and Social Affairs directs the clients (also in the procedures of settling personal contacts between parents and children) to a new (legal) proceeding which will most probably only prolong the time period of the decision-making process and cause further bad temper and costs for the client, all this only because the state does not fulfil it's legal obligations.

## RECOMMENDATIONS:

***The legal needs demand the establishment of contacts between the child and his parents as well as between the child and other persons that the child is emotionally attached to. The latter contacts have so far not been established. These needs are pointed towards by numerous conflicts between the parents as regards the contact with the child in which the benefits of the child are most commonly dismissed. We have also noticed difficulties that the social services have when they are during their basic activities (expert, especially counselling and upbringing work) solving these disputes with decision-making in the legal processes with the use of means of force.***

- The right to the child's contacts is directly linked and dependent upon the right to protection and upbringing. For the establishment of contacts in accordance to the child's benefit the arrangement as regards the child's protection and upbringing should be changed in the following ways:
  - as regards the provisions of the European Convention on establishing the rights of the child, the stated opinion of the child should be taken into account;
  - joint custody and upbringing should be defined as the basic solution as regards the children, the parents of whom are separated.
- Transfer the jurisdiction for deciding upon the child's contacts from the centres for social work to the courts. The courts should also decide on the dismissal or restriction of the rights to contacts when this is demanded by the child's benefit.
- The holder of the right to contacts must be predominantly the child and his concrete benefit the highest, decisive measure for all decisions as regards the right to contacts. For this purpose it must be explicitly defined that the child has the right to contacts with both parents, except in the event that the court decides differently when taking into account the benefit of the child.

## ii. Alimonies

The value of alimonies in RS is between 0.004 EURO (lowest) and 751 EURO (highest), while the average amount is 85 EURO. On the basis of the data at its disposal the association Ostržek (5.618 members) estimates that in Slovenia one third of the persons liable do not pay their obligation. The reasons for such a condition can be found in the lack of legal provisions and lack of obligation to the signed and ratified international contracts such as article No. 27 of the UN

Convention on the Rights of a Child and article No.7 of the European Convention on the Rights of the Child.

Currently there are 46.254 alimonies in the Republic of Slovenia, out of which 21.998 were determined at centres for social work, 21.607 in courts and 2.749 after court settlements. Alimonies are received by 33.577 mothers that are entitled to it.

The right of the child to alimony is also ensured by the constitution of the Republic of Slovenia, which states that children that are not taken care of by their parents enjoy special protection from the state. Respecting the Constitution as well as the Convention should not allow any ignorance or evasion.

The internal legal regulations in the Law on Marital and Family Relations (ZZZDR) are incomplete, for the Law was adopted in 1977 and is not harmonised with the Constitution and the Conventions. The non-fulfilment of payment obligations is not sanctioned, and the court rulings are not enforceable, which in itself is a terrible violation of law. Due to the insufficient legislation numerous forms of agreements on alimonies are reached in this field (CSW, courts, notaries), which are often prepared in a non-expert manner. Also questionable is the reaching of agreements on alimonies, which is currently in the jurisdiction of the centres for social work, where they usually do not include lawyers in reaching agreements. The protection of the weaker contractual party and the protection of the child at reaching agreements on alimonies definitely demand efficient protective clauses. These are ensured mainly by rejecting the agreement, which defies the constitutional principles, morality, the children's benefit and other binding provisions. For such control the official who co-operates at the reaching of the agreement must have a relatively good knowledge of the legislation, which is hard to expect from somebody who is not a lawyer.

The non-compliance of the principle of protecting the weaker contractual party is proven also by the data on the value of the alimonies in the Republic of Slovenia:

- 824 children receive alimony in the value between 0.004 EURO and 21.45 EURO,
- 4.129 children receive alimony in the value between 21.46 EURO and 42.91 EURO,
- 10.355 children receive alimony in the value between 42.92 EURO and 64.37 EURO.

According to the Statistical Office of the Republic of Slovenia the minimum living costs for a child in December 2000 amounted to 310 EURO.

ZZZDR places the parents of physically or mentally handicapped children in a worse alimony position as the parents of healthy children. These parents have to maintain their children also after they become of legal age, even in the event that the children are not attending school. The maintenance obligation of the parents is added with the aid of social community. This is as a rule insufficient or non-existent, therefore, in practice parents with such children endeavour to the very borders of their capabilities.

On page 27 the government report offers an explanation which must be disregarded, for in Slovenia the entire court practice does not know of a case that a court would in practice decide without the demand of the clients according to paragraph 2 of article No. 408 of the Law on Legal Proceedings (ZPP). However, court practice does show that in 10 years approximately 10.000 persons liable did not denounce their right to alimony, which they have not received for a period of over 10 years even though they have a court decision and order for it.

In practice we most often encounter the non-fulfilment of paying alimonies. Most debtors are males, fathers, who are avoiding the payment of alimonies due to the loopholes in the legal system. This is usually performed in one or more of the following ways:

- moonlighting (because they are not in a regular working relation their income is not paid onto their bank account, but in cash. Therefore also the creditor (the child) cannot propose the execution from the income, because the income is not evidenced and legally they are therefore non-existent.)
- They transfer the ownership of their property (especially cars, real estate, land, etc.) onto their parents, brothers, sisters, new partners (thus they no longer own real estate or movable property of a larger value from which the creditor (the child) could get his funds from.
- Debtors change their employer:
  - Every employer has the obligation to send the court ruling as regards the payment of alimonies to the new employer and notify the court when the creditor stops working for him. However, the employers most commonly ignore their obligations, which they have with the ruling on the execution. Mostly this is the consequence of their negligence and disorganisation of their documentation and it is also of importance that the court that could sanction such an employer does often not do so.
  - Creditors also like to escape the payment of alimonies by changing their employer once they know that the debtor will supply a proposal for the execution or already submits it. With this they force the debtor to change the proposal in time, which is often hard, due to the non-availability of all the facts, i.e. the new employer.
- Creditors change their permanent residency, move abroad. (The Republic of Slovenia has so far not got the procedure with which the Ministry of Law could send the proposal for the execution into other countries signed with all countries. This is organised merely with the countries from former Yugoslavia. For the execution of the alimonies the debtor would have to hire a lawyer abroad, who would compile a proposal for the execution and gather the data on the creditors permanent residency, employer, etc. Because the services of lawyers are very expensive the creditors most commonly do not use these ways.

The Law on Execution and Insurance (ZIZ) foresees a court appointed executioner for seizures, who has to be paid for by the debtor in advance. According to the price list of the courts these costs are high and in many cases exceed the value of the claims. In the event of an unsuccessful seizure they burden the adolescent debtor. The execution and seizure are of a declaration nature and in 85% of all cases unsuccessful in practice.

The fact that most social workers at CSW do not have any legal knowledge seems to be very visible. Thus they do not give proper advice to their clients (debtors – children and their mothers – legal representatives) or they compile a deficient application. Due to this the following occurs:

- Compiling insufficient agreements on alimonies or agreements with mistakes. In such cases the mistake has to be corrected with a special provision (ZUP article No. 223 – Correction of mistakes in provisions).
- Irregular sending of information and notifications (which is the obligation of the centres for social work) as regards the revalorization of the alimony, so that not even the creditors know that they are being raised with the rise of the costs of life. As a consequence the debtors do not demand the amount of alimonies that they are entitled to or the creditor does not wish to pay higher alimony.

