



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixty-third session

### Summary record of the 1803rd meeting

Held at the Palais Wilson, Geneva, on Thursday, 6 June 2013, at 3 p.m.

*Chairperson:* Ms. Sandberg

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

**Consideration of reports submitted by States parties** *(continued)*

*Third and fourth periodic reports of Slovenia* (continued) (CRC/C/SVN/3-4; CRC/C/SVN/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Slovenia took places at the Committee table.*
2. **Ms. Winter** asked up to what age children stayed with their mothers in prison, how many children in the State party were in that situation and what arrangements were made for them. She also wished to know if minors in conflict with the law were placed in open, semi-open or closed institutions.
3. **Ms. Aidoo** requested more information on early child development programmes and wished to know if parents were involved in the programmes to combat child obesity in general and, in particular, among the under 5s, 20 per cent of whom were overweight.
4. **The Chairperson** enquired whether, when there was a history of domestic violence in a divorce case, children were kept away from the violent parent or met with that parent only in the presence of a third party, and whether children could be forcibly removed from the care of their parents if the latter failed in their parental duties.
5. The delegation might indicate whether the State party intended to ratify the Convention relating to the Status of Refugees of 1951 and whether it routinely resorted to a procedure to determine the age of unaccompanied minors. She noted with concern that the residence permits granted to unaccompanied minors were valid only up to their eighteenth birthday, which caused uncertainty as to their future in Slovenia once they had passed 18.
6. **Ms. Aldoseri**, noting with concern that Roma children were placed in primary schools specializing in the care of children with special needs and that it was up to school principals to decide whether or not to take steps to integrate them, requested more information on their status in the education system.
7. **Mr. Kotrane** asked whether the State party had devised a social rehabilitation programme for unaccompanied children from conflict zones.
8. **Ms. Potočnik** (Slovenia) said that Slovenia had not ratified the Convention relating to the Status of Refugees but, under the legislation currently in force, Slovenian citizenship was granted to all minors of unknown nationality. Minors awaiting deportation because their applications to stay had been denied received emergency care as required, while those granted asylum were entitled to the same health and education services as Slovenians and to Slovenian courses and extra academic support.
9. The principle of the best interests of the child was enshrined in the Constitution and referred to in several laws, including the Code of Civil Procedure, requiring judges to apply the principle when ruling on any domestic violence cases. Otherwise, their rulings could be overturned.
10. **Mr. Cardona Llorens**, noting that the best interests of the child was a notion sometimes liable to subjective interpretations, asked whether judges were obliged to justify their decisions and whether guidelines had been established to help them reach decisions in specific cases, such as when the parents had been imprisoned or there was a history of domestic violence.
11. **Ms. Vodičar** (Slovenia) said that, before ruling on a case, a judge would meet with the child informally and draw on the opinions provided by experts in child psychiatry under oath to determine the best interests of the child.

12. **Ms. Zupančič** (Slovenia) said that 97 per cent of babies were exclusively breastfed during the first three months, the Government had banned the promotion of breast-milk substitutes, and most hospitals were baby-friendly. Mothers were authorized to breastfeed at their place of work until the child was 18 months old.

13. The delegation had no data on self-mutilation among adolescents, but NGOs were actively tackling the problem. The Government had launched an awareness and prevention campaign.

14. Obesity was a major public health problem. The Government was addressing it through various initiatives that promoted physical exercise and a balanced diet, which had also been commended by the World Health Organization (WHO). The Government had also banned all candy-vending machines from schools and encouraged school canteens to serve balanced meals. Admittedly, alcohol consumption among young people was on the rise and a new trend, inhaling alcohol fumes, had caught on.

15. The proportion of young smokers, which had stood at around 60 per cent in 2011, seemed to be stabilizing, while drug addition was on the wane. To combat those scourges, the Government had raised taxes on alcohol and tobacco products and was now developing a comprehensive policy to combat psychotropic drugs, alcohol and tobacco.

16. The suicide rate among young people had not risen between 1996 and 2010 and there had been no cases of children aged between 10 and 14 committing suicide in 2010–2012. Campaigns had been conducted to raise awareness of that issue as well, and teams of psychologists had been set up to spot children at risk.

17. No statistics were available on the health situation of the Roma, but the Ministry of Health had ordered a survey to be made of the Roma's access to health services. Workshops on the harmful effects of alcohol had been organized for the Roma community, and slots promoting healthy living were broadcast on Roma radio stations.

18. The number of road accidents had been steadily falling since the implementation of the national road safety programme in 2009.

19. **Mr. Klančnik** (Slovenia) presented to the Committee the mascot of the road accident prevention campaign, a teddy bear given by the police to the child victims of road accidents, in whom they could confide. Police officers visited schools to raise children's awareness of safety instructions. The police also ran campaigns to combat sexual violence against children, youth violence, child abduction and cyberbullying.

