



Convention on the Rights of the Child

Committee on the Rights of the Child

Thirty-fifth session

Summary record of the 939th meeting

Held at the Palais Wilson, Geneva, on Monday, 26 January 2004, at 3 p.m.

Chairperson: Mr. Doek

Contents

Consideration of reports of States parties (*continued*)

Second periodic report of Slovenia (*continued*)

The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Second periodic report of Slovenia (continued) (CRC/C/70/Add.19; CRC/C/Q/SVN/Add.65; C R C /C/RESP/53; HRI/CORE/1/Add.35)

1. *At the invitation of the Chairperson, the members of the delegation of Slovenia resumed their places at the Committee table.*

2. **Ms. Sardenberg**, taking note of the Slovenian Government's reply concerning the machinery for monitoring the quality of services at the local level, asked how the council members, especially those for health and education, were appointed and what were their mandate and relationship with the central authorities. Deeply regretting that little progress had been made in combating sexual abuse of children, she requested details of the follow-up given to complaints filed by children with the ombudsman. She expressed concern about the situation of Roma children "erased" from registers, especially consequences such as statelessness or separation from parents, and about the situation of minority children in general.

3. **Ms. Ouedraogo** asked whether Roma children were represented in the children's parliament, to whom, if they were, they could make recommendations and how far the recommendations were taken into account. She also wished to know what had been done since the report had been written to increase children's opportunities to express their views, especially regarding health and education. With reference in particular to the combating of Internet crime, she would welcome more information on protecting children against harmful information. The delegation should say whether the results of the programmes against drug and alcohol abuse among young people were satisfactory. It would be helpful to know whether steps had been taken to regulate adoption better.

4. **Mr. Krappmann** asked whether the public preschool institutions were as good as their private counterparts, whether the extension by one year of primary education had been applied countrywide and what had been its effects, how much secondary education cost, how effective the measures to reduce the school dropout rate had been and what was the youth unemployment rate.

5. **Mr. Citarella** noted with concern that juvenile court judges could order that a minor be detained with adults if that was in the minor's interest and that the minimum duration custodial sentences for young offenders was six months, which he considered excessive.

6. **Mr. Filali** asked whether the promised mosque had been built. He also wished to know whether the Government intended to conclude bilateral agreements to protect divorced women whose foreign former husbands defaulted on maintenance obligations. Noting that it was currently the victims of domestic violence who had to leave the home, he asked whether there were plans to force the perpetrators to do so instead. He wished to know more about the new mediation procedure provided for in the Penal Code, in particular whether recourse to it terminated public proceedings, as well as about current conditions of detention and the handling of detainees' complaints.

7. **Mr. Liwski** said that, while the health indicators were very good, the increases in early pregnancy, alcohol and drug abuse and suicide among young people were causes for concern. He would like the delegation to provide qualitative data so that those problems could be better assessed and to describe in more detail the policies adopted against them.

8. **Ms. Al-Thani** asked why maternal mortality was high relative to infant mortality and why the exclusive breast-feeding rate was so

low. She also wished to know the rate of mother-to-child transmission of HIV/AIDS.

9.**Mr. Gosnar** (Slovenia) said that the authorities maintained a permanent fruitful dialogue with the representatives of all religious communities and that construction of the mosque was now simply a matter of selecting the site.

10. Temporary refugee status had been abolished in 2003 and all the persons concerned now had the right of permanent residence in Slovenia.

11. Slovenia had now had a professional army for two years and the minimum age for it joining it was 18.

12. All children were treated equally, whether their parents were civilly married or not.

13.**Ms. Strgar** (Slovenia) said that every year the children's parliament, of which all children who wanted could be members, held its final discussions before the national Parliament, to which it submitted its recommendations. The year after, ministers reported on how they had taken the children's contribution into account.

14. Statistics on children were collected sector by sector and published by the Statistical Office of the Republic or the various competent authorities. The 15–19 age group corresponded to the period of secondary education.

15. Children with mental health problems were looked after by various departments in the health and education sectors and at the community level. The counselling teams in schools comprised psychologists, educators and social workers and also dealt with children with learning difficulties and gifted children.

16. Studies published at five-year intervals, in 1994, 1999 and 2003, showed that tobacco and alcohol abuse was far too high among adolescents and that consumption of marijuana was increasing. A number of measures had been adopted in 2003 to protect children and young people: the sale of alcohol to persons under 18 and cigarette advertising had been prohibited and the bans had been accompanied by information and awareness-raising campaigns, particularly in schools. Although there was no injecting drug use among the young, substantial efforts continued to prevent it.

17. HIV/AIDS prevalence in Slovenia was low. The low rates of mother-to-child transmission and of intravenous transmission, which usually affected injecting drug users, were partly attributable to the many countrywide campaigns against AIDS.

