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10th National Report on the implementation of
the Revised European Social Charter

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THE GOVERNMENT OF SLOVENIA

(Articles 8, 17, 27 and 31
for the period 01/01/2005– 31/12/2009;
(Articles 7, 16 and 19
for the period 01/01/2006– 31/12/2009)

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REPUBLIC OF SLOVENIA

10th Report of the Republic of Slovenia
on the Implementation of the European Social Charter (Revised)

**Articles 7, 8, 16, 17, 19, 27, 31
(Children, Family Migrants)**

Reference period:

- *From 1. 1. 2005 to 31. 12 2009 (Articles 8, 17, 27 and 31)*
- *From 1. 1. 2006 to 31.12 2009 (Articles 7, 16 and 19)*

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Article 7: THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION

7:1 Prohibition of employment of persons under the age of 15

Since the last reporting, the 2007 **Act Amending the Employment Relationships Act** (Official Gazette of the Republic of Slovenia, No. 103/07) duly modified the sanction for offences referred to in the previous report.

Article 229 of the Employment Relationships Act (Official Gazette of the Republic of Slovenia, No. 42/02 in 103/07) thereby provides that a fine of EUR 3,000 to EUR 20,000 shall be imposed on an employer – a legal person, a private entrepreneur or a person engaged in an economic activity in their own right, a fine of EUR 1,500 to EUR 8,000 on a smaller employer – a legal person, private entrepreneur or person engaged in an economic activity in their own right, and a fine of EUR 450 to EUR 1,200 on an employer as an individual if he has concluded an employment contract with a person under the age of 15 (Article 19 of the Employment Relationships Act). A fine of EUR 450 to EUR 2,000 shall also be imposed on an employer's responsible person – a legal person and on the responsible person representing the state body, state organisation or local community.

Additional explanation with reference to Conclusions 2006

Activities of the Labour Inspectorate of the Republic of Slovenia regarding employment of children

Findings of the Inspectorate in the period 2006–2010

a) 2006

Employment of children under the age of 15, apprentices, secondary-school and university students – general information

A total of 14 violations were registered in the reporting year with regard to employment of children under the age of 15, apprentices, secondary-school and university students. Among these, 4 violations concerned Article 214(7) of the Employment Relationships Act regarding employment of children under the age of 15. 10 violations were connected to employment of secondary-school and university students, 6 of which related to employment of secondary-school and university student without a student referral note from an authorised organisation.

Similar to 2005, no violations were discovered in 2006 regarding employment of apprentices and voluntary trainees or regarding Article 217 of the Employment Relationships Act on special protective provisions for working time, breaks and rests for employment of children under the age of 15.

A total of 4 violations were registered with regard to rights of secondary-school and university students under Article 214(7) of the Employment Relationships Act. Two of these violations concerned working time for secondary-school and university students, one violation concerned provisions of the Employment Relationships Act on breaks and rests, and one violation concerned night work of secondary-school and university students.

Employment of children under the age of 15

In 2006, no violations were found by the inspectors regarding Article 19 of the Employment Relationships Act on conclusion of employment contracts with persons under the age of 15. Indeed, the Labour Inspectorate has discovered no such violation ever since the entry into force of the Employment Relationships Act in 2003.

As in previous years, employment of children is not a widespread practice, which consequently means that the number of violations concerning employment of children under the age of 15 is also low. In this context, 4 violations were discovered in the reporting year. All recorded cases were related to violations of Article 214(7) of the Employment Relationships Act, which provides that provisions of this Act on working time, breaks and rests, special protection of workers under the age of 18 and liability for damages shall also apply in cases of work by children under the age of 15. The low number of employers who employ children under the age of 15 is probably also linked to the fact that employers need to submit an application with the Labour Inspectorate, which then only issues an approval for employment of children under the age of 15 if all legal requirements are met.

Inspectors report that especially parents often refer questions to the Labour Inspectorate regarding work by children under the age of 15 and legal requirements laid down in this regard. Inspectors issued 59 decisions on approval of employment of children in the reporting year. Most of these decisions regarded approval of employment of children in recreational, cultural and sports activities (47 cases). All in all, reports by the Labour Inspectorate show that employment of children under the age of 15 is more common in larger cities, whereas the inspectors recorded no instances of employment of children in some rural areas.

In 2006, inspectors found no violations of Article 217 of the Employment Relationships Act, which lays down special protective provisions for working time, breaks and rests for employment of children under the age of 15.

b) 2007

Employment of children under the age of 15, apprentices, secondary-school and university students – general information

A total of 10 violations were registered in the reporting year of 2007 with regard to employment of children under the age of 15, apprentices, secondary-school and university students. Among these, 5 violations concerned Article 214 of the Employment Relationships Act regarding employment of children under the age of 15. Inspectors also recorded 5 violations of rights of secondary-school and university students provided under Article 214(7) of the Employment Relationships Act.

In 2007, inspectors also recorded 17 cases of secondary-school and university students working without a student referral note from an authorised organisation. Such violations are recorded by the inspectors as cases of illegal employment.

In 2007, similarly to 2006, inspectors found no violations of provisions of the Employment Relationships Act regarding employment of apprentices and voluntary trainees.

Employment of children under the age of 15

In 2007, similarly to 2006, no violations were reported by the inspectors as regards the conclusion of employment contracts with children under the age of 15. Inspectors have not yet recorded any cases of employment of children under the age of 15 in the Republic of Slovenia. This is probably due to the fact that the vast majority of children under the age of 15 are included in the educational process at the elementary-school, vocational or secondary-school level.

A total of 5 violations were recorded in the reporting year regarding work of children under the age of 15, all of which concerned violations of Article 214(7) of the Employment Relationships Act.

The Labour Inspectorate issued 23 decisions on approval of employment of children, which is significantly less than in 2006. Most of these decisions regarded approval of employment of children in recreational, cultural and sports activities. Inspectors found that classical child labour, which could affect the safety and health of children is practically non-existent; on a few occasions, children were employed in the filming of TV commercials, movies, TV shows, etc.

Inspectors also found that some applications were only submitted after the child had already worked, and that some applications were not complete, as applicants, for the most part, did not enclose a statement on safety and a risk assessment, or the safety statement did not define work of children under the age of 15. In addition, many applications also did not provide a detailed or full description of tasks the child would perform.

c) 2008

Employment of children under the age of 15, apprentices, secondary-school and university students – general information

Only 4 violations were recorded in 2008 as regards the employment of children under the age of 15, apprentices, secondary-school and university students. Inspectors found no violations of Employment Relationships Act as regards the employment of apprentices in 2008.

Employment of children under the age of 15

In 2008, similarly to 2006 and 2007, no violations were reported by the inspectors as regards the conclusion of employment contracts with children under the age of 15. The possibilities for this type of employment have been limited even further with the reform of the elementary-school system (introduction of the 9-year programme at the elementary school level).

The procedure and requirements for acquisition of approval for employment of children under the age of 15 are laid down in the Rules on issuing work permits for children under 15 years of age. The permit is issued by the Labour Inspectorate upon application by the legal representative. In 2008, inspectors recorded an increase in the number of applications submitted, although some parents withdrew their applications after finding out about the required procedure for a child under the age of 15 and decided instead to wait for their child to turn 15, when he would have the ability to work on the basis of a student referral note from an authorised organisation/student employment brokerage service. 36 such work permits were issued in 2008 and 6 were turned down by the Labour Inspectorate. The main problem

regarding employment of children is linked to insufficient information on the actual number of cases of such employment in practice, mostly due to ignorance on the part of the parents and legal representatives who do not apply for the necessary work permit. No particular problem was detected as regards heavy physical labour of children under the age of 15 in 2008.

In 2008, one violation of the Employment Relationships Act was recorded concerning the prohibition of work of children under the age of 15.

d) 2009

Employment of children under the age of 15, apprentices, secondary-school and university students – general information

Similarly to 2008, a relatively low number of violations (3) was reported in 2009 concerning employment of children under the age of 15, apprentices, secondary-school and university students.

Employment of children under the age of 15

In 2009, similarly to previous years, no violations were reported by the inspectors as regards the conclusion of employment contracts with children under the age of 15.

The Labour Inspectorate of the Republic of Slovenia issued 14 work permits for the employment of children under the age of 15 in 2009, mostly for the purposes of filming commercials and short movies. Some children under the age of 15 were also employed to take part in certain public cultural events. Of course, all those employments were only temporary and for a short period of time, as they entailed performance of light work for no longer than 30 days during school holidays in an individual calendar. This work may not be harmful to the child's safety, health, morals, education and development. No applications were submitted to obtain a permanent work permit for children under the age of 15. Inspectors did not report on any particular violations regarding occupational safety and health of children in 2009.

e) 2010

In the initial 5 months of 2010, no violations were reported by the inspectors as regards the conclusion of employment contracts with children under the age of 15, nor did the inspectors report any other violations concerning employment of children under the age of 15, apprentices, secondary-school and university students.

During this period, 2 work permits for employment of children under the age of 15 were issued.

The number of inspections carried out in the period 2006–2010

Inspectors of the Labour Inspectorate of the Republic of Slovenia carry out approximately 10,000 inspections per year in the domain of employment relationships, and just a little less are carried out by inspectors in the domain of occupational safety and health. Detailed statistics are presented in Table 1 (below). Upon identifying a violation in an area falling

under the competences of the Inspectorate, inspectors act *ex officio*, whereas specific guidelines for inspections are laid down within the framework of specific targeted campaigns.

Table 1

	The number of inspections carried out	
	Employment relationships	Occupational safety and health
2006	9,883	8,533
2007	9,922	8,169
2008	9,355	7,736
2009	9,965	7,716
2010 ¹	4,065	3,240

Table 1: The number of inspections carried out in the domain of employment relationships and in the domain of occupational safety and health in the period 2006–2010.

By way of example, findings of two targeted campaigns are described below regarding employment of children under the age of 15.

A targeted campaign was carried out in 2006 focused on implementation of legislation in the field of employment and occupational safety and health regulations in advertising agencies. The objective was to verify whether employers in advertising agencies implement and respect legislation in the field of employment, particularly with regard to children, as it was established that this sector employed most children under the age of 15 who are employed in Slovenia. During the campaign, inspectors reported on 2 violations of Article 214(7) of the Employment Relationships Act with regard to employment of children. Article 214(7) states, *inter alia*, that provisions of this Act on the working time, breaks and rests, on special protection of workers under the age of 18 and on liability for damages shall also apply in cases under paragraphs 214(2), (3) and (6).

Another campaign in 2006 was carried out to establish how legislation in the field of employment and occupational safety and health regulations is implemented with regard to young workers in the public sector. Inspections were carried out during this campaign in the cases of young workers under the age of 18 who are employed on any given legal basis. This category includes, among others, children under the age of 15 who participate, against remuneration, in the shooting of films, in the preparation and performance of artistic, scene and other works in the area of cultural, artistic, sporting and advertising activities, as well as light work performed by children above the age of 13 during school holidays. The targeted campaign revealed no cases of young workers performing their work in circumstances in which they risked being exposed to illegal physical factors (ionising radiation, high-pressure atmosphere, noise exceeding the exposure action value, vibrations exceeding the exposure action value), nor were they exposed to illegal biological agents under groups 3 and 4 as defined in the Rules on the protection of workers from risks related to exposure to biological agents at work, or to illegal chemical agents (asbestos or highly toxic, toxic, corrosive and explosive substances marked with R39, R45, R46, R49, R60 and R61). Inspectors also did not report any cases of young workers performing prohibited tasks (e.g. under ground or under water, at non-secured height, under high voltage, on rail tracks, etc.). The campaign also revealed that young workers are aware of occupational hazards and are informed of safety

¹ The data on 2010 is provisional and refers to the period between 1 January 2010 and 31 May 2010.

measures to apply, that they have the necessary skills to ensure their own safety during work and that employers ensure preventive medical examinations for their young workers.

7.2 Prohibition of work by persons under the age of 18 in hazardous sectors

Since the last reporting, the 2007 **Act Amending the Employment Relationships Act** duly modified the sanction for offences referred to in the previous report.

Article 230 of the Employment Relationships Act thereby provides that a fine of EUR 1,500 to EUR 4,000 shall be imposed on the employer – a legal person, a private entrepreneur or a person engaged in an economic activity in their own right, a fine of EUR 300 to EUR 2,000 on a smaller employer – a legal person, private entrepreneur or person engaged in an economic activity in their own right, and a fine of EUR 150 to EUR 1,000 on an employer as an individual if he has not ensured the rights to special protection of workers under the age of 18 (Articles 196, 197 and 198 of the Employment Relationships Act). A fine of EUR 150 to EUR 1,000 shall also be imposed on an employer's responsible person – a legal person and on the responsible person representing the state body, state organisation or local community.

In addition to that, Article 231 of the Employment Relationships Act also provides that a fine of EUR 750 to EUR 2,000 shall be imposed on an employer – a legal person, a private entrepreneur or a person engaged in an economic activity in their own right, a fine of EUR 200 to EUR 1,000 on a smaller employer – a legal person, private entrepreneur or person engaged in an economic activity in their own right, and a fine of EUR 100 to EUR 800 on an employer as an individual if he has ordered workers under the age of 18 to perform tasks contrary to this act and special regulation issued on the basis thereof (Articles 195, 197 and 198 of the Employment Relationships Act). A fine of EUR 100 to EUR 800 shall also be imposed on the employer's responsible person – a legal person and on the responsible person representing the state body, state organisation or local community.

Findings of the Inspectorate in the period 2006–2010

a) 2006

Temporary and occasional work of secondary-school and university students

In 2006, the Labour Inspectorate observed that employers are still inclined to employ secondary-school and university students on a temporary and occasional basis. Secondary-school and university students performed most of their work on the basis of student referral notes from authorised agencies during vacations and school holidays. Employers hired them during temporary absences of their regular employees or to cover additional staff needs due to increased work or occasional events. Inspectors also reported some cases in which employers did not even have any regular employees, but rather only employed secondary-school and university students on the basis of student referral notes.

In 2006, inspectors reported cases in which Article 214(7) of the Employment Relationships Act was violated with regard to occasional and temporary work of secondary-school and university students. Inspectors reported two violations under Article 214(7) of the Act regarding the work time for secondary-school and university students; one was related to the right to breaks and rests to secondary-school and university students, and the other violated the provisions on night work of secondary-school and university students.

Similarly to 2005, inspectors found that employers kept incomplete records of the working time of secondary-school and university students in the reporting year 2006. Admittedly, however, employers were not obligated to keep records of the working time of secondary-school and university students, but only for regular staff.

Inspectors also reported violations regarding employment of secondary-school and university students in which they performed work which should, pursuant to special regulations, be performed by employees who entered into an employment relationship and who meet special requirements with regard to performance of such work (e.g. private security sector, transport of persons and goods in road traffic).

Several cases were also reported in which employers did not pay the secondary-school and university students for their work; the latter turned to the Labour Inspectorate of the Republic of Slovenia for assistance/information. The Labour Inspectorate informed those secondary-school and university students that it had no competence in such cases, and that their claims against employers may be settled in court.

In 2006, inspectors reported 6 cases in which secondary-school and university students performed work without a student referral note from an authorised agency. Such violations are recorded by the inspectors as cases of illegal employment.

b) 2007

Temporary and occasional work of secondary-school and university students

In the reporting year 2007, inspectors reported cases in which Article 214(7) of the Employment Relationships Act was violated with regard to occasional and temporary work of secondary-school and university students. One violation was related to the working time of secondary-school and university students, one concerned the right to breaks and rests to secondary-school and university students, and in 1 case, the employer violated the provisions for overtime work for secondary-school and university students. Two cases revolved around violations of the provision on night work of secondary-school and university students.

Inspectors discovered that some employers did not respect the provisions of the Employment Relationships Act on limitations of work time and prohibition of night work for workers under the age of 18; instead of working no more than 8 hours per day and no more than 40 hours per week, those workers were required to work more and in the same conditions as other workers above the age of 18. More violations were observed during summer holidays when this type of work is most often performed.

In addition, inspectors found that some employers did not register secondary-school and university students working in their enterprises on the basis of a student referral note, with the adequate health insurance schemes/pension and disability insurance schemes for the event of occupational injury or illness.

In 2007, similarly to 2006, several notifications and requests for expert assistance were lodged with the Labour Inspectorate of the Republic of Slovenia, which suggested that employers often refused to remunerate secondary-school and university students for their work. The Labour Inspectorate informed those secondary-school and university students that it had no competence in such cases, and that their claims against employers may be settled in court.

In 2007, inspectors reported 17 cases in which secondary-school and university students performed work without a student referral note from an authorised agency.

c) 2008

Temporary and occasional work of secondary-school and university students

Most notifications regarding employment of secondary-school and university students were still linked to the problem of employers not paying workers for the work the latter had performed. Given that provisions of the Employment Relationships Act on remuneration of workers do not apply in the case of student work and that in the event that a student is not remunerated for his work, his claim can only be settled in the competent court, the Labour Inspectorate could only refer students with such claims to seek settlement in court.

When identifying employers who employ secondary-school and university students on the basis of a student referral note, inspectors tend to draw those employers' attention to the provisions of the Employment Relationships Act on protection of workers under the age of 18.

Only two violations were recorded concerning breaks and rests for secondary-school and university students under Article 214(7) of the Employment Relationships Act.

As employers are not obligated to keep a record of the use of work time for secondary-school and university students as a mandatory document, they often do not, which sometimes makes it harder to establish violations. In 2008, no violations were recorded as regards voluntary traineeships or prohibition of discrimination of secondary-school and university students. One violation was recorded in 2008 with regard to work time for secondary-school and university students.

d) 2009

Employment of children under the age of 15, apprentices, secondary-school and university students – general information

Similarly to 2008, a relatively low number of violations (3) was reported in 2009 concerning employment of children under the age of 15, apprentices, secondary-school and university students.

Temporary and occasional work of secondary-school and university students

In practice, employers most often only note the total number of hours the secondary-school or university student has spent working for them, which means that the student referral note does not indicate how many hours per day or per week the student actually worked. This also makes it more difficult to establish whether secondary-school and university students perform work at night as well.

An additional increase in the number of cases in which the employer refused to remunerate the secondary-school or university students for their work was recorded in 2009.

When identifying employers who temporarily or occasionally employ secondary-school and university students on the basis of a student referral note, inspectors tend to draw those

employers' attention to the provisions of the Employment Relationships Act on protection of workers under the age of 18.

e) 2010

In the initial 5 months of 2010, no violations were reported by the inspectors as regards conclusion of employment contracts with children under the age of 15, nor did the inspectors report on any other violations concerning employment of children under the age of 15, apprentices, secondary-school and university students.

Additional explanation with reference to Conclusions 2006

Pursuant to Article 195 of the Employment Relationships Act, an executive regulation shall lay down the conditions under which a worker under the age of 18 can, as an exception, undertake prohibited work, i.e. in cases of practical education in the framework of education programmes, provided that the work is performed under the supervision of a competent worker.

The wording "as an exception" implies that such work is not generally allowed.

Rules on protection of the health of children, adolescents and young persons at work (Official Gazette of the Republic of Slovenia, No. 82/03) lays down concrete examples to further complement the provision of the Employment Relationships Act on "practical education in the framework of education programmes" and to restrict into more detail the prospect of young workers performing dangerous work. These examples include:

- work as part of mandatory education carried out under teacher supervision in school facilities or other facilities especially adapted to learning;
- if the young worker concluded the compulsory education programme and is at least 15 years old in the current calendar year, provided that work is part of vocational training under supervision of specially-trained instructors;
- if the young person has already concluded vocational training.

7:3 Prohibition of employment of school-age children

Since the last reporting, the 2007 **Act Amending the Employment Relationships Act** duly modified the sanction for offences referred to in the previous report.

Article 229 of the Employment Relationships Act (Official Gazette of the Republic of Slovenia, No. 42/02 in 103/07) thereby provides that a fine of EUR 3,000 to EUR 20,000 shall be imposed on an employer – a legal person, private entrepreneur or person engaged in an economic activity in their own right, a fine of EUR 1,500 to EUR 8,000 on a smaller employer – a legal person, private entrepreneur or person engaged in an economic activity in their own right, and a fine of EUR 450 to EUR 1,200 on an employer as an individual if he has allowed the work of children under the age of 15, apprentices, secondary-school and university students contrary to Articles 214, 215 and 217 of this Act. A fine of EUR 450 to EUR 2,000 shall also be imposed on an employer's responsible person – a legal person and on the responsible person representing the state body, state organisation or local community.

7:5 The right of young workers and apprentices to adequate remuneration

Additional explanation with reference to Conclusions 2006

The rights of apprentices

During the reporting period, a new **Vocational Education Act (ZPSI-1)** (Official Gazette of the Republic of Slovenia, No. 79/2006) came into force. Unlike the previous act, ZPSI-1 does not define the amount of the bonus. Pursuant to Article 42 ZPSI-1, secondary-school students are entitled to a bonus during practical vocational training in accordance with the sectoral collective agreement for the relative activity or with other regulations.

7:8 Prohibition of carrying out night work

Additional explanation with reference to Conclusions 2006

It must be said, with reference to the question of whether any cases have been recorded of workers under the age of 18 being required to perform night work in case of a force majeure, that no particular statistic data is available regarding this question. No specific data on (night) work due to a force majeure is available, so a more detailed answer to this question cannot be presented.

Inspectors did establish, however, 3 violations of the prohibition of carrying out night work by workers under the age of 18 in 2006, 11 cases in 2007, 12 cases in 2008, and 3 violations in 2009. In the initial 5 months of 2010, the Labour Inspectorate of the Republic of Slovenia reported one such violation.

7:9 Regular medical examinations

Additional explanation with reference to Conclusions 2006

Two umbrella acts lay down the obligation to ensure occupational safety and health, namely the Employment Relationships Act and the Occupational Health and Safety Act, which lays down in Article 15 that the **employer must ensure medical examinations of workers** to the extent and in a way as provided in the **Rules concerning preventive medical examinations of workers (Official Gazette of the Republic of Slovenia, No. 87/02, 29/03-corr.)**, which was already mentioned in our fifth report. These Rules provide that the scope, content and frequency of any preventive medical examination shall depend on a **risk assessment** carried out by the employer with special emphasis to medical requirements, which are established by the employer upon expert assessment by an authorised physician and in light of assessed special burdens at work, unfavourable environmental influences and difficulty of work. The Rules also lay down types, scope, content and frequency of preventive medical examinations, as well as the scope of the preliminary preventive medical examination to **establish the applicant's health capacity for carrying out work** for the employer.

On the basis of the Employment Relationships Act (Official Gazette of the Republic of Slovenia, No. 42/02, 79/2006) the Minister for Labour, Family and Social Affairs, in accordance with the Minister for Health, issued the **Rules on protection of health at work of**

children, adolescents and young persons (Official Gazette of the Republic of Slovenia, No. 82/2003). The purpose of the Rules is to protect the health, physical and mental development of children, adolescents and young persons (Article 1). Article 3 of the Rules defines the types of light work a child under the age of 13 may perform under certain conditions, and Article 4 lays down general obligations of the employer, who must, among other things, ensure safety and preventive measures to guarantee occupational safety and health to children and adolescents in performance of work, which must be appropriate to their age. In fulfilling those obligations, employers must co-operate with an authorised physician, other practitioners and expert services.

Insofar as the risk assessment suggests that a certain position of employment is linked to risks to the safety, physical or mental health or development of young persons, the employer must ensure regular medical surveillance and preliminary and periodical medical examinations of young persons. Targeted periodical medical examinations shall be carried out in intervals specified in the risk assessment and that are **no longer than one year** (Article 4).

Article 5 of the Rules prohibits exposure of young people to given risk factors (physical, biological and chemical), and article 6 prohibits performance of other work that may, according to the risk assessment, adversely affect the young worker's safety, health and development. The Rules lay down a list of physical, biological and chemical factors to be taken into account by the employer in preparation of the risk assessment.

Protection of health at work of children, adolescents and young people is monitored by the Ministry for Labour, Family and Social Affairs, and the Ministry of Health, and the regulation is implemented by the Labour Inspectorate of the Republic of Slovenia and the Ministry for Labour, Family and Social Affairs.

On the basis of the *Employment Relationships Act*, other **special regulations regarding the work of young persons** have been adopted to regulate the application of regular medical examinations of persons under the age of 18:

Rules on issuing work permits for children under 15 years of age (Official Gazette of the Republic of Slovenia, No. 60/04), Rules on protection of health at work of pregnant workers and workers who have recently given birth and are breastfeeding (Official Gazette of the Republic of Slovenia, No. 82/03), Rules on the protection of workers from the risk related to exposure to carcinogens and mutagenic substances (Official Gazette of the Republic of Slovenia, No. 38/00), **Rules on health surveillance of exposed workers** (Official Gazette of the Republic of Slovenia, No. 86/04).

Rules for the implementation of preventive health protection at the primary level (Official Gazette of the Republic of Slovenia, Nos. 19/88, 47/98, 26/00, 67/01, Nos. 33/02, 37/03, 117/04, 131/05, 83/07, 22/09) envisage regular general health check-ups for children in the 1st, 3rd, 6th and 8th year of elementary school, which is mandatory for all children in the Republic of Slovenia, and general health check-ups in the 1st and 3rd year of secondary school. For young persons who do not enrol in secondary schools, the Rules provide the right to a free additional general health check-up at the age of 18, which is paid from the compulsory health insurance scheme, even for those young persons entering a full-time employment relationship.

We would like to stress that the Occupational Health and Safety Act is currently in the process of being amended and modified. On the basis of this Act, certain implementing regulations, among

other acts, also the Rules concerning preventive medical examinations of workers will have to be modified.

7:10 Special protection from physical and moral risks

Additional explanation with reference to Conclusions 2006

The committee shall note that the Criminal Code of the Republic of Slovenia (KZ-1), which entered into force on 1 November 2008, defines possession (regardless of whether intention to distribute it exists) of pornographic material depicting minors as a criminal act in Article 176(3) (presentation, manufacture, possession and distribution of pornographic material), punishable with a prison sentence of between 6 months and 5 years. The relevant article reads as follows:

“Presentation, Manufacture, Possession and Distribution of Pornographic Material Article 176

(1) Anyone who sells, presents or publicly exhibits documents, pictures or audiovisual or other items of a pornographic nature to a person under fifteen years of age, enables them to gain access to these in any other way or shows them a pornographic or other sexual performance shall be given a fine or a prison sentence of up to two years.

(2) Anyone who abuses a minor in order to produce pictures or audiovisual or other items of a pornographic or other sexual nature, or uses them in a pornographic or other sexual performance or is knowingly present at such a performance, shall be given a prison sentence of between six months and five years.

(3) Anyone who produces, distributes, sells, imports or exports pornographic or other sexual material depicting minors or their realistic images, supplies it in any other way, or possesses such material, or discloses the identity of a minor in such material shall be subject to the same sentence as in the preceding paragraph.

(4) If an offence from paragraphs 2 or 3 of this Article was committed within a criminal organisation for the committing of such criminal offences, the perpetrator shall be given a prison sentence of between one and eight years.

(5) Pornographic or other sexual material from paragraphs 2, 3 or 4 of this Article shall be seized or its use appropriately disabled.

In addition to that, the following legal acts were adopted in the reporting period:

- At its 19th regular session on 14 July 2006, the National Assembly of the Republic of Slovenia adopted the **Act amending the Aliens Act** (ZdT, Official Gazette of the Republic of Slovenia, No. 79/06). The new Article 38(a) (“Victims of trafficking in human beings”) defines the issuing of permission to remain or a temporary residence permit to victims of trafficking in human beings.
- To comply with **Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service** (OJ L, No. 375 of 23 December 2004, pp. 12), a temporary residence permit in the Republic of Slovenia may now also be issued to aliens who are victims of trafficking in human beings.

- To implement **Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities**, a new basis now exists for issuing a temporary residence permit to alien third-country nationals who are victims of trafficking in human beings and who are cooperating with the competent authorities in criminal prosecution of trafficking in human beings as witnesses. The procedures for issuing the first temporary residence permit to aliens who are victims of trafficking in human beings differ from those applied for other alien third-country nationals, as victims of trafficking in human beings may apply for the permit with the competent authority in the Republic of Slovenia, and their application is subject to different conditions. During the ‘reflection period’, when the victim of trafficking in human beings is given time to recover and make an informed decision as to whether to cooperate with the competent authorities, namely before the temporary residence permit is issued, the victim of human trafficking shall be allowed to remain on the territory of the Republic of Slovenia upon request or ex officio. While remaining in the Republic of Slovenia, the victim of trafficking in human beings shall be granted the rights given to aliens with permission to remain (basic medical care and basic care). The same rights shall also be granted to victims of trafficking in human beings who were issued a temporary residence permit and who cannot provide for themselves. During or after criminal prosecution of trafficking in human beings, the victim of trafficking in human beings may be issued a further temporary residence permit in the Republic of Slovenia for other purposes, if he qualifies for such permit.
- In the beginning of 2007, the ratified **Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment** entered into force. A new form of control over places where persons are deprived of their liberty (prisons, police confinement facilities, detention facilities, military posts, hospitals, retirement homes, asylum-seekers’ centres, etc.) was thereby introduced. Under this Protocol, control over these places of detention is carried out by the Human Rights Ombudsman in cooperation with non-governmental and humanitarian organisations, which are selected in a call for proposals.
- In 2008, the Ministry of Justice drafted a **new Criminal Code**, which was adopted by the National Assembly of the Republic of Slovenia on 20 May 2008. The Criminal Code (hereinafter referred to as “KZ-1”) was published in the Official Gazette of the Republic of Slovenia, No. 55/08, and the corrigendum was published in the Official Gazette of the Republic of Slovenia, No. 66/08. KZ-1 entered into force on 1 November 2008. The two most relevant criminal offences in the context of the fight against trafficking in human beings are defined in Article 113 KZ-1 (trafficking in human beings) and Article 112 KZ-1 (enslavement). These articles replace Articles 387.a and 387 of the former Penal Code of 1994 (last amended in 2004), in which the aforementioned criminal offences were defined. Differences between definitions of the aforementioned criminal offences in KZ-1 and those provided in the Penal Code of 1994 (last amended in 2004) are purely editorial.
- In 2009, the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of the Interior took an active role in the drafting of the **Act ratifying the Council of Europe Convention on Action against Trafficking in Human Beings (MKUTL)**, which was adopted by the National Assembly of the Republic of Slovenia on 15 July

2009 (Official Gazette of the Republic of Slovenia, No. 62/09 – International treaties, No. 14/09). It is important to emphasize the systemic participation of non-governmental and humanitarian organisations in the implementation of this act: Article 4 envisages a system of cooperation between non-governmental and humanitarian organisations and national authorities to ensure the highest level of assistance to victims of trafficking in human beings. This will improve the quality and strengthen preventive actions in this area, and promote trust among victims of trafficking in human beings as regards the national system, particularly cooperation with the police, the state prosecutor's office, etc. Such level of cooperation with non-governmental and humanitarian organisations is already envisaged in the existing legal order in the Republic of Slovenia.

The following important documents have also been adopted since the drafting of the last report:

- Action Plan of the Inter-ministerial Working Group on the Fight Against Trafficking in Human Beings for 2007
- Action Plan of the Inter-ministerial Working Group on the Fight Against Trafficking in Human Beings for 2008–2009
- Action Plan of the Inter-ministerial Working Group on the Fight Against Trafficking in Human Beings for 2010–2011

The Interministerial Working Group drafts **regular annual reports** to inform the Government of the Republic of Slovenia about its activities, which are hereby attached.

Action plans on the fight against trafficking in human beings are drafted by the Interministerial Working Group and are then subject to approval by the Government of the Republic of Slovenia. These action plans are normally prepared for a two-year period, but they do not specifically address the issue of trafficking in children, as the number of cases thereof is so low in Slovenia that it can be adequately addressed within a more comprehensive context of trafficking in human beings in general. All the activities envisaged in the action plans also refer to the fight against trafficking in children. Particular success is visible with regard to preventive awareness-raising campaigns among target groups of children and adolescents in the form of educational projects, which are funded by the Government of the Republic of Slovenia and implemented by non-governmental organisations.

Of the 25 victims of trafficking in human beings identified by the Slovenian police in 2008, 3 were minors.

In 2009, sufficient indications and evidence were collected to indicate the criminal offence of abusing a minor, and four minors were also treated in these proceedings as potential victims of trafficking in human beings. As these criminal offences against minors did not, however, fall into the category of trafficking in human beings, no further proceedings were carried out in this regard.