In practice it occurs that on the basis of these notifications the creditor who does not fulfil his obligations and does not pay his alimonies regardless of the court rulings successfully uses the alimonies in his tax returns every year.

The court practice and the practice of the social security bodies have all the time tried to solve all open issues of alimony laws, to which the legislation has given no answer, with an analogue use of individual principles and rules of family law. In some cases they even created new rules.

These unwritten rules reduce the clarity of the alimony legislation and thus the legal protection of citizens. Such solutions are not satisfactory when dealing with the right of such an existential nature, as is the right to maintenance. Its legal constitution can have fatal effects on the living existence of the person who is to receive the alimony (the child) as the person liable to pay it, therefore it is necessary to legally organise this field as soon as possible.

### **iii. Tax relief for children**

On page 42 of the government report one can find the tax relief for 1999, which should be in accordance to the Law on Income. However, the persons who prepared the report had failed to mention the fact that articles Nos. 10 and 11 of the Law on Income, which defined the tax relief for children are illegal and in opposition to the constitution. In 1996 the Constitutional Court of RS ruled that

the provisions from the Law on Income, with which the amount of tax relief for upheld family members are determined are in opposition to the Constitution. The time limit for amending the provisions ran out in October 1997. To this moment the Government has not fulfilled the constitutional provisions and thus illegally gains over 7 billion SIT of funds per annum, which the government should give to the children (page 9 of the government report).

## 6. FOSTERING AND ADOPTIONS

### i. Fostering children

In Slovenia the time scale of the fostering in the sense of a short-term measure remains an unsettled problem, which is not in the greatest benefit of the child. Apart from that it is also not in accordance to the guidelines for performing fostering activities and adoption on the state and international level, which were adopted at the conference on fostering and adoption in Hong Kong in July 1996. According to the data from the year 2001 550 to 600 foster families in Slovenia fostered approximately 1280 to 1300 foster children.

The conditions for performing fostering activities are defined in the **Law on Performing Fostering Activities** which was passed this year and in large re-established the already existing and operating state in the filed of fostering. This law represents the novelty that is appreciated among large number of practitioners.

#### ***Never the less there are some comments on the new Law on performing Fostering activities:***

- The conditions for performing the fostering activities and the rights of the fosterers are described administrative ways that are fare from the life situations when there is the need to act quickly.
- The law completely bypassed the need to protect the foster child from the viewpoint of restricting the duration of the fostering and thus the abolishment of the all to common perpetual fostering. Therefore fostering in Slovenia remains a long-term measure for the child and the family, which is most commonly not in the interest of the child.
- The advantage at performing fostering activities is given to unemployed persons. This is clearly shown in the fact that the fosterers who have full time employment do not have the right to a compensation for (a) care of an ill foster child, (b) costs of the nursery school and thus an equal position of foster children to other children.

#### **The Long Term Foster Care**

The currant practices show that children stay in the foster care even when they have fulfilled all the conditions for the adoption. In the majority of cases this is no to the child best interest.

The current laws and regulations don't make provisions that would avoid the long term foster care situations. This decision is put on professional services that don't have the clear rule of conduct and decision is often left with caseworker rather then team. In practice long-term, i.e. perpetual fostering occurs, regardless of the

declaration that fostering is a short-term social protection measure of help given to a child and his family. The research from 1999 drew attention to the 47% of children who remain in long-term fostering, amongst which were also children that were eligible for adoption. For some of them the expert services tried to arrange the adoption, however, they were not successful. A common reason for such failures is that the supplement parents are not prepared to receive the child, a fact which is drawn to attention in the research and the working experience of the non-government organisation Deteljica.

The problem of performing the measures of fostering is brought to attention also by the results of the research on fostering<sup>33</sup> for the period between 1992 and 2002, which show that 72.7% of the foster children remained in long-term foster relations and that during this period only 2.3% of all foster children were adopted. There is no doubt that this research indicates not acceptable long term foster care arrangements.

In opposition to this data the data on the transformation of foster children into adopted children through the programme for the preparation of supplement parents carried out by the association Deteljica is of great interest. This data shows that 42.3% of foster children, who were fostered by couples who were trained for supplement parenting in this programme were adopted within three years of the fostering by the same supplement parents that at first fostered them. This is a great advantage and benefit for the child. Unfortunately, such a possibility for the operation of the expert services of the CSW and co-operation with the programme for preparing for supplement parenting by the association Deteljica, was stopped by the Law on Performing Fostering Activities, which was adopted this year.

The state didn't adequately responded to the appeals of the non-government organisation and affected foster parents to appropriately solve this problem, that would be to the greatest benefit of the child. It is often the case that the Ministry of Labour, Family and Social Affairs does not react also to the proposals of individual centres for social work, which are directly confronted with the problems of foster parents and children.

## **ii. Adopting children**

Statistical data shows that since 1992 approximately 30 to 40 children are adopted each year in Slovenia. An exact number of adopted children is in truth not known, because there is no state registry of adoptions in which the data would be gathered according to a method which would enable reliable data. At the same time the state has no control over the preservation of the documentation of the adopted children. Therefore it often happens in practice

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<sup>33</sup> Summarised from Sadovsky, 2003: Long-term child fostering, between Scylla of fostering and Karibda of adoption. Graduation thesis, School of Social Work, Ljubljana.

that the interested adopted children cannot obtain the basic information as regards their origins, even in cases when they would desperately need the information on certain medical conditions that can be inherited, i.e. genetic. The biological mothers or parents can also often not receive any information in the event that they wish to learn how is the child that they have given up for adoption progressing. Both thus encounter a violation of their basic rights, which arise from the institution of adoption and the state is obliged to enable all participants of the adoption (adoption parents, adopted child, biological parents of the adopted child, brothers and sisters of the adopted child, etc.) an insight into the adoption documentation, which should be archived and properly managed.

In Slovenia there is no unified expert approach in the field of adoption and the running of the child adoption procedures. This fact is also discussed in the research 'Procedures, organisation and standards in the adoption field in Slovenia'<sup>34</sup>, which was conducted in 1999 by the School of Social Work in Ljubljana.

The research results reflect the actual state in the child adoption field and draw attention to the following:

- The current concepts and methods of expert work with the participants in the adoption procedures are deficient: the needs of children, biological parents, foster and adoption parents are often during the adoption process not taken sufficiently into account or completely neglected.
- There is a need for higher expertise in the adoption field.
- The adoptions of children are most commonly performed in accordance to the concept of closed adoption, which is not in the benefit of the child or other participants of the adoption.
- Expert preparations for the adoption and fostering within a group as well as with the adopting families after the adoption are necessary. Therefore it is necessary to enable the adoption parents (as well as foster parents) an obligatory and systematic preparation for supplement parenting, which should take place in a group form.
- Preparations for adoption parenthood have to be oriented towards the openness of the adoption and the exchange of parenting experience, therefore appropriate group and individual support is necessary also after the adoption.
- The social work doctrine and practice in the field of child fostering is also not settled, for it allows perpetual fostering, according to the research for 47% of the foster children, who could be adopted; In Slovenia there are currently approximately 1300 foster children.<sup>35</sup>

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<sup>34</sup> Summarised from Rapoša Tajnšek et al., 1999: Procedures, organisation and standards in the adoption field. School of Social Work, Research Centre, Ljubljana.