18. Slovenia had baby-friendly hospitals. It encouraged breast-feeding and was undertaking the development and dissemination of related promotional material.

19. The law on transmissible diseases required that when collecting data a distinction be made between sexually transmissible diseases and diseases transmissible by other vectors. The 15–19 age group seemed to be the one worst affected by STDs.

20. The twofold increase seen between 2001 and 2002 in the number of drug users who had undergone treatment was attributable not to an increase in drug abuse but to the more accurate recording of care statistics.

21. Maternal mortality seemed higher in Slovenia than in the other countries of the region. Additional written information on the subject would be provided later.

22.**Ms. Vuckovic-Sahovic** asked what was the attitude of the public at large to the psychosocial services provided in schools and whether those services fully met the needs of the country's children and adolescents.

23.**Ms. Černoša** (Slovenia) said that the services, which were available in all schools, were fully capable of listening to, and helping children who had learning difficulties or whose personal situation was not conducive to their development or to the continuation of their studies. The public attitude to the services was very positive and there was no ostracization of the children who used them. The Ministry of Education financed remedial teaching for children with difficulties.

24. Every local community was legally bound to make a public pre-school establishment available to its inhabitants. If barely 60 per cent of children attended such an establishment, it was because the parents preferred to keep them at home or to entrust them to their grandparents. It was not at all because there were too few places or attendance cost too much: parents' contribution to the fees was indexed to their income and poor parents in receipt of welfare benefits paid nothing. The reason why there were more boys than girls in the establishments was that more boys were born than girls. On the other hand, more girls than boys took university degrees.

25. Of the country's some 20 recognized religions or faiths, none was taught in the public education system; the situation was different in private schools. There were obligatory civic and ethnic education courses in public schools, but the classes that dealt with religion were optional.

26. Since 1996 the Ministry of Education had required every primary school to set up a textbook fund so that children could borrow textbooks for approximately a third of the cost of new ones. The money collected was used to replace damaged books and buy new ones and poor families and refugees were exempt from the charge.

27. The Government paid particular attention to the quality of education. The Ministry of Education had therefore, with a view to possible educational reform, set up a national quality council to assess curricula and test pupils' knowledge at various stages in their studies. In the case of the youngest children, independent experts tested their overall development, meaning not only their knowledge but also their openness to the world and their psychological development.

28.**Ms. Mušič** (Slovenia) said that the marked increase in recent years in cases of sexual abuse was attributable to the improved detection system and that the Government spared no effort to alert the population to the need to report cases of the kind. The revised Penal Code had increased the penalties for child sex abuse and, on the list of offences, had added the possession of child

pornography to the existing offence of the sale of such material. Sexual offences against children under 8 incurred heavier penalties than before. It had also been felt useful to provide training in child rights for everyone whose profession brought them into contact with children, such as police officers, examining magistrates and juvenile judges.

29. Under the amended Criminal Procedure Act, the investigating judge in cases of ill-treatment, neglect or infringement of the physical or sexual integrity of a child aged less than 15 could request that the victim's testimony be taken in the absence of the presumed aggressor if the child felt unable to testify otherwise.

30. **The Chairperson**, speaking as a member of the Committee, asked what were the arrangements for taking the testimony of children, particularly girls who claimed to have been physically or sexually abused, in police stations.

31. **Mr. Kotrane** requested clarification of the statement in paragraph 313 of the report that "children under 15 are now no longer considered victims of a criminal offence when they participate in an equal, loving or peer relationship". He also asked whether Slovenia had made it a legal obligation to report cases of ill-treatment of, or sexual violence against children and had established a rapid-response mechanism to deal with them.

32. **Ms. Chutikul** asked what legislative measures Slovenia had taken to protect the right to privacy of children who had been abused.

33. **Ms. Mušič** (Slovenia) confirmed that the Penal Code did not totally prohibit sexual relations with persons aged less than 15. What it did was penalise situations where the sexual partners differed markedly in their maturity.

34. In most cases, mistreated children or minors chose to disclose the abuse to someone close to them or to a trusted professional such as a social worker, doctor or teacher, and it was that person who reported the matter to the social services or directly to the police. The police had criminal investigation offices in every region, with staff specially trained to deal with such cases.

35. The law provided that abuse could also be reported directly to a public prosecutor. Social workers who became aware of abuse were obliged to notify all the other potentially competent experts, including a specialized police investigator. It was then for the multidisciplinary team they constituted to consider what action would be in the child's best interests. Among the decisions they could take would be to place the child in a foster family or to prohibit the abuser from contacting the child.

36. **The Chairperson**, speaking as a member of the Committee, asked under whose authority the multidisciplinary teams, which would work very slowly, were placed and whether they were governed by legal rules.

37. **Ms. Lee** inquired what progress had been made with the proposed Child Protection Act.