20. Under the Criminal Code, sexual violence against children incurred prison sentences of 3–10 years, and of 5–15 years if the victim had a mental disability. Child pornography offences incurred prison sentences of between 6 months and 8 years.

21. The sale of children and the illegal adoption of children were not classified as criminal offences in their own right, but trafficking in children was punishable with a prison sentence of between 3 and 15 years.

22. **Mr. Kotrane** stressed that the sale of children and unlawful intermediation in adoptions must be criminalized in accordance with the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. All the offences mentioned in that Protocol needed to be clearly listed in a law prohibiting the sale of children.

23. **Mr. Klančnik** (Slovenia) said that under Slovenian law, playing an intermediary role in an illegal adoption and reducing another person to slavery were criminal offences punishable with 10 years' imprisonment. Forced labour and forced begging were subject to stiff penalties, especially if the victim was under 15 years of age. Shelters had been set up

for the victims of sexual offences, and a witness protection law had been adopted in 2005, but had not been enforced yet.

24. **Ms. Aidoo** asked what preventive road safety measures the State party had adopted.

25. **Ms. Zupančič** (Slovenia) said that parents were made aware of the dangers on the road through various activities, including an introductory parenting course and road safety lectures, which had succeeded in bringing down the number of road deaths. In addition, many maternity clinics provided parents with car seats for babies.

26. **Mr. Klančnik** (Slovenia) said that the National Traffic Safety Agency had implemented a huge awareness programme that drew on innovative technologies to encourage drivers to use their seat belts. Other aspects of road safety were also stressed, such as the ban on using phones while driving, the use of reflective clothing by children, and the fight against drink driving.

27. **Ms. Trtnik** (Slovenia) said that failure to pay maintenance had been a criminal offence since 2010, and cases involving the recovery of maintenance payments were treated as a priority. The courts could order monthly alimony to be directly deducted from the debtors' wages and impose other measures, but prison sentences were rare.

28. **Mr. Kotrane** asked if the State party intended to set up a maintenance recovery fund.

29. **Ms. Vodičar** (Slovenia) replied that such a mechanism had already been established. If maintenance payments were three months past due, the affected parent could request financial support from the Public Guarantee and Maintenance Fund.

30. **Ms. Trtnik** (Slovenia) said that the "Lukenda" project, which aimed to improve the efficiency of the judicial system and expedite judicial procedures, had led to the adoption of a classification and referral system for urgent cases, based on the use of colour coding, among other elements. The system had made for timelier settlement of civil cases. Mediation was increasingly being used in family affairs, enabling almost half of family disputes to be settled amicably through the intervention of qualified experts whose primary concern was the best interests of the child.

*The meeting was suspended at 4.25 p.m. and resumed at 4.45 p.m.*

31. **Ms. Vodičar** (Slovenia) said that youths over the age of 14 who had committed violent crimes, which were punishable with prison sentences of 5 years or more, were sent to the Radeče correctional facility. Although it was a closed institution, the youths could continue their schooling and take occupational training courses there, as well as engage in cultural activities. The maximum time that they could remain in the facility was three years, including if they reoffended. Minors in conflict with the law who had committed less serious offences were placed in a detention centre for minors.

32. **Mr. Cardona Llorens** asked what the difference was between correctional facilities and detention centres for minors.

33. **Ms. Winter**, noting that the age of criminal responsibility was 14, asked how children under 14 who had committed a serious offence were dealt with.

34. **Mr. Klančnik** (Slovenia) said that children under the age of 14 in conflict with the law were treated as persons who had participated in the crime and not as the authors of that crime. Depending on the facts and circumstances of each case, they could be sent to a children's centre run by a team of social workers, paediatricians and psychologists, who used a multidisciplinary approach to try to rehabilitate them. The police worked closely with those centres, putting together personalized rehabilitation plans with them for each child.

35. **The Chairperson** asked which arrangements were preferred for rehabilitating children with violent or antisocial behaviour or a drug problem.

36. **Mr. Vilfan** (Slovenia) explained that such children were not institutionalized but integrated, through various arrangements, into the community with a view to rehabilitating them socially. They might also be placed in open establishments where they would be subject to a certain level of discipline but would attend school normally.

37. **Ms. Trtnik** (Slovenia) said that there were currently no female prisoners in Slovenia. By law, women who gave birth in prison could keep their children with them until the child turned 1, or possibly 2, according to the child's health needs. After that, the child was entrusted to the father or another relative, or, if that was not possible, the child was placed with a foster family. The law also provided for the suspension of the mother's prison sentence.

38. **Mr. Vilfan** (Slovenia) said that all nursery schools, both public and private, followed the same core syllabus. Variations responded to the needs of the local population, such as the need to provide bilingual instruction for immigrant children. The Ministry of Education had adopted special measures to help integrate Roma children and to encourage their parents to send them to nursery school, including a special programme to promote school attendance among Roma children. Community centres, known as "social incubators" and run by Roma social workers and teachers, helped Roma parents improve their literacy skills and find jobs.