<sup>35</sup> In Slovenia there are currently between 1280 and 1300 foster children with 550 to 600 foster families. This piece of information was published by the Slovene Press Association, but passed on by the Ministry of Labour, Family and Social Affairs under the title 'Fostering a temporary, but good substitute for a family.', on 30<sup>th</sup> December 2001.

- A joint Republic centre is necessary. This centre would have the overview over all potential candidates for adoption and all children that are available for adoption. In this way the proceedings of the candidates for adoption would be faster and of a better quality and the most suitable parents could be found for the children. Such a centre could also direct the doctrine of social work in the field of adoptions and keep a register of adoptions and exact archives.
- In the field of adoptions it is clearly shown how important it is for the public institution and the civil association to work and complement each other (for instance the centre of social work and the programme for preparation for substitute parenting Deteljica).

### **The main problem is local jurisdiction in case of adoption**

At the procedures of giving up a child for adoption the principle of local jurisdiction is in place. This means that parent/s give the statement as regards the will to give a child to be adopted should be handed in that local CWS in the same CSW in which the interested parents have a registered permanent address. This often causes them unpleasantness and fear, that the people in their local community will find out as regards their activities. Because of this some women or both biological parents of the child that want to give the child up for adoption outside of their settlement of permanent residency apply for an agreement with the Ministry of Labour, Family and Social Affairs. However, cases do exist, when the wishes of the parents to gain this agreement were not taken into account and they had to give their child for adoption at their local centre for social work or at a centre defined by the Ministry.

Not taking into account the needs of the women or both parents to have the right to chose upon the place of birth of the child which they decided to have adopted and their wish for the procedure to be carried out by a certain CSW points towards the fact that the state has no real understanding for solving such a delicate and intimate problem and the state's discriminatory behaviour towards these parents.

A special case is represented by adoptions from abroad, i.e. international adoptions, which are in most cases carried out secretly and are not really talked about in public. The adoption parents are also afraid to talk about how they gained the child and at the same time the expert services of the CSW do not openly communicate with them, even though they should co-operate at the international adoption of children in the same way that they deal with adoptions within the country: with an opinion or evaluation of the appropriateness of the adoption parents and all of the necessary documentation.

### **iii. The activities of the state in the field of fostering and adoption of children**

#### **Centre for social work**

***Fostering and adoption, social protection measures for children, are in Slovenia performed according to the legal authorisations of state services or public institutions, centres for social work, of which there are 62 in the country. Annual reports, passed on to the Ministry of Labour, Family and Social Affairs show that some centres pass years without performing the aforementioned social protection measures for children. Expert services of such centres also do not obtain the necessary experience, which would motivate them for such measures and the protection of children, regardless of the relatively good legal basis for the performance of the social protection measure of fostering or adoption.***

At the same time the education and training for work in the field of child adoption is placed on the borderline of expert education and training of expert workers from the CSW. The objective reasons or rather excuse for this is the small number of child adoptions.

However, there are also other reasons, which are of greater importance:

- Adoptions in most CSW are performed (or are given the order to perform) by the directors of CSW, and that child adoptions is only one of the tasks that an individual expert worker has within his frame of work.
- Expertise in the field of performing child adoptions does not recognise the difficulties and long-term consequences of these measures for all involved – the adoption parents, children, etc. That is why in expert services of the centres for social work as well as in educational institutions and at the Ministry of Labour, Family and Social Affairs the opinion prevails that expert workers without any specific knowledge on child adoption can work in the field of child adoption.
- There is no truly appropriate and efficient preparations for the child adoption procedures, in which we could recognise the appropriateness of the candidates for adoption, help them form realistic expectations towards the child and train them efficiently for the demanding task of the fosterer or adoption parent.
- In practice the expert services place children into adoption in the same order as the applications registered. There are not taking into account the existing needs of the individual child or that in some cases the substitute parents are sought after at various charity organisations or persons themselves, such as for example directly accessing the priest. In some cases the choice of the substitute parents for the newly born is left to the staff at the maternity ward or workers from other institutions. The choice of future adoption parents for a

child also takes place as a replacement or as an agreement between individual centres for social work or under the influence of personal connections. Sometimes the child is given for adoption to spouses that have not even yet handed in their application for child adoption and have no previously performed talks in the sense of preparing and recognising their suitability for adoption. We know of the case of settling a fifteen year old drug addict into custody to a young couple, who were hardly over twenty years old themselves. This act was performed in such a way that the expert worker never even met them and they were also never invited to meet her, therefore the adolescent was given for adoption without even knowing to whom he is going, etc.

Unfortunately, the Slovene practice of fostering and adoption procedures is overrun by numerous actions that are not in the greatest benefit of the child and the rest of the involved. A large share of unsuccessful adoptions follows this and a share of adopted children, who find themselves in an identification crisis and their lives continue in reformatory homes or groups. Regardless the public and expert appeals to the Ministry of Labour, Family and Social Affairs that the field of child adoption should be reorganised and some expertise should be added, this field remains inappropriately organised. The expert services of the CSW remain without expert support of the Ministry and without a planned expert doctrine for working in field of adoption .

At the same time, regardless of the declaration of the need for the pluralisation of the performers and thus improving and enriching the social protection services, the civil i.e. the non-government activities are completely ignored and thus disabled in the mediation of proposals for a more useful operation for all involved in the adoption process.

The solution to this problem would be centralised adoption services that would have needed expertise and multidisciplinary team approach that would be linked to the non- governmental activities.

#### **iv. Non-government activity in the field of fostering and adoption of children**

##### **Association Deteljica**

In the field of fostering and adoption of children only one non-government association operates in the country, which is not dependent in a single way on the state, i.e. the association of adoption families Deteljica.

This is the only Slovene non-government association, which draws attention of the general and expert public to the common practice of CSW. This practice is problem solution for the infertile couples. They a child for adoption, yet neglect the needs and benefits of the child. In Slovenia couples who have difficulties with

fertility adopt a great majority of children. Most such couples see the solution of their problem (often a concealed marriage crisis) in the adoption of a child. Therefore children are often tools for solving unhealthy needs and motives of interested couples (infertile as well as others) for fostering and adopting a child. At the same time Deteljica is the only association, which publicly draws attention of the expert public and appeals to the state as regards the need to reorganise the adoption process. The need for the programme of preparing the interested couple for fostering and adoption is highly present. Experience from the programme of preparation for supplement parenting, carried out by the association Deteljica confirms this need, as does the fact that expert services can operate in the benefit of the foster or adopted child only with a detailed preparation of the foster or adoption parents. The performance of the programme of preventive help for the children, which is in Slovenia the only parent preparation programme (future supplement parents) for fostering or adopting a child is currently not receiving any support from the state. The state also does not give any concessions in this field, nor any other forms of co-operation with the non-government activity and thus closes the adoption and fostering of children within the narrow borders of the authorisations of government services. Identical problems in the expert field of child adoption, which are drawn to attention by the association Deteljica, are drawn to the attention also by the expert services of some CSW and confirmed by various researches in the field of child adoption in Slovenia performed during the last fifteen years.