38. **Ms. Mušič** (Slovenia) said that the multidisciplinary teams, which came under the authority of a social worker, did not function as slowly as was sometimes claimed and that, as all the members knew their own roles and tasks, the proceedings were well coordinated.

39. In the end, the Child Protection Act to which reference was made in paragraph 25 of the report had not been adopted.

40. **Ms. Smith** asked whether there were night shifts so that social workers could be contacted around the clock.

41. **Ms. Ouedraogo** said that, while removing an abused child from its home might be a good temporary solution, suitable conditions then had to be created for the child's return to its family.

42. **Ms. Mušič** (Slovenia) said that, in a small country like Slovenia, there was no need for every social aid centre, of which there were 62, to be open night and day, but the largest ones were. In addition, when the nearest centre for them was shut, minors could contact a social worker in a centre that was normally for adults.

43. Banning someone from proximity to a particular place or person was possible under an amendment made to the Police Act in September 2003. The ban, for a period of 10 days, could be issued by the multidisciplinary team or the police following receipt of a complaint of violence or abuse. At the end of the 10 days, the victim could apply to a judge for the extension of the ban.

44. **Ms. Vouk-Železnik** (Slovenia) said that the increase in human trafficking to which reference had been made had to do with illegal movements of migrants for economic reasons and not with trafficking for the purposes of sexual exploitation. Crossing a border illegally was an offence. Unless they were asylum-seekers, in which event they were sent to a special centre, minors, whether accompanied or not, who committed that offence were placed in an aliens' reception centre.

45. **Ms. Smith** asked how the exercise of the minors' right to education and health care was safeguarded in such centres.

46. **Ms. Chutikul** asked whether any of the unaccompanied minors who entered Slovenia ended up on the prostitution market and whether minors in general engaged in prostitution in the country.

47. **Ms. Vouk-Železnik** (Slovenia) said that foreign children placed in a reception centre were given not only instruction and health care but also a little money. If they did not already have one, they were assigned a legal representative for the duration of the proceedings concerning them. In the centres for asylum-seekers, adults and unaccompanied minors were housed separately.

48. Police statistics for the previous two or three years showed no cases of prostitution of minors, but that was not very significant as prostitution as such was not a criminal offence and only criminal offences were recorded. There had been no recorded cases in recent years of human trafficking for sexual exploitation involving minors.

49. **Ms. Sardenberg** requested clarification concerning the reports from some sources that the rights of unaccompanied minors

placed in centres for aliens, particularly their right to freedom of movement, were restricted until the minors had been assigned a legal representative, which did not always happen very quickly.

50.**Ms. Mušič** (Slovenia) said that the centres in question were closed institutions because many of the people in them would be sent back to their own countries when the proceedings concerning them were over; it was therefore normal that freedom of movement should be limited. In most cases, a legal representative was appointed within a few days: in just a few years, the average time to appointment had been reduced from 16 days to 3½ days.

51.**Ms. Vouk-Železnik** (Slovenia) said that the Council for Children, which had been set up to coordinate all child-related policy and legislation, had met several times, including in 2002, when it had reviewed proposals for amendment of the Marriage and Family Relations Act and discussed a plan of action for children. It comprised experts from various ministries, universities and non-governmental organizations.

52. In September 2003 there had been more than a thousand children in foster care. Children could be placed in such care at the request of their parents or, pursuant to the Social Assistance and Social Services Act, by decision of a social assistance centre. An expert commission had to give its opinion after hearing the child and the parents' consent was also obligatory.

53. A new law adopted in 2003 set out the conditions to be met by every family wishing to become a foster family, as well as the relevant funding and follow-up arrangements. It also provided that children who were to be fostered must undergo individual preparation for that. Social assistance centres' administrative and operating procedures were overseen by the social inspection unit of the Ministry of Labour, the Family and Social Affairs. Contact between a child who was fostered and its biological parents was only restricted if it was thought that it would be prejudicial to the child.

54. Adoption was rare in Slovenia and the authorities were setting up a new information system concerning it. Planned amendments to the Marriage and Family Relations Act would regulate adoption more closely and introduce more detailed provisions concerning the training of professionals and methods of work in connection with adoption.

55. **The Chairperson**, speaking as a member of the Committee, said that outside sources were concerned that some children were fostered for too long without any attempt being made to reintegrate them into their biological families. He asked in that regard whether Slovenia intended enshrining in law children's right to know their biological parents.

56. **Ms. Vouk-Železnik** (Slovenia) said she was aware that some non-governmental organizations felt children spent too long in foster families. However, it was not always easy to find another solution: adoption required the consent of the biological family, and reintegration in the family home was a long process that entailed resolving the problems which had led to the child being taken into care, such as persuading parents who were alcoholics or drug addicts to undergo treatment.

57. The question whether an adopted child should have access to all the information concerning its biological parents when they did not want their identity disclosed was a complex one and still a subject of dispute.