Treatment of separated minors living on the street and measures to assist them

With regard to dealing with children on the streets, a network of crisis centres for children and young persons (hereinafter referred as CCY) has been established in the Republic of Slovenia.

In Slovenia, there are 9 crisis centres for young persons, and shortly the tenth will open its doors. In an individual CCY accommodation for 6 to 12 children or young persons is possible. Children and young persons who find themselves in any crisis which cannot be resolved in the domestic environment turn for help provided by the CCY. These can be: unbearable conditions at home (psychological and physical violence, sexual abuse, parent's alcoholism, etc.), rebellion against parents due to various reasons, rejection by parents, adolescent crises, problems linked to school, etc.

Reactions to these conflict situations by an individual child are manifested either in the form of self-destruction (for example, depression, eating disorder, contemplation of or even an attempt to commit suicide) or a young person reacts in such a manner that his/her behaviour may be characterized as difficult from the point of view of upbringing and it is manifested as an escape from home, non-attendance of school, drug abuse and criminal offences. Parents usually feel completely helpless and use ineffective parenting practices which only deepen problems and make conflicts inevitable that is why young persons increasingly often seek help in crisis centres for young people. But the reason for the accommodation may also be an eviction of a family from their home, hospitalisation or detention of parents or guardians and the accommodation is aimed at providing temporary basic and social care for children and young persons (<http://www.csd-mb.si/sl/page/view/KrizniCenterZaMlade>).

Children and young persons who are found in a situation of hardship and turn for help to the CCY are offered first social and personal assistance. The centre takes care of the reception and care of children and young persons until the resolution of their problems, shelter is provided for young persons who need fast and temporary removal from the family, it provides for the preparation of measures for the return of a young person into his/her family, and throughout this time the co-operation with centres for social work, state authorities and organisations responsible for the treatment of young persons is ensured.

In addition to crisis centres for children and young people, within the framework of social care programmes, there are other programmes operating: programmes for the psycho-social treatment of children and young persons which include a network of specialized prevention programmes dedicated to children and young persons experiencing problems in growing-up, and a network of centres for short-term daily treatment and care provided for children and young persons deprived of a normal family life.

In 2009, Slovene Philanthropy assigned guardians to a total of 37 separated minors. Most of those minors arrived from Afghanistan (13), followed by children from Albania (8), Iraq, Pakistan and Turkey (3), Ghana and Morocco (2) and Eritrea, Kosovo and Serbia (1). All of them were boys; most of them were 17 years old (18 children), followed by 16-year-olds (10 children), 15-year-olds (5 children) and 14-year-olds (4 children).

In 26 cases, guardians were assigned to separated minors in the process of acquiring international protection. Among those, as many as 11 procedures ended with a decision to halt the procedure because the child had left the asylum centre. In three cases, procedures were initiated to re-unite the child with his family, and one child was granted subsidiary protection in the Republic of Slovenia. One child was recognised as a victim of trafficking in human beings and was later accommodated in the safe house of the Ključ Society. It must be noted that no safe accommodation in Slovenia was available for the minor until the age of 18.

In 27 cases, guardians were assigned to children in the process of regulating their status as separated minors, who were accommodated at the Aliens Centre in Postojna. Among those, 12 children sought international protection in Slovenia, nine were returned to their country of

origin, and six were handed over to authorities of one of the neighbouring countries (Italy, Hungary, Croatia) on the basis of bilateral agreements.

In one case, a guardian was assigned to a separated child who was granted subsidiary protection in the Republic of Slovenia. Most of these children were boys from 14 to 18 years of age, and all but one were not identified as victims of trafficking in human beings. In the past year, a significant increase was recorded with regard to children coming from Afghanistan, whereas the number of children from Albania, Kosovo, and Bosnia and Herzegovina decreased. Due to wider cultural gaps between Afghanistan and Slovenia, it is harder to integrate children from Afghanistan into Slovenian society, and it requires more support on the part of the guardian.

All separated children should be provided special accommodation, where non-stop special expert treatment, necessary safety and appropriate psycho-social programmes would be offered in line with their needs. As many separated children are still placed in asylum centres and tend to leave the asylum centre, there is a real threat that they could easily become victims of trafficking in human beings.

Legal protection against Internet abuse

The following legislation has been amended or adopted in the Republic of Slovenia since 2006 in the context of legal protection of children against internet abuse: the **Criminal Code** (Official Gazette of the Republic of Slovenia, No. 55/2008), the **Media Act** (Official Gazette of the Republic of Slovenia, No. 110/2006 and No. 36/2008), **Electronic Commerce Market Act (Official Gazette of the Republic of Slovenia, No. 61/2006 and 79/2009)** and the **Electronic Communications Act** (Official Gazette of the Republic of Slovenia, No. 13/2007 and 110/2009).

The **Criminal Code (KZ-1)**, which entered into force on 1 November 2008, lays down stricter provisions for protection of minors against sexual exploitation for the purposes of producing and distributing pictures or audiovisual or any other items of a pornographic or other sexual nature depicting minors.

Under Article 176 KZ-1 (Presentation, Manufacture, Possession and Distribution of Pornographic Material), it is punishable by law to enable minors under the age of fifteen to gain access to pornographic documents, pictures or audiovisual or other items of a pornographic nature or to show them pornographic or other sexual performance, to abuse minors (under the age of 18) to produce such materials, to produce and distribute pornographic or other sexual material depicting minors or their realistic images, and to possess such material, or to disclose the identity of a minor in such material. In comparison to the previous Criminal Code, KZ-1 expands the scope of the definition of pornographic material to realistic images of minors, it penalises disclosure of the identity of a minor in such material and, unlike the previous code, KZ-1 penalises possession of such material (under the previous Criminal Code, possession was only punishable insofar as such material was intended for distribution).

The **Media Act** aims, in some articles, to protect children against harmful effects. **Article 49** thus provides that advertisements that are targeted primarily at children or in which children appear may not contain scenes of violence, pornography or any other content that could damage their health or mental and physical development or otherwise have a negative effect

on the impressionability of children. Article 84 provides protection of children against inappropriate scenes, i.e. scenes containing pornography or excessive violence in television programmes and printed publications.

The **Electronic Commerce Market Act** defines the responsibility of information society service providers. Pursuant to Article 8 thereof, the internet service provider is responsible for the contents provided by him or by the recipient of his service, but is not obligated to control or actively verify circumstances that could imply that unlawful information is being provided by the recipient of the internet service. The service provider is also not responsible for information provided by the recipient of the service if he does not activate the transfer of information, does not choose the recipient or does not change the information. Upon demand by the competent authorities, the service provider must provide information required for the identification of the recipient of the service, insofar as this is necessary to identify and prevent criminal activity. To achieve this aim, the service provider may be ordered by the court to stop or prevent the violation or to remove or prevent access to unlawful content. By means of the last-mentioned measure in the event of images displaying the sexual abuse of children which are located on Slovenian computer servers, access to these images is disabled by means of a court order and in this manner the re-victimisation of children appearing in images is prevented.

Under Article 11, the provider of Internet services that are connected to user data storage cannot be held responsible for the data stored if he is unaware of their unlawful nature. He is, however, obligated to remove or prevent access to such unlawful data or content immediately upon realising their unlawful nature. The service provider may be ordered by the court to stop or prevent the violation or to remove or prevent access to unlawful content.

Article 15 of the Electronic Commerce Market Act specifically promotes drafting of codes of conduct regarding protection of minors, protection of the rights of persons with disabilities and protection of human dignity. This encouraged Slovene mobile operators providing public communication services to sign a Code of Conduct on safer use of mobile phones among children and adolescents under the age of 18; similar codes of conduct were drafted or adopted by numerous information society service providers as well.

Conventional (linear) television has, under the Media Act, an obligation not to broadcast illegal contents. But this obligation has not been regulated for non-linear television (television on request); however, the amendment of the Media Act is being prepared which will regulate this subject-matter to make it correspond with the case of linear television.

Article 107.a of the **Electronic Communications Act** requires Internet service providers to store data on traffic in the public communication network for **eight months after the day of communication**. The **operator** is required to supply the competent authority with stored data on the basis of an order issued for the purposes of criminal proceedings.

The Government of the Republic of Slovenia implemented measures mentioned in the Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography. In addition, on 6 May 2010 the Government adopted the proposal for a directive against the sexual abuse of children, sexual exploitation of children and child pornography. The Government supports the proposal for a directive which will contribute to a more efficient combating of sexual abuse and the exploitation of

children in the European Union which would replace the applicable legislation from 2004 and would be founded on a proposal from March 2009.

The central national hotline, Spletno oko, provides means for anonymous reporting of illegal Internet contents containing child abuse images and hate speech. The project was initiated in 2007 within the framework of the Safer Internet Plus programme, and it is co-funded by the Ministry of Higher Education, Science and Technology. Spletno oko (Web Eye) reports potentially illegal and harmful contents to the police, who act in accordance with their tasks and competences if a criminal offence has been committed or, in the event that the illegal content is available on a web server in another country, notifies that country of the illegal content.

Another project within the Safer Internet Plus programme is called SAFE-SI, and is a Slovenian national awareness node that promotes awareness and digital literacy among selected target groups of children, teenagers, parents and teachers. The project has been being implemented since 2005 and its aim is to inform and advise users on how to use new online technologies – like the Internet and mobile phones – effectively, responsibly and safely.

In the reporting period from 1 January 2006 to 31 December 2010, several campaigns aimed at raising awareness among children and young people regarding the safe use of the Internet were implemented within the framework of the Centre for Safer Internet SAFE-SI:

- in 2006, the campaign for safe Internet chatting for children and young persons,
- in 2007, a campaign against mobile phone harassment and against the incautious publishing of personal information on the Internet,
- in 2008, a campaign against young persons' Internet, mobile phones and computer games addiction,
- in 2009, a campaign entitled in Slovenian language "*Spletno nadlegovanje ni zabavno. Ustavimo ga!*" " (Web Harassment is not Fun. Let Us Stop It!), aimed against peer violence on the web,
- in 2009, a campaign for the safe use of mobile phones,
- in 2010 a campaign entitled in Slovenian "*Premisli, preden se daš na net*" (Think twice before You Put Yourself on the Net) aimed at encouraging young people to protect their privacy on the Internet.

A Project Council participates in both projects, which includes 23 institutions with an interest in ensuring safety on the Internet. The Slovenian Police, the Office of the State Prosecutor General in the Republic of Slovenia, the Chamber of Commerce and Industry in Slovenia, the representatives of the media and other organisations for the protection of human rights and the rights of children and youth participate in the project as members of the advisory body. The consortiums of the two projects are coordinated by the Faculty of Social Sciences in Ljubljana.

Several activities of the police are also aimed at preventing and identifying criminal offences against children. In 2006, a brochure was published – “Safe on the Internet” – which highlighted the hazards of the Internet and provided advice to children, parents and teachers on safe use of the Internet. The threats of Internet for children and the possibilities for the safe use of the Internet and mobile phones are also presented by the police at annual thematic press conferences. Police representatives also participate in public events organised by other institutions. In this context, Spletno oko and SAFE.SI are among the most active projects of their kind.

Criminal offences against children

In the table below, information is provided on selected criminal offences committed against children in the period between 1 January 2006 and 31 June 2010. The table shows the number of criminal offences/criminal complaints presented to the public prosecutors' offices.

Table 2

Criminal offence	Number of criminal offences				
	2006	2007	2008	2009	1.1.2010 - 30.6.2010
Parental neglect and abuse	276	257	336	720	390
Sexual assault against a person under the age of 15	159	192	148	188	142
Presentation, Manufacture, Possession and Distribution of Pornographic Material	21	32	55	47	23

Source: General Police Directorate

ARTICLE 8: THE RIGHT OF EMPLOYED WOMEN TO PROTECTION OF MATERNITY

8:1 Use of maternity leave

Additional explanation with reference to Conclusions 2005; page 5:

Since 2005, the **Parental Protection and Family Benefit Act** (Official Gazette of the Republic of Slovenia, No. 110/06 – UPB and 10/08, hereinafter referred to as “ZSDP”) was amended in 2006 and then again in 2008. Maternity leave is regulated by Article 17 to 22 of the Act. Among other things, ZSDP provides that mothers have the right to 105 days of maternity leave. With the amendment of 2006, the possibility to start maternity leave 45 days before the estimated date of birth was abolished. The mother must start maternity leave 28 days before the date of birth as set by the gynaecologist. Exceptionally, the maternity leave can be taken by the father, e.g. if the mother dies, abandons a child or if a competent medical practitioner establishes that the mother is temporarily or permanently not in the capacity for independent life and work.

8:2 Prohibition to terminate the employment contract

Since the last reporting, the 2007 **Act Amending the Employment Relationships Act** (Official Gazette of the Republic of Slovenia, No. 103/07) amended Article 115 of the Employment Relationships Act (Official Gazette of the Republic of Slovenia, No. 42/02 and 103/07) so as to extend the special legal remedy against the termination for an additional month after the expiry of parental leave.

Article 115 of the Employment Relationships Act thereby provides that the employer may not terminate the employment contract to the female worker during the period of pregnancy and the time she is breastfeeding, nor may the employer terminate the employment contract to parents in the period when they are on parental leave in the form of full absence from work. Furthermore, the employment relationship of workers may not be terminated due to employer’s termination in that period. The Act Amending the Employment Relationships Act also provides a more consistent diction of Article 115(3), which provides that if, when declaring that termination, the employer is not aware of the pregnancy of the female worker, the special legal remedy against the termination shall apply if the female worker immediately or, in the case of obstacles for which she is not at fault, immediately after the cessation of these obstacles informs the employer about her pregnancy, which she proves by submitting a medical certificate.

The sanction for the violation of Article 115 of the Employment Relationships Act, which was mentioned in the previous report, has also been amended accordingly.

Article 229 of the Employment Relationships Act thereby provides that a fine of EUR 3,000 to EUR 20,000 shall be imposed on the employer – a legal person, a private entrepreneur or a person engaged in an economic activity in their own right, a fine of EUR 1,500 to EUR 8,000 on the smaller employer – a legal person, private entrepreneur or person engaged in an economic activity in their own right, and a fine of EUR 450 to EUR 1,200 on an employer as an individual if he has terminated an employment contract contrary to Article 115 of the

Employment Relationships Act. A fine of EUR 450 to EUR 2,000 shall also be imposed on the employer's responsible person – legal person and on the responsible person representing the state body, state organisation or local community.

It is important to stress that the Act Amending the Employment Relationship Act introduced an additional legal remedy in the relevant area. Since 2007, Article 6 of the Employment Relationships Act has provided that any less favourable treatment of workers due to their pregnancy or parental leave is considered to be discrimination. All this gives rise to consequences arising from discrimination (employer's liability for damages to the worker, employer's liability for offence, etc.).

Furthermore, the provision in Article 118 of the Employment Relationships Act was amended in 2007 as regards the sum of the damages awarded to the worker due to unlawful termination of employment contract: rather than referring to general rules of the civil law, it defines a maximum sum of the damages, which shall guide the court in determining the sum of the damages to be awarded to a worker in an individual case.

Additional explanation with reference to Conclusions 2005:

Should the court find out that the employer's termination is illegal and that the worker does not wish to continue the employment relationship, the court shall, upon the worker's proposal, establish the existence of the employment relationship, but not for longer than until the first instance of a judgement. The court shall recognise the worker's period of service and other rights arising from the employment relationship, as well as the worker's right to compensation equal to no more than 18 monthly salaries, paid out to the worker in the last three months preceding the termination of the employment contract.

8:3 The right of a breast-feeding mother to a breast-feeding break during working time

Additional explanation with reference to Conclusions 2005:

The Parental Protection and Family Benefit Act does not provide for compensation or benefit for the duration of a breast-feeding break.

8:4 Control over night work

Since the last reporting, the 2007 **Act Amending the Employment Relationships Act** duly modified the sanction for offence referred to in the previous report.

Article 231 of the Employment Relationships Act thus provides that a fine of EUR 750 to EUR 2,000 shall be imposed on the employer – a legal person, a private entrepreneur or the person engaged in an economic activity in his own right, a fine of EUR 200 to EUR 1,000 on the smaller employer – a legal person, private entrepreneur or person engaged in an economic activity in their own right, and a fine of EUR 100 to EUR 800 on an employer as an individual if he has ordered a female worker to perform work contrary to this act and special regulation issued on the basis thereof (Articles 189 and 190). A fine of EUR 100 to EUR 800 shall also be imposed on the employer's responsible person – legal person and on the responsible person representing the state body, state organisation or local community.

Detailed explanation with reference to Conclusions 2005:

With the **Act Amending the Employment Relationships Act** in 2007, an additional provision was introduced to the Employment Relationships Act that lays down that an employer must, if the worker proposes a different distribution of working time to balance his family and professional life, give his decision to the worker in writing with consideration of the needs in the working process (Article 147 of the Employment Relationships Act). This allows a worker who has only recently given birth to propose to her employer not to work at night.

Furthermore, general provisions must be taken into account laying down special legal remedies for night workers in general. Pursuant to Article 150 of the Employment Relationships Act, the employer must ensure night workers longer annual leave, suitable food during the work, and professional conduct of the working and/or the production process. If work, organised in shifts, includes a night shift, the employer is obliged to assure the periodical rotation of shifts. A worker in one shift may not work at night longer than one week. In the framework of such organisation of work, the worker may work at night for a longer period of time only if he explicitly agrees with such work in writing.

An employer may not assign a worker to night work if transport to and from the workplace is not organised for the worker, and if, according to the opinion of a health commission, such work could deteriorate the worker's health, the employer shall be obliged to transfer him to suitable day work.

Rules on protection of health at work of pregnant workers and workers who have recently given birth and are breastfeeding (Official Gazette of the Republic of Slovenia, No. 82/03)

Article 3 of the Rules provides that the employer must assess the type, the level and the duration of exposure, assess the type and level of risk for injury and medical impairment and define and take adequate safety measures within the framework of a risk assessment for any work that may cause exposure to factors that can adversely affect the health of pregnant workers and workers who have recently given birth and are breastfeeding. The risk assessment shall also establish the impact of night work and overtime to the health of the worker and of the child during the worker's pregnancy and for one year after birth or during the time that she is still breastfeeding.

Under Article 4 of the Rules, the worker can ask a special medical commission to assess the adequacy of a measure laid down in the safety statement. The medical commission shall also communicate its opinion to the Labour Inspectorate.

Article 6 of the Rules lays down that a pregnant worker or a worker who has recently given birth and is breastfeeding must not be exposed to certain factors if it is established in the risk assessment that these factors could pose a threat to the health of the worker and/or the child. These factors also include the organisation of work – night work and overtime.

Article 16: THE RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

Additional explanation with reference to Conclusions, 2006

Social protection of families – housing

The European Committee of Social Rights (hereinafter referred to as ECSR) stated in its conclusions that Slovenia does not provide enough non-profit rental housing and was interested to learn about the measures adopted by Slovenia to guarantee access to non-profit and private housing.

Please, find below the data on:

- housing construction;
- acquisition of non-profit rental housing;
- non-profit rental fees;
- subsidies on non-profit and private-market rental fees.

a) Housing construction

One of the priorities of the 2000 National Housing Programme (NHP) was to accelerate housing construction of all types (11,000 housing units in 2009 as compared to 6,200 housing units in 2000). Among those, special attention was given to non-profit rental housing: after 2009, approximately 2,000 social and 2,500 non-profit rental housing units were to be constructed.

Table 1

Actual housing construction between 2000–2009 as compared to initial plans

Year	ACTUAL CONSTRUCTION				TOTAL ACTUAL construction	TOTAL ENVISAGED construction under NHP	NHP realisation index
	Private sector		Public sector				
	Private (investments by natural persons)	Rent-for-profit (investments by legal persons)**	Social	Non-profit			
1	2	3	4	5	6 (2–5)	7	8
2000	5,174	902	33	642	6,751	6,200	109
2001	5,667	604	121	323	6,715	6,550	102
2002	5,350	1,377	220	318	7,265	6,950	104
2003	4,277	1,879	0*	411	6,567	7,400	89
2004	4,844	1,896	0*	264	7,004	7,950	88
2005	4,484	2,508	0*	524	7,516	8,550	88
2006	4,624	2,556	0*	358	7,538	9,050	83
2007	4,488	3,468	0*	401	8,357	9,600	87
2008	4,126	5,347	0*	498	9,971	10,250	97
2009* **	(4,200)	(5,300)	0*	(400)	(9,900)	11,000	90
Total					87,484	83,500	105

Note:

** The new Housing Act of 2003 abandoned the term "social" housing and only mentions "non-profit" housing*
*** Official statistics only provide data on housing units constructed with private investments by legal or natural persons. For the purposes of NHP, the data in the Table on investments by legal persons is corrected to include data on non-profit housing acquired by private owners (data provided by municipalities).*
**** Estimated data for 2009.*

Table 1 shows that in 2000–2002, actual housing construction even exceeded the plans, whereas later, approximately 90% of the envisaged housing construction was actually realised.

b) Acquisition of non-profit rental housing

Municipalities or housing funds established under the auspices of municipalities are responsible for non-profit rental housing construction. In recent years, the Housing Fund of the Republic of Slovenia has regularly co-invested in acquisitions of non-profit rental housing.

According to data provided by municipalities, approximately 4,800 applicants are currently waiting to acquire non-profit rental housing, whereas approximately 7,000 applicants were on the list a few years ago. Municipalities acquire approximately 450 non-profit rental housing units per year, either through purchasing, constructing or reconstructing them. In this context, it is important to stress that the demand for non-profit rental housing is especially high in urban municipalities, whereas it is practically non-existent in some smaller municipalities.

To accelerate the construction of non-profit rental housing units, three increases in capital were provided for the Housing Fund of the Republic of Slovenia between 2006–2008 to co-invest in non-profit housing units with the municipalities.

c) Non-profit rental fees

Target non-profit rental fees were set at 3.81% of the value of the housing unit for older housing units and 5.08% for newer housing units. This calculation took into account all the actual costs of construction, maintenance, management and amortisation of the housing unit in a life-cycle set at 60 years, which would imply the application of so-called cost-based rents. The first steps towards this objective were made with the adoption of the new Housing Act in 2000 (Official Gazette of the Republic of Slovenia, No. 1/00) and the third methodology for fixing non-profit rental fees, adopted pursuant to the Housing Act (Official Gazette of the Republic of Slovenia, No. 23/00). Non-profit rental fees rose by a real 75% between 2000–2004 (rent increased from 2.9% to 3.8% of the value of the housing unit for older housing units and to 5.08% for newer housing units, whereas the value of the point for assessing the apartment value rose from DEM 3.75 to DEM 5.39 in the same period). The target non-profit rental fees envisaged in the National Housing Programme were achieved by the end of 2004.

Independently of the objective fixed in the NHP, the new Housing Act of 2003 provided a legal basis for further real increase of non-profit rental fees. Non-profit rental fees were set at 4.68% of the value of the housing unit for all apartments regardless of their age, and the value of the point for assessing the apartment value was set at EUR 2.63. This led to the adoption of the fourth methodology for fixing non-profit rents. In 2005–2006, non-profit rental fees rose by a real 22% on average.

The objective of the new Housing Act was attained at the beginning of 2007, and non-profit rent for all apartments was equal to 4.68% of the value of the apartment, which in fact meant that non-profit rent for newer apartments decreased by a real 8% (from 5.08% to 4.68% of the value of the apartment). After that period, the value of the point for assessing the apartment value was to be kept at EUR 2.63 through sufficient revalorisation. An attempt was made with the amendment of the fourth methodology for fixing non-profit rental fees, which was necessary to bring the methodology in line with the new Housing Act of 2008, which also introduced subsidies to market rents, but the revalorisation was not approved by the Government Office for Legislation of the Republic of Slovenia.

In light of all this, non-profit rental fees saw a decrease in real terms between 2007–2009, as they were not adjusted for inflation. At the current value of the point for assessing the apartment value (EUR 2.63), the value of a square metre of a newer non-profit apartment is estimated at EUR 920 (350 points x EUR 2.63) and EUR 710 for older non-profit apartments (270 points x EUR 2.63). These values reflect the administrative price for construction of non-profit housing units, on the basis of which non-profit rental fees are calculated. The value of non-profit housing units only reflects the construction value of the apartment, without taking into account the value of the serviced land on which the housing unit is built.

This means that the prices of non-profit housing units are significantly lower compared to market prices of real-estate, especially in urban municipalities, at the coast and in other tourist destinations.

The share of rent in the net income in 2000–2009

To illustrate the burden of the cost of rent in the net income or salary, the table below shows the share of average net salary spent for rent in the period between 2005 and 2009. The database used has been led by the Housing Division for over 20 years to provide data for the purposes of various analyses and simulations. The rent considered in the table equals the cost of rent for a two-bedroom apartment (56 square meters) built 40 years ago, the value of which equals 252 points. This reference apartment was typical of the Housing Fund of the Republic of Slovenia before the privatisation of apartments in public ownership.

Table 2
The share of non-profit rent in the average net income

Year	Average NET income (EUR)	Average rent for 56-square metre apartment, 252 points (EUR)	Average rent per square metre of apartment (EUR)	The share of rent in average NET income
2005	736.01	121.2	2.2	16.5
2006	773.42	134.7	2.4	17.4
2007	834.50	144.7	2.6	17.3
2008	899.80	144.7	2.6	16.1
2009	(930) estimate	144.7	2.6	15.6

Note: Values prior to 2007 were converted to EUR by the Housing Division

d) Subsidies on non-profit and private-market rental fees

Subsidies on non-profit rental fees

The objective set for the fixing and level of subsidies on non-profit rental fees was partly attained with the **amended Housing Act (Official Gazette of the Republic of Slovenia, No. 1/00)**, and fully realised by the end of 2004. The decision to award a subsidised rent was made at the municipal level. As non-profit rental fees and the part of rent to be subsidised increased gradually, tenants with very low incomes below the minimum income threshold could invoke their right in the form of subsidised rent with the municipality and in the form of larger social assistance in cash with a Social Work Centre. Minimal entry thresholds for awarding the right of subsidised rent were very beneficial to tenants, as they were equal to the thresholds set for renting social housing.

The new Housing Act (Official Gazette of the Republic of Slovenia, No. 69/03, as amended) upgraded or reformed certain parts of the rent subsidy system under the National Housing Programme. A new rent subsidy system was thus introduced in 2005, and non-profit housing tenants must now only submit their applications for rent subsidies with the municipalities.

The right to subsidised rent depends on the income, with the income used for determining the right to social assistance in cash under the Social Security Act as the basis, but increased by 30%. The subsidy is awarded for the maximum surface of the apartment considered adequate given the number of family members.

1% to 80% of the total non-profit rent may be subsidised, depending on the income of the tenant. The subsidy is higher for tenants with lower incomes, but the tenant must in any event pay at least 20% of the non-profit rental fee.

Table 3

The rent subsidy system pursuant to the amended Housing Act (SZ-1), as of 2005

Year	Total funding of non-profit rent subsidies (EUR)	Number of beneficiaries of the subsidy	Average monthly subsidy per applicant (EUR)
2005	3,884,157	5,454	59
2006	4,854,401	5,694	71
2007	5,293,056	5,807	76
2008	5,363,160	5,333	84
2009 - estimate	5,508,000	5,400	86
Total 2005–2009	24,902,774		
Total 2000–2009	37,888,227		

Note: Values prior to 2007 were converted to EUR by the Housing Division

Subsidies of market-price rental fees – NEW

The National Housing Programme made no provisions on subsidies of market-price rental fees. **The new Housing Act (Official Gazette of the Republic of Slovenia, No. 57/08) was the first to introduce the right to subsidy for tenants living in privately-owned**

apartments. The right to subsidy of market-price rent is subject to the same conditions (in terms of income and assets) as the right to subsidy of non-profit rent.

This right was introduced to prevent less favourable treatment of tenants who have applied for a non-profit apartment, but had to rent an apartment on the market while waiting to be awarded the non-profit apartment, in comparison to tenants in non-profit apartments who have already solved their housing problem and can also benefit from the right to subsidised rent if their income is low.

The subsidy for market-price rent equals the difference between the established market-price and established non-profit rent per square metre of the apartment. The established market-price rent varies by region (EUR 4 to EUR 7 per square metre, as laid down in the Rules on the Conditions, the Criteria and the Procedure for Assigning the Right to of Young Families Renting a Flat on the Market to Subsidy) (Official Gazette of the Republic of Slovenia, No. 66/07). The established non-profit rent is set at EUR 3 per square metre of the apartment. This means that the subsidy of market-price rent may equal between EUR 1 to EUR 4 per square metre, depending on the region where the market apartment is situated.

In 2007, 49 municipalities awarded subsidies of market-price rental fees to **307 tenants, in the total amount of EUR 153,516**. The law provided that half of this sum (EUR 76,850) be refunded to municipalities from the national budget.

Legal protection of families

The Roma

The registration of residents in the Republic of Slovenia is regulated by the Residence Registration Act (Official Gazette of the Republic of Slovenia, No. 59/06UPB and 111/07; hereinafter referred to as ZPPreb), which is based on the right of every individual to move freely and choose his residence, emanating from Article 32 of the Constitution of the Republic of Slovenia². Article 3 of ZPPreb defines permanent residence as the location of de facto permanent residence of the individual because the centre of his vital interests is located there. This depends on the professional, economic, social and other close and permanent ties between the individual and the place of residence. The basic purpose of ZPPreb is to provide up-to-date data on the status, movement and residence of individuals in the public interest. This purpose can be achieved if individuals register at the place of their de facto current residence. On the other hand, the registration is also in the best interest of the individual, as the registration of permanent residence provides bases for various claims of material and other rights.

The law allows anyone to register a permanent residence, provided that certain conditions are met. To register a permanent residence or a change of address, an individual must provide proof that he has the right to reside at the address he wishes to register. Attestation of ownership, a tenancy or sub-tenancy agreement or a written agreement by the owner(s) of the apartment or the manager of the residential building constitutes proof referred to above.

The competent authority (administrative unit) may only refuse to register a permanent residence if it has reasons to suspect that the data provided is not real or if the individual fails to provide proof of the right to reside at the address he wishes to register. In these cases, a

² Everyone has the right to freedom of movement and to choose his place of residence.

temporary residence is registered for the individual at the address where he wishes to register while all necessary steps are being taken to verify whether the data is real (for no longer than 60 days) or until the competent authority cannot ascertain that the individual actually does reside at the address that he wishes to register as his permanent residence.

Because Article 7(6) ZPPreb lays down that the administrative unit must verify the accuracy of the address that the individual wishes to register as his permanent residence in the spatial units register, which is led by the Surveying and Mapping Authority of the Republic of Slovenia, it is impossible to register permanent residence at an address that no longer has a street number or is located in an illegal building, where many Roma in fact permanently reside. In the past, Roma were therefore registered at any street number that actually existed in a settlement. This meant that several Roma were registered to permanently reside at the same address, and the data in the Permanent Population Register was distorted.

In 2007, the Act Amending the Residence Registration Act was adopted and entered into force on 20 December 2007. It deals with the aforementioned problem in the new Article 7.a. This article provides that, in cases in which the administrative unit establishes (in the process of verifying the accuracy of the data provided for registering permanent residence) that an individual is actually a permanent resident of a building without a street number, it must inform the Surveying and Mapping Authority thereof, which shall award a street number to the building, provided that all applicable conditions laid down in relevant regulations are met. It is important to stress that the amended act did not deal with the registering of permanent residence for the Roma expressly, but had a more general scope, although Roma were in fact the group in which the problem was more present.

A further institute relevant to the register of permanent residence of individuals, which is the basis on which the individual may invoke various legal rights and obligations in various fields, is the 'legal residence'. Legal residence can be registered by those groups of individuals who reside on the territory of the Republic of Slovenia, but do not have a *de facto* residence that they can register as their address (e.g. homeless people). In these cases, the individual is considered to reside permanently at the address of the authority or organisation (Red Cross, Caritas, Social Work Centre) that provides material assistance (food, clothing, shoes, money, etc.) to the individual, provided that the latter does in fact live in the area of the competent authority.

As regards the number of Roma in Slovenia, the Ministry of the Interior stated that 971 individuals declared to be Roma upon registration or cancellation of permanent residence and the registration of a change of address in the Permanent Population Register, which is maintained on the basis of ZPPreb.

In this context, it is important to stress that, under Article 7 ZPPreb, an individual is not obligated to declare his nationality upon registration or cancellation of permanent residence and the registration of a change of address with the competent authority. Besides, the aforementioned provision has only been applied since the entry into force of ZPPreb on 24 February 2001. This is why the number of individuals who stated that they were Roma in the Permanent Population Register is significantly lower than that provided by the Statistical Office of the Republic of Slovenia.