### **Associations of Fostering Parents**

In the country there is a number of associations of fostering parents. They are para-state associations, therefore a farce of the non-government operation in the field of fostering and protection of foster children. The associations of foster parents are established by the state services, CSW and informally run by the expert workers of the centres for social work. Their operation is not independent from the state, but informally subjected to the policy of the state run social services. Therefore, it is not to be expected that the associations of foster parents would strive for guidelines, which are in opposition to the guidelines and activities of the state social services, centres for social work.

### **v. Protection of the rights of fostered and adopted children**

***In Slovene practice, in the field of fostering and adoption of children, it often occurs that the expert services do not protect the rights and benefits of the fostered or adopted child.***

In numerous cases the opinions of the non-government organisations are overheard, when they with their proposals and initiatives wish to contribute to a greater respect of the rights of the fostered or adopted children as well as the biological mothers and fathers of the adopted children. Taking this into account it

might be sensible to think about appointing a special protector of the rights of these children and parents.

Regardless of the provisions defined in the Law on Marital and Family Relations, which states that the state social services, the CSW , should operate in the greatest benefit and for the protection of the child, it is a common practice that children are placed in long-term fostering, even though the conditions for adoption are fulfilled. In such cases the practice is to protect the rights of the parents (biological, foster, adoption) and not the children.

In Slovenia there is also no established system which would enable a detailed preparation of the future adoption and foster parents for the demanding task of supplementary parenting, an unified evidence of fostering and adoptions and most of all there is no monitoring of the archiving of the documentation from which the lives of fostered and adopted children often depend upon.

**The situation of the fostered and adopted children as well as the other participants in the fostering and adoption procedures needs the legislation to be revised, so that it would bind the expert services to act in the greatest benefit of the child and to respect the rights of all participants in these procedures.**

## 7. PROTECTION OF THE ADOLESCENT AS A VICTIM

***In Slovenia the rights of children, victims of the aforementioned offences are not respected as they should be, for all children that were victims of these offences did not receive appropriate expert help, which would enable their recovery and appropriate return into society***

In 2001 the bodies for interior affairs had 167 reports of suspicions of punishable offences of neglecting an adolescent person and violent actions according to article No. 201 of the penal legislation (KZ) and 231 cases of suspicion of punishable offences of a sexual nature against a person under 15 years of age.

In article No. 19 the Convention of the Rights of the Child clearly states that the countries signatories will with all appropriate legislative, administrative, social and upbringing measures protect the child from all forms of physical and mental violence, damage of abuse, neglect or neglectful treatment, torture or exploitation, including sexual abuse while under the custody of parents, legal representatives or any other person who takes care of them.

The right of children to recover which is also defined in article No. 39 of the Convention of the Rights of the Child would have to be ensured within the frame of expert services. Currently there is no clearly recognisable programme of help for children, victims of such offences in Slovenia. Similarly there no programmes for their parents, who were prepared to protect them or for parents who might be capable of changing their relation and approach towards their child with expert help.

It is especially necessary to emphasise the importance of co-operation of all who deal with an abused or tortured child within the frame of their jobs, institutions or non-government organisations. This should take place in the frame of teamwork, which is currently unfortunately remaining merely on the level of readiness of individual experts from the CSW . The guidelines of the Ministry of Labour, Family and Social Affairs are non-binding and their contents are merely guiding. In order to enforce work which would be in the greatest benefit of children according to article No. 3 of the Convention these guidelines should be transformed into professional rules through defined procedures. Those would ensure the following: joint work of all in the greatest benefit of the child, obligation of the expertise to these rules, basic principles of co-operation within the expertise as well as clear rules of joint co-operation. The public should be informed as regards this as should the adults who are responsible for the child. In the first line this would ensure greater respect of the rights of the child as well as greater possibilities for complaint procedures in the event on non-compliance of the adopted rules by the state services or non-government organisations. Taking into account that teamwork is oriented towards the greatest benefit of the child and that the recommendations are non-binding and are therefore either taken

into account or not by individuals, the provisions defined in article No. 3 of the Convention on the Rights of a Child are not ensured.

## **i. Sexual abuse of children**

***The state has not taken over a number of the necessary measures as regards torture, neglect and sexual abuse, which are necessary to enforce article No. 3 of the Convention which states: 'that the rights of children must be the main rule.'***

Apart from the concrete problems, which represent the violation of children's rights we would firstly like to emphasise the fact that the state has so far not yet realised some of the important expectations of the Committee from 1996:

- efficient co-ordination between all government bodies which deal with the well being of the child on the national as well as local level;
- the need to adopt certain measures, amongst others also legislative with the intention of more successfully repressing the mistreatment and sexual abuse of children within their families (a research as proposed by the Committee has still not been carried out). Regardless of the demands from non-government organisations and the public pressure appropriate changes in the legislation dealing with sexual abuse of children have still not occurred. Recognisable social programmes for the prevention of abuse and appropriate approaches in the field of violence over children within their families have also not been established.

Training the staff responsible for the care or protection of children in various jobs and institutions to understand, prevent and act in the event of any sort of abuse of children is still more in the domain of the personal choice of the individual and not an obligation of the country signatory.

In numerous procedures of various institutions and services which lead these institutions in relation to discovering torture and sexual abuse of children or when they deal with children due to the suspicion or punishable offences over children, they do not take into account the child's age and maturity or offer any information on the procedures and thus they violate the right to the free formation and expression of one's own will, which emerge from articles Nos. 12 and 13 of the Convention (procedures with the police, social services, courts). Therefore the child is most commonly not informed as in what took place during the proceedings, he does not understand them and he often does not know what will happen to him. Even though throughout the world teamwork is recognised as a successful work method in the field of child abuse and violence in families it is not practiced in all centres for social work and in all cases. Children are rarely invited to team meetings and they are not given appropriate chances to pose questions on decisions that he finds unclear or, of course, forming his own

opinions. Parents are still most frequently used merely as the mediators of information.

Through the procedures of all institutions or non-government organisations within the frame of which the previously described rights of the child are not respected, the child's right to privacy might also be violated (article No. 16 of the Convention). The child is taught to respond to the questions posed by adults (for instance the questions as regards personal issues in the pre-legal or other procedures that are not linked to the act itself in relation to which the procedure is running), if not told otherwise.

The violation of the child's privacy often occurs also in the public media, when they report on the cases of child violation, whether this is torture or sexual abuse. Cases, which have reached a court epilogue, are often represented in a way, which gives ample opportunities for the child to recognise himself in it or for his entire neighbourhood to recognise him. This surely represents a violation of the right of the child to privacy, regardless of the fact whether they are dealing with his, his family or his closest.