39. The Placement of Children with Special Needs Act passed into law in 2003, providing for the integration of children with disabilities in schools. Special centres for children with severe disabilities delivered comprehensive care, covering both their pedagogical and medical needs.

40. All children with special needs, whether Roma or not, were systematically assessed on a case-by-case basis by experts from the National Education Institute. Various alternative arrangements, including attendance at an ordinary school accompanied by a teaching assistant, were considered. An individual education plan was drawn up with the children and their parents.

41. **Mr. Cardona Llorens** wished to know the criteria used to determine whether a child would be schooled in a specialized institution.

42. **Mr. Vilfan** (Slovenia) replied that specialized institutions were for children who had both physical and mental disabilities. In itself, having a mental disability was not a reason for a child to be sent to such an institution. The trend was towards using specialized institutions only for the most severe cases as more and more children with special needs attended ordinary schools.

43. **Ms. Trbanc** (Slovenia) said that a distinction needed to be drawn between institutions that took in children who had severe disabilities and were in need of constant medical care, on the one hand, and the educational establishments that offered special education programmes, on the other. Only the latter were involved in the schooling of Roma children.

44. **Mr. Vilfan** (Slovenia) said that the strategy for integrating Roma children in the education system, which was implemented jointly with Roma NGOs, had been acknowledged as an example of good practice by the Council of Europe. It was based on, among other actions, recruiting Roma teaching assistants, who served as intermediaries between the Roma population and Slovenian society. The strategy was to be extended to higher education in the future. It should also be noted that schools offered Roma culture and language and that schools which, on account of their geographical location, had many Roma children among their pupils received additional financial aid from the State.

45. **The Chairperson** asked what steps the State party was taking to improve the living conditions of the Roma and to combat the practice of forcing children to beg, steal or engage in drug trafficking and other forms of forced labour. Were there any plans to set up family affairs departments in the courts or, better still, to set up family courts?
46. **Ms. Trtnik** (Slovenia) said that so far family affairs departments had been set up in seven of the country's trial courts and that they would be established in all the other trial courts over the next few years.
47. **Mr. Vilfan** (Slovenia) said that since 2007 Slovenia had allocated 9 million euros to improving the water and electricity supply, as well as general living conditions, in Roma camps.
48. **Mr. Klančnik** (Slovenia) said that the authorities were aware that some children, especially in the Roma communities, were forced by organized crime networks to break the law. In such cases, the children were not held criminally responsible, and it was the persons behind that form of forced labour who were prosecuted.
49. **Ms. Vodičar** (Slovenia) said that the increase in adoptions was in part due to the increase in international adoptions. Few children were available for adoption in Slovenia.
50. In divorce cases, it could be decided that the children should have only supervised contact with one or both of their parents. The authorities had 12 suitably decorated rooms for the purpose, which were also used by the police when they had to question minors. Children were removed from their parents' care only as a last resort.
51. **Mr. Kotrane** said that he was surprised that a decision to relieve a parent of guardianship could be made by a non-judicial body.
52. **Ms. Vodičar** (Slovenia) explained that the decision was taken by a multidisciplinary team of legal experts, psychologists and social workers and that all staff working in social welfare centres received training in child development on a regular basis.
53. **Ms. Trtnik** (Slovenia) said that minors who did not meet the criteria to be awarded refugee status could be granted other subsidiary protection up to the age of 18 under a procedure enshrined in European Union law. Slovenia strictly abided by the principle of non-refoulement to areas of armed conflict. An NGO provided free legal assistance to asylum seekers. Unaccompanied minors were appointed a fully competent legal representative. By law, only in cases of doubt could steps be taken to verify an asylum seeker's age.
54. **Mr. Kotrane** asked how the best interests of the child were guaranteed and if there were any procedures for appealing against decisions.
55. **Ms. Wijemanne** (Country Rapporteur) asked how many minors had been placed in holding centres pending deportation.
56. **Ms. Trtnik** (Slovenia) replied that the holding centres were run by the police, but professionals in plain clothes, such as social workers, were also present. The principle of the best interests of the child was clearly established in the law, as was the right of appeal if an application for asylum was denied.
57. **Mr. Klančnik** (Slovenia) said that in 2009, the authorities had placed 29 unaccompanied minors in holding centres, 9 of whom had been returned to their countries. In 2012, 29 minors had been placed in holding centres and 2 had been deported.
58. **Ms. Wijemanne**, supported by **Ms. Muhamad Shariff** (Country Rapporteur), thanked the State party for its candour and expressed the hope that the constructive dialogue held with the Committee on a broad range of issues would help it to continue its progress.

59. **Ms. Vodičar** (Slovenia) thanked the Committee on behalf of the delegation and said that its concluding observations would be examined with great interest.

*The meeting rose at 5.55 p.m.*