Prevention of family violence

The following legal acts and other documents were adopted during the reporting period in the field of **prevention of family violence**:

- Family Violence Prevention Act (Official Gazette of the Republic of Slovenia, No. 16/2008)
- Resolution on the 2009–2014 National Programme on Prevention of Family Violence
- Action Plan on the Prevention of Family Violence 2010–2011
- Rules on Cooperation between Authorities and on the Functioning of Social Work Centres, Multidisciplinary Teams and Regional Services in Tackling Family Violence (Official Gazette of the Republic of Slovenia, No. 31/2009)

The Family Violence Prevention Act (Official Gazette of the Republic of Slovenia, No. 16/2008) is the first legal act in the Republic of Slovenia, which clearly defines various forms of family violence. The Act lays down the role, the tasks, the network and co-operation between various national authorities and non-governmental organisations in dealing with family violence and defines protective measures for victims of family violence. Every victim shall thus have the right to an escort for psychological support, and the right to free legal assistance.

Children constitute the most vulnerable social group and are granted the highest level of protection, along with persons with disabilities, elderly persons and persons with special needs. The law provides that a child is a victim of family violence even if he is no more than a witness to family violence against other family members. In addition to this, anyone who suspects that a child may be a victim of family violence, has an obligation to report this to a Social Work Centre, to the police or to the public prosecutor's office, regardless of any professional secrecy he might otherwise be bound by. The law also expressly prohibits any exposure of children to mass media in cases regarding family violence, which is highly important if the child is to be protected from unnecessary further violence, media pressure and social stigma.

Special attention is also given to the perpetrator of family violence; the law provides that he must be provided professional help to change his behaviour. The court may, upon the victim's request, prohibit the perpetrator from entering a common household. This means that it is no longer the victim who has to leave the apartment and move to a safe house or maternity home, but rather the perpetrator of family violence.

Social Work Centres are required to keep their own records of family violence to be able to take appropriate measures in a timely manner to protect those who need it. The law also envisages regular professional training of all institutions dealing with family violence, and advocates a multidisciplinary approach to dealing with the victim, as this has proven to be very efficient in the European Union.

The aforementioned act does not lay down any sanctions; penal aspects are regulated under the Criminal Procedure Act and the Criminal Code. The act therefore focuses on wider civil-law aspects and the functioning of social services in helping the victims of family violence overcome the problems they have to deal with in the long run. The act especially emphasises the need for targeted and coordinated implementation of all activities of national institutions, civil society and individuals to contribute to the fight against family violence, to encourage

people to report on family violence with less hesitation and to enable adequate punishment of the perpetrators of family violence.

On the basis of Article 11 of the Family Violence Prevention Act, the National Assembly of the Republic of Slovenia also adopted the **Resolution on the 2009–2014 National Programme on Prevention of Family Violence**, which is a strategic document laying down the objectives, the measures and the key policy-makers in the fight against family violence in the Republic of Slovenia in the period 2009–2014. The two key objectives are to provide a coordinated cross-sectoral approach and to lay down efficient measures to fight family violence, both in terms of detecting and preventing it. Concrete tasks and activities to attain these objectives and to implement specific measures shall be defined in bi-annual action plans, which will also lay down specific deadlines and implementation methods – **Action Plan for Prevention of Family Violence 2010–2011**.

Pursuant to Article 39.a of the **Police Act (Official Gazette of the Republic of Slovenia, No. 11/2003-UPB and 50/2004)**, the Ministry of the Interior issued the **Rules on restraining order prohibiting approach to a certain location or person (Official Gazette of the Republic of Slovenia, No. 95/2004)** in accordance with the Ministry of Justice and the Ministry of Labour, Family and Social Affairs.

Among other things, the Rules define the role of Social Work Centres in implementing the restraining order, which prohibits a person from approaching a certain location or person. Upon notification by the court that such an order has been issued, the Social Work Centres must, above all, ensure that the victim does not feel alone; instead, the Social Work Centre must immediately establish contact with the victim and provide information on available forms of assistance to help the victim deal with the situation of distress. Specifically, Social Work Centres must provide protection to minors who were alone with the perpetrator at the time when the order was issued.

In addition to that, Social Work Centres must also try to help the perpetrator by addressing the underlying causes for his behaviour and thereby preventing further violence.

On the basis of the Rules, the Ministry of Labour, Family and Social Affairs prepared a list with phone numbers of Social Work Centres and emergency services in the Republic of Slovenia, which must be informed by the police in the event that a restraining order is issued:

- Social Work Centres (CSD)
- Emergency services CSD

The following organisations or social protection programmes also provide assistance in cases in which violence has occurred:

- Safe houses, refuges, shelters and maternity homes, and other programmes for prevention of violence
- Crisis centres for children and adolescents
- Crisis centres for women and children – victims of violence

To prevent family violence, Social Work Centres also employ expert workers to provide adequate support to the victims of violence. 12 coordinators provide expert support to social workers dealing with concrete cases of family violence, assist in the process of establishing

and organising general crisis teams at the local level, participate in these teams when necessary as external experts, and they organise and manage a unique inter-institutional team working with adult victims of violence. If a restraining order is issued prohibiting approach to a location or person, these coordinators lead and coordinate the work of emergency services. When necessary, they also coordinate and implement the tasks under the Rules on restraining order prohibiting approach to a certain location or person; upon agreement within the crisis team, they can also provide concrete assistance to adult victims of violence and to perpetrators.

The coordinators also assist in organising and maintaining a network of service providers and programmes in the field of social protection against violence, they promote knowledge by organising and planning specialised training programmes for expert workers, and they raise awareness in the professional and general public about attitudes towards different forms of violence (at round tables discussions, through work with target groups, e.g. children and elderly etc.).

The coordinators must also analyse the situation in any given region, they coordinate and assess (innovative) development programmes for perpetrators and victims of violence, and they explore new possibilities to provide short-term accommodation.

In addition to all these tasks, coordinators must also undergo continuous training and elaborate new and ever more efficient forms of assistance to families and individuals.

Criminal offences against children

Violent acts against a person, which lead to actual, aggravated or grievous bodily harm, are penalised in Articles 122–124 of the Criminal Code (KZ-1), in the chapter on criminal offences against life and limb. Criminal coercion is criminalised under Article 132 of the Criminal Code, which provides that whoever, by means of force or serious threat, coerces another person to perform an act or to omit performing an act or to suffer any harm shall be sentenced to imprisonment for not more than one year. Article 191 penalises family violence by laying down that whoever within a family treats badly another person, beats them, or in any other way treats them painfully or degradingly, threatens with direct attack on their life or limb to throw them out of the joint residence or in any other way limits their freedom of movement, stalks them, forces them to work or give up their work, or in any other way puts them into a subordinate position by aggressively limiting their equal rights shall be sentenced to imprisonment for not more than five years. Pursuant to Article 191, the same punishment shall also be imposed on whoever commits the acts under the preceding paragraph in any other permanent living community.

Neglect and maltreatment of a child is a criminal offence under Article 192, which provides that a parent, adoptive parent, guardian or other person who seriously breaches his obligations to a child shall be sentenced to imprisonment for not more than three years. A parent, adoptive parent, guardian or other person who forces a child to work excessively or to perform work unsuitable to his age, or who out of greed inures a child to begging or other conduct prejudicial to his proper development, or who tortures him shall be sentenced to imprisonment for not more than five years. This means that any form of violence against children constitutes a criminal offence in the Republic of Slovenia.

The table below contains statistical data on certain criminal offences committed against children in the period between 1 January 2006 and 30 June 2010. The data refers to the number of criminal offences or criminal complaints before the public prosecutors' offices.

Table 4

Criminal offence	Number of criminal offences				
	2006	2007	2008	2009	1.1.2010 - 30.6.2010
Neglect and maltreatment of a child	276	257	336	720	390
Sexual assault on a person below fifteen years of age	159	192	148	188	142
Presentation, manufacture, possession and distribution of pornographic material	21	32	55	47	23

Source: General Police Directorate

Economic protection of families

Family benefits

In April 2008 new rules for assertion of rights on the basis of parental care insurance as well as family benefits have been introduced. The main novelty is rationalisation and simplification of procedures. A mother can now submit only one application for assertion of the right to maternity leave and maternity benefit, right to childcare leave and childcare benefit and right to newborn allowance (layette). Also a father can submit a single application for assertion of the right to paternity leave, paternity benefit and newborn allowance.

In the field of family benefits, application of child benefit can be submitted electronically. Also an e-layette has been introduced. Parents can choose and order a package for their newborn baby (if they opt for a package instead of newborn allowance) on-line.

The **child benefit since July 2010** amounts to:

Income per family member As a % of the average gross wage In the RS (in EUR)	Amount of child benefit for each child		
	1 st child	2 nd child	3 rd and subsequent child
Up to 15%	114.31	125.73	137.18
Over 15% to 25%	97.73	108.04	118.28
Over 25% to 30%	74.48	83.25	91.98
Over 30% to 35%	58.75	67.03	75.47
Over 35% to 45%	48.04	56.06	64.03
Over 45% to 55%	30.44	38.10	45.71
Over 55% to 75%	22.83	30.44	38.10
Over 75% to 99%	19.88	27.50	35.11

The parental allowance amounts to EUR 195.56.

The newborn allowance (layette) amounts to EUR 279.42.

The large family allowance for families with three children amounts to EUR 391.60 and for families with four or more children (additional family benefit) to EUR 477.56.

The special childcare allowance for a child in need of special care amounts to EUR 100.57; in the case of a child with a severe disability the amount is higher (EUR 201.21).

The right to family benefit remains conditioned upon five years of permanent residence in the country. For the moment, no changes are envisaged in this regard.

Article 17: THE RIGHT OF CHILDREN AND YOUNG PERSONS TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

Additional explanation with reference to Conclusions, 2005

17:1 Assistance, Education and Training

The status of a child

The currently applicable Marriage and Family Relations Act does not stipulate the circumstances or conditions of the status of a child, but the proposal for a new Family Code, which also regulates this issue, is undergoing parliamentary procedure. Under the proposal for a Family Code, obtaining personal data is only possible by means of a written consent of a person to whom the data refers, but it does permit an exception, that is, that an adopted child or his/her legal representative may demand from a centre for social work information about the medical status of his/her biological parents. The centre for social work obtains data from health care institutions and submits it to the adopted child in an anonymous form, that is, in a manner whereby the identity of parents is not disclosed.

Basic education

In the school year 2003/2004 the programme of a nine-year elementary school began to be implemented by all elementary schools in Slovenia.

Parents need to enrol a child in the first grade of the nine-year elementary school when, in the calendar year in which the child will start with schooling, the child will attain six years of age. The start of the schooling may be postponed for a year if it is determined that the child is not ready for entry into the school.

Anyone who does not successfully finish elementary school in nine years, has the possibility to continue schooling for two more years and in this manner retains the status of a pupil.

Elementary education is mandatory for all children. The Ministry responsible for education keeps a record of school-age children and every year before enrolment submits to the elementary schools a list of children from the school district that the school is obliged to enrol in the 1st grade.

- **The organisation of elementary education**

Elementary education is divided into three educational cycles:

1. the first cycle lasts from the 1st to the 3rd grade,
2. the second cycle lasts from the 4th to the 6th grade,
3. the third cycle lasts from the 7th to the 9th grade.

The school year starts on 1st September and finishes on 31st August; lessons in the school year last for 38 weeks, 5 days a week. The distribution of lessons, free days and holidays is determined by a Minister by means of a school calendar.

The elementary education programme comprises a compulsory and extra curriculum programme. The compulsory programme includes compulsory and optional subjects and

hours dedicated for discussion during which pupils discuss with their class teacher different issues that concern their life and work. The extra-curriculum programme comprises pre-school classes (care of children before the classes), after-school classes (a programme for children after the lessons are finished until their departure for home), supplementary and additional lessons, interest activities and out-of-school classes. The extra-curriculum programme is optional for children.

A teacher from the 1st to the 9th grade, during the lessons and other forms of organised work, differentiates work conducted with pupils according to their abilities (internal differentiation).

In the 4th, 5th, 6th and 7th grade the work during lessons in the mother tongue, mathematics and a foreign language is organised in the form of basic and levelled lessons for one fourth of total lessons dedicated to these subjects. In 8th and 9th grade the lessons for these subjects may be organised as follows:

- by distributing pupils in teaching groups;
- by simultaneous teaching by two teachers,
- as levelled lessons,
- as a combination of the different forms from the abovementioned indents of this paragraph.

A teacher from the 7th to the 9th grade, during lessons of a second foreign language, differentiates work conducted with pupils according to their abilities.

In addition to compulsory subjects, for the pupils from the 7th, 8th and 9th grade, the elementary school must conduct lessons from optional subjects.

The school should offer lessons from at least three optional subjects from social sciences unit and at least three subjects from the natural sciences and technical unit. Within the framework of the social sciences unit the school must offer lessons in a foreign language, non-denominational lessons on religions and ethics and lessons from rhetoric.

A pupil selects two lessons of optional subjects per week, or three hours if this is agreed by his/her parents.

At the end of the second and the third cycle the knowledge of pupils is verified by means of a national examination with which the standards of knowledge determined with the syllabus is verified. At the end of the second cycle the national examination (in knowledge of Slovenian language or Italian and Hungarian language in nationally mixed areas, mathematics and a foreign language) is voluntary for pupils. The third subject is determined by the Minister so that in September from among compulsory subjects of the 8th and 9th grade, after prior obtainment of the opinion by the Council of Experts of the Republic of Slovenia for General Education, he selects a maximum of four subjects in which the national examination will be conducted in the current school year. In March the Minister determines in which third subject the examination of knowledge will take place at an individual elementary school by means of national examination.

Pupils who cannot attend the national examination at the end of the third cycle due to illness or other justified reasons have the right to sit the national examination at a later time.

The elementary school notifies parents in writing with regard to the achievement of a pupil during the national examination.

- **Average number of pupils in classes**

In the school year 2005/2006, the average number of pupils in classes at the parent schools or independent elementary schools was 19,19 pupils, in schools with special programmes 5,8 pupils, and in institutions for the upbringing and education of children and young persons with special needs 5,61 pupils.

In the school year 2009/2010, the average number of pupils in classes at the parent schools or independent elementary schools was 19.04 pupils, in schools with special programmes 5.75 pupils, and in institutions for the upbringing and education of children and young persons with special needs 5.00 pupils. The number of pupils in classes or groups decreased in all forms of programmes.

- **The number of teachers**

In the school year 2005/2006, there were 17,338 professionals at elementary schools, 802 professionals in schools with special programmes, and 614 professionals in institutions for the upbringing and education of children and young persons with special needs.

In the school year 2009/2010, there were 16,719 professionals at elementary schools, 809 professionals in schools with special programmes, and 632 professionals in institutions for the upbringing and education of children and young persons with special needs.

In elementary school programmes the number decreased due to the fall in the number of pupils.

- **The share of the GDP**

In 2008, public expenditure for formal education in Slovenia amounted to 5.2 % of GDP, or to 1.938 billion euro. The greatest share of funds, i.e. 45.2 percent, was dedicated for elementary education.

- **Public and private elementary schools**

There are 448 public elementary schools and 32 special schools with adapted programmes (lower educational standard) operating in the Republic of Slovenia. There is also a private Waldorf school which implements a publicly valid programme.

A subsidiary school is a part of a parent school which is organised for performing elementary or basic music education in various locations. The subsidiary of a school may be organised if at least three classes are guaranteed with the enrolment of pupils, or if in the areas with a specific settlement and in areas with developmental peculiarities the branch is organised, where the enrolment of pupils provides for at least two classes. Subsidiary schools are founded and also abolished by the founder of elementary schools (the municipality) on the basis of demographic data. With regard to a temporary termination of operation of a subsidiary school or its renewed operation or the abolishment of a subsidiary school, the founder has to notify beforehand the Ministry responsible for education at the latest by the beginning of the school year.

- **Geographical distribution of schools**

For the performance of public service in the field of elementary education a public network of schools, which is composed of public elementary schools, is organised. The public network of elementary schools ensures all children the possibility of elementary education and attending schools in the vicinity of their residence. In the event that school is more than 4 kilometres distant from a child's residence, the pupil has the right to free transport to and from school. The criteria for the setting up of the public network of schools, which is determined by the Government of the Republic of Slovenia, take into account the number and the age of children in a certain area, the specifics of settlements and developmental peculiarities of the area. There are 361 branch schools attached to 448 elementary schools.

- **Average number of pupils in classes**

In the school year 2005/2006, there were 20,25 pupils per class in city elementary schools, and 18,73 pupils per class in out-of-town schools. In the same school year, there were 10,29 pupils per professional in city elementary schools, and 9,42 pupils per professional in out-of-town elementary schools.

In the school year 2009/2010, there were 10.10 pupils per professional in city elementary schools, and 9.37 pupils per professional in out-of-town elementary schools.

The number of pupils per professional has been decreasing for all five years in both city and out-of town schools in spite of a lower absolute number of professionals in elementary schools.

- **The number of teachers**

In the school year 2005/2006, there were 5,288 professionals in city elementary schools and 5,099 professionals in the school year 2009/2010. The decrease amounts to 189 professionals, or 3,6%.

In the school year 2005/2006, there were 12,050 professionals in out-of-town elementary schools and 11,620 professionals in the school year 2009/2010. The decrease amounts to 430 professionals, or 3.5%.

- **The supervision of elementary education**

The evaluation of upbringing and education (supervision) is carried out, on the one hand, as the evaluation of the educational system at macro level, and at micro level, on the other hand, as the evaluation of educational organisations.

The Minister responsible for education appointed the Evaluation Council in 2006. The following year the Council submitted a publication and other instructions for the performance of self-evaluation entitled in Slovenian "*Ustvarimo ogledalo za svojo šolo*" (Let Us Have a Look in a Mirror at Our School).

The National Assembly of the Republic of Slovenia adopted modifications and amendments of the umbrella act from the field of education (the Organisation and Financing of Education Act in the Republic of Slovenia) in July 2007, and among other modifications and amendments it determined, that every year the councils of educational institutions should take

account of and adopt the annual report on the institution's self-evaluation. Procedures regarding the modernisation and determining of quality in the field of education were also amended. In 2007 the Ministry financed a project regarding the determining of schools' added value. This concerns instruments with which schools should assess in an easier manner (on the basis of pupils' achievements upon the enrolment and the conclusion of a certain programme) their contribution to the quality of achievements.

In this period a 5-year project in the field of quality assurance in education and training entitled "The determination and assurance of quality in education and training" began to be implemented. The project began to be implemented in 2008 and it will last until 2013 on the basis of a public tender partially financed from the European Social Fund.

The project refers to the "Operational Programme for Human Resources Development for the Period from 2007-2013", the third priority axis "Development of human resources and lifelong learning" which emphasises the importance of providing activities of quality which are intended for an individual, and to the development and modernisation of the education system, and the main types of activity "Improving the quality and effectiveness of education and qualification systems".

The purpose of the project is the implementation of a development-research work for determining the quality of the education system with internationally comparable instruments and mechanisms, the development and verification of mechanisms for the determination and assurance of quality of kindergartens and schools, and training for professional and management staff for the introduction of the quality determination and assurance system in educational institutions.

The activities of the third priority axis are complimentary to the EU Lifelong Learning Programme which is a fundamental programme instrument in the field of education and training and to the Education and Training 2010 programme. Within the priority axis internationally established methodologies (OECD, IEA) are also taken into account. Consequently the results of projects will also be internationally comparable while at national level they will provide the basis for the so-called evidence-based policy and for the formation of measures to raise quality in the future. The priority axis, from the point of view of content, is also encapsulated in the national sectoral development documents, in particular in the Lifelong Learning Strategy in Slovenia which was adopted and validated by the Expert Council of the Republic of Slovenia for General Education, the Expert Council of the Republic of Slovenia for Vocational and Professional Education and by the Expert Council of the Republic of Slovenia for Adult Education in July 2007. The strategy was prepared by the Ministry of Education and Sport with the financial assistance by the European Commission.

Internal evaluation is one of a school's regular activities which was implemented at schools before the abovementioned modification of the Organisation and Financing of Education Act. At the end of each assessment period, groups of teachers who teach a certain level, professional working groups and the school's faculty analyse the achievements of students by individual subjects; the analysis is made per each class and per teaching group. The analysis of the result achieved in an individual assessment period is discussed by the pupils of a class together with their class teacher. The analysis is presented to parents at parental meetings. Teachers may amend the self-evaluation of their work also on the basis of a discussion on

issues regarding a subject which is initiated in the study group, that is, a special, guided form of co-operation among teachers of an individual subject in a certain region.

The Principal of the kindergarten/school evaluates the work of an educator/teacher within the framework of the tasks imposed by the law: he/she has to attend the educational work, follow it up, advise and propose the advancement to a professional worker.

At the end of the school year the school's faculty, the council of parents and the school's council discuss the school's report regarding the work performed –the results and effects of the programme and school's policies are assessed, the opinion regarding the report is formulated, that is, solutions and considerations are proposed. At the beginning of the next school year the process concerning the internal school's evaluation is reflected in the institution's development programme and in the annual work plan.

Measures with regard to critical points of the educational process at school are often monitored and evaluated by the school counselling service.

Since the end of the 1990s, the schools have used various instruments for the determination and assurance of quality of educational work. Findings and measures envisaged for the improvement of the quality are reported to the school's council.

For determining the quality of the school's work the data of national and international comparable studies on the pupils' achievement are used. Every school is informed about the achievement of its pupils and about the average results achieved at the national level. In this manner the school itself may assess the quality of its work.

The external evaluation of schools is carried out simultaneously. The external educational evaluation of schools is implemented as a process of external examination of knowledge. It is led by expert bodies: the National Commission for National Examination in the nine-year elementary school, the National Exam Commission for the Implementation of Practical Work of the final exam in the vocational education, the National Commission for the Vocational Matura with subject commissions and the National Commission for the General Matura with subject commissions. Professional, technical and administrative support is provided by the National Examination Centre, the central institution for the external examination of knowledge in Slovenia.

The external administrative and educational evaluation of schools is also conducted by the Inspectorate of the Republic of Slovenia for Education and Sport. Their organisation, the fields of supervision and competence is regulated by the School Inspection Act. The goals of a school inspection are to ensure the respect of regularity and thus the protection of rights of pre-school children and the participants of education. The inspectorate conducts the supervision of schools, in particular:

- regular inspections (announced – at least every fifth year),
- non-regular inspections (announced or unannounced – on an initiative of a child's representative and a participant of the education, the council of parents, the student's community, representative trade union and an employee in a kindergarten or school) and
- repeated inspections (announced or unannounced – after the expiry of the deadline set for the implementation of measures, that is the remedy of violations).

The fields of inspection are organisations, financing and implementing educational programmes, for example: meeting conditions for performing educational activities, organisation of educational work, performing educational programmes, exercising rights and obligations of children and participants in education, exercising rights and obligations of professionals, keeping pedagogic documentation and issuing public documents, intended use of funds and other issues.

Educational institutions from the field of elementary education monitor the absence of children on a daily basis; it is also evaluated in the prescribed documentation. At the level of the State it is possible to define the share of the dropout of pupils and students in comparison with the number of the pupils enrolled or the students of an individual generation enrolled in an individual educational programmes and the number of successful accomplishments in the educational programme of the same generation. This data is collected and arranged by the Statistical Office of the Republic of Slovenia.

In compliance with the Elementary School Act, parents of elementary-school children should give notice of the reason for the pupil's absence upon each absence of a pupil. A pupil may be absent from lessons without parents notifying the reason for the absence if his/her absence is announced beforehand but not more than five days in a school year. The Principal may, at the parent's wish, due to excusable reasons allow a pupil a longer absence from lessons.

The Act also stipulates that the parents of elementary-school children may be punished for a minor offence if they do not ensure their child the fulfilment of the elementary schooling obligation. In an event when parents do not take care that their children visit the elementary school regularly, the school has the obligation to file a proposal to a responsible offence body to order a fine.

In the last years the elementary school programme has been attained by almost all pupils, from 98.5 to 99.7 %.

After the completed elementary school 93.8 % of pupils of the ninth grade continue with secondary education.

Educational institutions from the field of secondary education monitor the absence of students on a daily basis; it is also evaluated in the prescribed documentation. In compliance with regulations parents of students have to give notice of the cause of absence of a student upon each of his/her absences. If after four days from the first day of the absence the school is not notified about the absence from lessons, the school itself establishes contact with the parents. In this manner both parties take care that there are no un-excused absences.

At the level of the State it is possible to define the share of the dropout of students in comparison with the number of the students of an individual generation enrolled in an individual educational programme and the number of successful accomplishments of the educational programme of the same generation. This data is collected and arranged by the Statistical Office of the Republic of Slovenia.

The Ministry of Education and Sport has ordered from the National Education Institute of Slovenia a research project "A Dropout in Secondary School". The report was prepared in 2008.

The project "Prevention of school failure and mitigation of its consequences" (PUPO) was carried out at the National Institute for Vocational Education and Training from 2002 to 2004.

One of the project results is a theoretical model of preventive measures for the prevention of dropouts in vocational and professional education and a manual of cases of good practice for the prevention of dropouts entitled “Stay at School”.

There is no legal basis for a suitable monitoring of a dropout.

The information regarding the number of live-born babies and age of mothers in Slovenia in the year 1960 and in the period from 1998 to 2008 is attached.

The inclusion of disabled children into mainstream education

The modifications and amendments of the **Placement of Children with Special Needs Act** were adopted in November 2006; the Act began to be implemented on 1 January 2007.

The fundamental reason for the modifications and amendments of the act was a new regulation regarding the conduct of placement procedures within the perspective of the organisation and content, and the determination of pedagogic orientation to placement approach.

A new characteristic brought by the modification of the Act is the unique right of a parent to file a request for the introduction of a procedure. In cases when a kindergarten, school, health care or other institution determines that a placement is necessary, the proposal for the introduction of the procedure with a prior notification of a legal representative is filed.

In this Act the procedure is more clearly regulated and it divides the conduct of the procedure at the first stage which is now within the competence of the institution responsible for the education, and the conduct of the procedure at the second stage which is within the competence of the Ministry responsible for education.

In addition to the abovementioned, the Act has abolished the previously over- extensive (in terms of content) composition of the commission of the first and second stages which is now composed of only three permanent members: a defectologist, psychologist and a doctor specializing in paediatrics or a doctor specializing in school medicine.

The Act has regulated that the verification of the appropriateness of the placement is not obligatory any more and it is linked to the success of a child in the educational process and to the changes of the level of education.

When determining the implementation of additional professional assistance to children placed in mainstream education the emphasis is placed on a group form of provision of the abovementioned assistance and if this is not achievable, the possibility for an individual implementation of additional professional assistance still remains.

The definition of children with special needs has been modified so that the term “children with behaviour and personality disorder” has been replaced with the term “children with emotional and behaviour disorder”.

Children with special needs have, in compliance with the Placement Act, the possibility of a placement in various educational programmes:

- programmes with adapted implementation and additional professional assistance (inclusion),
- adapted programmes which ensure the attainment of an equal educational standard (blind, deaf, movement-impaired persons),
- adapted programmes which ensure the attainment of a lower educational standard (children with a mild disorder in mental development),
- special programmes (children with moderate, severe and harsh disorders in mental development and rehabilitation programmes (for example, for children after a head injury),
- upbringing programmes (programmes at home for children with special needs and upbringing programmes for children with emotional and behaviour disorders).

Children are placed in individual educational programmes which are suitable for them in accordance with the provisions from the decision on the placement which is issued on the basis of a professional opinion of a placement commission.

Children with special needs who are placed in educational programmes with adapted implementation and additional professional assistance (inclusion) are, with regard to the type and level of shortage, impairment of, or disorder, subject to the adaptation of the organisation, the manner of examination and assessment of knowledge, the progression and time distribution of lessons; in case this is necessary, additional professional assistance may be provided. Additional professional assistance includes activities for the overcoming of shortages, impairment or disorders, and teaching aid which is implemented individually or occasionally by means of a special group (it is implemented by suitably qualified teachers). Movement-impaired persons may be provided with financial assistance or their equipment may be adapted.

By means of adapted education programmes which provide for the attainment of an equal standard of knowledge, considering the level of education, the syllabus, the organisation, the method of examination and assessment of knowledge, duration, progression and time distribution of lessons may be adapted.

With the adapted education programme and a special programme of upbringing and education which do not enable children with special needs to attain the equal educational standard (children with disorders in mental development), the syllabus and the course syllabus, the educational periods, the levelled lessons and transitions among levels in the elementary school, the method of examination and assessment at the end of periods, progression and conditions for the completion of education may be adapted.

For each individual child the school has to prepare an individualised programme with which the following is determined: the forms of work in individual educational programmes, individual subjects, methods of implementation of additional professional assistance, implementation of financial assistance, transition between programmes and necessary adaptations in organisations, examination and assessment of knowledge, progression and time distribution of lessons.

Study programmes which are implemented at pedagogic faculties in compliance with the Bologna strategy include the elements of the methodology of teaching of children with special needs.

Educational programmes for children with special needs are implemented in regular schools, in schools with adapted programmes (children with disorders in mental development) and at institutions for the upbringing and education of children with special needs (blind, deaf, movement-impaired persons, children with emotional and behaviour disorders).

In the school year 2009/2010, the following number of children with special needs were included :

- 7,272 children in the regular elementary schools,
- 2,231 children in elementary schools with adapted programmes,
- and 998 children in institutions for upbringing and education of children with special needs which implement adapted programmes of pre-school education for children with special needs, elementary school education programmes with equal and lower standards of knowledge and adapted educational programmes for the fields of vocational and professional education and general secondary education.

When meeting general enrolment conditions all students with special needs may enrol into the educational programme (at all levels of secondary education) in any regular secondary school. For these students programmes are implemented in an adapted manner (the organisation of lessons, the method of examination and assessment of knowledge, the progression and time distribution of lessons may be adapted), additional professional assistance may be ensured, either by professionals – teachers at the school or by means of special pedagogues, considering their needs.

In the school year 2009/2010, 2680 students were included in the regular secondary schools, for whom **6264 hours of additional professional assistance** were carried out; 54 movement-impaired students had a permanent assistant for the provision of physical assistance.

The majority of these students with special needs (equally as with other students) may attend schools in the vicinity of their place of residence. Those students who do not have a secondary school or a secondary school implementing a programme in which they wish to be educated in the vicinity of their place of residence may reside in halls of residence for students.

All students with special needs have the right and the possibility to pass final exams, or the matura exam under special (adapted) conditions. Deaf students have, in compliance with the Act on the Use of Slovene Sign Language, also the right to an interpreter.

The proposal for the Act on Equalising Opportunities of Disabled Persons (hereinafter referred to as: **ZIMI**) regulates the fields of equal opportunities and non-discrimination of disabled persons. Together with the Implementation of the Principle of Equal Treatment Act and other regulations from the field of elimination of discrimination it creates a legal framework for an integrated resolution of all key questions related to discrimination and giving equality to the opportunities of disabled persons.

It needs to be specially emphasised that the proposer of the Act does not intend to regulate all fields and all rights of disabled persons. For exercising the rights of disabled persons the provisions of other regulations must firstly apply. The provisions of this Act apply if rights of disabled persons are not regulated in other regulations.

The ZIMI regulates the following fields:

- the prohibition of discrimination on the basis of the invalidity,

- measures for equalising the opportunities of disabled persons, the determination of the holders of tasks, their responsibilities and obligations,
- procedures in disputes due to discrimination on the basis of the invalidity,
- management of data bases and protection of data and
- criminal provisions.

In the chapter on the prohibition of discrimination due to invalidity the following issues are regulated:

- the prohibition of discrimination before state authorities, national and local community authorities, providers of public powers and services,
- equal co-operation in procedures,
- access to services and use and adaptation of facilities in public use,
- prohibition of writing and highlighting discriminating messages and symbols,
- access to the inclusive education, health, type of residence, information, cultural assets and public transport.