Apart from other means the state should also through legislative demands (for instance family legislation) ensure the principles, that the parents are equally responsible for the child's upbringing and development (article No. 18 of the Convention). With the family legislation the responsibilities of the parents and the state measures to help the parents and the family should be clearly defined. Clearer recognition of the existing, especially the necessary programmes to help the parents and the family should be a political decision of the state, which would be expressed in the financial support of such programmes and their encouragement and thus ensuring the development of institutions in this field.

The level and quality of fulfilling the first paragraph of article No. 19 of the Convention is to a great extent dependent on additional (preventive) and other approaches and programmes, informing the general public and the political support of the state. In various segments of this problem (guided help) the child and the family are with various possibilities and appropriate approaches and views still better helped by non-government organisations instead of the state services. It is also a sad fact that the protection of children is much too often dependent merely on the readiness and persistency of the non-abusing members and not of a systematic changing of the condition from the side of the state.

Experience that some non-government organisations have at informing as regards the suspicion of child abuse, who are due to reasons of care, protection or treatment of their physical or mental health taken into the care with appropriate institutions show the present problem of negation of abuse in a time when they are in the care of the institutions or when and if the abuse takes place within the frame of the institution. This problem also points towards the extremely small number of disclosed cases of abuses within these institutions and the fact that also cases of informing are disregarded with totally unacceptable, unprofessional and full of prejudice explanations (for instance we can not believe an autistic

child or at the work with handicapped children a physical touch is also a work method, they are both disturbed and we therefore will not create a circus, etc.), therefore it is necessary to actively enforce the right from article No. 25 of the Convention by informing the parents of these children and abolishing the opinion that the state and its institutions always act to the best benefit of the child.

Regardless of the endeavours of a wide spectre of citizens that signed petitions and demands for higher sanctions defined by the legislation in relation to the punishable offences against the sexual untouchability of the children and adolescents, the state insists on the legislation, which is based on the threatened sanctions adopted 50 years ago.

With great difficulties one of the articles was changed three years ago. This was the article 'sexual assault of a child' into 'sexual assault of a person under 15 years of age' (with this the age boarder of the victims was raised for one year). The child of 15 years of age becomes independent, he can work, he can decide upon medical treatment, he is no longer completely dependent on the adults, which is one of the important basis for such acts. However the penal sanction was not raised, which in its basic act defines a punishment of 6 months to 5 years of prison. The perpetrator can also be sentenced only conditionally.

In Slovenia so far there was one sentence of 15 years of prison for sexual abuse of a child on the basis of the second paragraph of article No. 183, the perpetrator was not a Slovene by nationality.

The legislative protection of children is deficient and poor. This influences also the decisions for reporting sexual abuses, which is additionally strengthened by the poor court practice. The legal proceedings are very slow, even though the waiting period has been slightly reduced, the sentences given are low, there is a lack of specialised judges and child representatives for this field of work. The limitation periods of these acts are very short (double the foreseen sanction) and many victims after 10 years have no more chances of bringing the suspect to justice.

The proposal of a non-government organisation that the word 'BAD' is dismissed from the article Neglect and raw treatment of children was not accepted. This determines that only parents for which a longer lasting and truly violent torture of children is proven find themselves in court proceedings. We have no other measures against parents.

There is also no legislation on the abuse of children over the Internet, sex tourism, mediating child pornography, etc.

We would also like to draw attention to the fact that the state has so far not yet ensured a safe house for children, victims of various forms of torture, who are in desperate need of a short-term housing (article No. 39 of the Convention) when their family or other circumstances are revealed. The state has also not yet ensured specialised foster families who would know how to work with abused

children and could accept them and ensure a truly appropriate environment for them. When necessary the children are placed in crisis centres, institutions or housing groups, amongst a population of children with different problems and thus they feel additionally punished.

### **Recommendations:**

- Adoption of the legislation and other binding measures for a more successful suppression of abuse within the family and more clearly recognisable responsibilities of the people involved at the child protection.
- Development of new models of treating children and adolescents, the basic purpose of which is to offer all round help to the young and families in need. At the discovery of a case of sexual abuse it is necessary to prevent its continuation, listen to and help the victim also with treatment and remove the perpetrator from the victim's environment and treat him in an appropriate way. With this we prevent reoccurring abuses of the same victim, new abuses of potential victims by the same perpetrator and the transformation of the victim into a new perpetrator and at the same time dampen the consequences.
- Actually fulfil the National programme of social help by the year 2005, which emphasises 'that it will support national associations and various associations and other performers outside the public service, which direct their programmes towards high risk groups of inhabitants and train them for self-help.' At the same time it gives the existing centres for social work the role of 'a mediator within the system, encourage of new programmes and a mediator of information within the frame of public services. Their task will also be to offer expert support for programmes, which will be established and developed by non-government organisations and privateers.'
- The CSW is an institution, where the field of social work to the greatest possible extent presents itself as an autonomous field with clear theoretical and practical viewpoints and legal authorisation. It is a fact that social work is a multi-discipline field, which borders on numerous different fields and therefore the centre for social work with its operation partially also enters their fields and vice versa. Therefore it is absolutely necessary to take into account the role of the centre for social work as a mediator within the system and encourage of new programmes and thus the greater accessibility and readiness for mutual co-operation.
- The system of help for abused children in Slovenia has to ensure the quality of life of the young and prevent their social exclusion. The number of children and adolescents who experience abuse, encounter difficulties during their growing up or are deprived of a normal family life is on the increase. The existing vision of the development of programmes for the youth ensures active inclusion into various programmes, the possibilities for the development of voluntary work, solidarity and self-help. At the same time it

opens the routes for establishing the non-government sector, privateers and associations of users, which are unified into an unified system.

- Child abuse is a complex issue, which demands an active approach and the co-operation of all expert (government and non-government) organisations, which operate in the field of discovering and/or dealing with child abuse. The speciality and importance of the issue of child abuse demands from everybody who comes across it during his work increased vulnerability and the desire for various expert fields to co-operate. If the actions of various services are not linked, there is a great danger that instead of stopping the abuse, the only thing we manage to do is that the abuse can no longer be proven and the child can not be helped.
- When we talk about the reasons, which influence the occurrence of child abuse, we have to pay special attention to the reactions and behaviour of individuals and services, which can terminate this occurrence and protect the child. Discovering the occurrence of child abuse and dealing with it is a process of a thoughtful, emotional, value, ethical, organisational and material nature.

Health care can be especially influential in the field of public health care. It is very important to train the health care staff on the level of basic health care, in the children and school health care (specialised psychological and psychiatric services reach only a small number of children that were sexually abused). They come in contact with all of the children and their families and can influence the parent or encourage other services to help the child and family. Apart from that it is the moral obligation of the health care workers to inform the general public as regards the occurrence of the issue and the necessity of protecting the children. Regardless of the commitment to silence in the relation doctor - patient the doctor is in the event of suspicion on abuse liable to inform the social care services and the police or the state attorney, for his main guideline should be to work in the best benefit of the child (not taking into account the child's or guardian's desire to hide this or not to seek any help). It would of course be useful to confirm these suspicions, i.e. send the child for additional psychological tests and talk to the persons that are close to him.