58. **Mr. Liwski** asked whether there was a register of potential adoptive families and, if so, whether the competent courts' decisions reflected the order of registration.

59. **Ms. Vouk-Železnik** (Slovenia) said that the Ministry of Labour, the Family and Social Affairs was currently working on the establishment of such a register as part of the third phase of the revision of the Family Relations Act.

60. While Slovenia had a long tradition and tried and tested practice of fostering, it was currently striving to improve adoption procedures. According to a recent study, over 50 per cent of children who were fostered eventually returned to their biological families. Only 10 per cent were adopted or placed in training or rehabilitation centres for children with behavioural disorders. The law provided that the teams responsible for caring for children and placing them in foster families must be made up of professionals from a range of sectors.

61. **Ms. Aluoch** inquired why more and more young Slovenes opted for cohabitation rather than conventional marriage and what legal consequences their choice had for their children.

62. **Ms. Vouk-Železnik** (Slovenia) said that under Slovenian law cohabitation had the same legal effects as marriage. Consequently, children born to cohabiting couples had the same rights and benefits, including access to social services and education, as children born to married parents and they and their mothers had, in the event of the father's death, the inheritance rights that derived from marriage.

63. **The Chairperson**, speaking as a member of the Committee, wished to know how legal paternity links were established between the children born to an unmarried couple and the father.

64. **Ms. Vouk-Železnik** (Slovenia) said that the establishment of paternity, including in the case of cohabitation, required recognition of the child by its father. If the father refused recognition, the mother was entitled to open legal proceedings. The father and mother of a child born of cohabitation jointly exercised parental authority.

65. **The Chairperson**, speaking as a member of the Committee, asked to what penalties 13-year-olds guilty of armed robbery were liable.

66. **Ms. Ouedraogo** wondered whether it would not be better to place young offenders with suicidal tendencies in a treatment centre rather than a penal establishment.

67. **Ms. Mušič** (Slovenia) said that minors aged less than 14 could not be held criminally responsible for their acts and were liable

only to educational measures in the form of placement in a supervised educational facility or referral to a social assistance centre.

68. Minors aged from 14 to 16, however, could be prosecuted and juvenile court judges could sentence them to penalties including fines, withdrawal of their driving licence and placement in a juvenile educational or correctional facility.

69. Young offenders aged from 16 to 18 could be sentenced to detention in a juvenile penal establishment or to educational measures. Minors placed in detention had to be held separately from adults if that was in their interest. In exceptional cases, the judge could, in the light of the minor's personality and other particular circumstances such as suicidal tendencies, order that there should be no separation. Minors must always be guaranteed the necessary care, protection and individual assistance.

70. **Mr. Liwski** asked whether Slovenia had established a psychosocial profile of young persons in conflict with the law and studied the causes of juvenile delinquency. He also wished to know what had been done to combat the institutional violence of which young offenders were victims in detention.

71. **Mr. Filali** asked whether juvenile recidivists were subject to educational measures or deprivation of liberty.

72. **Ms. Mušič** (Slovenia) said that her country's authorities focused more on re-education than on detention. Minors aged from 14 to 18 could be imprisoned for a month, or for two further months in the event of exceptional circumstances, or be sentenced to educational measures. Imprisonment, but for a maximum of three months, was the role in the event of a repeat offence.

73. **The Chairperson**, speaking as a member of the Committee, asked for how long minors could be placed in a supervised educational facility.

74. **Ms. Mušič** (Slovenia) said that juvenile judges could order such placement for a maximum of three years.

75. **The Chairperson**, speaking as a member of the Committee, asked what were the new rules governing the exercise of parental authority and the right of custody, the right to personal contacts between parents and children, and the recovery of child maintenance.

76. **Ms. Vouk-Železnik** (Slovenia) said that both parents exercised parental authority, whatever their marital situation. A parent who did not have custody could request it at any time, submit a formal claim if necessary, and request continued contact with the child in the latter's best interests.

77. In the event of divorce, parental authority was exercised by the parent who had been granted custody, but parents could, subject to mutual agreement, remain jointly responsible for bringing up and educating their child. The law did not automatically grant custody to the mother.

78. Financial responsibility towards their children was another constituent of parents' obligations. When maintenance was withheld, the offender was prosecuted and the injured party could seek compensation.

79. **Ms. Vuckovic-Sahovic** said that in its concluding observations the Committee would recommend that Slovenia improved its legislation to give equal treatment to all children without any discrimination, drew up a children's code, improved coordination of action in support of children's rights and appointed a children's ombudsman. She hoped that the country would give the concluding observations the widest possible circulation.

80. **Mr. Gosnar** (Slovenia) assured the members of the Committee that Slovenia, which already gave special attention to children, would spare no effort to improve their situation further and to continue to reflect on and do what was needed to that end.

The meeting rose at 6 p.m.