The other important chapters of the ZIMI are measures for equalising the opportunities of disabled persons. The first measure is the right to co-financing the purchase of devices for overcoming the communication obstacles which disabled persons with sensory disabilities (blind, weak-sighted, deaf, partially deaf, deaf and blind persons and disabled persons with speech and several other disabilities) need as a support for social inclusion. These may be enforced in addition to devices provided for under other regulations. Devices, their period of duration, criteria and the conditions for their attainment, standards and their maintenance will be determined by special rules. The next measure which needs to be pointed out is the payment of costs for the adaptation of a vehicle. The payment of costs for the adaptation of a vehicle may be enforced by a movement-impaired disabled person who can manage the vehicle by himself/herself only if the vehicle is adapted. A disabled person who himself/herself does not manage the vehicle, but the adaptation is necessary for the entrance into the vehicle will be eligible for the cost covering the adaptation of the vehicle. A disabled person will be able to enforce the payment for the costs of adapting the vehicle every six years, and only exceptionally before that if he/she proves that the adaptation was necessary due to a new invalidity, deterioration of the invalidity or the destruction of the adapted vehicle. The third important measure is the establishment of a call centre for deaf and partially deaf persons. Through the centre persons with a hearing disability will be able to obtain information from the field of state authorities, local authorities, providers of public powers and public services and services of a public nature. The activity of the call centre will be conferred under the public powers and performed by the Institute Association of Interpreters of the Slovenian Sign Language which already performs this activity in the form of an experimental programme.

The Ministry of Labour, Family and Social Affairs will also co-finance, by means of a state budget fund, the implementation of special social programmes which enable disabled persons a greater social inclusion or complement the provision made by public services. These are implemented by the disabled persons' organisations and are already partially financed on the basis of public tenders published by the Ministry of Labour, Family and Social Affairs and the Foundation for Financing Disabled Persons' and Humanitarian Organisations in the Republic of Slovenia. Financing will be particularly provided for programmes which enable an independent or more independent life for disabled persons, which enable an active life and working of disabled persons, which ensure psycho-social assistance to disabled persons and

their families, programmes of advocacy and self-help, programmes for the prevention of violence against disabled persons and similar programmes.

The proposal for the ZIMI also determines the holders of the tasks, as well as their responsibilities and obligations. Thus it binds all state authorities, local community authorities, providers of public powers and public services, as well as other holders of public powers that, in compliance with their competence and normative measures and directions, create conditions for the equal treatment of disabled persons, in particular by means of raising the awareness of society and by monitoring the social situation of disabled persons.

The proposal for the ZIMI also regulates the maintenance of records. It also determines fines for violations of accessibility to a constructed environment, inclusive education and public transport, the offence body and fines for violators.

The Advocate of Equal Opportunities actively co-operates in the discussion on the proposal for the ZIMI.

Data on the number of complaints submitted to the Human Rights Ombudsman of the Republic of Slovenia with regard to the discrimination of children with special needs:

Year		2002	2003	2004	2005	2006	2007	2008	2009	2010
Number		25	16	10	10	15	16	15	19	8

Education of the members of the Roma community

In 2004, professional councils from the field of education adopted a document **Roma Education Strategy in the Republic of Slovenia** which includes the following important proposals of measures:

- the inclusion of Roma children in pre-school education in kindergartens at least two years prior to the commencement of elementary school,
- the inclusion of a Roma assistant in the work of education institutions (as a bridge between the kindergarten or the school and the Roma community),
- the introduction of the Roma language at an optional level, learning of the Slovenian language, introduction of contents relating to Roma culture, history and identity in the lessons,
- that there are no more homogeneous classes which would lead to the segregation of Roma children but a statutory prescribed forms of individualisation, internal and flexible differentiation and various forms of teaching aid,
- establishment of trust in the school and elimination of prejudices,
- supplementary education and training of professionals.

The Roma Union of Slovenia has participated in the overall preparation of the strategic document. The President of the Association is also the president of the working group for the preparation of annual action plans for the implementation of the strategy's solutions.

In the past years the following activities from the Roma Education Strategy in the Republic of Slovenia have been implemented:

- the optional subject Roma Culture was adopted,
- the vocational standard Roma Assistant was adopted,

- every year programmes of intercultural co-existence are prepared and implemented (the Roma Union of Slovenia),
- material in the Roma language was published,
- professional consultations on the topic of a more successful inclusion of Roma pupils in the education system have been implemented,
- every year seminars for teacher are implemented within the framework of supplementary professional training,
- the network of schools which includes Roma pupils has been established aimed at exchanging experience, cases of good practice (the National Education Institute of Slovenia, the Centre of the Republic of Slovenia for Vocational and Professional Education).

The state specially treats and recognises benefits to schools for education of Roma children. For individual and group work with Roma pupils the Ministry of Education and Sport dedicates additional financial resources in the school process, it has more convenient norms for classes with Roma, it specially finances food, school books, excursions and similar. The Ministry financed the development and research essays linked to the issue concerning more successful inclusion of Roma pupils and standardization of the Roma language as a basis for the teaching of the Roma language.

On a monthly basis the Ministry of Education and Sport transfers funds to schools for Roma pupils for the purchase of teaching aids and some other costs with reference to days of learning activities and excursions. School books for Roma children are provided by schools with the help of School Book Funds. The Ministry of Education and Sport provides for additional funds to subsidise school meals for all pupils and in case of all schools which include Roma pupils raises the subsidy for school meals for half the number of enrolled Roma pupils. The Ministry provides additional pedagogic hours for the implementation of lessons in small groups for elementary schools with Roma pupils. In the school year 2007/2008, 1,658 Roma pupils were included in elementary schools. There are no homogeneous classes including only Roma children since the Rules on norms and standards for the elementary school since the school year 2003/2004 does not allow for the formation of special classes with Roma pupils.

Pre-school Roma children are included in approximately 40 kindergartens in Slovenia: most of them attend kindergartens in the Dolenjska region, Posavje region, Bela krajina, in Štajerska and Prekmurje.

The written solutions which form the strategy are implemented also with projects within the framework of the new financial perspective of the European Social Fund (ESF) - Operational Programme for Human Resources Development for the Period 2007-2013, the fourth priority axis Equal opportunities and reinforcing social inclusion, the second main field of activity Increasing accessibility and equal opportunities in the educational system. These solutions are for example the introduction of the Roma assistant in educational institutions, the preparation of didactic material, and the implementation of projects for overcoming stereotypes.

In February 2009 the Ministry of Education and Sport appointed a group for the amendment of the "Strategy of the Inclusion of Roma People in Education" adopted in 2004. The proposals for the amendment which is being prepared in 2010 include, among other matters, additional activities in the field of pre-school education, individualisation and differentiation in elementary school. In 2010 the tender published by the European Social Fund "Raising Social and Cultural Capital in Environments where Representatives of Roma Community

Live” was carried out; its aims and objectives are, among other matters, also dedicated to the development of the abovementioned areas:

- developing and implementing various models and concepts of pre-school education with the goal of raising the share of inclusion of children in pre-school education and easier transition into the institutional form of education, that is, into regular department of a kindergarten outside the Roma settlement and into elementary school,
- for the achievement of an objective from the 2004 Strategy that the statutory prescribed forms of individualisation and internal and flexible differentiation (levelled lessons) are used, it is necessary to dedicate more attention to special didactic strategies and methods of inclusion of Roma pupils in lessons in the future and empower them for the successful attainment of standards of knowledge, it is necessary to introduce some other forms of pedagogical work in schools (individual programme, portfolio, monitoring of progress, etc.).

There is a group of teachers teaching Roma pupils which operates within the framework of the National Education Institute of Slovenia.

Various non-governmental organisations and professional and educational institutions are very active in the field of education.

Within the framework of the project “Vocational Information and Counselling for Roma”, an extensive research on educational and vocational interests of Roma people was implemented. The fundamental goals and the concept of the abovementioned project was published in the collection of essays entitled *Poklicno informiranje in svetovanje za Rome – PISR* (Vocational Information and Counselling for Roma), 2006, editors Nada Žagar and Vera Klopčič, Črnomelj: Zavod za izobraževanje in kulturo (the Institute for Education and Culture). In the collection of essays the methodology and the course of the research as well as its results were precisely described. For the research which took place in October and November 2005 the population of active working Roma people from the areas of Dolenjska, Bela krajina, Posavje, Kočevsko and Grosuplje area was selected. The research was made on a sample of 774 Roma people aged between 15 and 45.

The research showed that among the interviewees 80% of persons had not finished elementary school, more than 90% of persons are unemployed, 45% of persons express their willingness to be included in vocational education but that a lot of obstacles and problems are perceived with regard to that. Almost one quarter of the interviewees answered that they have no problems regarding inclusion, one fifth of the interviewees assessed that they know everything they need to know, one quarter of persons assessed that they have no time for learning. Among other answers (almost one fifth of interviewees gave these), the interviewees highlight obstacles for learning which may be classified in three larger groups: situational, institutional and dispositional groups. Among the problems, the situations most commonly referred to are: transport to school, care for children, a non-stimulating environment, work in the black market, lack of money, health conditions, moving from town to town and household chores. Among institutional obstacles the most common are the lack of suitable premises in the Roma settlements, illiteracy, lack of understanding of Slovenian, lack of information, unarranged infrastructure in Roma settlements (there is no electricity, no water), the role of women in the family, linking education with the unemployment status, distrust in institutions. Among the dispositional obstacles the most common are low self-image, learning difficulties, knowledge is not of value for the Roma people, lack of goals,

resignation to one's destiny, the perception regarding one's age, modelling oneself on others and mocking of other Roma people.

The PISR research has showed that 60% of Roma people in the areas where interviews were made are satisfied with their position and do not wish to educate or employ themselves. This is definitely a challenge for the Roma people and for the discipline with regard to efforts for greater inclusion of Roma people in education as an urgent pre-condition for their successful integration and resolution of a marginal position in society.

As a case of good practice it is necessary to highlight the measure of the Murska Sobota City Municipality which, on an initiative by members of the Roma community, introduced a school bus for the district community Pušča with which it contributed in the long term to better school success and greater attendance of the Roma children in schools. The measure of the introduction of a school bus is fully financed with municipality budget funds. The Roma pupils ride by bus on a daily basis although the statutory provision of the Elementary School Act is not satisfied; under this provision pupils are eligible for free transport if they are more than 4 kilometres distant from the school (the settlement is 1 to 3 kilometres away from the school).

*In March 2010, the Government of the Republic of Slovenia adopted **the National Programme of Measures for Roma for the Period 2010 – 2015** which envisages the following concrete measures to raise the success of Roma children in the education system:*

1. Inclusion of Roma assistant in the education process

Explanation:

The strategy for a more successful inclusion of Roma pupils in the education system which was adopted in 2004 as an important measure to raise the success of Roma children in the education system introduces a Roma assistant. The Roma assistant should assist children in overcoming emotional and language barriers prior to their inclusion in the kindergarten of the school and it represents a kind of bridge between the kindergarten and the school and the Roma community.

Goals:

employment of the Roma assistant within the framework of the project “*Successful Inclusion of Roma in Education*” which is being implemented with the ESF funds and the provision of systemic conditions for the employment of a Roma assistant after 2013.

Indicators:

the number of Roma assistants in kindergartens and schools where a certain number of Roma children are included.

Holders:

Roma Union of Slovenia, Ministry of Education and Sport.

Period of implementation:

from 2008 to 2011, the Roma Union of Slovenia, from 2011 to 2013, the repetition of the ESF's tender, after 2013 the inclusion in the costs of the programme implementation which is financed from the national budget.

Necessary funds:

funds available at the tender 1,593,100 EUR, after 2013 approximately 1 million EUR from the national budget.

Financial source:

European Social Fund, from 2013 onwards the budget of the Republic of Slovenia.

2. Early inclusion in education system – provision of conditions for the inclusion in pre-school education

Explanation:

One of an important goals of the Strategy of Roma Education in Slovenia is the inclusion of Roma children in pre-school education at least two years prior to the start of the elementary school, that is, at the latest at the age of four. The purpose of the inclusion in kindergartens is primarily the learning of the language (both Slovenian and Roma language) and socialization in the education institutions which pass on experiences and patterns which allow a child an easier entry and inclusion into the school.

Goals: inclusion of as great a number of Roma children as possible into kindergartens or in various forms of pre-school education which enable learning of Slovenian and Roma language and inclusion in experiences and patterns which enable a child to make an easier entry into the school.

Indicators: the number of children included in forms of pre-school education.

Holders: public tender to co-finance the project “Raising Social and Cultural Capital in Environments where Representatives of Roma Community live”; holder: Ministry of Education and Sport.

Period of implementation: public tender from the ESF’s funds in the period from 2010 to 2014; after 2014, inclusion in the national budget.

Necessary funds: 4,000,000 EUR until 2014, after 2014, national budget - approximately 1 million EUR per year.

Financial source: European Social Fund, the budget of the Republic of Slovenia.

3. Provision of conditions to establish trust in school, learning about Roma culture and overcoming of prejudices

Explanation:

The Strategy of the Roma Education in Slovenia envisages a series of activities with which the belief is strengthened that education is of value and that at the same time it ensures the possibility of developing the Roma culture also within the framework of educational institutions. Becoming familiar with cultures will contribute to better mutual understanding and overcoming of stereotypes.

Goals: within the framework of the abovementioned measure, several goals need to be realised, that is in particular:

- provide for appropriate teaching material and didactic means for the teaching of Roma culture,
- develop the didactics of teaching Roma culture,
- continue the activities for the standardisation of the Roma language,
- provide for conditions for learning about Roma culture (inclusion in the curriculum, implementation of projects).

Indicators: the amount of didactic material, inclusion of contents from the field of Roma culture in the curriculum, standardisation of the Roma language.

Holders: National Education Institute of Slovenia, Roma Union of Slovenia, public research institutions, Ministry of Education and Sport, Ministry of Culture, schools.

Period of implementation: a section of activities has been implemented within the framework of the European Social Fund since 2008; this is a permanent task.

Necessary funds: 300,000 EUR per year (funds are included in the project “Raising Social and Cultural Capital in Environments where Representatives of Roma Community Live”).

Financial source: European Social Fund, the budget of the Republic of Slovenia.

4. The raising of quality of educational work with Roma pupils

Explanation:

Teaching Roma pupils cannot be of quality without the development of a suitable didactic strategy and approach. Permanent professional supplementary training of teachers and exchange of cases of good practice is important with this regard.

Goals: development of didactic strategies and approaches, exchange of cases of good practice in teaching Roma pupils and permanent professional training of teachers within the framework of various models (mentor network, study groups, seminars).

Indicators: the number of professional bases for the development of didactic strategies, the number of teachers included in various forms of training.

Holders: The National Education Institute of Slovenia, universities.

Period of implementation: permanent task

Necessary funds: 200,000 EUR per year (funds are included in the project “Raising Social and Cultural Capital in Environments where Representatives of Roma Community Live”).

Financial source: The budget of the Republic of Slovenia, European Social Fund.

5. The establishment of a network of teaching aid for Roma, especially those included in secondary schools

Explanation:

Not only for a more successful inclusion but also the completion of the secondary education programme in particular, it is necessary to ensure the provision of more suitable teaching aid. Teaching aid may be offered both by successful Roma students, teachers and also non-governmental organisation.

Goals: provision of conditions for the implementation of various forms of teaching aid.

Indicators: the number of providers of teaching aid, success of pupils, students who have received teaching aid.

Holders: Ministry of Education and Sport, local communities, Roma Academic Clubs (RAK).

Period of implementation: since 2010 from the European Social Fund; after the conclusion of a project, funds will be ensured from the national budget.

Necessary funds: approximately 500,000 EUR per year (funds are included in the project “Raising Social and Cultural Capital in Environments where Representatives of Roma Community Live”).

Financial source: European Social Fund, the budget of the Republic of Slovenia, budgets of local communities.

Prevention of family violence

The following legal acts and other documents were adopted during the reporting period in the field of **prevention of family violence**:

- Family Violence Prevention Act (Official Gazette of the Republic of Slovenia, No. 16/2008)
- Resolution on the 2009–2014 National Programme on Prevention of Family Violence
- Action Plan on the Prevention of Family Violence 2010–2011

- Rules on Cooperation between Authorities and on the Functioning of Social Work Centres, Multidisciplinary Teams and Regional Services in Tackling Family Violence (Official Gazette of the Republic of Slovenia, No. 31/2009)

The Family Violence Prevention Act (Official Gazette of the Republic of Slovenia, No. 16/2008) is the first legal act in the Republic of Slovenia, which clearly defines various forms of family violence. The Act lays down the role, the tasks, the network and co-operation between various national authorities and non-governmental organisations in dealing with family violence and defines protective measures for victims of family violence. Every victim shall thus have the right to an escort for psychological support, and the right to free legal assistance.

Children constitute the most vulnerable social group and are granted the highest level of protection, along with persons with disabilities, elderly persons and persons with special needs. The law provides that a child is a victim of family violence even if he is no more than a witness to family violence against other family members. In addition to this, anyone who suspects that a child may be a victim of family violence, has an obligation to report this to a Social Work Centre, to the police or to the public prosecutor's office, regardless of any professional secrecy he might otherwise be bound by. The law also expressly prohibits any exposure of children to mass media in cases regarding family violence, which is highly important if the child is to be protected from unnecessary further violence, media pressure and social stigma.

Special attention is also given to the perpetrator of family violence; the law provides that he must be provided professional help to change his behaviour. The court may, upon the victim's request, prohibit the perpetrator from entering a common household. This means that it is no longer the victim who has to leave the apartment and move to a safe house or maternity home, but rather the perpetrator of family violence.

Social Work Centres are required to keep their own records of family violence to be able to take appropriate measures in a timely manner to protect those who need it. The law also envisages regular professional training of all institutions dealing with family violence, and advocates a multidisciplinary approach to dealing with the victim, as this has proven to be very efficient in the European Union.

The aforementioned act does not lay down any sanctions; penal aspects are regulated under the Criminal Procedure Act and the Criminal Code. The act therefore focuses on wider civil-law aspects and the functioning of social services in helping the victims of family violence overcome the problems they have to deal with in the long run. The act especially emphasises the need for targeted and coordinated implementation of all activities of national institutions, civil society and individuals to contribute to the fight against family violence, to encourage people to report on family violence with less hesitation and to enable adequate punishment of the perpetrators of family violence.

On the basis of Article 11 of the Family Violence Prevention Act, the National Assembly of the Republic of Slovenia also adopted the **Resolution on the 2009–2014 National Programme on Prevention of Family Violence**, which is a strategic document laying down the objectives, the measures and the key policy-makers in the fight against family violence in the Republic of Slovenia in the period 2009–2014. The two key objectives are to provide a coordinated cross-sectoral approach and to lay down efficient measures to fight family

violence, both in terms of detecting and preventing it. Concrete tasks and activities to attain these objectives and to implement specific measures shall be defined in bi-annual action plans, which will also lay down specific deadlines and implementation methods – **Action Plan for Prevention of Family Violence 2010–2011**.

Pursuant to Article 39.a of the **Police Act (Official Gazette of the Republic of Slovenia, No. 11/2003-UPB and 50/2004)**, the Ministry of the Interior issued the **Rules on restraining order prohibiting approach to a certain location or person (Official Gazette of the Republic of Slovenia, No. 95/2004)** in accordance with the Ministry of Justice and the Ministry of Labour, Family and Social Affairs.

Among other things, the Rules define the role of Social Work Centres in implementing the restraining order, which prohibits a person from approaching a certain location or person. Upon notification by the court that such an order has been issued, the Social Work Centres must, above all, ensure that the victim does not feel alone; instead, the Social Work Centre must immediately establish contact with the victim and provide information on available forms of assistance to help the victim deal with the situation of distress. Specifically, Social Work Centres must provide protection to minors who were alone with the perpetrator at the time when the order was issued.

In addition to that, Social Work Centres must also try to help the perpetrator by addressing the underlying causes for his behaviour and thereby preventing further violence.

On the basis of the Rules, the Ministry of Labour, Family and Social Affairs prepared a list with phone numbers of Social Work Centres and emergency services in the Republic of Slovenia, which must be informed by the police in the event that a restraining order is issued:

- Social Work Centres (CSD)
- Emergency services CSD

The following organisations or social protection programmes also provide assistance in cases in which violence has occurred:

- Safe houses, refuges, shelters and maternity homes, and other programmes for prevention of violence
- Crisis centres for children and adolescents
- Crisis centres for women and children – victims of violence

To prevent family violence, Social Work Centres also employ expert workers to provide adequate support to the victims of violence. 12 coordinators provide expert support to social workers dealing with concrete cases of family violence, assist in the process of establishing and organising general crisis teams at the local level, participate in these teams when necessary as external experts, and they organise and manage a unique inter-institutional team working with adult victims of violence. If a restraining order is issued prohibiting approach to a location or person, these coordinators lead and coordinate the work of emergency services. When necessary, they also coordinate and implement the tasks under the Rules on restraining order prohibiting approach to a certain location or person; upon agreement within the crisis team, they can also provide concrete assistance to adult victims of violence and to perpetrators.

The coordinators also assist in organising and maintaining a network of service providers and programmes in the field of social protection against violence, they promote knowledge by organising and planning specialised training programmes for expert workers, and they raise awareness in the professional and general public about attitudes towards different forms of violence (at round tables discussions, through work with target groups, e.g. children and elderly etc.).

The coordinators must also analyse the situation in any given region, they coordinate and assess (innovative) development programmes for perpetrators and victims of violence, and they explore new possibilities to provide short-term accommodation.

In addition to all these tasks, coordinators must also undergo continuous training and elaborate new and ever more efficient forms of assistance to families and individuals.

Criminal offences against children

Violent acts against a person, which lead to actual, aggravated or grievous bodily harm, are penalised in Articles 122–124 of the Criminal Code (KZ-1), in the chapter on criminal offences against life and limb. Criminal coercion is criminalised under Article 132 of the Criminal Code, which provides that whoever, by means of force or serious threat, coerces another person to perform an act or to omit performing an act or to suffer any harm shall be sentenced to imprisonment for not more than one year. Article 191 penalises family violence by laying down that whoever within a family treats badly another person, beats them, or in any other way treats them painfully or degradingly, threatens with direct attack on their life or limb to throw them out of the joint residence or in any other way limits their freedom of movement, stalks them, forces them to work or give up their work, or in any other way puts them into a subordinate position by aggressively limiting their equal rights shall be sentenced to imprisonment for not more than five years. Pursuant to Article 191, the same punishment shall also be imposed on whoever commits the acts under the preceding paragraph in any other permanent living community.

Neglect and maltreatment of a child is a criminal offence under Article 192, which provides that a parent, adoptive parent, guardian or other person who seriously breaches his obligations to a child shall be sentenced to imprisonment for not more than three years. A parent, adoptive parent, guardian or other person who forces a child to work excessively or to perform work unsuitable to his age, or who out of greed inures a child to begging or other conduct prejudicial to his proper development, or who tortures him shall be sentenced to imprisonment for not more than five years. This means that any form of violence against children constitutes a criminal offence in the Republic of Slovenia.

The table below contains statistical data on certain criminal offences committed against children in the period between 1 January 2006 and 30 June 2010. The data refers to the number of criminal offences or criminal complaints before the public prosecutors' offices.

Table 4

Criminal offence	Number of criminal offences				
	2006	2007	2008	2009	1.1.2010 - 30.6.2010
Neglect and maltreatment of a child	276	257	336	720	390
Sexual assault on a person below fifteen years of age	159	192	148	188	142
Presentation, manufacture, possession and distribution of pornographic material	21	32	55	47	23

Source: General Police Directorate

Children included in various forms of social care

According to the data from the information system for the field of foster care, at the end of December 2005, 1207 children were in foster care provided by 765 foster carers, at the end of 2006 1201 children were in foster care provided by 749 foster carers, at the end of December 2007 1192 children were in foster care provided by 729 foster carers, at the end of December 2008 1156 children were in foster care provided by 695 foster carers, at the end of December 2009 1162 children were in foster care provided by 694 foster carers, and at the end of July 2010 1156 children were in foster care provided by 688 foster carers.

According to the data from the register of births, deaths and marriages which is kept by the Ministry of the Interior, in 2005 there were 32 adoptions made, in 2006 39 adoptions, in 2007 24 adoptions, in 2008 28 adoptions and in 2009 49 adoptions were made. The abovementioned data take into account adoptions of children from Slovenia and from abroad.

According to the data which is made available by the Ministry of Labour, Family and Social Affairs, that is, according to the data deriving from the Social Data Base which is kept with the aim to monitor the implementation of social care services and public powers at centres for social work, as of 31 December 2008, there were 294 young persons in custody, and a guardian for a special case was appointed in the case of each of 456 young persons. As of 31 December 2009, 292 young persons were in custody, and a guardian for a special case was appointed in the case of each of 614 young persons.

Foster care

Foster care is an instrument of family law which is regulated in the Marriage and Family Relations Act as a special form of care for children who need care and upbringing by persons who are not their biological parents. The carrying out of the foster care activity, however, is the subject of a special statutory regulation provided for in the **Provision of Foster Care Act** (2003) the aim of which is to raise the quality of carrying out foster care and in this manner, offer to children who are placed in foster care as appropriate a treatment as possible.

The Provision of Foster Care Act regulates conditions which a person who wishes to carry out foster care activity needs to fulfil, the procedure to obtain the licence to provide foster care, conditions and procedure for carrying out foster care as an occupation. It determines standards

for providing foster care, it defines obligations of the foster carer and tasks of social work centres in providing foster care, it regulates financing of foster care and some other questions linked to the implementation of the law.

Conditions which a person has to fulfil if she/he wishes to provide foster care are: a permanent residence in the Republic of Slovenia, at least vocational or professional education and full age. The Act allows for exceptions if this is for the benefit of a child. It is also stipulated who cannot be a foster carer, in which cases foster care may be provided by a relative of a child and who are persons who are considered to be a child's relative under this Act. All persons who wish to become foster carers have to obtain a licence to provide foster care and be entered in the register of issued licences kept by the Ministry responsible for family matters. Persons who wish to become foster carers must submit an application to the responsible social work centre which firstly determines if formal conditions are fulfilled, then the candidate and his family's suitability to engage in such an activity is assessed. The obligations of the foster carer are determined both in relation to the foster child and in relation to the foster child's parents or guardians or social work centres. A foster carer has to participate in an individual project group which is appointed by the social work centre and attend supplementary training lasting from 20 to 25 hours at least once every five years. The relative of a child, if providing foster care, is also obliged to participate in supplementary training.

The Provision of Foster Care Act also defines the specific monitoring of carrying out the foster care in such a manner that the interests of children are protected to the greatest extent. Among other matters it stipulates in particular that after the placement of a child in a foster family, the social work centre must form the so-called individual project group the task of which is planning and proposing suitable conduct, professional treatment of a foster child and direct monitoring of a child in a foster family. For this purpose, for every child in foster care a written individual plan needs to be prepared; the plan is adapted to his/her age, the level of development and his/her needs. The plan is complemented and modified if necessary. The individual project group meets in compliance with the plan and agreements, and at least once a year it has to submit to the child's centre a written report in which it gives proposals for further measures with regard to the child. In the event that it is determined that a foster carer carries out fostering contrary to a child's interests, the Act stipulates the cancellation of the foster care contract as well as the withdrawal of a licence conferred on a foster carer.

The Marriage and Family Relations Act (Official Gazette of the Republic of Slovenia, No. 69/04 – official consolidated text 1, 101/07 – Dec. CC and 122/07 – Dec. CC, hereinafter referred to as ZZZDR) stipulates that a custody is a special form of social care of young persons for whom parents do not care, and for adult persons who are not capable of taking care of themselves, of their rights and interests.

A young person without parents or of whom parents do not take care, is placed under custody by a social work centre. **A guardian of a young person** is obliged to take care of the young person in the same manner as parents do. The guardian of a young person directly carries out the majority of those rights and obligations which form the content of the parental right, that is the care and upbringing of a young person, the management of his assets and representation in personal and property matters. However, the guardian is not obliged to maintain the ward, and does not have the obligation to keep the ward at his place of residence. The guardian may, only with the approval of the social work centre, place a young person in a juvenile institution or entrust him/her to the upbringing and care provided by another person, take the young

person from school or change the type of education, decide for the young person on the choice of a profession or with regard to the performance of his/her profession or take any other important actions with regard to the young person which are stipulated by the Act.

The custody over a young person terminates when the young person becomes of age, when he/she enters into marriage or when he/she becomes adopted by somebody, or if he/she has become a parent and by means of a court decision he/she has been recognised as having full contractual capacity.

In any case, it is specially considered whether, with the instrument of custody, children's rights and interests need to be taken care of and protected because even though children are in the care of one of the parents it is not necessary that this care is sufficient. The social work centres are especially authorised that in a case of a suspicion of children's endangerment, it is assessed whether their rights and interests need to be protected. The procedure for the placement of a young person under custody and the appointment of a guardian is urgent. When deciding on the form of care provided to the ward, the social work centre needs to take into account chiefly the needs and interests of the ward.

The social work centre appoints a guardian for a special case or a guardian for a special type of task in respect of an absent person whose residence is not known and has no representative, to an unknown owner of the property when it is necessary that somebody take care of this property, and also in other cases when this is necessary for the protection of rights and interests of an individual.

Regardless of the parents' care for children, in cases of a conflict of interests among them (that is in a case of dispute between a child and a parent, or for the conclusion of legal transactions), a guardian for a special case needs to be appointed for a child as a collision guardian.

Juvenile delinquent

The number of young persons serving their sentences in prisons

As of 1 January, the following number of young persons was recorded in Slovenian prisons and the Correction Home:

	Juvenile convicted persons as of 1 January	The average duration of a sentence (in years)	Young persons in Radeče Correction Home
2005	3	4,7	32
2006	10	3,1	28
2007	4	4,4	26
2008	3	4,7	21
2009	3	4,7	23

The average duration of prison sentence among young persons

The average duration of a sentence is evident from the above table. It is misleading to a certain extent since it is calculated from a small number of cases. Thus in 2009, one young person was serving his 10-year sentence, another 2,5-year sentence and the third a 1,5-year sentence.

Young persons in Correctional Home are sentenced to a measure by the court for a term of between 1 to 3 years. It then depends on the fulfilment of an individual's personal plan as to how long the measure will actually last.

In 2009, 16 young persons were discharged from the Radeče Correctional Home. The duration of the measures served is evident from the table.

The duration of the measure served	The number of young persons who have served the measure in full
6 months to 1 year	5
1 to 2 years	2
2 to 3 years	1
3 years	8
TOTAL:	16

The number of young persons detained together with adults.

As of today, 4 August 2010, one juvenile detainee was detained in detention premises, in particular in Nova Gorica Prison. This person was accommodated in his own detention room.

In Maribor Prison, until 2 August 2010, one juvenile detainee was accommodated in the Maribor prison who was transferred to the Radeče Correction Home on that day. He had been detained from 11 July 2010; he was accommodated in a room with two adults. He himself expressed the wish to be accommodated with adults. It was approved by the competent Judge of the District Court. The accommodation together with adults was in the interest of the young person. Previously he was detained by the court from 9 to 11 June and he was accommodated on his own.

More detailed data regarding juvenile detainees and their accommodation is currently not available. The doctrine that young persons are accommodated with adults only if this is in their interests is consistently carried out. The number of juvenile detainees is rather small and it only rarely occurs that more than one is present at the same location. Consequently this means, that he/she is accommodated in a room by himself/herself. In the majority of cases, young persons accommodated in this way express their wish to be accommodated differently. Their wishes are communicated to the competent court. If the court allows the accommodation of a juvenile detainee together with adults, such an accommodation is provided for.

17:2 Free-of charge primary and secondary education – regular presence in schools

Educational institutions from the field of elementary education monitor the absence of children on a daily basis; it is also evaluated in the prescribed documentation. At the level of

the State it is possible to define the share of the dropout of pupils and students in comparison with the number of the pupils enrolled or the students of an individual generation enrolled in an individual educational programmes and the number of successful accomplishments in the educational programme of the same generation. This data is collected and arranged by the Statistical Office of the Republic of Slovenia.

In compliance with the Elementary School Act, parents of elementary-school children should give notice of the reason for the pupil's absence upon each absence of a pupil. A pupil may be absent from lessons without parents notifying the reason for the absence if his/her absence is announced beforehand but not more than five days in a school year. The Principal may, at the parent's wish, due to excusable reasons allow a pupil a longer absence from lessons.

The Act also stipulates that the parents of elementary-school children may be punished for a minor offence if they do not ensure their child the fulfilment of the elementary schooling obligation. In an event when parents do not take care that their children visit the elementary school regularly, the school has the obligation to file a proposal to a responsible offence body to order a fine.

In the last years the elementary school programme has been attained by almost all pupils, from 98.5 to 99.7 %.

After the completed elementary school 93.8 % of pupils of the ninth grade continue with secondary education.