Non-government organisations in Slovenia are increasingly playing a part in the discovery, informing, drawing attention to and organising new and additional services. Even though we can sense a certain measure of mutual readiness and will for effective co-operation between the state sphere and non-government organisations, the issue of child abuse demands a better organised and an intensive approach for efficient inter-institutionalised co-operation.

The state must ensure the funds for the research on the possibilities and obstacles for the help of abused children, such as for instance legislation provisions, jurisdiction of the police, the possibilities and readiness of the state attorney and court system, state programmes, non-government programmes. This information is of great help for planning the direction and purpose of support

activities for abused children and their families. Such information helps towards the determination of what sort of help does the child need at the reduction (abolishment) of his distress and what sort of help is truly available at his disposal.

## 8. EDUCATING ON CHILD/HUMAN RIGHTS

***It is the responsibility of the state to inform the children and adults as regards the Convention on the Rights of the Child.***

The state has adopted a suitable legislation, a curriculum for nursery schools, primary and secondary schools, however, it has failed at the implementation of the adopted curriculum of subjects, which teach child and human rights.

The already renewed curriculum for nursery schools foresees the teaching of tolerance towards others.

The pupils in the 7<sup>th</sup> and 8<sup>th</sup> grade of the nine year primary schools have an obligatory subject Citizens education and ethics (35 hours per annum). In the 9<sup>th</sup> grade the optional subject Citizen's culture, which is only one of the 84 optional subjects that the school can offer if it has appropriate staff and space conditions.

In the secondary vocational education the pupils have (within the frame of the subject Social sciences) the contents Citizen's culture in which human rights are mentioned (15 hours per annum). In grammar school programmes they have the obligatory subject Citizen's culture, while children and human rights are also dealt with at Sociology and the optional subject Education and peace.

Within the frame of the 1<sup>st</sup> international seminar for teachers on teaching human rights, which was organised in Slovenia in cooperation with the European Council and EIP Slovenia – School for peace, the representatives of the Slovene Ministry stated that with the implementation of the curriculum in the field of teaching human rights in Slovenia everything is still in its initial stages. The Slovene teachers could unfortunately not hear this personally for the state could not co-finance their participation at the seminar, because the competent Ministry of Education 'did not have a legal basis'.

At the Institute for Pedagogy they also admit, that they have problems at executing the curriculum within the educational system. The main problems were the following:

- Who will teach these subjects – we must be aware that teaching as regards the children rights should not be and can not be the issue only within these subjects, but of all employed in the school.
- The lack of knowledge of children rights and the provisions of the Convention on the Rights of the Child amongst the teachers. None of the faculties, which educate future teachers, has a subject that would deal with children/human rights or human rights education methodology. It is all left to the initiative of the teachers at the faculty themselves (example the Faculty of Pedagogy in Maribor). The teachers also show very poor knowledge of the methodology of teaching children rights and the principles of participative education.

- Completely unclear market of constant promoters of expert training in this field (teaching children/human rights). Nobody monitors the quality of the offered programmes.
- Appropriate textbooks for teaching children rights can not be found in Slovene language with the sole exception of 'First steps' by Amnesty International, which the Slovene Ministry of Education did not want to place on the obligatory book list.
- Regardless of the efforts of non-government organisations and individuals Slovenia still does not have a national council for teaching human rights and a national strategy, as it also does not have a database on the educators, experts and projects in this field.

EIP Slovenia – School for peace has (with the help of the ombudsman office) performed a questionnaire amongst the pupils of the 7<sup>th</sup> grade of primary school, the only grade in the nine year school which has in the subject Ethics and citizen's education also the chapter 'human rights'. This is non-obligatory (depending on the choice of the teacher). Through the other chapters of the subject – family, state, health, environment, which takes 35 hours per annum (one hour a week) - they should learn more about the human and children rights. 14 primary schools participated in the questionnaire 'How well do I know my rights?' (341 pupils of the 7th grade – 169 boys and 172 girls, answered the questionnaires). The average age of the participants was 13.4 years. They answered the questionnaires during lectures at randomly chosen subjects, without the aid or presence of the teachers. The analysis of the questionnaires offered the following conclusions:

- The children are not well acquainted with their rights as stated in the Convention of the Rights of the Child.
- The children rights are often misunderstood as the school rules the regulations on marking and similar provisions.
- The seventh grade pupils understand their rights in a very narrow sense (for instance the freedom of speech is most often understood as the right of pupils to ask in school if they do not understand something).
- 99% of the pupils questioned know somebody who has experienced physical violence during the past two months.
- 61% of the pupils questioned know somebody who has experienced psychological violence during the past two months.
- 83% of the pupils questioned are of the opinion that they would need somebody who would help them in the event of the violation of their rights.

Within the frame of research work the same performer analysed the questionnaires as regards the knowledge and use of the provision defined in the

Convention on the Rights of the Child during the classes in primary schools, which was filled out by the teachers. They asked 62 teachers of social studies to cooperate - 38 or 61% of them teach in the 7<sup>th</sup> or 8<sup>th</sup> grade of primary school the subject Citizen's education and ethics. This is the only obligatory school subject in the Slovene curriculum which in its catalogue of teaching contents includes chapters on teaching children and human rights and education for democratic citizenship. The teachers at the School for peace workshops filled in the questionnaires, which was organised in co-operation with the Institute of Education of the Republic of Slovenia within the frame of the meetings of teacher study groups. On the basis of the analysis of the questionnaires the following conclusions were reached:

- Slovene teachers have very poor knowledge of the Convention of the Rights of the Child, even though they are convinced in the opposite.
- The teaching of the Convention is poorly represented at the Ethics and Citizens education classes – only 35% of the teachers of this subject mention it every year or prepare teaching hours on the subject of children/human rights.
- Taking into account the fact that the aforementioned subject is the only one to foresee (optional) a certain fund of hours on this theme in the curriculum of the Slovene nine-year school, the state is catastrophic.
- It would be necessary to learn whether the teachers do not see it fit to have better knowledge of the provisions of the Convention of the Rights of the Child and more actively include them in their work, or do they simply not realise the importance the Convention has in upbringing and education.
- Because the teachers of the renewed subject Ethics and citizen's education have up to the year 2003 already performed various expert education and have got acquainted with the contents of the subject the lack of knowledge of the major principles of the Convention is alarming.
- If we take into account the results of the questionnaire the statement of the Institute of Education and the Ministry of Education, Science and Sport as to how well they take care of training the teachers, especially for the subject of the renewed subject Citizen's education and ethics. This the only subject/mention/education in the spirit of children rights, is merely a letter on a piece of paper.

### **Recommendations:**

- Better judgement and together with the school principals decide as regards who will teach the above mentioned subjects. The current practice that these subjects are taught by teachers who have a lack of hours and do not have nor the appropriate knowledge nor the motivation for work is abolished.

- The state will have to decide whether the children/human rights are a value to it and what is it willing to do in order to promote these rights. The state needs to establish a national committee for human rights and prepare the national strategy and will take the co-ordination of all who work in the field of children/human rights.
- Take care of an appropriate expert research together with non-government organisations on the knowledge of children rights amongst children and adults and on the basis of the results prepare a national strategy on teaching children/human rights.
- The state needs to contribute certain financial means for the translation of those textbooks of high quality for teaching children rights.
- The train the teachers to teach children rights.
- The introduction of subjects or chapters of teaching children rights into university programmes of all faculties that educate future teachers.
- Into the already existing curriculum it will be necessary to place a greater emphasis on the techniques of teaching children rights and multi - disciplinarily of teaching children rights with other subjects. It should also be demanded that the pupils have to learn also skills and to defend their viewpoints and not only reproduce theoretical knowledge in this field.
- It will be necessary to take care also of teaching children rights amongst parents, for instance during parents meetings, through informational material and similar.
- The state should be aware of the quality potentials in this field, which the non-government organisations have and in the future establish a better and more regular cooperation with them in the field of teaching human rights.

## 9. ORGANISATIONS PREPARING THE REPORT

### **EIP Slovenia - School for Peace**

Robiceva 9, SI-2341 Limbus, tel: +386 2 46 11 585,  
e-mail: [solazamir@eip-ass.si](mailto:solazamir@eip-ass.si), web site: <http://www.eip-ass.si>

Contact person: Alenka Bregant

*Activities:* EIP Slovenia – School for peace is mainly oriented towards the education of teachers and NGO activists as regards the contents, intention and methods of teaching human rights and the education on peace and non-violence. In accordance to our statute we also deal with research work in this field, expert monitoring of the implementation of the teaching of human rights within the national curriculum, publishing expert publications and periodicals, dispatching the basic international instruments for teaching human rights (for instance the European Convention on Human Rights), performing and coordinating national and international projects, methodical counselling for teachers at all education levels, preparing public debates and seminars as well as the creation of the first Slovene library for teaching human rights.

### **Association Amnesty International Slovenia**

Komenskega 7, SI - 1000 Ljubljana, tel: + 386 1 439 3820 fax: + 386 1 431 9134,  
e-mail: [amnesty.slo@quest.arnes.si](mailto:amnesty.slo@quest.arnes.si),  
web site: <http://www.amnesty-international.si>.

Contact person: Romana Frankovič, e-mail: [rfrankovic@hotmail.com](mailto:rfrankovic@hotmail.com)

*Activities:* Amnesty International is a worldwide movement of people, who are fighting for human rights. Our appeals for the protection of victims and the termination of the violation of human rights are based on detailed and reliable researches and international law. We started the Slovene section in 1995. We play a part in the international actions and appeal writing; we organise campaigns, and at press conferences we inform the general public as regards the field of work and the worries of Amnesty International; we also apply pressure on governments to accord their actions with international standards. We are also active in the field of education on human and children's rights.

### **KUD France Prešeren, Exiles Project**

Karunova 14, SI - 1000 Ljubljana, tel.: +386 1 2832-288, fax: +386 1 2831-128,  
e-mail: [kud@kud-fp.si](mailto:kud@kud-fp.si), web site: [www.kud-fp.si](http://www.kud-fp.si),

Contact person: Karmen Furlan

*Activities:* as a non-profit cultural and artistic organisation we, with our programme policy of an open social space, support high quality, different and not yet established culture. This is a space in which individuals and groups have been forming and expressing their interests in the cultural, artistic, educational, sociological and technical fields ever since 1919. Special attention is paid to under privileged groups and thus we are trying to encourage and develop greater tolerance and respect to the different.

With our presence amongst the refugees and keeping our doors open for them, KUD is bringing down the barriers of the social and cultural ghetto and broadly

allowing access to cultural and social goods and the artistic creation to those, who have found themselves on the margin of social life.

### **LEGAL INFORMATION CENTRE FOR NGO`s SLOVENIA**

Povšetova 37, SI - 1000 Ljubljana, tel: + 386 1 540 19 14, fax: + 386 1 540 19 13

e-mail: [pic@pic.si](mailto:pic@pic.si), web site: <http://www.pic.si>,

Contact persons: Neža Kogovšek, Mirjana Miličič

The Legal Information Centre for NGOs is a non-governmental organisation established in 1997. The entire work of the Centre can be divided into three main fields: human rights, non-government organisations and alternative dispute resolution. In the field of human rights we offer legal counselling to socially underprivileged individuals and non-government organisations in different legal fields. By carrying out project activities we try to collect information about topic issues and prepare detailed analyses of the current regulations and comparative analyses of the foreign legislation, thus providing the basis for the revision of the legislation, legal education of target groups and public discussions. The aims of the activities in the field of non-government organisations are to improve the situation of non-government organisations in Slovenia. We conduct projects with the intention of connecting Slovenian NGOs and contribute to a bigger role of NGOs and the other interested public in the decision-making process. With legal initiatives we want to enable better working conditions for non-government organisations. We offer legal counselling for NGOs, we inform NGOs as regards legal and other matters, offer preparation of comparative analyses and legal opinions, preparation of publications with legal content and other services. We also offer training the NGO representatives. For mediation purposes we established the Centre for Mediation the goal of which is to provide mediation as a service and provide training for the interested public. With legal initiatives we try to improve the role of mediation within the society and promote mediators as professionals.

**Association Ostržek**, Association for the protection of the rights of children and single mothers

Gradišče 20, SI - 1276 Primskovo, tel. + 386 31 477 596, + 386 1 8975 953,

e-mail: [drustvoostrzek@yahoo.com](mailto:drustvoostrzek@yahoo.com)

Contact persons: Boža Plut, association president; Jelena Subelj, general secretary

*Activities:* The association has approximately 6000 members and tries to help the children at their establishment of the right to alimonies and the right to contacts with both parents. In order to reach the goals it uses all means at its disposal: the media, parliament, legislation changes, etc.

**Association of parents and children SEZAM**

Vegova 6, SI - 1000 Ljubljana, tel.: + 386 1 4254-111, fax: + 386 1 4258-157

e-mail: [info@zdruzenje-sezam.si](mailto:info@zdruzenje-sezam.si), web site: [www.zdruzenje-sezam.si](http://www.zdruzenje-sezam.si)

Contact person: Nada Kirn Špolar, association president

*Activities:* The association of parents and children SEZAM operates already for 13 years in the field of children care, family and child rights, offering help to families and children and disburdening parents at their everyday work. It also organises a number of artistic and creative activities for the children and youth, creative workshops on the streets, alternative holidays, lectures for parents on the upbringing of children, family therapy, telephone counselling and a programme for children with special needs.

### **Slovene Philanthropy**

Resljeva 30, SI - 1000 Ljubljana, tel.: + 386 1 430 12 88, fax: + 386 1 430 12 89, e- mail: [Info@filantropija.org](mailto:Info@filantropija.org), web site: [www.filantropija.org](http://www.filantropija.org)

Contact person: Franci Zlatar

The mission of the Slovene Philanthropy is carried out through three different spheres of activities: *promotion of voluntary work, psychosocial help for refugees and promotion of health.*

The most important goals of the Slovene Philanthropy are stimulation, progress and spreading of voluntary work.

*Centre for psychosocial help for refugees* is the implementing partner of BO UNHCR Slovenia.