At the level of the State it is possible to define the share of the dropout of students in comparison with the number of the students of an individual generation enrolled in an individual educational programme and the number of successful accomplishments of the educational programme of the same generation. This data is collected and arranged by the Statistical Office of the Republic of Slovenia.

The Ministry of Education and Sport has ordered from the National Education Institute of Slovenia a research project "A Dropout in Secondary School". The report was prepared in 2008.

The project "Prevention of school failure and mitigation of its consequences" (PUPO) was carried out at the National Institute for Vocational Education and Training from 2002 to 2004. One of the project results is a theoretical model of preventive measures for the prevention of dropouts in vocational and professional education and a manual of cases of good practice for the prevention of dropouts entitled "Stay at School".

There is no legal basis for a suitable monitoring of a dropout.

Article 19: THE RIGHT OF MIGRANT WORKERS AND THEIR FAMILIES TO PROTECTION AND ASSISTANCE

19:1 Assistance and information provided by free services

Additional explanations with regard to Conclusions 2006

Concerning misleading propaganda we would like to explain that in the Republic of Slovenia this is not a mass phenomenon in the field of migrations.

With the intention of informing the aliens who intend to come to the Republic of Slovenia about how they can legally enter and reside in the country, at the web pages of the Ministry of the Interior of the Republic of Slovenia the access is provided to all necessary information concerning the entrance and residence of aliens in the country. The Ministry also issued a brochure in 11 languages explaining the arrangement of entering and residing in the Republic of Slovenia, presenting further measures for the integration of aliens into the Slovenian society and providing other useful information. These brochures are available at all administrative units in the Republic of Slovenia, diplomatic missions and consular posts of the Republic of Slovenia abroad, centres for social work, offices of the Employment Service of Slovenia, non-governmental organizations and societies. At the end of 2009, the Ministry of the Interior began with the setting up of a web portal intended for aliens; the web portal contains comprehensive information on entering and residing in the Republic of Slovenia, as well as on the opportunities available for inclusion into Slovenian society (www.infotujci.si). The web portal, which provides information in six foreign languages, was planned to and has become the key information source and intersection point for links with other sources of information for aliens.

Measures to prevent from misleading propaganda are implemented by non-governmental organizations, such as the Ključ Society. The activity is carried out by handing out leaflets that are also available at police stations, the Aliens Centre or locations where illegal migrants are dealt with. Non-governmental organizations help aliens by providing information and raising awareness on procedures and their rights.

A cooperation agreement has also been concluded between the UNCHR Regional Representation Central Europe and the Ministry of the Interior of the Republic of Slovenia – Police when providing access to international protection seekers in the territory of the Republic of Slovenia and when exercising their right to international protection. In this respect, the Police also cooperate with the Legal Information Centre of NGOs. In the Asylum Centre, the Legal Information Centre of Non-Governmental Organizations is currently undertaking a project which serves to inform aliens who have expressed their wish to submit a request for international protection and the applicants for international protection, on the procedures for the recognition of international protection and on their rights and duties – this Project is co-financed by the European Refugee Fund.

Police officers conducting procedures that involve illegal migrants are obligated to give those migrants proper information on facts and conditions pertaining to the procedure. Besides, aliens who must be withheld, detained and accommodated at the Aliens Centre shall be issued a written document explaining the grounds for the measure taken. In such proceedings aliens shall be informed about their rights in their mother tongue or a language they understand.

The basic training of police officers at the Police Academy also includes ethics. Additionally, a project of retraining all police officers in the area of ethics was carried out in 2009. Among other things, such trainings include contents concerning prevention of racism and xenophobia.

The Ministry of the Interior of the Republic of Slovenia also organizes a training course for employees on communication skills and intercultural competences (how to perform activities in procedures involving aliens). This programme is intended for the employees from administrative units, the Employment Service of Slovenia and centres for social work. In the years to come it shall be carried out on a continuous basis.

The registration of inhabitants in the Republic of Slovenia is comprehensively regulated by the Residence Registration Act (Official Gazette of the Republic of Slovenia, nos. 59/06-UPB and 111/07; hereinafter: the ZPPreb) that rests on the right of an individual to freedom of movement and to select the place of residence which is enshrined in Article 32 of the Constitution of the Republic of Slovenia.

Among other things, Article 6 of the ZPPreb stipulates that in the case of permanently moving away from the territory of the Republic of Slovenia every individual is obligated to deregister before leaving the country. Based on Article 13 of the ZPPreb, every individual intending to travel away to a foreign country for a period exceeding three months shall notify the competent body about his/her departure before leaving the country. Return to the native country must be registered within 8 days after arrival. The obligation to register/deregister may be complied with at any administrative unit or local office in the entire territory of the Republic of Slovenia where also appropriate information can be obtained.

Additional information is available at the web pages of the Ministry of the Interior of the Republic of Slovenia and at the single state portal »E-administration«.

19:4 Equal treatment in the field of employment, right to organize and accommodation

Additional explanations with regard to Conclusions 2006

Access to non-profit rental housing – repeatedly negative opinion of the ECSR

Unfortunately, we must repeat what has already been stated in previous reports. In Slovenia, the demand for non-profit rental housing still exceeds the supply – particularly in bigger town municipalities – and consequently citizenship is still the basic criterion for the allocation of such apartments.

However, as already mentioned, the waiting period shortened from 7 to 3-5 years which shows that the situation is improving. Due to lacking resources to acquire more non-profit housing facilities, this problem is indirectly regulated also by putting citizenship as a condition for this type of housing. Pursuant to Article 160 of the Housing Act, EU citizens are

entitled to rent a non-profit apartment. Citizens of the state parties that are not EU Member states, however, are only entitled to a living unit.

Living units

For solving the cases of urgent and temporary housing issues of people who found themselves without roofs over their heads, the Housing Act stipulates that the acquisition and rental of living units shall fall within the competence of municipalities. A living unit is a constructed or mobile facility or a group of facilities intended for a temporary solution of housing needs of socially disadvantaged persons. With regard to why and how they are used, there are several categories of living units: those with sanitary facilities and a kitchenette, those with shared sanitary facilities or a shared kitchenette, as well as those with shared sanitary facilities and a shared kitchenette.

Currently, the municipalities have 300 living units available; however, considering the actual needs, approximately 200 additional living units would have to be acquired.

From the substantive point of view, the concept of allocating living units, as foreseen in Article 88 of the Housing Act, wishes to prevent from rough sleeping and thus to help people in the worst social or material distress. No call for applications is foreseen for the allocation of living units; municipalities shall allocate them with regard to free (available) capacities on the one hand and depending on the demand (needs) on the other. The citizenship of the Republic of Slovenia is not a condition that must be fulfilled to acquire a living unit.

A tenant of a living unit may be entitled to a subsidized rent if certain conditions are met pertaining to income and property.

19:5 Equal treatment with regard to taxes and contributions

Equal treatment with regard to paying taxes and contributions

The system of compulsory payment of personal income tax charged on the income of natural persons is regulated in the **Personal Income Tax Act – ZDoh-2** (Official Gazette of the Republic of Slovenia, No. 51/10-UPB6). This Act rests on the principle of taxing global income of residents, whereas non-residents are taxed according to the principle of taxation at source. Both principles, the global income taxation principle and the source income taxation principle, are defined in Article 5 of the Act. Pursuant to the principle of global income taxation residents are liable to pay the personal income tax on all types of income – those sourcing from Slovenia as well as those sourcing from abroad. Non-resident are only liable to pay personal income tax on the income sourcing from Slovenia. The primary goal of the above principles is to define the scope of tax liability. There are two types of taxpayers – residents and non-residents – whose scope of taxation is determined on the basis of these two principles.

Since the Ratification of the Revised European Social Charter Act did not define the concept of a »work migrant«, in further explanations the definition of a »work migrant« as stipulated in **the Employment and Work of Aliens Act – ZZDT** (Official Gazette of the Republic of Slovenia, No. 76/07-UPB2) was used as a basis. Thus, pursuant to Article 2 of the ZZDT, a work migrant is a worker with permanent residence in another country who is employed or performs work in the Republic of Slovenia and who returns to his/her place of permanent residence at least once a week. Taking account of the

ZDoh-2 provisions on residence (Articles 6 and 7), such individual shall be considered a non-resident of Slovenia for taxation purposes.

Tax treatment of employment income pursuant to the ZDoh-2

Tax treatment of employment income is regulated by the ZDoh-2 where in this respect all types of income are treated equally regardless the residence status of the recipient of income for tax purposes.

In compliance with Article 36(1) of the ZDoh-2, employment income shall include every payment and bonus related to employment. Article 37 of the ZDoh-1 defines employment income. This income specifically includes wage or salary, wage or salary compensation and every other payment for the work performed, pay for annual leave, anniversary bonuses, severance pay, solidarity assistance, compensation for work-related expenses, fringe benefits as well as other income arising from employment relationship.

Pursuant to Article 41(1) of the ZDoh-2, the income under Article 37 of this Act, reduced by compulsory social security contributions that must be paid by the employer on the basis of special regulations, shall be used as a tax base for the revenues arising from employment relationship.

Article 44 of the ZDoh-2 defines the types of income to be exempted from the tax base pertaining to employment income. They particularly include compensations for work-related expenses (travel allowances, meal allowances, fieldwork allowances, etc.), anniversary bonuses, severance pay upon retirement, solidarity assistance, etc. These types of income shall be exempted from the tax base of employment income up to the level of tax-free amounts stipulated by the Government of the Republic of Slovenia in **the Decree on the Level of Work-related Expenses and Other Expenses Not Included in the Tax Base** (Official Gazette of the Republic of Slovenia, Nos. 140/06 and 76/08).

Taxable income from employment is subject to prepayment of income tax during the year. The method of calculation and execution of prepayment of personal income tax from individual types of taxable income is stipulated in the ZDoh-2 and in the **Tax Procedure Act – ZDavP-2** (Official Gazette of the Republic of Slovenia, Nos. 117/06, 24/08-ZDDKIS, 125/08, 20/09-ZDoh-2D, 110/09, (1/10 rev.) and 43/10). The calculation of personal income tax prepayment is carried out:

- by withholding tax which is done by the employer as payer of the taxable income from which tax is deducted, and
- by assessing prepayment of the personal income tax which is done by the tax authority based on the taxpayer's tax return.

The prepayment of personal income tax shall be executed by the taxpayer based on the withheld tax or by the person liable for tax based on the assessed prepayment of personal income tax. In the case of a resident worker, the prepaid personal income tax shall be deducted from the personal income tax assessed for an individual taxable year, whereas in the case of a non-resident worker, pursuant to Article 124(4) of the ZDoh-2, the prepaid personal income tax shall be considered as final tax.

Non-resident taxpayers are not obligated to submit the annual income tax return and are in general not entitled to tax relieves intended for residents to reduce their tax base. An exemption from the above can be found in Article 116 of the ZDoh-2 which defines certain relieves for the residents of the EU/EEA states who earn most of their income in Slovenia. Thus, a natural person who is a resident of an EU/EEA state, other than Slovenia, and who earns employment income, business income, income from basic agriculture and forestry, rental income and royalties as well as miscellaneous income may claim a general

relief and a special relief for dependants if able to prove that the income earned in Slovenia constitutes at least 90 % of his/her whole taxable income in the tax year and that the income earned in Slovenia was excluded from taxation or was not taxable in the state of his/her residence. A taxpayer who is a resident of an EU/EEA state may claim the right to tax relief by submitting an annual income tax return accompanied by the EU/EEA – Tax Relief Application.

Calculation and payment of compulsory social security contributions in Slovenia

Employment relationships between employers seated or residing in the Republic of Slovenia and workers employed with such employers are regulated by the **Employment Relationships Act – ZDR** (Official Gazette of the Republic of Slovenia, Nos. 42/02, 46/07, Ruling of the Constitutional Court U-I-45/07, Up-249/06-22, 103/07, 45/08-ZArbit and 83/2009, Ruling of the Constitutional Court U-I-284/06-26). Pursuant to Article 4 of the Act, an employment relationship is a relationship between the worker and the employer, whereby the worker is voluntarily included in the employer's organized working process, in which he/she in return for remuneration continuously carries out work in person according to the instructions and under the control of the employer. Each of the contracting parties in an employment relationship shall exercise the agreed and prescribed rights and obligations. Pursuant to Article 5(2) of the ZDR, a diplomatic and consular mission employing the worker on the basis of an employment contract is also the employer. Pursuant to Article 9(2) of the ZDR, the employer is obligated to register the worker to the obligatory pension, invalidity, health and unemployment insurance schemes and deliver him a photocopy of registration within 15 days from commencing work.

Regulations prescribing the method of calculation and payment of compulsory social security contributions for workers employed with employers in the Republic of Slovenia foresee no particularities for work migrants who enter the compulsory social security scheme in Slovenia on the basis of their employment with the employer in Slovenia.

Calculation and payment as well as contribution rates for compulsory pension and disability insurance scheme, compulsory health care insurance, parental protection insurance and employment contributions pursuant to the laws on the basis of which they were introduced, are regulated in the **Social Security Contributions Act – ZPSV** (Official Gazette of the Republic of Slovenia, Nos. 5/96, 18/96, 34/96, 87/97, 3/98, 106/99, 81/00 and 97/01). Under Article 2 of the Act social security contributions shall also be paid by employees and their employers in accordance with the laws on the basis of which these contributions were introduced.

Workers employed with employers in the Republic of Slovenia are defined as compulsory insured persons in the following legal provisions:

- Article 13(1) of the Pension and Disability Insurance Act – ZPIZ-1 (Official Gazette of the Republic of Slovenia, No. 109/06-UPB4),
- Article 15(1)(1) of the Health Care and Health Insurance Act – ZZVZZ (Official Gazette of the Republic of Slovenia, No. 72/06-UPB3),
- Article 6(1) of the Parental Protection and Family Benefit Act – ZSDP (Official Gazette of the Republic of Slovenia, Nos. 110/06-UPB2 and 10/08),
- Article 14 of the Employment and Insurance against Unemployment Act – ZZZPB (Official Gazette of the Republic of Slovenia, No. 107/06-UPB1).

Pursuant to Article 3(1) of the ZPSV, persons under obligation shall pay social security contributions from their gross wages and gross wage compensations for the period of absence from work, in accordance with the regulations on labour relations, unless otherwise stipulated by the law. Pursuant to Article 3(3) persons under obligation shall also pay social security contributions from all other earnings arising from employment relationship, i.e. from gross earnings, with the exception of earnings stipulated in Article 3(4) for which the bases used for calculating social security contributions are defined in another way (e.g. social security contributions charged from compensations for work-related expenses are only paid for the amount exceeding the level prescribed by a governmental decree).

From the same bases as stipulated in Article 3 of the ZPSV social security contributions shall also be paid by employers, as prescribed in Article 6(1) and (2) of the ZPSV.

The rates of social security contributions charged and paid from employment income are stipulated in Articles 8–14 of the ZPSV and amount to:

	Employee's contribution	Employer's contribution
for pension and disability insurance	15.5 %	8.85 %
for health insurance	6.36 %	6.56 %
for parental protection	0.10 %	0.10 %
for employment	0.14 %	0.06 %
for occupational injuries and diseases		0.53 %
Total	22.10 %	16.10 %

The ZPSV also defines the calculation and payment as well as rates of compulsory contributions, while the ZDavP-2 specifies the method of calculation, deadlines for paying contributions and procedures to be followed in the case contributions are not paid.

Pursuant to Article 352 of the ZDavP-2 persons under obligation shall calculate compulsory social security contributions in their settlement of social security contributions. They must submit this settlement in a prescribed form containing prescribed information which must be true, complete and correct with regard to individual taxation laws and may not mislead the authority competent for collecting social security contributions. Social security contributions shall be calculated according to the rates valid on the day the obligation to pay social security contributions occurs. Should the contributions for the insured person be calculated and paid by his/her employer, this is done in withholding tax returns (i.e. in the REK-1 form) simultaneously with the calculation of income tax prepayment. The REK-1 form must be forwarded by the employer to the Tax Administration of the Republic of Slovenia no later than on the day when income is paid; simultaneously also the calculated income tax prepayment and payment of compulsory social security contributions must be executed.

19:8 Expulsion of migrant workers

Additional explanations with regard to Conclusions 2006

Pursuant to the **Aliens Act** (Official Gazette of the Republic of Slovenia, No. 64/09 – official consolidated text), an alien may only be expelled from the country if residing in the Republic of Slovenia illegally or refusing to voluntarily leave the country's territory. Aliens who are in possession of a valid residence permit in the Republic of Slovenia, i.e. also work migrants, are legally residing in the Republic of Slovenia therefore they cannot be expelled. Expulsion shall

only be possible in the case an alien has no valid residence permit because it was terminated and has failed to voluntarily leave the country.

Pursuant to the provisions of the Aliens Act, an alien residing in the Republic of Slovenia on the basis of a residence permit cannot be refused residence on the grounds that he/she remained without sufficient resources to survive but only if he/she poses threat for public order.

For an alien residing in the Republic of Slovenia on the basis of a temporary residence permit because of employment or work, the provision from the fifth indent of Article 48 of the Aliens Act, regulating the annulment of residence because an alien runs out of funds to support him/herself and fails to secure any other means of support, may not be applied because he/she is ensured sufficient resources for living by the sheer fact of being employed or working in the Republic of Slovenia. Namely, the minimum amount of sufficient resources an alien must have at disposal to be issued or extended the temporary residence permit equals the basic amount of the minimum income in the Republic of Slovenia.

In any case, when reaching a decision on the termination of residence, the competent body shall take into account the length of stay of the alien concerned in the country, the personal, family, economic and other ties linking him/her to Slovenia and the effect that the termination of residence would have on the alien or his/her family.

A foreign migrant worker who was employed or performed work in the Republic of Slovenia may, pursuant to the Aliens Act, remain in the Republic of Slovenia even after the termination of employment and acquire a residence permit for the reason and period of receiving unemployment benefit.

In accordance with the above stated we believe that the Aliens Act is not in discrepancy with the RESC concerning the termination of residence.

19:10 Equal treatment of self-employed persons

See 19:4.

19:11 Lessons in the official language of the host country

Additional explanations with regard to Conclusions 2006

The Ministry of higher education, science and technology has no data on the participation of migrant workers and adult members of their families in free lessons of Slovene language. Ministry, however, finances lessons for student/future students who are foreigners or Slovenes without Slovene citizenship in line with the provisions of Higher Education Act.

Data concerning lessons of Slovene language for foreigners:

In 2008 there were 832 students taking Slovene lessons at the Centre for Slovene as a second/foreign language at the Faculty of Arts in Ljubljana. In 2009 there were 880 students, including 199 who have received scholarship of the Slovene Government.

At the Centre for Slovene as a second/foreign language at Primorska University there were 59 students taking Slovene lessons, including 35 who have received scholarship. In 2009 there were 62 students, including 35 who have received scholarship of the Slovene Government.

In 2008, on the basis of the Aliens Act, a Decree on the integration of aliens was adopted (Uradni list RS [Official Gazette of the Republic of Slovenia], No 65/08), stipulating the methods and conditions for the integration of aliens in cultural, economic and social life. The Decree applies to aliens who legally reside in the Republic of Slovenia. It also defines, inter alia, the conditions to be met in order to attend Slovenian language, Slovenian culture, history and constitutional order courses free of charge. Aliens are entitled to free Slovenian language courses on the following conditions: if they have been living in the Republic of Slovenia for at least two years on the basis of a permanent residence permit, and their family members hold a temporary residence permit in the Republic of Slovenia granted for the purpose of family reunification, regardless of the length of time living in the Republic of Slovenia or the validity of the permit; and this entitlement is also available to aliens who have been living in the Republic of Slovenia for at least two years on the basis of a temporary residence permit, and hold a temporary residence permit with a validity of at least one year and their family members hold a temporary residence permit in the Republic of Slovenia granted for the purpose of family reunification, regardless of the length of time living in the Republic of Slovenia or the validity of the permit.

In addition to that mentioned above, an opportunity is also provided for aliens to take one basic level Slovenian language exam free of charge, which is a requirement for aliens in proving their knowledge of the Slovenian language when obtaining citizenship of the Republic of Slovenia.

Slovenian language courses, as well as programmes and lessons focusing on Slovenian culture, history, the constitutional order and the Slovenian language exam are all financed by the Ministry of the Interior from its own funds and from the European Fund for the Integration of Third Country Nationals.

19:12 Lessons in the mother tongue of migrant workers for their children

Additional explanations with regard to Conclusions 2006

In the school year 2009/2010, 203 pupils who moved to Slovenia with their parents and attended Slovenian elementary schools, learned and practiced their mother tongue. Lessons in their mother tongue were organised in Albanian, German, Macedonian, Russian and Finnish.

Article 27: THE RIGHT OF WORKERS WITH FAMILY RESPONSIBILITIES TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT

Additional explanations with regard to Conclusions 2005:

Measures intended to assist persons with family obligations to (re)integrate into the labour market or to remain in employment

The Act Amending Employment Relationship Act – ZDR-A (Official Gazette of the Republic of Slovenia, No. 103/2007) statutorily introduced some additional options for an easier reconciliation of family and work life, as follows:

- possible adjustment of working time to the needs of workers with parental obligations, if feasible considering the requirements of the working or production process (Article 64 of the ZDR-A, Article 147 of the ZDR);
- rights of workers with school-age children to take at least a week of annual leave during the school holidays (Article 72 of the ZDR-A, Article 165 of the ZDR); and
- extended and more clearly defined special protection against termination of employment contract for workers with parental obligations (Article 49 of the ZDR-A, Article 115 of the ZDR).

Development partnership *Young-Mother/Family-friendly Employment*

The main aim of the development partnership *Young-Mother/Family-friendly Employment* is to decrease hidden discrimination in the labour market of young women – (potential) mothers – due to maternity.

When implementing its goal, the development partnership will build on the already started projects, upgrade these projects and, together with key project holders, provide for their integration into policies in the spirit of mainstreaming. Among other things, it will design the measures for awarding the »Family-friendly Enterprise« certificate (mark) (the project was started by the Office for Equal Opportunities).

We intend to fulfil our goal through:

- economic and sociological research into the extent of the problem, on which our search for appropriate solutions will rest,
- education of target groups (young women/parents and employers),
- public exposure of the issue of sex discrimination of young women in the labour market,
- public awarding of those firms in which people have a non-discriminatory attitude towards those who are planning or having small children.

Through these activities, public awareness will strengthen and cultural, business and psychosocial behavioural patterns will go through the process of change. In changing the practice, further inclusion of equal treatment of sexes into prevailing policies (mainstreaming) will be needed. This should be done simultaneously with changing behavioural patterns in the public sector (including obligatory and clearly non-discriminatory wording when publishing vacancies in the public sector).

In Slovenia, the implementation of the Family Friendly Enterprise project and the awarding of certificates within this project started in autumn 2006. Thus, on 15 May 2007 the Ministry of Labour, Family and Social Affairs awarded the first basic certificates to 32 Slovenian enterprises for the period of three years. In this period the recipients of the basic certificate

must introduce the selected measures for the improvement of working environment in their companies.

Since November 2007, the project has been held and implemented by a not-for-profit NGO Zavod Ekvilib. When developing and implementing certification this NGO is also supported by the Ministry of Labour, Family and Social Affairs, Faculty of Social Sciences, University of Ljubljana, Pergam – The Confederation of Trade Unions of Slovenia, Association of Employers of Slovenia, Association of Free Trade Unions of Slovenia as well as a series of external partners and experts.

The pilot project developed by the German organization “Beruf und Familie” is adapted to the Slovenian socio-economic environment. In 2007 the project was introduced by the development partnership Young-Mother/Family-friendly Employment within the initiative of the »Equal« community and in cooperation with the Ministry of Labour, Family and Social Affairs.

The »Family-friendly Enterprise« certificate represents a socially responsible principle of management and is the only certificate of this type in Slovenia.

Procedure to acquire the »Family-friendly Enterprise« certificate

Acquisition of the »Family-friendly Enterprise« certificate rests on the consulting and auditing process intended to assess and provide advice to employers with regard to the tools for an effective and better quality of human resources management in the context of balancing professional and private lives of employees.

By way of an internal procedure, the enterprise defines and implements selected goals and measures. With regard to the internal assessment of the actual situation, by using an external auditor/consultant, the enterprise defines the roadmap to introduce measures aimed at improving the management of work processes and quality of working environment in order to better reconcile work and family life.

After a positive assessment of the implementation plan for the selected measures by the auditors' council, the enterprise is granted the »Family-friendly Enterprise« certificate.

After three years it shall be assessed whether the set measures were introduced and goals met. If the goals have been met, the enterprise is awarded the »Family-friendly Enterprise« certificate.

Up to the present the basic »Family-friendly Enterprise« certificate was granted to 60 Slovenian enterprises and organizations.

Access to vocational guidance and training for citizens of the ESC parties

Regarding the integration of aliens into the labour market, it is very important to have the possibility of acquiring national professional qualifications regulated by **the National Professional Qualifications Act**. A national vocational qualification is a vocational or professional working competence necessary to carry out a profession or individual sets of duties within a profession at a specified level of difficulty. With the intention of facilitating the acquisition of relevant education and skills, programmes of national professional

qualifications are implemented that are necessary for an effective integration into the labour market. Within the framework of these programmes, providers carry out inspection and verification procedures based on the catalogue of standards for technical knowledge and skills. They assess the actual capacity of mobilising knowledge, skills and competences to perform working tasks in various conditions. If the programme is successfully completed, the candidate acquires a national professional qualification certificate which, in the sense of a qualification to perform a profession, substitutes the certificate acquired through the regular educational system.

Pursuant to the National Professional Qualifications Act, a professional qualification can be acquired by every adult person, regardless his/her citizenship.

Under the current **Employment and Insurance against Unemployment Act**, aliens holding a personal work permit may get registered at the Employment Agency of Slovenia and are entitled to all services offered by the Agency, including vocational guidance. An alien may acquire a personal work permit for an indefinite period of time as soon as he/she acquires a permanent residence permit (after five years of uninterrupted residence in the Republic of Slovenia). In accordance with **the proposal for the new Employment and Work of Aliens Act**, the third country citizens in possession of a permanent residence permit shall have free access to the Slovenian labour market.

An alien meets the conditions to acquire a personal work permit for three years if he/she is:

- a member of a Slovenian citizen's immediate family who has been in possession of a valid permit for temporary residence for the purpose of family reunification;
- an immediate family member of an alien who is in possession of a personal work permit valid for an indefinite period of time and who has been in possession of a permit for temporary residence for the purpose of family reunification if he/she has resided in the Republic of Slovenia on the basis of a permit for temporary residence for at least two years;
- a Slovenian emigrant, or his/her direct descendant up to three times removed, who is not in possession of Slovenian citizenship;
- a self-employed alien who has been uninterruptedly self-employed in the Republic of Slovenia for two years and has been entered in the business register;
- an alien with at least vocational education who for the last two years prior to submitting an application has been uninterruptedly employed with the same employer or his legal predecessor;
- a working migrant who for the last two years prior to submitting an application has been uninterruptedly employed with the same employer or his legal predecessor;
- an alien who has completed the last year of his/her education in the Republic of Slovenia and obtained at least a higher degree of education if he/she finds an employer or becomes self-employed within one year after obtaining his/her title;
- an alien who has completed a research programme in the Republic of Slovenia and finds an employer or becomes self-employed within a period of one year;
- an immediate family member of an alien referred to in the preceding point;
- an immediate family member of an alien who has the status of researcher;
- a person eligible for subsidiary protection.

Employment conditions, social security

Article 187 of **the new Employment Relationships Act** (in force since 1 January 2003) explicitly stresses the obligation of employers to enable workers to more easily reconcile their family and employment responsibilities.

Article 66 of the ZDR stipulates that a worker working part-time pursuant to special regulations shall have the same rights arising from social insurance as if working full-time. Such worker shall be entitled to remuneration according to the actual working obligation and shall have the same rights and obligations arising from employment relationship as the full-time worker, unless otherwise stipulated by the ZDR. In the above mentioned special cases, the ZDR departs from the principle of consent of both parties necessary when concluding amendments to the employment contract for working part-time. Such cases cover the right of the worker employed full-time to provisionally start working part-time on the basis of special regulations where the employer shall be obligated to enable this form of work to the worker. **To avoid difficulties when modifying the employment contract (so that the worker would not be exposed to pressure when concluding a new employment contract) and to simplify the procedure, an amendment to Article 47(2) of the ZDR was adopted according to which the changed length of working time shall be defined by signing an annex to the contract.**

This annex is only provisional, bound to the time period chosen by the worker which does not exceed the one stipulated in **the Parental Care and Family Benefits Act (ZSDP)**. After the expiration of the period for which the annex was concluded its validity shall cease and the employment contract shall re-enter into force also with regard to the working time.

Thus, the employer is obligated by the above stated provisions of the ZDR to ensure the enforcement of rights pursuant to the procedure and special regulations for the period stipulated in special regulations. This means that the employer must comply with the arrangements arising from special regulations and cannot deprive workers of enforcing the stated rights. At the same time the employer must also respect and take into account the decision on the termination of rights since they are only provisional.

Family assistant

In 2004 the **institute of a family assistant** was introduced which plays an important role particularly with regard to preserving a quality aging of the disabled. It is predominantly intended for those disabled persons who believe that they are not offered enough intimacy, individuality, solidarity, personal communication, homeliness and warmth by institutions. Therefore new forms of care for the disabled are searched for.

The family assistant institute reflects **the right of an entitled person to institutional care** so that in the cases and under conditions prescribed by the **Social Security Act** this person may choose **a family assistant – instead of a whole-day institutional care – who offers him/her assistance in the domestic environment.**

The family assistant institute introduces a change in understanding care for a disabled person because the latter is no longer treated as only falling within the responsibility of individual family members and specialized institutions but also within the responsibility of the entire

system of care for this person. Thus, the right to choose a family assistant is a part of the societal care for the disabled in their place of living.

Pursuant to the **Rules on Conditions and Procedure for Exercising the Right to Choose Family Assistant**, a disabled person is:

- a person with a severe impairment in mental development; reduced general or specific level of intelligence; lower abilities in the cognitive, speaking, motor and social areas; and lacking skills which is reflected in the discrepancy between his/her mental and chronological age; a person who can only be capacitated to participate in selected activities, who needs permanent care, protection, assistance and guidance, who is limited in the ability to move as well as suffering from additional disturbances, illnesses and syndromes and severely limited in understanding and following instructions;
- a heavily movement-impaired person with congenital or acquired defects, disorders of the motor system and central or peripheral nervous system; a person whose movement impairment is reflected in the form of functional and motor disturbances, possibly also in the limited accessibility to the social environment and in the limited establishing of social contacts; a heavily movement-impaired person who suffers from severe motor defects that cause a complete functional dependence where an independent movement is not possible, independence can only be achieved when moving with an electro-engine driven wheelchair, specially adjusted devices are needed for sitting, functional movements of arms are very limited, special feeding adjustments might be needed (e.g. a probe), dependence on foreign assistance is present in all daily chores, the person is partly able to be fed independently; due to possible severe impairment of the sphincter muscle the assistance of other persons is needed, permanent physical assistance is needed when carrying out activities.

Pursuant to the Social Security Act (Article 18a) the following persons shall be entitled to choose a family assistant:

- a person who before exercising the right to choose a family assistant had been taken care of by one of the parents who received a partial payment for lost income according to the regulation on parental protection,
- a person who is disabled under the Act on Social Assistance for Mentally and Bodily Handicapped Persons (Official Gazette of the Socialist Republic of Slovenia, No. 41/1983) and who requires attendance to perform all his/her basic vital functions, or
- a person for whom a commission competent to acknowledge the right to choose a family assistant has established that is seriously handicapped in his/her mental development, who needs assistance in carrying out all basic vital needs or who is heavily impaired in movement, thus requiring assistance to perform all his/her basic vital functions.

A disabled person shall exercise his/her right to choose a family assistant at the competent centre for social work. The application submitted to exercise this right must be accompanied by:

- the documentation on health condition;
- the statement of the chosen family assistant that he/she wishes to offer assistance to the disabled person on the basis of which the disability commission will be able to form an opinion whether the chosen family assistant is qualified to offer the necessary assistance to the eligible person under Article 18a of the Social Security Act; and
- forms that are necessary to exercise the right to choose a family assistant.

The status of a family assistant as well as related rights and obligations it introduces, particularly the obligation to provide necessary assistance to the disabled person, shall be introduced with a decision on recognizing the right to have and choose a family assistant.

The decision on the right to choose a family assistant must be made by the disability commission of the Pension and Disability Insurance Institute.

The status of a family assistant does not introduce an employment relationship as regulated in the labour code therefore the assistant is not entitled to any rights arising from the employment relationship (no pay for annual leave, no annual or sick leave, etc.) and there is no formal employer in this relationship.

A family assistant is a person offering assistance to a disabled person in need. This can be a person residing at the same address as the disabled person or one of the family members of the disabled person (father or mother, son or daughter, brother or sister, uncle or aunt, grandfather or grandmother, etc.).

Under conditions prescribed by the law, the disabled person may also chose somebody else (not only one of the parents) to be his/her family assistant.

A family assistant may only be a person who deregistered from the records of unemployed persons or exited the labour market to become a family assistant. It may also be a person with a part-time employment.

A family assistant providing care to a disabled person in the domestic environment must have an appropriate attitude to the disabled person and be trained for communicating and working with a disabled person. An appropriate care or an appropriate meeting of wishes and needs of a disabled person includes the implementation of chores and tasks falling within the competence of a family assistant, such as:

- personal care; assistance with basic vital needs, feeding, drinking, dressing and undressing, washing, getting up, moving, turning, using toilet and protecting the entitled person;
- health care;
 - cooperation with the chosen general practitioner of the disabled person;
 - organization of access to necessary health services;
 - adherence to prescribed therapy and assistance with the administration of medicines;
 - carrying out of prescribed physiotherapeutic practices, treatment of wounds, prevention from and treatment of bedsores;
 - delivery of prescribed medicines and referral-based medical aids;
 - assistance in movement;
 - assistance when using and cleaning aids;
- social care and organization of leisure-time activities;
 - assistance in establishing and maintaining a social network;
 - organization of leisure-time activities;
 - taking care of mail of the disabled person, notification of institutions about the condition and needs of the disabled person;
- household assistance;
 - preparation of appropriate dietetic food and drinks;
 - maintenance of the premises where the disabled person lives;
 - making bed and changing bed linen;

- maintaining cleanness and ironing; and
- arranging the living environment with regard to the disabled person's needs.

Pursuant to Article 18i of the Social Security Act, a family assistant shall be entitled to:

- partial payment for lost income or
- the proportional part of payment for lost income in case of part-time work (besides providing tasks of a family assistant).

Pursuant to Article 44 of the Act Amending the Social Security Act (ZSV-B), a family assistant (until the new legislation concerning social insurance and payment of social security contributions for family assistant is adopted) is obligatorily covered by pension insurance, insurance against unemployment and parental protection insurance.

Thereby it needs to be pointed out that the amount of partial payment for lost income has been changed many times as follows:

- on the basis of the Social Security Act the partial payment for lost income was set in the amount of a minimum wage and has been regularly adjusted to a minimum wage
- in 2006 the Act regulating adjustments of transfers to individuals and households in the Republic of Slovenia (ZUTPG) was adopted. It stipulates that in cases where the level of particular transfer is defined in relation to a minimum wage, including in case of partial pay for lost income of family assistant, it needs to be adjusted twice a year (in January and in July) with a consumer price index according to the data of Statistical Office of the Republic of Slovenia). ZUTPG also stipulates that the amounts should be initially set at the level of a minimum wage as at 31 December 2006. Partial payment for lost income thus amounted to 521,83 on 31 December 2006.
- In 2010 the new ZUTPG was adopted. It sets the partial payment for lost income in the amount of 734,15 EUR (at the level of current minimum wage). This amount will, however, be attained gradually until 2013. It will continue to be adjusted according to the ZUTPG and not according to the Minimum Wage Act

The period of performing duties as a family assistant shall be considered a part of the insurance or pension period regulated by the previously mentioned regulations; other particularities with regard to insurance are also regulated.

The Social Security Act stipulates that centres for social work shall constantly monitor whether family assistants provide adequate help to disabled persons. In the case of changed circumstances or if centres for social work are in doubt about the adequacy of help of family assistants, following the prescribed procedure they shall submit the entire documentation to the disability commission which must give a new opinion in accordance with the Social Security Act.

Besides, the Social Security Act also stipulates that centres for social work must provide annual reports on the work of family assistants which also include the opinions of disabled persons. Disabled persons may at any time inform the centre for social work about the work of family assistants; they may also provide opinions concerning the reports of family assistants.

Family assistants are obligated to report to competent centres for social work at least once a year about the implementation of help to disabled persons. In the case of changes in circumstances which would render further implementation of help impossible, family

assistants shall be obligated to immediately inform competent centres for social work thereof. Family assistants must also attend training programmes stipulated by the Social Chamber.

Inspection control, as prescribed by the Social Security Act, shall be organized and preformed by the Inspection for Social Affairs operating within the Labour Inspectorate of the Republic of Slovenia.

The system of financing family assistants by municipalities is designed in the light of a better transparency of consumption of resources. Thus, a part of resources also originates from the foreign care and assistance allowance or from the attendance allowance.

From the gross amount to which family assistants are entitled, municipalities shall pay all necessary contributions and remit the net amount to family assistants; however, disabled persons and persons under obligation shall recover to municipalities a part of funds spent to pay family assistants.

The right to choose a family assistant originates from a similar arrangement in the field of parental protection pursuant to the Parental Protection and Family Benefits Act (Official Gazette of the Republic of Slovenia, Nos. 110/2003-UPB and 47/2006) which acknowledged the right to parents taking care of children with a severe impairment in mental development or a severe movement impairment to a partial payment for lost income amounting to a net minimum wage, to compulsory health insurance for the case of occupational illness or injury outside employment, compulsory pension and disability insurance, insurance against unemployment and parental protection insurance (employer's contributions and a partial payment for lost income are paid by the state).

The amendment to the Social Security Act (Official Gazette of the Republic of Slovenia, No. 36/2004) regulates the continuation of this right even after a child attains majority. According to the Social Security Act, the right to choose a family assistant is bound to certain rights of an individual person, but the Act simultaneously defines specific obligations and rights of the person to whom the assistance is to be offered. Pursuant to the Social Security Act, centres for social work are competent to decide about the right to choose a family assistant as well as to register and deregister family assistants to/from insurance schemes by using prescribed forms.

STATISTICS:

- ***The number of disabled persons entitled to choose a family assistant (as at 2 February 2007): 1245.***
- ***The number of disabled persons by cause for the occurrence of disability*** (under Article 18a of the Social Security Act):
 - persons seriously handicapped in their ability of movement: **848** (68 %),
 - persons seriously handicapped in their mental development: **45**,
 - persons seriously handicapped in their mental development and ability of movement: **41**,
 - persons who are disabled under the Act on Social Assistance for Mentally and Bodily Handicapped Persons and who require attendance to perform all basic vital functions: **273**
 - persons who, before exercising the right to choose a family assistant, have been taken care of by one of the parents who received a partial allowance for lost income according to the regulation on parental protection: **38**.
- ***The structure of disabled persons entitled to choose a family assistant with regard to:***
 - ***sex:***

- men: **473 (38 %)**,
- women: **773 (62 %)**,
- **age:**
 - from 18 to 24: **147**,
 - from 25 to 34: **120**,
 - from 35 to 44: **49**,
 - from 45 to 54: **77**,
 - from 55 to 64: **107**,
 - over 65: **746 (59,9 %)**.

State of play as at 31 December 2008

The number of filed applications to exercise the right to choose a family assistant up until 31 December 2008: **2347**.

The number of positive decisions concerning filed applications to exercise the right to choose a family assistant up until 31 December 2008: **1659**.

The number of family assistants as at 31 December 2008: **946** (184 family members, 662 other persons with the same place of residence).

State of play as at 31 December 2009

The number of filed applications to exercise the right to choose a family assistant up until 31 December 2009: **2511**.

The number of positive decisions concerning filed applications to exercise the right to choose a family assistant up until 31 December 2009: **1759**.

The number of family assistants as at 31 December 2009: **904** (190 family members, 714 other persons with the same place of residence).

Additional explanations with regard to Conclusions 2005:

Reduction or termination of a professional activity due to a serious illness of a child

In accordance with Article 84 of the Parental Protection and Family Benefits Act, one of the parents nursing and taking care of a child with severe disturbance in mental development or severe disability in movement shall be entitled to work part-time. In this case the employer shall ensure the parent the right to salary on the basis of actual working hours, while the Republic of Slovenia shall ensure the payment of social security contributions for the difference to full-time work on the basis of a proportional share of the minimum wage. Part-time work shall include at least a half of the normal obligation for weekly working hours (Article 48). The right ensured by the Republic of Slovenia shall be exercised at the centre for social work on the basis of the acquired right to work part-time with the employer (Article 49).

The application to exercise the right for partial payment for lost income shall be filed at the centre for social work 30 days prior to the foreseen termination of employment or no later than 60 days after the termination of employment (or removal from the register of unemployed persons or commencement of a part-time employment) by one of the parents who wishes to stay at home and nurse and take care of one or several children. The application must include a medical dossier (not older than six months) and a photocopy of the document providing the number of the parent's transaction account. The centre for social work issues a decision to the applicant based on the opinion of the medical commission.

If, based on the opinion of the medical commission, the centre issues a negative decision to one of the parents, one of the parents is entitled to file a complaint at the Ministry of Labour, Family and Social Affairs.

The Parental Protection and Family Benefits Act allows for no other possibilities to reduce or terminate employment obligations in the case of a serious illness of a child.

Information on available preschool institutions in the Republic of Slovenia

General data:

- In the school year 2009/2010, 71,000 children in the Republic of Slovenia attended preschool institutions, representing a **73.9 %** coverage, of which:
 - coverage in the first age bracket (children aged from 1 to 3 years) was 53.3 % (the recommendation of the European Commission from 2002 is 33 % up until 2010), and
 - coverage in the second age bracket (children aged from 3 years to until entering school) was 87.5 % (the recommendation of the European Commission from 2002 is 90 % up until 2010).
- In the Republic of Slovenia we have several **forms of institutional care**:
 - 105 independent public preschool institutions,
 - 196 preschool institutions at primary schools,
 - 30 private preschool institutions and
 - 2 private child carer.

The private sector offers care for **approximately 2 % of all children**.

- Since 2008 the law also provides for nurses of preschool children providing care at home; their maximum capacity is 6 children at a time. Currently we have **87 registered child carer** providing care at home.
- In the Republic of Slovenia, particularly in the capital city and its surrounding municipalities, a lack of vacancies is witnessed particularly in the first age bracket whereas there are enough places for children from the second age bracket. The total number of vacancies in the Republic of Slovenia is 2400.
- The web page of the Ministry of Education and Sport offers a special Info Point – Vacancies in Preschool Institutions which is intended for the interested public. This is a one-stop-shop providing data on all preschool institutions in the country, their locations, prices, vacancies and foreseen waiting periods if a preschool institution is fully occupied.

Some other pieces of topical data:

- An average parents' payment for preschool institutions in 2010 amounts to **EUR 119.07**.
- Parents with two or several children **simultaneously enrolled in a preschool institution** only pay for the oldest child and are exempted from paying for younger

children. Instead of them, it is the Ministry of Education and Sport that pays (currently it already covers the costs of preschool institutional care for 17 % of enrolled children).

- Preschool institutions are also free of charge for socially disadvantaged families (3642 children in 2010) or **5.4 %** of all children enrolled.

Options available for immediate family members needing care and assistance

Social care at home

Social care at home is intended for all beneficiaries who have the necessary housing and other conditions to live in their residential environment but are due to old age or severe disability unable of taking care of themselves and their relatives cannot provide this care and assistance nor have the possibilities to do so. This includes various forms of organized practical help and services which, at least for a definite period of time, replace the institutional care in an institution, other family or another organized form.

This service can be adjusted to the needs of an individual beneficiary and includes the following:

- household assistance;
- assistance with personal hygiene and
- assistance with preserving social contacts.

Social care at home is intended for those individuals whose remaining psychophysical abilities suffice to preserve a satisfactory mental and physical condition with the periodical organized assistance of other persons so that they can function in a well-known residential environment and at least for a limited period of time do not need any institutional care in an institution, other family or another organized form.

Mobile assistance

Mobile assistance is a form of assistance at home ensuring professional treatment at home for persons with disturbance in mental or physical development. It depends on the needs of treated persons and is simultaneously also focused on their relatives. This assistance includes tasks and procedures necessary to correct disturbances as well as for advisory and therapeutic activities. It is particularly focused on special pedagogical, social and psychological treatment as well as employment.

Beneficiaries of mobile assistance are children, young people and adults who are moderately, seriously or very seriously handicapped in their mental and physical development for whom this form of service replaces guidance, care and employment under special conditions or institutional care and for whom this assistance could be expected to alleviate the condition or help preserve the acquired skills and abilities.

Assistance at home is provided by the operators that were granted a work permit by the Ministry of Labour, Family and Social Affairs to perform this activity:

Institutional care

Institutional care is a form of treatment in an institution, other family or another organized form that replaces, supplements or ensures the function of a home or one's own family to the

beneficiary. It includes basic treatment and social care pursuant to the regulations in the field of social care as well as health care pursuant to the regulations in the field of health care:

- for children and young persons who are deprived of a normal family life the institutional care also includes upbringing and preparation for life;
- for children and young persons with disturbance in mental and physical development the institutional care also includes capacity building pursuant to a special law, care and guidance;
- for adults with disturbance in mental or physical development within the institutional care also special forms of care are provided.

The basic care includes accommodation, organized meals, technical support and transport.

Social care is a professionally guided activity aimed at implementing the contents of social prevention, therapy and guidance of beneficiaries. It includes provision of tasks related to care, special forms of care, upbringing and preparation for life as well as guidance.

To provide care means to offer assistance in keeping personal hygiene and performing daily activities (getting up, dressing, moving, walking, communication and orientation). Special forms of care are aimed at preserving and developing independence, developing social relations, keeping active, correcting and treating disorders, actively spending leisure time as well as solving personal and social distress.

This service is provided by:

- homes for the elderly;
- special social care institutions;
- social care institutions providing capacity building;
- alternative forms of accommodation and care.

Admission, transfer and dismissal of users when exercising the right to institutional care shall be governed by the Rules on Procedures for Exercising the Right to Institutional Care. The procedure for the admittance to an institution starts by filing an application to be admitted to institutional care at the desired institution.

Institutional care may also be provided in sheltered housing.

Geographical distribution of institutions available to treat children and persons in need of care and assistance

The institutional network and capacities are presented in the National Social Security Programme. New units (capacities) are planned on the basis of supply and demand of user; however, simultaneously also an evenly distributed regional coverage is strived for. The list of institutional care units with their locations stated can be found in an annex.

27:2 Parental leave

Additional explanations with regard to Conclusions 2005:

The Ministry of Labour, Family and Social Affairs has no records concerning the exact duration of used parental leave.

27:3 Prohibition of terminating the employment contract for reasons related to parental obligations

Additional explanations with regard to Conclusions 2005:

Article 88 of the Employment Relations Act states the reasons for ordinary termination of the worker's employment contract by the employer. They include: cessation of the need to carry out certain work, under the conditions pursuant to the employment contract, owing to economic, organizational, technological, structural or similar reasons on the employer's side (hereinafter: business reason); non-achievement of expected work results because the worker failed to carry out the work in due time, professionally and with due quality, or non-fulfilment of the conditions for carrying out work provided by laws and other regulations issued on the basis of the law, for which reason the worker fails to fulfil or cannot fulfil the contractual or other obligations arising from the employment relationship (hereinafter: reason of incapacity); violation of a contractual obligation or other obligation arising from the employment relationship (hereinafter: reason of culpability); and inability to carry out the work under the conditions set out in the employment contract, owing to disability in accordance with the regulations governing pension and disability insurance, or with the regulations governing employment rehabilitation and the employment of disabled persons.

Article 89 the Employment Relationship Act explicitly stipulates that the **following shall be (inter alia) deemed as unfounded reasons for ordinary termination of an employment contract**: temporary absence from work due to the inability for work because of a disease or injury or due to the care for family members pursuant to regulations on health insurance, or absence from work due to the parental leave pursuant to regulations on parental care, family obligations and pregnancy. Besides, Article 100 of the Employment Relationships Act stipulates that the **criteria for determining redundant workers** in the procedure of terminating employment contracts to a larger number of workers due to business reasons may not include the temporary absence from work of the worker due to the care for a family member or for a severely handicapped person, parental leave and pregnancy.

Further, Article 115 of the Employment Relationships Act stipulates that the employer may not terminate the employment contract to a female worker during the period of pregnancy and all the time she is breastfeeding, nor may the employer terminate the employment contract of parents in the period when they are on parental leave in the form of full absence from work **and for another month after taking such leave**. In the period referred to in the previous paragraph the employment relationship of workers may not be terminated by the employer's termination. The employer may terminate the employment contract and the worker's employment relationship may cease, based on the preliminary consent by the labour inspector, if there are reasons for extraordinary termination or due to the institution of the procedure for the termination of the employer.

Thus, the termination is unlawful if the employer terminates an employment contract of the worker due to parental obligations or within the period arising from Article 115 of the Employment Relationships Act. Pursuant to Article 204(3) of the Employment Relationships Act, a worker may request the determination of unlawfulness of termination of the employment contract, of other modes of termination of the employment contract, or of a decision on disciplinary responsibility of the worker within 30 days from the day of the service or the day when he/she learnt about the violation of the right, before the competent

labour court. Where the court determines that the employer's termination is unlawful but that the worker does not wish to continue the employment relationship, **the court shall, pursuant to Article 118(1) of the Employment Relationships Act, upon the worker's proposal determine the duration of the employment relationship**, but not beyond a ruling of the court of first instance, it shall recognise the worker's period of service and other rights arising from the employment relationship, and shall grant the worker adequate monetary compensation in the maximum amount of 18 months of the worker's wage paid in the last three months prior to termination of the employment contract. If, taking into account the circumstances and the interest of both contractual parties, the court establishes based on Article 118(2) of the Employment Relationships Act that the continuation of the employment would no longer be possible, it may decide in the same way as in the previous paragraph, even regardless the worker's proposal.

Where a collective agreement, which is binding on the employer and the worker, envisages **the settling of individual labour disputes by arbitration, the worker and the employer may pursuant to Article 205 of the Employment Relationships Act agree on the settlement of a dispute by arbitration**. Should the arbitration not reach a decision within the time limit stipulated in the collective agreement – however, not later than within 90 days – the worker may within the following 30 days request judicial protection before the labour court.

Based on Article 229 of the Employment Relationships Act, a fine of EUR 3,000 to 20,000 shall be imposed on the employer – a legal person, sole trader or individual performing independent business activity, a fine of EUR 1,500 to 8,000 shall be imposed on a smaller employer – a legal person, sole trader or individual performing independent business activity, and a fine of EUR 450 to 1200 shall be imposed on an individual employer who commit an offence by **terminating an employment contract to the worker contrary to Article 115 of the Employment Relationships Act** or by **terminating employment contracts to a larger number of workers due to business reasons contrary to Article 100 of the Employment Relationships Act** or by **placing a worker in an unequal position** (Article 6). A fine of EUR 450 to 2,000 shall also be imposed on the responsible person of a legal person employer and on the responsible person in a state body or self-governing local community.

Statistical data kept by the Labour Inspectorate of the Republic of Slovenia pertain to the discovered violations of regulations falling within its competence, however it does not keep the data on the number and contents of received reports. Therefore, in the continuation the number of discovered violations for the period 2006-2010 is stated (January – May).

In 2006 and 2008 competent inspectors detected 3 violations of provisions of Article 115 of the ZDR, in 2007 they detected 4 such cases and in 2009 they detected 7 violations of special legal protection against the termination of employment contracts to parents. In 2010 (from January to May) 1 violation related to the termination of employment contracts to parents was detected.

Courts are not able to acquire the data from the computer-based central register for labour disputes because all court cases, including the ones pertaining to the termination of employment contracts, are recorded by types of disputes and not by reasons for individual types of disputes (pregnancy, breastfeeding, parental leave, etc.). The Constitutional Court dealt with no constitutional complaints related to the termination of an employment contract due to fulfilling family obligations.

31. člen: THE RIGHT TO HOUSING

31:1 Access to housing of an adequate standard

Additional explanations with regard to Conclusions 2005:

Appropriate accommodation

As already stated in the previous report, **the Housing Act** defines appropriate accommodation; i.e. as appropriate is to be considered an apartment in a single apartment or multi-dwelling building that was constructed in accordance with minimum technical conditions pertaining to the construction of apartment buildings and apartments and that was issued a certificate of occupancy pursuant to the regulations for constructing buildings. An apartment must have separate sleeping and living premises (unless it is a bedsitter) and must meet housing needs of the owner or tenant and the immediate family living with the owner or tenant in a common household as well as must correspond to the surface area standards.

Surface area standards are as follows:

Number of household members	Apartment surface area, private funding and caution money excluded	Apartment surface area, private funding and caution money included
1 member	from 20 m ² to 30 m ²	from 20 m ² to 45 m ²
2 members	over 30 m ² to 45 m ²	over 30 m ² to 55 m ²
3 members	over 45 m ² to 55 m ²	over 45 m ² to 70 m ²
4 members	over 55 m ² to 65 m ²	over 55 m ² to 82 m ²
5 members	over 65 m ² to 75 m ²	over 65 m ² to 95 m ²
6 members	over 75 m ² to 85 m ²	over 75 m ² to 105 m ²

For every further household member the bottom and top values of the surface area shall be increased by 6 m².

When providing an apartment to a community member, the municipality, housing fund or not-for-profit organization must definitely consider the provisions of the rules concerning the appropriate size of an apartment in correlation with the number of users.

However, when concluding a tenancy agreement for an apartment on the free market, it is up to the tenant to decide whether he/she will lease an apartment of an appropriate size or not. It must be stressed that state authorities do not have available the data on how many »inappropriate« apartments are occupied because these are usually the case of a tenancy relation between the owner and the tenant. If an inspection body receives a notification, it shall fall within its competences to impose an obligation on the owner to rectify deficiencies of the respective apartment (it must be possible to normally use all parts of the apartment) but it is not competent to act in the case of an inappropriate size of the apartment with regard to the number of users.

Criteria for appropriate housing

The Rules on minimum technical conditions for the construction of apartment buildings and apartments (Official Gazette of the Republic of Slovenia, No. 125/2003) define minimum technical requirements for the construction of apartments and apartment buildings, except for buildings and apartments intended for a temporary solution of housing needs of socially deprived persons. According to these Rules, the construction of a structure includes project design and construction pursuant to the regulations on the construction of buildings. Provisions of these Rules shall also be used when reconstructing apartment buildings and changing the intended purpose of use to become an apartment building if there are technical possibilities to do so. Compliance with the requirements of these Rules must be clear from the project for acquiring the building permit.

The number of living units, i.e. temporary accommodation units, not complying with the minimum technical requirements arising from the Rules, has already been presented in the previous section (approximately 300 living units).

Ensuring appropriate housing in non-profit apartments

In 2004 the **Rules on Renting Non-profit Apartments (Official Gazette of the Republic of Slovenia, No. 14/2004)**³ were adopted which are used by municipalities, the state, public housing funds and not-for-profit housing organizations when allocating non-profit apartments for rent.

Housing inspection

Pursuant to **the Housing Act** and rules issued on its basis, the inspection of the implementation of public interest in the housing area shall be carried out by inspectors of the Housing Inspection Service (hereinafter: the inspection body).

Predominantly the following shall be deemed as public interest in the housing area: ensuring the condition of multi-dwelling buildings which enables their normal use and ensuring the conditions for an effective management of multi-dwelling buildings.

The inspection body shall take measures in the following cases:

- issuing a decision when common premises are not appropriate for normal use;
- acting when the owner fails to ensure repair in his/her own apartment;
- issuing a decision imposing the removal of devices encroaching upon common surface areas;
- proposing to the competent municipal body to demand compulsory execution of the decision, to the debit of those on whom the execution of works was imposed;
- issuing the decision to appoint a manager on a provisional basis;
- if in the apartment activities are performed contrary to consent or without the necessary consent, ordering a decision to terminate such activities until relevant consent is acquired;
- requiring from the manager to enable insight into all documents pertaining to the management of a multi-dwelling building.

³ See Annex No. 1: Rules on Renting Non-profit Apartments (Official Gazette of the Republic of Slovenia, No. 14/2004).

Legal protection of tenants

Article 136 of **the Housing Act** foresees the establishment of a Council for Protecting the Rights of Tenants. It may be established by the municipal council and shall be composed of the representatives of tenants.

The Council for Protecting the Rights of Tenants is particularly competent for:

- monitoring the compliance with obligations of owners of rented apartments;
- ensuring free legal advice;
- giving initiatives to the municipal council to adopt appropriate measures in the housing field;
- determining the rights of tenants pursuant to the Housing Act;
- dealing with concrete violations in the field of tenancy relationships;
- drafting proposals for amending the legislation in the housing field.

Councils for Protecting the Rights of Tenants shall be integrated into the National Council for Protecting the Rights of Tenants that is composed of representatives from Municipal Councils for Protecting the Rights of Tenants. The National Council for Protecting the Rights of Tenants shall represent the interests of tenants vis-a-vis state bodies when dealing with housing issues.

Living conditions of the Roma community

On 1 December 2006 the then Minister of the Environment and Spatial Planning appointed an Expert Group on Solving the Spatial Planning Issue in Roma Settlements. Among other things, the Expert Group updated the information on the current situation in Roma settlements in Slovenia which was done by a survey or a special questionnaire forwarded through the Ministry of Public Administration to municipalities and administrative units where the Roma people are living. The survey was aimed at updating the data and information on Roma settlements and aspects of the culture of living of the Roma in Slovenia. Despite the fact that questionnaires were completed quite superficially (some contained incomplete or even incorrect data), their analysis offered a clearer picture of the scope of spatial planning issue of Roma settlements in Slovenia.

Based on the analysis of the Expert Group for solving spatial planning issues of Roma settlements, the following assessment of the state of Roma settlements in the territory of the Republic of Slovenia was produced:

- Slovenia has 105 so-called Roma settlements; additionally, there are approximately 20–25 further hamlets in which also the Roma are living; the assessed total number of all Roma settlement units is 130 with approximately 9000 inhabitants;
- only about one fourth of Roma settlements have the possibility of a relatively fast integration and further regulation of infrastructure and establishment of legal conditions;
- approximately one third of Roma settlements have sound medium-term possibilities of regulation in existing locations after some formal shifts have been carried out (for the beginning: changes in the intended purpose of land use);
- according to the available data, approximately one third of Roma settlements will face substantial difficulties with arranging living conditions and establishing legal conditions;
- for approximately one tenth of Roma settlements the pre-location is the optimum or even the single possible solution with regard to the location and other circumstances.

Due to the location, appearance, architectural and public utility regulation as well as equipment, the Roma population particularly faces the following problems:

- insufficient, limited or extremely scarce public utility and general infrastructure;
- lack of living space due to limited possibilities for expanding settlements;
- lack of space for certain forms of commercial activities.

Regarding the traffic access we can say that it is regulated in the majority of Roma settlements. Since Roma settlements were mostly established along the existing traffic routes, also auxiliary traffic areas were formed – although mostly illegally. In this respect, the unregulated traffic areas within settlements are more problematic. Due to the ever denser built-up area these traffic areas are too narrow; besides, they are also partly turned into a dumping ground for secondary raw materials.

Municipal and other kind of waste is a very problematic issue in some Roma settlements; only a few of settlements are connected to a sewage network. Sewage is a big issue because it burdens the local environment and presents a health and sanitary threat to the Roma themselves but also to neighbouring local inhabitants.

With regard to the above stated problems, the local inhabitants very often feel distressed when in contact with the Roma. In the past we have already seen cases of tension because of an inappropriate location and structure of Roma settlements.

More detailed information about Roma settlements from the spatial planning aspect is available in the report of the Expert Group on Solving the Spatial Planning Issue in Roma Settlements entitled *Spatial Planning Problems of Roma Settlements in Slovenia* produced in autumn 2007.

At its third session held on 29 September 2009, the Commission of the Government of the Republic of Slovenia for the Protection of the Roma Ethnic Community adopted a decision inviting the Ministry on the Environment and Spatial Planning to renew the appointment of the Expert Group on Solving the Spatial Planning Issue in Roma Settlements. One of the priority tasks and goals of this Expert Group will also be to complement the analysis of the state of the art of Roma settlements in the territory of the Republic of Slovenia (following the active measures of ministries and other governmental services in the recent years). The Expert Group will particularly have to update the records of settlement: areas and ways of settlement, forms and ways of living as well as the level of public utility infrastructure at plots of land. Thus, the Expert Group on Solving the Spatial Planning Issue in Roma Settlements will continue its work. In accordance with the desired scenario for the development of spatial planning solutions or for the development of Roma settlements, the Expert Group will define priorities for improving living conditions in Roma settlements.

Within the framework of the governmental programme of measures for helping the Roma people which has been implemented already since 1995, the Ministry of the Environment and Spatial Planning conducts, directs and coordinates activities necessary to provide professional and financial assistance to municipalities in which the Roma are living when drafting spatial planning and implementing documents for the regulation of Roma settlements.

Additionally to the activities performed by the Ministry of the Environment and Spatial Planning, it is obvious from the gathered experience that spatial planning issues are successfully solved where procedures are consistently conducted in accordance with the

spatial planning legislation, in a transparent manner, in cooperation with the broader public as well as concurrently and comprehensively, considering the needs of all community members, because this is the only way for ensuring social acceptability of adopted solutions. A comprehensive solution of spatial planning issues is a key segment when ensuring equal integration of the Roma ethnic community into the local environment. Appropriate living conditions are a precondition for integrating the Roma people into the educational process, employment market and society in general.

The Republic of Slovenia is one of those European countries that include the Roma into the administration of public issues at the local level. Aside from the general voting right to which they are entitled to as Slovenian citizens, members of the Roma ethnic community also have a special voting right during local elections to elect their own representatives to municipal councils in twenty municipalities where the Roma have historically been present. The Roma have the right to be represented in municipal councils in those municipalities where they have traditionally been present, which they currently exercise in 19 out of 20 municipalities prescribed by the law. The only municipality which failed to independently, based on the law, fulfil the special right of the Roma community to have a special representative in the municipal council is the Municipality of Grosuplje. Therefore the Local Self-Government Act (Official Gazette of the Republic of Slovenia, Nos. 94/07 – official consolidated text, 76/08 and 79/09) was amended stating that if a municipal council of a municipality fails to call the elections to elect a representative of the Roma community to the municipal council this should be done by the State Election Commission on account of the municipality. It is a pleasure to establish that in January 2010 also in the Municipality of Grosuplje a representative of the Roma ethnic community was elected to the municipal council of the respective municipality.

Despite the provisions of the Local Self-Government Act providing an exhaustive list of municipalities that must ensure the right to the Roma community to be represented in the municipal council, also other municipalities that are not explicitly listed in the Act may ensure such representation.

Article 7 of The Roma Community Act additionally stipulates that municipalities in which, pursuant to the law regulating local self-governance, a representative of the Roma community to the city or municipal council shall be elected must establish a special working body within the municipal council that is in charge of monitoring the situation of the Roma community. Here, as with the right of the Roma community to be represented in the municipal council, the possibility is allowed for that, irrespective of this provision, also other local self-governing communities establish a special working body to monitor the situation of the Roma community by applying, *mutatis mutandis*, the provisions of this article which minutely prescribe the structure of such bodies.

The Office for National Minorities of the Government of the Republic of Slovenia has already several times reiterated the invitation to the municipalities in which the Roma live but are not explicitly listed in the Local Self-Government Act to actively integrate the Roma into the procedures of designing and implementing legal acts as well as programmes and measures pertaining to the Roma community; the Office also invited them to, considering the current legislation, enable the representation of the Roma community in the municipal or city council or to create a working body to monitor the situation of the Roma community in the municipality where the Roma would also be represented as members. Also in the future, in cooperation with the competent ministries and governmental services, the Office for National

Minorities of the Government of the Republic of Slovenia will stimulate the municipalities in which the Roma are living to integrate the representatives of the Roma community into the work and bodies of the municipality.