The Centre helps refugees from Bosnia and Herzegovina and Kosovo as well as asylum seekers from other countries.

*Centre for promotion of health:* the aim of the Centre for promotion of health is to promote all possible ways of healthy living.

### **Balloon – Children's Counselling Centre**

Brodarjev trg 5 (official address), Povšetova 20 (office address),

SI - 1000 Ljubljana

tel. / faks: + 386 1 232 06 58,

e-mail: [zavod.baloncek@volja.net](mailto:zavod.baloncek@volja.net) or [balloon@volja.net](mailto:balloon@volja.net)

Contact persons: Petra Tovornik, Barbara Čufer

Balloon – Children's Counselling Centre is a non-government and non-profit organisation in the field of social security. The organisation was established with the purpose of offering professional treatment to children and adolescents, who are / were victims of sexual abuse.

The basic goal of our work is to offer the children and adolescents a safe environment, where they can deal with the impact of abuse, deal with the trauma impact, express different feelings associated to abuse, gain control of their life, a positive self-image, self-confidence, establish trust towards others, improve their relationship with the non-abusive parent and siblings. We also deal in the general protection of the rights of children. The next important goal is to assure the children and adolescents a safe environment, where abuse will not be a threat in their everyday life. Our next goal is to improve the system of assistance for sexually abused children and their families with special regards on establishing multidisciplinary teams of professionals who would deal with child sexual abuse and promote positive systematic and practical solutions on preventing the problem of child sexual abuse. For this reason we offer training for professionals

working in different government and non-government institutions. Finally, a very important goal is increasing the level of social awareness as regards the problem of child sexual abuse by educating the society as regards the problem of child sexual abuse, motivate the local communities to prevent child sexual abuse and increase the public involvement in actions aimed at abolishing violence towards children. We must protect the rights of children and enable them to have a safe and happy childhood by organising different campaigns, social actions, publishing different leaflets, brochures, etc.

**Association MOZAIK – association of children**

Adamičeva 7, SI - 1293 Šmarje -Sap, tel.: +386 31-316-137, fax: + 386 1 534 32 76,

e-mail: [mozaik@surf.to](mailto:mozaik@surf.to), web site: <http://surf.to/mozaik>,

Contact person: Katarina Meden

*Activities:* The association Mozaik performs various activities with the intent of active passing of the spare time of children, placed in the Centre for Aliens and the Asylum Home. Apart from that they also help the children at establishing their status and play the role of the mediator between the children and state bodies, social services and UNHCR.

**Association against sexual abuse**

Masarykova 23 , SI - 1000 Ljubljana, tel./ fax 01 43 13 341, free tel. 0802880,

e-mail [zpsz@siol.net](mailto:zpsz@siol.net).

Contact persons: Zdenka Peklaj, Katja Bašič

*Activities:* help, support, counselling, advocacy and enrolment into self-help groups for victims of all forms of sexual abuse. The association is specialised for the work in the field of sexual abuse of children, work with adults who were victims of sexual abuse in their youth, and the work with non-abusing members of the family. We orient our activities also towards the education of those, who come into contact with abused children during their work (nursery schools, schools, health services, social services, police, the court system, etc.). During the entire time of our existence we have used all of our activities to try to enforce the respect of human and children's rights, thus influencing changes in the legislation, practice and attitude towards the sexual abuse problem in Slovenia.

**Peace Institute, Institute for Contemporary Social and Political Studies**

Metelkova ul. 6, SI – 1000 Ljubljana, tel.: +386 (0)1 234 77 20,

fax: +386 (0)1 234 77 22

email: [info@mirovni-institut.si](mailto:info@mirovni-institut.si), web site: <http://www.mirovni-institut.si>

Contact person: mag. Jasminka Dedić

The Peace Institute was founded in 1991. Initially the Peace Institute focused on peace studies and the issues of violence, war and security. In 1994 and 1995 our field of interest was extended to embrace a wider range of contemporary social and political studies. Among the topics that were added to our agenda were racism and political conflicts, gender studies, cultural studies, and political and social practice. Our endeavours to integrate academic work with concrete social

and political engagement led to a number of action research studies and projects. In addition to the topics mentioned above, we also began to concentrate on political extremism, democratisation and equal opportunity politics in Central and Eastern Europe, independent women's and feminist movements in Slovenia, as well as issues of sexual abuse, refugees, civil service in place of military service, cultural industry and the like.

### **Foundation GEA 2000**

Mestni trg 9, SI - 1000 Ljubljana, tel.: +386 1 24 10 540, fax: +386 1 24 10 550, e-mail: [indoc@fundacija-gea2000.si](mailto:indoc@fundacija-gea2000.si), web site: [www.fundacija-gea2000.si](http://www.fundacija-gea2000.si)

Contact person: Darjono Husodo

*Activities*; The "Asylum Lawyers Network" (ALN) aims to improve the practical aspects of the asylum procedure and provides representation of individuals. The information and documentation centre provides *Country of Origin Information (COI)* available mostly on [www.ecoi.net](http://www.ecoi.net) and publishes various publications in the field of human rights. Titles of *literature* available in our library can be found on-line through our web-site [www.fundacija-gea2000.si](http://www.fundacija-gea2000.si). The program of *social work with refugees* provides employment assistance and specific vocational training for refugees. Multilateral social assistance is provided by the project of *Social work with refugees*. At the national level Foundation GEA 2000 co-operates with other refugee assisting NGOs in order to join efforts in terms of *advocacy and lobbying* for the rights of refugees and asylum seekers. At the regional level it joins its forces with other European refugee assisting NGOs through ECRE (European Council for Refugees and Exiles). Foundation GEA 2000 is committed to facilitating the study of various aspects of human migration and refugee movements.

### **Association for the Development of Preventive and Voluntary Work**

Metelkova 6, SI – 1000 Ljubljana, tel., fax: + 386 1 432 33 83,

e-mail: [drustvo.drppd@guest.arnes.si](mailto:drustvo.drppd@guest.arnes.si),

Contact persons: Sašo Kronegger, Sanda Libenšek – Roma project

*Activities*: The Association develops and supports civil initiatives, which wish to prevent the development of negative social conditions and creatively solve them. The project Roma has been implemented ever since 1988. It is intended to offer help to the Roma community and individuals at their inclusion into the environment in all aspects of their life, reducing intolerance, prejudices and stereotypes as regards the Roma people and encouraging the self-organisation of the Roma people at solving the position of their community.

### **DETELJICA – Association of adoption families**

Grablovičeva 28, SI - 1000 Ljubljana, tel. +386 1 540 14 70,

e-mail [deteljica@siol.net](mailto:deteljica@siol.net)

Contact persons: Eva Tomšič Porenta, association president, mag. Viktorija Bevc, head of the programme of preventive help for children

*Activities*:

- the association connects adoption and other supplement families and fights for the rights of all involved in the adoption or fostering with the primary mission of advocating the benefits of the adopted or fostered child;
- organises education and the prepares the supplement parents for the arrival of the child into adoption or fostering;
- co-operates will all government and non-government organisations that deal with helping the family or children
- informs the public as regards the role, importance and specifics of the adoption family and other forms of supplement parenting.