Measures

1. To draft a comprehensive strategic framework as a basis for concrete programmes and projects for regulating Roma settlements To define the regions of Roma settlements and their rehabilitation within the framework of the procedure of drafting an Operational Plan (legalization of Roma settlements)

Explanation:

Roma settlements are a specific phenomenon in the Slovenian territory. In the past they were not a subject of a continued care and target-oriented development. The absence of planning measures as well as the lack of investment funds and development visions is reflected in predominantly illegal constructions, scarce public utility infrastructure, inappropriate architectural heritage and numerous problems with neighbouring local inhabitants. Pursuant to the Spatial Planning Act (ZPNačrt) municipalities must produce municipal spatial plans. Municipalities are stimulated to include the existing Roma settlements into such strategic documents and to foresee the rehabilitation of existing Roma settlements that mostly came to being spontaneously and without any plans or appropriate professional and legal basis. When preparing new municipal spatial plans, municipalities shall produce a programme for solving the current situation defining how individual situations are to be solved (the following shall be defined: the intended purpose of use and the ownership of land, accessibility, public utility infrastructure, time schedule and individual implementation phases, financial resources, etc.). Competent ministries shall, within the framework of legal obligations and competences, continue their activities aimed at improving the situation of the Roma community in Slovenia by drafting a comprehensive strategic framework as a basis for concrete programmes and projects. Here, the following must be stressed: realization of model cases of spatial and environment planning solutions, rehabilitation, legalization of Roma settlements, public utility infrastructure, regulation of ownership relations, acquisition of permits for spatial interventions, etc.), information, animation and exchange of experience of representatives of local communities (mayors and professional services) to be integrated into programmes for regulating Roma settlements and programmes running in this field within the EU.

Objectives: to define the areas of Roma settlements within new municipal spatial plans (specification of development areas and »legalization« of existing illegal settlements).

Indicators: the number of adopted municipal spatial plans in compliance with planning definitions that enable legalization and further development of Roma settlements.

HOLDERS: self-governing local communities (municipalities) assisted by the Ministry of the Environment and Spatial Planning, other competent ministries and governmental services.

Implementation deadline: within the term stipulated to produce and adopt municipal spatial plans in individual municipalities based on the Spatial Planning Act (Official Gazette of the Republic of Slovenia, No. 33/07); the implementation deadline for other activities is 5 years from the date this document is adopted by the Government of the Republic of Slovenia.

Necessary resources: not defined.

Financial source: budgets of self-governing local communities (municipalities).

2. To implement indicated solutions, goals and tasks drafted by the Expert Group on Solving the Spatial Planning Issue in Roma Settlements within the detailed municipal spatial plan for individual Roma settlements

Explanation:

According to the Expert Group on Solving the Spatial Planning Issue in Roma Settlements functioning within the structure of the Ministry of the Environment and Spatial Planning the fundamental measures for regulating Roma settlements shall include the following:

- a) preservation of existing locations if there are no formal and functional hindrances to do so;
- b) active participation of the Roma in regulating various aspects of living conditions (to enable the Roma councillors to actively participate in planning, constructing and maintaining settlements in accordance with the rules through various forms of education in the field of spatial planning);
- c) structural adaptation (by the Roma themselves, assistance and engagement of local communities, co-financing out of state resources and funds from international tenders) which shall lead to a gradual regulation of Roma settlements;
- d) provision of systematic assistance to the Roma ethnic community and monitoring the progress and designing a strategy on regulating Roma settlements (to select and present cases of good practice);
- e) facilitation of communication at the local level as well as between the local and state level institutions;
- f) assistance to local communities aimed at improving the situation of the Roma community, considering the fact that the local community bears the primary responsibility for spatial planning and management in its area under the legislation in force;
- g) stimulating complex approaches (simultaneous cooperation in the field of upbringing and education, social care, spatial planning and labour market) also within the framework of various tenders.

Based on discussions and expertise, the Expert Group on Solving the Spatial Planning Issue in Roma Settlements recommended a gradual approach in the structured introduction of legality as being the most appropriate scenario for solving the spatial planning issue of Roma settlements. In the selected scenario the Group operationalised and defined concrete measures and steps for its implementation:

- identification of Roma settlements in the field and definition of their developmental opportunities, potentials and limitations (measure 4.1.2.1 set as a precondition),
- integration of the initiative to design a detailed municipal spatial plan for the Roma settlement areas within the procedure of drafting the municipal spatial plan;
- adoption of the detailed municipal spatial plan (DMSP) aimed at regulating Roma settlements in the municipal council by simultaneously adopting the municipal spatial plan (MSP), and
- realization.

Objectives:

a comprehensive urban planning of Roma settlements with the cooperation of the Roma and local inhabitants and, consequently, improved living conditions of the Roma population;

Indicators:

settlements.

the number of adopted detailed municipal spatial plans for Roma

HOLDERS:

self-governing local communities (municipalities) assisted by the Ministry of the Environment and Spatial Planning, other competent ministries and governmental services.

Implementation deadline: 5-10 years from the adoption of this document by the Government of the Republic of Slovenia.

Necessary resources: not defined.

Financial source: not defined.

3. To implement financial measures for the development of areas populated by the Roma ethnic community in the Republic of Slovenia

Explanation:

Pursuant to the Promotion of Balanced Regional Development Act (ZSSR-1) (Official Gazette of the Republic of Slovenia, No. 23/05), the Government Office of the Republic of Slovenia for Local Self-government and Regional Policy has, since 2002, been systematically providing resources for the development of municipalities populated by the Roma ethnic community in the Republic of Slovenia.

Objectives: to ensure conditions for an equal development of the Roma ethnic community in the Republic of Slovenia.

Indicators: the number of completed projects.

Holders: the Government Office of the Republic of Slovenia for Local Self-government and Regional Policy as well as self-governing local communities (municipalities).

Implementation deadline: resources are provided annually based on the assessment of appropriate projects.

Necessary resources:

Year	2010	2011	2012
EUR	682,793	1,000,000	1,500,000

Financial source: budget of the Republic of Slovenia.

31:2 Reducing the number of homeless persons

Additional explanations with regard to Conclusions 2005:

The Resolution on the National Social Assistance Programme 2006–2010 has foreseen a network of reception centres and shelters for the homeless offering at least 250 beds in all statistical regions as well as a network of reception centres and shelters for the homeless who use illicit drugs with the total capacity of at least 80 beds in all statistical regions.

At the end of 2009 shelters for the homeless offered 218 beds in total: in Ljubljana 57 beds in shelters and 18 beds in supporting apartments (altogether 73 beds), in Maribor 60 beds in shelters, in Kranj 24 beds, in Celje 24 beds in a shelter, in Murska Sobota 23 beds in shelters, in Slovenj Gradec 6 beds, in Kočevje 5 shelters and at Jesenice 3 beds. For the homeless using illicit drugs altogether 34 beds were provided, of which 16 in Ljubljana, 4 in Maribor and 14 in Žalec. Aside from that Ljubljana, Maribor, Piran and Koper also offered various programmes of field work.

The exact number is not available; however, it is assessed that in Slovenia we have from 800 to 1200 homeless persons.

Information on the nature and scope of judicial supervision before forced eviction

The rules of the proceeding pursuant to which courts implement forced execution of claims based on the instruments permitting the enforcement and on the authenticity of documents are regulated in the Execution of Judgments in Civil Matters and Insurance of Claims Act⁴. In the reporting period, the ZIZ saw six amendments and in the same period its provisions were also influenced by the Court Fees Act⁵ and the Arbitration Act⁶.

The Act Amending the Execution of Judgments in Civil Matters and Insurance of Claims Act (ZIZ-C)⁷ remedied the non-compliance established by the Ruling of the Constitutional Court No. U-I-93/03 concerning Article 188(2) and Article 194(2) of the ZIZ with regard to the provisions on selling real estate property in the execution proceeding so that, in the case the buyer of real estate property is the creditor and the purchase price does not suffice to pay for his/her claims, also the debtor's rights are sufficiently protected; the Ruling of the Constitutional Court No. U-I-110/03 concerning Article 73(1) of the ZIZ and the Ruling of the Constitutional Court No. U-I-351/04 concerning Article 24(4) of the ZIZ. Simultaneously also the harmonization was carried out with the EU legal acts and international treaties directly applied in the Republic of Slovenia.

With the Act Amending the Execution of Judgments in Civil Matters and Insurance of Claims Act (ZIZ-D)⁸ the law was harmonized with the Ruling of the Constitutional Court No. U-I-322/05 as of 9 March 2006. Pursuant to this Act the decisions on discharging the debt shall in the case of one creditor no longer be issued by courts but by the enforcement agent; the parties in the dispute, however, may file a complaint against the agent's decision requesting that the court shall be the one to decide about the discharge of the debt, which ensures the right of the parties to a legal remedy.

The Act Amending the Execution of Judgments in Civil Matters and Insurance of Claims Act (ZIZ-E)⁹ introduced computer-based execution proceedings aiming at their simplification and acceleration. A crucial novelty was the introduction of the possibility of entering the proposals for execution in execution proceedings in writing or electronically, based on an authentic document, with the special department of the District Court in Ljubljana – Central Department for Authentic Documents.

The Act Amending the Execution of Judgments in Civil Matters and Insurance of Claims Act (ZIZ-F)¹⁰ introduced an appropriate legal basis concerning the technical execution of payments and production evidence on court fee payments in the execution proceedings based on an authentic document. Courts were also enabled to use direct electronic access to acquire the data in individual cases that is kept in computerized databases of state authorities, local community bodies and holders of public competences.

4 Official Gazette of the Republic of Slovenia, Nos. 3/07 - official consolidated text, 93/07, 37/08 - ZST-1, 45/08 - ZArbit, 28/09 and 51/10; hereinafter: the ZIZ.

5 Official Gazette of the Republic of Slovenia, No. 37/08.

6 Official Gazette of the Republic of Slovenia, No. 45/08.

7 Official Gazette of the Republic of Slovenia, No. 17/06.

8 Official Gazette of the Republic of Slovenia, No. 69/06.

9 Official Gazette of the Republic of Slovenia, No. 115/06.

10 Official Gazette of the Republic of Slovenia, No. 93/07.

The basic goal of the Act Amending the Execution of Judgments in Civil Matters and Insurance of Claims Act (ZIZ-H)¹¹ is to ensure a better effectiveness of execution by shortening and simplifying execution proceedings. This shall also improve payment discipline, protect economic interests and reduce effects of the crisis. The Act prescribes detailed rules of searching for the debtor's property, it expands the possibility of payment to the creditor before the writ of execution becomes final and defines a more efficient execution proceeding for the debtor based on a bill of exchange.

In the case the court carries out an execution on real estate property to recover the creditor's monetary claim, the owner of this real estate property sold during the execution proceeding shall move out of the property as a debtor in the execution proceeding. Of course, the debtor may preliminarily suggest to the Court to replace the execution on real estate property by an execution on other assets or objects of execution (Articles 34 and 169 of the ZIZ). According to the ZIZ, in the decision to hand the real estate property over to the buyer¹² the court shall also decide when the debtor must move out of the family house or apartment. This decision is the instrument permitting the enforcement on the basis of which the real estate property shall be vacated and handed over (Article 192 of the ZIZ). Here, the court must also consider the provision of Article 210 of the ZIZ pursuant to which the debtor living as an owner in a family house or apartment sold in the execution proceeding shall be entitled to reside in this house or apartment for another three years from the date it is sold, paying rent (Article 210 of the ZIZ).

Pursuant to Article 221 of the ZIZ, the execution intended to vacate and hand over a real estate property shall be carried out in such a manner that the real estate property is handed over to the creditor by the enforcement agent after persons and things have been moved out of it. It is permissible to vacate and hand over the real estate property after eight days from the date the writ of execution has been served on the debtor. Execution activities are carried out on working days and in the daytime, unless it would be dangerous to postpone them; in the latter case they may also be performed on other days and during the night (Article 48 of the ZIZ).

Pursuant to the ZIZ a tenancy relationship shall not cease with the sale of the object of lease in the execution proceeding; on the contrary, the buyer of the real estate property sold in the execution proceeding shall assume the rights and obligations of a lessor. Only if the tenancy relationship began after the creditor had acquired a security right or a land debt on the real estate property may the buyer, regardless the statutory and contractual deadlines, terminate the lease agreement with a one-month period of notice (Article 175 of the ZIZ).

Residential rental relations are regulated by the Housing Act¹³ but this Act does not fall within the competence of the Ministry of Justice therefore we suggest to contact the competent Ministry of the Environment and Spatial Planning for more detailed explanations about the provisions of the Housing Act (SZ-1).

Pursuant to the provisions of the SZ-1 an owner may let an apartment by concluding a tenancy agreement in writing (Article 84 of the SZ-1). The owner of the apartment has the

¹¹ Official Gazette of the Republic of Slovenia, No. 51/10.

¹² After this decision becomes final, the real-estate buyer in the execution proceedings gets the property right.

¹³ Official Gazette of the Republic of Slovenia, Nos. 69/03, 18/04 – ZVKSES, 47/06 – ZEN, 57/08, 90/09 Ruling of the Constitutional Court and 62/10-ZUPJS – hereinafter: the SZ-1.

right to decide about the termination of the rental relation in compliance with the SZ-1 and with the tenancy agreement (Article 85). The tenancy agreement may be concluded for a definite or indefinite period of time (Article 86). The SZ-1 also defines compulsory components of a tenancy agreement (Article 91) and its termination. The apartment owner may only terminate the tenancy agreement for fault-based grounds specifically listed in the Act; tenants of non-profit apartments are particularly privileged. A tenancy agreement cannot be terminated by filing a complaint, unless the tenant violating the tenancy agreement has previously received a written admonition by the owner. In the letter of admonition the violation as well as the manner and the appropriate deadline for rectifying the reason for termination must be stated. The deadline for rectifying the reason for termination must not be shorter than 15 days. The owner may only terminate the tenancy agreement for reasons that are not listed in Article 103 of this Act or tenancy agreement if another appropriate apartment is provided for the tenant. Thus, the apartment owner must file a complaint in order to terminate the tenancy agreement. The judgement issued by the court presents the instrument permitting the enforcement on the basis of which enforcement may be proposed by the owner. The judgement shall become enforceable after the expiration of the deadline set for a voluntary compliance with obligations.

The number of complaints pertaining to the decisions on forced eviction

The Ministry of Justice has no data on the number of complaints against the decisions on forced eviction.

Cases of forced evictions in which legal aid is available

The conditions and procedure for being approved free legal aid are defined in the Free Legal Aid Act¹⁴. Pursuant to this Act, free legal aid may be approved for legal advice, representation and other legal services stipulated by the law, for all forms of legal protection before all general and specialized courts in the Republic of Slovenia, the Constitutional Court of the Republic of Slovenia and all bodies, institutions or persons in the Republic of Slovenia competent for the out-of-court settlement of dispute; in the above cases also the exemption of court procedure costs may be approved. Free legal aid may also be approved for procedures before international courts or arbitration tribunals, unless the right to free legal assistance is regulated by the rules of such international courts or arbitration tribunals or unless an individual is not entitled to free legal aid in compliance with the rules on such aid (Article 7 of the ZBPP).

Persons entitled to legal aid in the case of forced eviction

Free legal aid is available to all persons meeting the following conditions:

- citizens of the Republic of Slovenia having permanent residence in the Republic of Slovenia;
- aliens with a permit for a permanent or temporary residence in the Republic of Slovenia and persons without citizenship lawfully residing in the Republic of Slovenia;
- other aliens under the condition of mutuality or other conditions and in the cases stipulated by international treaties obligating the Republic of Slovenia;

¹⁴ Official Gazette of the Republic of Slovenia, Nos. 96/04 - official consolidated text and 23/08; hereinafter: the ZBPP.

- not-for-profit NGOs and associations operating in public interest and entered in the relevant register in accordance with the valid legislation, in disputes related to performing activities in public interest or with the goal for which they have been established;
- other persons stipulated as being entitled to free legal aid (Article 10 of the ZBPP) by the law or international treaty obligating the Republic of Slovenia.

Free legal aid is aimed at enforcing the right to judicial protection according to the principle of equality, considering the social status of a person who would otherwise not be able to exercise this right without any damage to making a living or maintaining his/her family (Article 1 of the ZBPP). When deciding about an application to be approved free legal assistance, the financial situation of the applicant and other conditions stipulated by this Act shall be considered (Article 11 of the ZBPP).

31:3 Accessible housing

Additional explanations with regard to Conclusions 2005:

a) Housing construction

One of the priorities of the 2000 National Housing Programme (NHP) was to accelerate housing construction of all types (11,000 housing units in 2009 as compared to 6,200 housing units in 2000). Among those, special attention was given to non-profit rental housing: after 2009, approximately 2,000 social and 2,500 non-profit rental housing units were to be constructed.

Table 1

Actual housing construction between 2000–2009 as compared to initial plans

Year	ACTUAL CONSTRUCTION				TOTAL ACTUAL construction	TOTAL ENVISAGED construction under NHP	NHP realisation index
	Private sector		Public sector				
	Private (investments by natural persons)	Rent-for-profit (investments by legal persons) **	Social	Non-profit			
1	2	3	4	5	6 (2–5)	7	8
2000	5,174	902	33	642	6,751	6,200	109
2001	5,667	604	121	323	6,715	6,550	102
2002	5,350	1,377	220	318	7,265	6,950	104
2003	4,277	1,879	0*	411	6,567	7,400	89
2004	4,844	1,896	0*	264	7,004	7,950	88
2005	4,484	2,508	0*	524	7,516	8,550	88
2006	4,624	2,556	0*	358	7,538	9,050	83
2007	4,488	3,468	0*	401	8,357	9,600	87
2008	4,126	5,347	0*	498	9,971	10,250	97
2009***	(4,200)	(5,300)	0*	(400)	(9,900)	11,000	90
Total					87,484	83,500	105

Note:

* The new Housing Act of 2003 abandoned the term "social" housing and only mentions "non-profit" housing

** Official statistics only provide data on housing units constructed with private investments by legal or natural persons. For the purposes of NHP, the data in the Table on investments by legal persons is corrected to include data on non-profit housing acquired by private owners (data provided by municipalities).

*** Estimated data for 2009.

Table 1 shows that in 2000–2002, actual housing construction even exceeded the plans, whereas later, approximately 90% of the envisaged housing construction was actually realised.

b) Acquisition of non-profit rental housing

Municipalities or housing funds established under the auspices of municipalities are responsible for non-profit rental housing construction. In recent years, the Housing Fund of the Republic of Slovenia has regularly co-invested in acquisitions of non-profit rental housing.

According to data provided by municipalities, approximately 4,800 applicants are currently waiting to acquire non-profit rental housing, whereas approximately 7,000 applicants were on the list a few years ago. Municipalities acquire approximately 450 non-profit rental housing units per year, either through purchasing, constructing or reconstructing them. In this context, it is important to stress that the demand for non-profit rental housing is especially high in urban municipalities, whereas it is practically non-existent in some smaller municipalities.

To accelerate the construction of non-profit rental housing units, three increases in capital were provided for the Housing Fund of the Republic of Slovenia between 2006–2008 to co-invest in non-profit housing units with the municipalities.

c) Non-profit rental fees

Target non-profit rental fees were set at **3.81% of the value of the housing unit for older housing units and 5.08% for newer housing units**. This calculation took into account all the actual costs of construction, maintenance, management and amortisation of the housing unit in a life-cycle set at 60 years, which would imply the application of so-called cost-based rents. The first steps towards this objective were made with the adoption of the new Housing Act in 2000 (Official Gazette of the Republic of Slovenia, No. 1/00) and the third methodology for fixing non-profit rental fees, adopted pursuant to the Housing Act (Official Gazette of the Republic of Slovenia, No. 23/00). Non-profit rental fees rose by a real 75% between 2000–2004 (rent increased from 2.9% to 3.8% of the value of the housing unit for older housing units and to 5.08% for newer housing units, whereas the value of the point for assessing the apartment value rose from DEM 3.75 to DEM 5.39 in the same period). **The target non-profit rental fees envisaged in the National Housing Programme were achieved by the end of 2004.**

Independently of the objective fixed in the NHP, the new Housing Act of 2003 provided a legal basis for further real increase of non-profit rental fees. Non-profit rental fees were set at **4.68% of the value of the housing unit** for all apartments regardless of their age, **and the value of the point for assessing the apartment value was set at EUR 2.63**. This led to the adoption of the fourth methodology for fixing non-profit rents. In 2005–2006, non-profit rental fees rose by a real 22% on average.

The objective of the new Housing Act was attained at the beginning of 2007, and non-profit rent for all apartments was equal to 4.68% of the value of the apartment, which in fact meant that non-profit rent for newer apartments decreased by a real 8% (from 5.08% to 4.68% of the value of the apartment). After that period, the value of the point for assessing the apartment value was to be kept at EUR 2.63 through sufficient revalorisation. An attempt was made with the amendment of the fourth methodology for fixing non-profit rental fees, which was necessary to bring the methodology in line with the new Housing Act of 2008, **which also introduced subsidies to market rents, but the revalorisation was not approved by the Government Office for Legislation of the Republic of Slovenia.**

In light of all this, non-profit rental fees saw a decrease in real terms between 2007–2009, as they were not adjusted for inflation. At the current value of the point for assessing the apartment value (EUR 2.63), the value of a square metre of a newer non-profit apartment is estimated at EUR 920 (350 points x EUR 2.63) and EUR 710 for older non-profit apartments (270 points x EUR 2.63). These values reflect the administrative price for construction of non-profit housing units, on the basis of which non-profit rental fees are calculated. The value of non-profit housing units only reflects the construction value of the apartment, without taking into account the value of the serviced land on which the housing unit is built.

This means that the prices of non-profit housing units are significantly lower compared to market prices of real-estate, especially in urban municipalities, at the coast and in other tourist destinations.

The share of rent in the net income in 2000–2009

To illustrate the burden of the cost of rent in the net income or salary, the table below shows the share of average net salary spent for rent in the period between 2005 and 2009. The database used has been led by the Housing Division for over 20 years to provide data for the purposes of various analyses and simulations. The rent considered in the table equals the cost of rent for a two-bedroom apartment (56 square meters) built 40 years ago, the value of which equals 252 points. This reference apartment was typical of the Housing Fund of the Republic of Slovenia before the privatisation of apartments in public ownership.

Table 2

The share of non-profit rent in the average net income

Year	Average NET income (EUR)	Average rent for 56-square metre apartment, 252 points (EUR)	Average rent per square metre of apartment (EUR)	The share of rent in average NET income
2005	736.01	121.2	2.2	16.5
2006	773.42	134.7	2.4	17.4
2007	834.50	144.7	2.6	17.3
2008	899.80	144.7	2.6	16.1
2009	(930) estimate	144.7	2.6	15.6

Note: Values prior to 2007 were converted to EUR by the Housing Division

d) Subsidies on non-profit and private-market rental fees

Subsidies on non-profit rental fees

The objective set for the fixing and level of subsidies on non-profit rental fees was partly attained with the **amended Housing Act (Official Gazette of the Republic of Slovenia, No. 1/00)**, and fully realised by the end of 2004. The decision to award a subsidised rent was made at the municipal level. As non-profit rental fees and the part of rent to be subsidised increased gradually, tenants with very low incomes below the minimum income threshold could invoke their right in the form of subsidised rent with the municipality and in the form of larger social assistance in cash with a Social Work Centre. Minimal entry thresholds for awarding the right of subsidised rent were very beneficial to tenants, as they were equal to the thresholds set for renting social housing.

The new Housing Act (Official Gazette of the Republic of Slovenia, No. 69/03, as amended) upgraded or reformed certain parts of the rent subsidy system under the National Housing Programme. A new rent subsidy system was thus introduced in 2005, and non-profit housing tenants must now only submit their applications for rent subsidies with the municipalities.

The right to subsidised rent depends on the income, with the income used for determining the right to social assistance in cash under the Social Security Act as the basis, but increased by 30%. The subsidy is awarded for the maximum surface of the apartment considered adequate given the number of family members.

1% to 80% of the total non-profit rent may be subsidised, depending on the income of the tenant. The subsidy is higher for tenants with lower incomes, but the tenant must in any event pay at least 20% of the non-profit rental fee.

Table 3

The rent subsidy system pursuant to the amended Housing Act (SZ-1), as of 2005

Year	Total funding of non-profit rent subsidies (EUR)	Number of beneficiaries of the subsidy	Average monthly subsidy per applicant (EUR)
2005	3,884,157	5,454	59
2006	4,854,401	5,694	71
2007	5,293,056	5,807	76
2008	5,363,160	5,333	84
2009 - estimate	5,508,000	5,400	86
Total 2005–2009	24,902,774		
Total 2000–2009	37,888,227		

Note: Values prior to 2007 were converted to EUR by the Housing Division

Subsidies of market-price rental fees – NEW

The National Housing Programme made no provisions on subsidies of market-price rental fees. **The new Housing Act (Official Gazette of the Republic of Slovenia, No. 57/08) was the first to introduce the right to subsidy for tenants living in privately-owned apartments.** The right to subsidy of market-price rent is subject to the same conditions (in terms of income and assets) as the right to subsidy of non-profit rent.

This right was introduced to prevent less favourable treatment of tenants who have applied for a non-profit apartment, but had to rent an apartment on the market while waiting to be awarded the non-profit apartment, in comparison to tenants in non-profit apartments who have already solved their housing problem and can also benefit from the right to subsidised rent if their income is low.

The subsidy for market-price rent equals the difference between the established market-price and established non-profit rent per square metre of the apartment. The established market-price rent varies by region (EUR 4 to EUR 7 per square metre, as laid down in the Rules on the Conditions, the Criteria and the Procedure for Assigning the Right to of Young Families Renting a Flat on the Market to Subsidy) (Official Gazette of the Republic of Slovenia, No. 66/07). The established non-profit rent is set at EUR 3 per square metre of the apartment. This means that the subsidy of market-price rent may equal between EUR 1 to EUR 4 per square metre, depending on the region where the market apartment is situated.

In 2007, 49 municipalities awarded subsidies of market-price rental fees to **307 tenants, in the total amount of EUR 153,516**. The law provided that half of this sum (EUR 76,850) be refunded to municipalities from the national budget.

<p>LIST: HOMES FOR THE ELDERLY, OCCUPATIONAL ACTIVITY CENTRES (VDC), CAPACITY BUILDING AND TRAINING INSTITUTES, SPECIALISED SOCIAL CARE INSTITUTES</p>

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Območna enota KRŠKO

1. **DOM STAREJŠIH OBČANOV KRŠKO**

Kovinarska 13, 8270 Krško
telefon: 07 488 18 50
faks: 07 488 18 80
e-pošta: [krsko\(at\)ssz-slo.si](mailto:krsko(at)ssz-slo.si)

2. **DOM UPOKOJENCEV IN OSKRBOVANECV IMPOLJCA**

Arto 13, Studenec, 8290 Sevnica
telefon: 07 816 14 00, 814 16 50
faks: 07 814 16 43
e-pošta: [duo.impoljca\(at\)duo-impoljca.si](mailto:duo.impoljca(at)duo-impoljca.si)

o Enota Brežice: **DOM UPOKOJENCEV BREŽICE**

Prešernova 13, 8250 Brežice
telefon: 07 499 17 00
faks: 07 499 17 11
e-pošta: [duo.brezice\(at\)duo-impoljca.si](mailto:duo.brezice(at)duo-impoljca.si)

o Enota Sevnica: **DOM UPOKOJENCEV SEVNICA**

Trg svobode 17, 8290 Sevnica

telefon: 07 816 07 40
faks: 07 814 17 06
e-pošta: [duo.sevnica\(at\)duo-impoljca.si](mailto:duo.sevnica(at)duo-impoljca.si)

3. **TRUBARJEV DOM UPOKOJENCEV LOKA PRI ZIDANEM MOSTU**
Loka 48, 1434 Loka pri Zidanem mostu
telefon: 03 565 81 00
faks: 03 568 41 96
e-pošta: [loka\(at\)ssz-slo.si](mailto:loka(at)ssz-slo.si)

Območna enota LJUBLJANA

1. **DOM STAREJŠIH OBČANOV LJUBLJANA BEŽIGRAD**
Komanova 1, 1000 Ljubljana
telefon: 01 568 20 59, 568 13 31, 568 22 16
faks: 01 568 20 49
e-pošta: [bezigrad\(at\)ssz-slo.si](mailto:bezigrad(at)ssz-slo.si)
2. **DOM UPOKOJENCEV CENTER, TABOR-POLJANE**
Tabor 10, 1000 Ljubljana
telefon: 01 234 73 00
faks: 01 234 73 45
e-pošta: [dom.tabor\(at\)siol.net](mailto:dom.tabor(at)siol.net)
URL: <http://www.duc.si/>
 - o Enota: **DOM POLJANE**
Zrinjskega 3, 1000 Ljubljana
telefon: 01 234 71 00
faks: 01 234 71 45
e-pošta: [dom.poljane\(at\)siol.net](mailto:dom.poljane(at)siol.net)
3. **DOM STAREJŠIH OBČANOV LJUBLJANA MOSTE-POLJE**
Ob sotočju 9, 1000 Ljubljana
telefon: 01 584 37 00
faks: 01 524 78 03
e-pošta: [dsolmp\(at\)siol.net](mailto:dsolmp(at)siol.net)
4. **DOM STAREJŠIH OBČANOV LJUBLJANA - ŠIŠKA**
Kunaverjeva 15, 1000 Ljubljana
telefon: 01 513 16 30
faks: 01 513 16 65
e-pošta: [siska\(at\)ssz-slo.si](mailto:siska(at)ssz-slo.si)
5. **DOM STAREJŠIH OBČANOV LJUBLJANA VIČ-RUDNIK**
Cesta na Bokalce 51, 1125 Ljubljana
telefon: 01 477 06 00
faks: 01 477 06 55
e-pošta: [Dom.Vic\(at\)dso.vic.si](mailto:Dom.Vic(at)dso.vic.si)
 - o Enota: **KOLEZIJA**
Kopališka 10, 1000 Ljubljana

telefon: 01 477 01 00
faks: 01 477 01 00
e-pošta: [vili.dolenc\(at\)dso-vic.si](mailto:vili.dolenc@dso-vic.si)

6. **DOM STAREJŠIH OBČANOV FUŽINE**
Nove Fužine 40, 1125 Ljubljana
telefon: 01 587 46 00
faks: 01 587 46 20
e-pošta: [tajnistvo\(at\)dso-fuzine.si](mailto:tajnistvo@dso-fuzine.si)
7. **PRIZMA PONIKVE POSEBNI SOCIALNOVARSTVENI ZAVOD**
Ponikve 76, 1312 Videm - Dobropolje
telefon: 01 788 01 00
faks: 01 788 01 59
e-pošta: [prizma.ponikve\(at\)ssz-slo.si](mailto:prizma.ponikve@ssz-slo.si)
8. **DOM UPOKOJENCEV DOMŽALE**
Karantanska 5, 1230 Domžale
telefon: 01 724 12 30
faks: 01 724 84 98
e-pošta: [dom.upokojencev.domzale\(at\)siol.net](mailto:dom.upokojencev.domzale@siol.net)
9. **DOM STAREJŠIH OBČANOV GROSUPLJE**
Ob Grosupeljščici 28, 1290 Grosuplje
telefon: 01 781 07 10
faks: 01 781 07 20
e-pošta: [grosuplje\(at\)ssz-slo.si](mailto:grosuplje@ssz-slo.si)
10. **DOM STAREJŠIH HRASTNIK**
Novi Log 4/A, 1430 Hrastnik
telefon: 03 565 41 00
faks: 03 565 41 10
e-pošta: [hrastnik\(at\)ssz-slo.si](mailto:hrastnik@ssz-slo.si)
11. **DOM UPOKOJENCEV JOŽETA PRIMOŽIČA-MIKLAVŽA IDRİJA**
Arkova ulica 004, 5280 Idrija
telefon: 05 377 34 36, 377 11 73
faks: 05 377 33 32
e-pošta: [sabina.vidmar\(at\)duidrija.si](mailto:sabina.vidmar@duidrija.si)
 - o Enota: **SPODNJA IDRİJA**
Idrijska c. 26, 5281 Spodnja Idrija
telefon: 05 377 11 73
faks: 05 377 66 67
e-pošta: [romana.kavcic\(at\)duidrija.si](mailto:romana.kavcic@duidrija.si)
12. **SOCIALNO VARSTVENI ZAVOD VITADOM**
P. E. DOM ZA STAREJŠE OBČANE BOR - KONCESIJA
Črni vrh 120, 5274 Črni vrh nad Idrijo
telefon: 05 375 13 00
faks: 05 375 13 30

e-pošta: andrej.zugel@vitadom.si
URL: <http://www.vitadom.si/default.asp>

13. DOM STAREJŠIH OBČANOV KAMNIK

Neveljska pot 26, 1240 Kamnik
telefon: 01 839 15 06, 839 15 10, 839 15 13, 839 15 18
faks: 01 839 13 26
e-pošta: dom.kamnik1@siol.net

14. DOM STAREJŠIH OBČANOV KOČEVJE

Roška cesta 22, 1330 Kočevje
telefon: 01 893 02 22
faks: 01 893 02 24
e-pošta: tajnistvo@dsokocevje.si
URL: www.dsokocevje.si

15. DOM »TISJE« ŠMARTNO PRI LITJI

Črni potok 13, 1275 Šmartno pri Litiji
telefon: 01 890 01 00
faks: 01 890 01 10
e-pošta: tisje@ssz-slo.si

16. DOM STAREJŠIH LOGATEC

Gubčeva 8a, 1370 Logatec
telefon: 01 750 80 80
faks: 01 750 80 90
e-pošta: info@ds-logatec.si

17. DOM MARIJE IN MARTE KARITAS - KONCESIJA

Šolska pot 1, 1370 Logatec
telefon: 01 754 31 09, 754 20 40
faks: 01 754 25 55
e-pošta: dom.marije.marte@siol.net

18. DEOS, D. D. LJUBLJANA - KONCESIJA

PE Center starejših Medvode
Zbiljska cesta 15, 1215 Medvode
telefon: 01 362 54 00
faks: 01 326 54 20
e-pošta: dom-medvode@siol.net
URL: <http://www.deos.si/>

19. DEOS, D. D. LJUBLJANA - KONCESIJA

PE Center starejših Cerknica
Cesta pod Slivnico 1, 1380 Cerknica
teledon: 01 705 51 00
faks: 01 705 51 20
e-pošta: info.cerknica@deos.si
URL: <http://www.deos.si/>

20. **DOM POČITKA MENGEŠ**
Glavni trg 13, 1234 Mengeš
telefon: 01 723 72 28, 01 723 78 95
faks: 01 723 73 47
e-pošta: [zavod\(at\)dom-pocitka-menges.si](mailto:zavod(at)dom-pocitka-menges.si)
21. **DOM UPOKOJENCEV FRANC SALAMON TRBOVLJE**
Kolonija 1. maja 21, 1420 Trbovlje
telefon: 03 565 33 00, 03 565 33 39
faks: 03 565 33 03
e-pošta: [slavi.lenko\(at\)netsi.net](mailto:slavi.lenko(at)netsi.net)
22. **DOM UPOKOJENCEV VRHNIKA**
Idrijska cesta 13, 1360 Vrhnika
telefon: 01 750 44 00, 01 750 21 41
faks: 01 750 51 68
e-pošta: [du-vrhnika\(at\)s5.net](mailto:du-vrhnika(at)s5.net)
23. **DOM STAREJŠIH OBČANOV »POLDE EBERL-JAMSKI«, IZLAKE**
Izlake 13, 1411 Izlake
telefon: 03 567 40 85, 03 567 41 04
faks: 03 567 35 07
e-pošta: [izlake\(at\)ssz-slo.si](mailto:izlake(at)ssz-slo.si)
24. **VEHO d. o. o., DOM STAREJŠIH HORJUL - KONCESIJA**
Slovenska cesta 7, 1354 Horjul
telefon: 01 759 13 00, 01 759 13 33
e-pošta: [daniela.tadic\(at\)gmail.com](mailto:daniela.tadic(at)gmail.com)
25. **PAPILOT Zavod za vzpodbujanje in razvijanje kvalitete življenja**
Center za dnevno oskrbo in druženje starejših (zavod ima dovoljenje za delo za
opravljanje te storitve)
Zakotnikova 3, 1000 Ljubljana
telefon: 01 542 15 82
faks: 01 542 15 87
e-pošta: [simona\(at\)papilot.si](mailto:simona(at)papilot.si)
URL: <http://papilot.sisplet.org/>
26. **ZAVOD SV. TEREZIJE - KONCESIJA**
Videm 33, 1312 Videm Dobropolje
telefon: 01 781 23 00, 01 781 23 05
e-pošta: [zavod.svterezije\(at\)siol.net](mailto:zavod.svterezije(at)siol.net)
27. **DOM STAREJŠIH OBČANOV RIBNICA - KONCESIJA**
RIVE, izgradnja in upravljanje doma starejših občanov v Ribnici, d. o. o.
Krošnjarska pot 2, 1310 Ribnica
telefon: 08 200 97 00, 08 200 97 01
faks: 01 835 09 00
e-pošta: [rive\(at\)rive.si](mailto:rive(at)rive.si) [riveo\(at\)vegrad.si](mailto:riveo(at)vegrad.si)

Območna enota MARIBOR

1. **DOM UPOKOJENCEV DANICE VOGRINEC MARIBOR**
Čufarjeva cesta 9, 2000 Maribor
telefon: 02 480 61 00
faks: 02 471 31 57
e-pošta: [info\(at\)du_danicevogrinec.si](mailto:info(at)du_danicevogrinec.si)
URL: <http://www.du-danicevogrinec.si>
 - o Enota: **TABOR**
Veselova 3, 2000 Maribor
telefon: 02 420 41 21
2. **DOM STAREJŠIH OBČANOV TEZNO**
Panonska ulica 41, 2000 Maribor
telefon: 02 460 26 00
faks: 02 460 26 14
e-pošta: [ida.kmetec\(at\)dso-tezno.si](mailto:ida.kmetec(at)dso-tezno.si)
URL: <http://www.dso-tezno.si>
3. **SONČNI DOM, DRUŽBA ZA STORITVE, D. O. O. - KONCESIJA**
Železnikova 10, 2000 Maribor
telefon: 02 471 64 02
faks: 02 471 64 13
e-pošta: [nevenka.rajh.dom\(at\)amis.net](mailto:nevenka.rajh.dom(at)amis.net)
4. **DOM STAREJŠIH IDILA, JARENINA - KONCESIJA**
Vukovski dol 34a, 2221 Jarenina
telefon: 02 655 66 50
faks: 02 655 66 91
e-pošta: [gipit.doo\(at\)siol.net](mailto:gipit.doo(at)siol.net)
5. **DOM UPOKOJENCEV PTUJ**
Volkmerjeva 10, 2250 Ptuj
telefon: 02 780 73 00
faks: 02 771 45 31
e-pošta: [du.ptuj\(at\)siol.net](mailto:du.ptuj(at)siol.net)
 - o Enota: **MURETINCI**
Muretinci 45, 2272 Gorišnica
telefon: 02 740 80 59
6. **CENTER ZA STAREJŠE OBČANE ORMOŽ D. O. O. - KONCESIJA**
Ulica dr. Hrovata 10, 2270 Ormož
telefon: 02 741 62 00
faks: 02 741 62 34
e-pošta: [cso.ormoz\(at\)siol.net](mailto:cso.ormoz(at)siol.net)
7. **DOM DR. JOŽETA POTRČA POLJČANE**
Potrčeva 1, 2319 Poljčane
telefon: 02 829 59 20
faks: 02 802 56 75
e-pošta: [info\(at\)dom-poljcane.si](mailto:info(at)dom-poljcane.si)
URL: <http://www.dom-poljcane.si>

8. **ZAVOD HRASTOVEC-TRATE**
Hrastovec 22, 2230 Lenart v Slovenskih Goricah
telefon: 02 729 35 10, ambulanta: 02 729 02 12
faks: 02 729 35 66
e-pošta: [hrastovec.zavod\(at\)siol.net](mailto:hrastovec.zavod(at)siol.net)
URL: <http://www.hrastovec.org/>
- o Enota Pesnica: **ZAVOD TRATE**
Trate 7, 2213 Zgornja Velka
telefon: 02 645 57 31, 645 57 41
faks: 02 645 57 20
e-pošta: [z.hrastovectrate\(at\)siol.net](mailto:z.hrastovectrate(at)siol.net)
9. **DOM LENART d. o. o. - KONCESIJA**
Gubčeva 5, 2230 Lenart v Slovenskih Goricah
telefon: 059 22 11 00, 059 22 11 03
faks: 059 22 11 50
e-pošta: [dom.lenart\(at\)karitasmb.si](mailto:dom.lenart(at)karitasmb.si)

Območna enota MURSKA SOBOTA

1. **DOM STAREJŠIH RAKIČAN**
Dr. Vrbnjaka 1 - p. p. 1302, 9001 Murska Sobota
telefon: 02 532 16 09, 532 16 30
faks: 02 530 42 40
e-pošta: [dom.rakican\(at\)siol.net](mailto:dom.rakican(at)siol.net)
2. **DOM STAREJŠIH LENDAVALCI**
Idősebb polgárok otthona Lendva
Slomškovo naselje 7, 9220 Lendava
telefon: 02 578 12 36, 578 12 37
faks: 02 578 12 38
e-pošta: [dom_starejsih.Lendava\(at\)siol.net](mailto:dom_starejsih.Lendava(at)siol.net)
3. **DOM STAREJŠIH OBČANOV LJUTOMER**
Cesta 1. Slovenskega tabora 5, 9240 Ljutomer
telefon: 02 585 11 00
faks: 02 585 11 20
e-pošta: [dso.ljutomer\(at\)siol.net](mailto:dso.ljutomer(at)siol.net)
<http://www.dso-ljutomer.si>
4. **DOM LUKAVCI**
Lukavci 9, 9242 Križevci pri Ljutomeru
telefon: 02 588 84 20
faks: 02 588 84 44
e-pošta: [lukavci\(at\)ssz-slo.si](mailto:lukavci(at)ssz-slo.si)
URL: <http://www.lukavci.si/>
5. **ZAVOD SV. CIRILA IN METODA BELTINCI - KONCESIJA**
Mladinska 4, 9231 Beltinci
telefon: 02 542 31 10

faks: 02 542 31 11
e-pošta: [info\(at\)zcm.si](mailto:info(at)zcm.si)
URL: <http://www.zcm.si>

6. **DOM STAREJŠIH OBČANOV GORNJA RADGONA d. o. o. – KONCESIJA**
Trate 40, 9250 Gornja Radgona telefon: 02 568 45 00
faks: 02 568 45 16
e-pošta: [info\(at\)dso-gr.si](mailto:info(at)dso-gr.si)
7. **DOSOR, Dom starejših občanov d. o. o. - KONCESIJA**
Prisojna cesta 4a, 9252 Radenci
telefon: 02 568 46 00
faks: 02 568 46 01
e-pošta: [info\(at\)dosor.si](mailto:info(at)dosor.si)

Območna enota NOVA GORICA

1. **DOM UPOKOJENCEV NOVA GORICA**
Gregorčičeva 16, 5000 Nova Gorica
telefon: 05 339 41 00
faks: 05 339 41 60
e-pošta: [gorica\(at\)ssz-slo.si](mailto:gorica(at)ssz-slo.si)
2. **DOM UPOKOJENCEV GRADIŠČE**
Gradišče 4, 5294 Dornberk
telefon: 05 330 69 00
faks: 05 330 69 24
e-pošta: [gradisce\(at\)ssz-slo.si](mailto:gradisce(at)ssz-slo.si)
3. **DOM STAREJŠIH OBČANOV AJDOVŠČINA**
Bevkova 10, 5270 Ajdovščina
telefon: 05 365 98 10
faks: 05 365 98 26
e-pošta: [ajdovscina\(at\)ssz-slo.si](mailto:ajdovscina(at)ssz-slo.si)
4. **DOM UPOKOJENCEV PODBRDO**
Podbrdo 33, 5243 Podbrdo
telefon: 05 380 18 41
faks: 05 380 18 51
e-pošta: [gizela.jensko\(at\)dompodbrdo.si](mailto:gizela.jensko(at)dompodbrdo.si)
 - o Enota: **DOM UPOKOJENCEV TOLMIN**
Gregorčičeva 32, 5220 Tolmin
telefon: 05 380 18 00
faks: 05 380 18 08
e-pošta: [ivica.podgornik\(at\)ssz-slo.si](mailto:ivica.podgornik(at)ssz-slo.si)
 - o Enota: **PETROVO BRDO**
Petrovo brdo 7, 5243 Podbrdo
telefon: 05 380 18 20, faks: 05 380 18 21
e-pošta: [malci.kos\(at\)ssz-slo.si](mailto:malci.kos(at)ssz-slo.si)

5. **TURZIS d. o. o. - KONCESIJA**
Arčoni 8a, 5292 Renče
telefon: 05 331 07 20
faks: 05 331 07 30
e-pošta: [info\(at\)medichotel.com](mailto:info(at)medichotel.com)
URL: <http://www.medichotel.com/>

Območna enota NOVO MESTO

1. **DOM STAREJŠIH OBČANOV NOVO MESTO**
Šmihel 1, 8000 Novo mesto
telefon: 07 371 99 11
faks: 07 371 99 44
e-pošta: [dso-nm\(at\)siol.net](mailto:dso-nm(at)siol.net)
2. **DOM STAREJŠIH OBČANOV ČRNOMELJ**
Ulica 21. oktobra 19c, 8340 Črnomelj
telefon: 07 305 62 60, 305 62 61, 305 62 70, 305 62 71, 305 62 80
faks: 07 305 62 82
e-pošta: [crnomelj\(at\)ssz-slo.si](mailto:crnomelj(at)ssz-slo.si)
3. **DOM POČITKA METLIKA**
Mestni trg 16, 8330 Metlika
telefon: 07 306 31 40, 306 31 41
faks: 07 306 31 50
e-pošta: [metlika\(at\)ssz-slo.si](mailto:metlika(at)ssz-slo.si)
4. **DOM STAREJŠIH OBČANOV TREBNJE**
Stari trg 63, 8210 Trebnje
telefon: 07 346 21 00
faks: 07 346 21 51
e-pošta: [dso_trebnje\(at\)siol.net](mailto:dso_trebnje(at)siol.net)
5. **PENZION SREČA**
Varovanje starejših oseb, gostinstvo in turizem d. o. o. - **dovoljenje za delo za varstvo starejših v oskrbnem domu in KONCESIJA**
Orešje 51, 8820 Šmarješke toplice
telefon: 07 307 38 48
faks: 07 307 38 49

Območna enota RAVNE NA KOROŠKEM

1. **KOROŠKI DOM STAROSTNIKOV**
Črneče 146, 2370 Dravograd
telefon: 02 878 32 54, 878 43 30, 878 43 14, 878 36 81
faks: 02 872 00 90
e-pošta: [kdsd\(at\)siol.net](mailto:kdsd(at)siol.net)
2. **ZAVOD ČEBELA, DNEVNO VARSTVO KARITAS, DOM SV. EME ŠENTJANŽ - KONCESIJA**
Šentjanž pri Dravogradu 102, 2373 Šentjanž pri Dravogradu

telefon: 02 878 71 67, 878 55 59
e-pošta: [zavod.cebela.karitas\(at\)siol.net](mailto:zavod.cebela.karitas(at)siol.net)

3. **DEOS D. D. LJUBLJANA, PE CENTER STAREJŠIH GORNJI GRAD - KONCESIJA**

Tlaka 28, 3342 Gornji Grad
telefon: 03 839 28 12
faks: 03 839 28 14
e-pošta: [info-gornji.grad\(at\)deos.si](mailto:info-gornji.grad(at)deos.si)
URL: <http://www.deos.si/>

4. **DOM STAREJŠIH NA FARI, PREVALJE**

Na Fari 50, 2391 Prevalje
telefon: 02 824 09 20
faks: 02 824 09 13
e-pošta: [dom.prevalje\(at\)siol.net](mailto:dom.prevalje(at)siol.net)

5. **DOM ZA VARSTVO ODRASLIH VELENJE**

Kidričeva 23, 3320 Velenje
telefon: 03 587 49 15, 587 49 14
faks: 03 897 06 51
e-pošta: [dvov\(at\)siol.net](mailto:dvov(at)siol.net)

6. **DOM ZA STAREJŠE RADLJE OB DRAVI, d. o. o. - KONCESIJA**

Koroška cesta 67/a, 2360 Radlje ob Dravi
telefon: 02 887 03 70
faks: 02 887 03 79

B) OCCUPATIONAL ACTIVITY CENTRES (VDC)

INDIVIDUAL VDC:

- **AJDOVŠČINA:** VDC Ajdovščina - Vipava, Gradiška 7, Vipava (enoti v Ajdovščini in Vipavi)
- **CELJE:** Center za varstvo in delo Golovec, Celje, Na Golovcu 2, 3000 Celje (enoti v Celju na 5 lokacijah in v Radečah)
- **ČRNOMELJ:** VDC Črnomelj, Majer 7, 8340 Črnomelj (na 2 lokacijah)
- **IDRIJA:** VDC Idrija - Vrhnika, Ulica IX. korpusa 17, 5280 Idrija (enote v Idriji, na Vrhniki in v Logatcu - ta je še v ustanavljanju)
- **KOPER:** VDC Koper, Ul. 15.maja 8, 6000 Koper (enote v Kopru, Ilirski Bistrici, Sežani, Divači, Izoli in Portorožu)
- **KRANJ:** VDC Kranj, Kidričeva 51, 4000 Kranj (enote v Kranju, Trziču in Škofji Loki)
- **KRŠKO:** VDC Krško-Leskovec, Ul. Staneta Žagarja 4, 8273 Leskovec (enote v Krškem, Sevnici in Brežicah)
- **LJUBLJANA:** VDC Tončke Hočevar Ljubljana, Vodnikova 56, 1000 Ljubljana (na 7 lokacijah)
- **MARIBOR:** VDC Polž Maribor, Park mladih 4, 13, 2000 Maribor (enote v Mariboru na 4 lokacijah, Rušah, Lenartu, Slovenski Bistrici in Šentilju)
- **MENGEŠ:** VDC INCE Mengeš, Ropretova 23, 1234 Mengeš (enota v Mengšu na 2 lokacijah, enota v Litiji)

- **MURSKA SOBOTA:** VDC Murska Sobota, Trstenjakova 69, 9000 Murska Sobota (enote v Murski Soboti, Lendavi, Ljutomeru in Gornji Radgoni na 2 lokacijah)
- **NOVO GORICA*:** VDC Nova Gorica, Klanec 14a, Solkan (enoti v Novi Gorici in Stari Gori)
- **NOVO MESTO:** VDC Novo mesto, Šmihel 3, 8000 Novo mesto (enoti v Novem mestu na 2 lokacijah in Trebnjem)
- **POSTOJNA:** VDC Postojna, Vilharjeva 14, 6230 Postojna (enoti v Postojni in Cerknici)
- **ŠENTJUR:** VDC Šentjur, Ipavčeva 8, 3230 Šentjur (enote v Šentjurju, Slovenskih konjicah in Šmarjah pri Jelšah)
- **TOLMIN:** VDC Tolmin, Rutarjeva ul. 18, 5220 Tolmin (na 2 lokacijah)
- **VELENJE:** VDC SAŠA, Kidričeva cesta 19a, 3320 (enote v Velenju, Mozirju in Žalcu)
- **ZAGORJE:** VDC Zagorje, Cesta 9. avgusta 59a, 1410 Zagorje

VDC AS UNITS OF SOCIAL CARE INSTITUTIONS PROVIDING CAPACITY BUILDING FOR CHILDREN AND YOUNG ADULTS:

- **ČRNA NA KOROŠKEM:** Zavod za varstvo in delovno usposabljanje Črna na Koroškem, Center 144, 2393 Črna na Koroškem (tudi enoti VDC v Slovenj Gradcu in v Muti /Radlje/)
- **DOBRNA:** Zavod za usposabljanje in varstvo Dobrna, Lokovina 10, 3204 Dobrna (tudi enota VDC v Ormožu)
- **DORNAVA:** Zavod za varstvo in delovno usposabljanje mladine Dr. M. Borštnarja Dornava, Dornava 128, 2252 Dornava
- **IG:** Center Dolfke Boštjančič Draga, Draga 1, 1292 Ig (tudi enota VDC v Ribnici)
- **RADOVLJICA:** Dom Matevža Langusa Radovljica, Pot na jezerca 17, 4240 Radovljica (tudi enota VDC na Jesenicah)

CONSESIONS VDC:

- **Podjetje za usposabljanje in zaposlovanje invalidov Želva d. o. o.,** enota VDC, Samova 9, 1000 Ljubljana (na 4 lokacijah v Ljubljani, v Ajševici /Nova gorica/, v Kočevju, Grosuplju in Černelavcih /Murska Sobota/)
- **SONČEK - Zveza društev za cerebralno paralizo Slovenije,** VDC, Rožanska ul. 2, 1000 Ljubljana (v Ljubljani na treh lokacijah, v Mariboru, Murski Soboti, Ptuj, Kranju, Slovenj Gradcu, Celju, Kopru in Dravogradu)
- **Društvo Barka - VDC,** Zbilje 66, 1215 Medvode
- **Zavod Zarja,** VDC, Kunaverjeva 14, 1000 Ljubljana (na treh lokacijah)
- **Čebela, Dnevno varstvo Karitas VDC,** Žička c. 15, 3210 Slovenske Konjice
- **VDC Muc, Sreto Zelen s. p.,** Preserje 18 b, 3314 Braslovče (v Braslovčah in na Polzeli)
- **Sožitje Maribor,** VDC, Ul. Proletarskih brigad 79/a, 2000 Maribor (na dveh lokacijah)
- **Sožitje Kamnik,** VDC, Osnovna šola Loke, Loke 7, 1219 Laze v Tuhinju (naslov za pošiljanje pošte: Društvo Sožitje Kamnik - društvo za pomoč osebam z motnjami v duševnem razvoju, Jenkova 16, 1241 Kamnik)
- **Sožitje Ptuj,** Rajšpova 20, 2250 Ptuj
- **Zavod Korak,** Jelenčeva 15, 4000 Kranj
- **Delovni in zaposlitveni center Janeza Levca,** Karlovška 18, Ljubljana
- **Naprej,** Kremplova ulica 2, 2000 Maribor

c) CAPACITY BUILDING AND TRAINING INSTITUTES

- **ČRNA NA KOROŠKEM:** Zavod za varstvo in delovno usposabljanje Črna na Koroškem, Center 144, 2393 Črna na Koroškem (tudi enoti VDC v Slovenj Gradcu in v Muti /Radlje/)
- **DOBRNA:** Zavod za usposabljanje in varstvo Dobrna, Lokovina 10, 3204 Dobrna (tudi enota VDC v Ormožu)
- **DORNAVA:** Zavod za varstvo in delovno usposabljanje mladine Dr. M. Borštnarja Dornava, Dornava 128, 2252 Dornava
- **IG:** Center Dolfke Boštjančič Draga, Draga 1, 1292 Ig (tudi enota VDC v Ribnici)
- **RADOVLJICA:** Dom Matevža Langusa Radovljica, Pot na jezerca 17, 4240 Radovljica (tudi enota VDC na Jesenicah)

D) SPECIALISED SOCIAL CARE INSTITUTES

- **DUTOVLJE:** SVZ Dutovlje, Dutovlje 128, 6221 Dutovlje
- **PONIKVE:** DVZ Prizma, Ponikve 76, Videm - Dobropolje 1312
- **ŽALEC:** SVZ Žalec Grmovje, PERNOVO 4A, 3310, Žalec
- **HRASTOVEC:** DSO Hrastovec Trate, Hrastovec 22, 2230 Lenart v Slovenskih goricah
- **LUKAVCI:** Dom Lukavci, Lukavci 9, 9242 Križevci pri Ljutomeru

R U L E S
on renting non-profit apartments

I. GENERAL PROVISIONS

Article 1

(Application of the Rules)

Municipalities, the State, public housing funds and non-profit organisations (hereinafter, the lessors) shall use these Rules in awarding non-profit rental housing.

Article 2

(Content of the Rules)

These Rules lay down:

- general terms and conditions to be met by the applicants (hereinafter, the applicants) in order to be entitled to the award of non-profit housing;
- the criteria and standards for assessing the housing and social conditions of the applicants;
- the criteria for possible payment of an own share and security for the use of housing and persons liable therefor;
- the spatial standards for awarding non-profit housing;
- the procedure for awarding non-profit housing;
- the instructions for the use of non-profit housing;
- exchange of non-profit housing;
- extraordinary awarding of non-profit housing;
- the procedure of changing the amount of rent after awarding non-profit housing;
- the Explanatory Notes for the Application of the Rules and the Form for Assessing the Housing and Social Conditions and the Priority Categories of Applicants, which shall constitute an integral part of these Rules in the form of an Annex.

II. GENERAL CONDITIONS FOR ENTITLEMENT TO THE AWARD OF NON-PROFIT
RENTAL HOUSING

Article 3

(General Conditions for Entitlement to the Award of Non-Profit Housing)

(1) The general conditions to be met by the applicants to be entitled to the award of non-profit housing shall be:

- citizenship of the Republic of Slovenia;
- permanent residence in the municipality or in the area of activity of the public housing fund or non-profit organisation, in which the applicant applied for the non-profit housing;

– the applicant or any of the persons using the housing along with the applicant (hereinafter, the household) must not be a lessee of non-profit housing rented for an indefinite period of time and for a non-profit rent, or an owner or a co-owner of another dwelling or residential building, unless the dwelling or residential building has been rented for an indefinite period of time for non-profit rent by law;

– the applicant or any member of the household must not be an owner of another property that exceeds 40% of the value of an appropriate housing unit;

– in the year prior to the tender for awarding non-profit housing, the monthly income of the applicant’s household has been within the thresholds specified in Article 5 of these Rules.

(2) Women and women with children, victims of domestic violence with a temporary residence in maternity homes and shelters-safe houses, places of refuge, and centres for providing assistance to criminal offence victims, may participate in the invitation to tender for awarding non-profit housing also in the place of temporary residence.

(3) Disabled persons, who are permanently dependent on a wheelchair or require the permanent assistance of another person, may, regardless of their place of residence, apply for the award of non-profit housing also in another municipality with greater employment possibilities or where the assistance of another person and healthcare services are provided for.

(4) In addition, the tenants of the dwellings seized according to the nationalisation regulations – the former housing right holders – shall also be entitled to the award of non-profit housing if they meet the general conditions for the entitlement to the award of non-profit housing according to these Rules.

Article 4

(Additional Conditions)

In a particular invitation to tender for awarding non-profit housing, in addition to the general conditions according to these Rules, the lessors may prescribe additional conditions to be fulfilled by the applicant, whereby the points achieved with additional conditions may exceed the total points according to the Form for Assessing the Housing and Social Conditions and the Priority Categories of Applicants, which is the integral part of these Rules (hereinafter, the Form), as the sum of the highest values of particular points from the Form, up to a maximum of 25%.

Article 5

(Household Income Upper Threshold)

(1) The applicants shall be entitled to the award of non-profit housing if, within one year prior to the invitation to tender, the income of their household shall not exceed:

Household size	The income may not exceed the following % of the average net salary in the State
single-member	200%
two-member	250%
three-member	315%
four-member	370%

five-member	425%
six-member	470%

 (2) For every further household member, the upper scale shall continue by adding 25 percentage points.

Article 6

(Priority Categories of Applicants)

(1) In deciding the applications for the award of non-profit housing, families with several children, families with fewer employed persons, the youth and young families, disabled persons and families with a disabled family member, and citizens with a longer employment period who are without housing or who are subtenants, women and women with children, domestic violence victims, persons with the status of war victim, and applicants who, in view of the profession and activity they perform, are important for a particular municipality, which the municipality must specify specifically in the invitation to tender.

(2) In a particular invitation to tender for awarding non-profit housing, the lessors shall define the priority category or categories of applicant referred to in the previous paragraph of this Article, whereby other priority categories of applicants may be included in the invitation to tender at their discretion, which must be specifically substantiated in the invitation to tender.

(3) In a particular invitation to tender for awarding non-profit housing, the lessors shall define explicitly, which group of applicants shall have priority in awarding non-profit housing if one or more applicants achieves the same number of points with regard to the assessment of housing and social conditions determined in the Form.

Article 7

(Undue Entitlement to the Award of Non-profit Housing)

Persons who were already awarded a socially-owned housing unit up to the entry into force of the Housing Act in 1991 and lost their housing right based on a court's decision, as well as those whose tenancy agreement, concluded after 1991, was terminated due to a fault based on a court's decision, may not participate in the invitation to tender for awarding non-profit housing.

III. CRITERIA AND STANDARDS FOR ASSESSING HOUSING AND SOCIAL CONDITIONS OF APPLICANTS

Article 8

(Priority in Awarding Non-profit Housing)

(1) In awarding non-profit housing, those with poorer housing conditions, a larger number of family members and who live in poorer social and health conditions shall have priority.

(2) The criteria and the point system of the criteria for assessing the housing and social conditions affecting the priority in awarding non-profit rental housing shall be determined in the Form.

IV. CRITERIA FOR POSSIBLE PAYMENT OF AN OWN SHARE AND SECURITY AND PERSONS LIABLE THEREFOR

Article 9

(Exemption of Paying an Own Share and Security)

(1) The households, where the income does not exceed the percentages of income stated below within one year prior to the invitation to tender, shall not be liable to pay their own share and security.

Household size	Income in % of the average net salary in the State
single-member	90%
two-member	135%
three-member	165%
four-member	195%
five-member	225%
six-member	255%

(2) For every further household member, the upper scale shall continue by adding 20 percentage points.

Article 10

(Persons Liable to Pay Their Own Share and Security)

The household, where the income exceeds the limit specified in the previous Article of these Rules, shall be liable to pay their own share and security.

Article 11

(Definition of the Term, Amount of Own Share)

(1) Own share is repayable funds of the tenant intended for the acquisition of non-profit housing owned by the lessor.

(2) The amount of own share may amount to a maximum of 10% of the value of non-profit housing according to the Rules pursuant to Article 116 of the Housing Act (Official Gazette of the RS, No. 69/03; hereinafter, the Act) without the impact of the location.

Article 12

(Agreement on the Payment of Own Share and the Time Limit for the Repayment of Own Share)

The conditions relating to the possible payment and repayment of own share shall be regulated by the lessors and the persons entitled to the award of non-profit housing in a

mutual agreement, whereby the own share of the tenant of non-profit housing shall be repaid within 10 years in euros with a 2% interest rate.

Article 13

(Definition of Security in the Tenancy Agreement, Possibility of Payment in Monthly Instalments, Repayment of Security)

(1) A security payment for using the dwelling may be requested by the lessor as the funds required for establishing the original condition of the dwelling in case of the tenant's moving out, while taking into account the normal use of the dwelling.

(2) The security for the use of the dwelling may amount to a maximum of three monthly rents.

(3) The lessors and the persons entitled to the award of non-profit housing shall define mutual obligations relating to the payment, repayment and maintaining of the value of security for the use of the dwelling in the tenancy agreement, while taking into account the principle of maintaining the value of security in euros.

(4) Based on the prior consent of the lessor, the person entitled to the award of non-profit housing may pay the security for the use of the dwelling in instalments.

(5) The security shall be repaid or used for offsetting at the termination of the tenancy relationship, whereby the lessor shall be obliged to repay the security in tolar in the actual value of the security or the remaining amount of security in euros.

(6) The security shall be kept and not repaid if the tenant of non-profit housing did not provide a dwelling suitable for living, or paid the rent or the operating costs at the time of moving out.

V. SPATIAL STANDARDS FOR AWARDING NON-PROFIT RENTAL HOUSING

Article 14

(Spatial Standards)

(1) In awarding non-profit housing, the lessors shall use the following spatial standards:

Number of household members	Dwelling area without payment of own share and security	Dwelling area with payment of own share and security
single-member	from 20m ² to 30m ²	from 20m ² to 45m ²
two-member	over 30m ² to 45m ²	over 30m ² to 55m ²
three-member	over 45m ² to 55m ²	over 45m ² to 70m ²
four-member	over 55m ² to 65m ²	over 55m ² to 82m ²
five-member	over 65m ² to 75m ²	over 65m ² to 95m ²
six-member	over 75m ² to 85m ²	over 75m ² to 105m ²

(2) For every further household member, the area of the lower and upper class shall increase by 6m².

(3) The lessors may also rent a smaller dwelling if the person entitled agrees or so desires.

(4) The lessors may also rent a larger dwelling if the person entitled agrees or so desires, whereby the difference in m² shall be calculated as a freely formed rent.

(5) The spatial standards under the first paragraph of this Article relating to the dwellings without the payment of own share and security shall be used as the upper threshold in calculating the subsidy to the rent in accordance with the third paragraph of Article 121 of this Act.

Article 15

(Taking into Account the Additional Living or Sleeping Room)

(1) In awarding non-profit rental housing, the spatial standards under the previous Article may be exceeded by taking into account the additional living or sleeping room if so required by the family or social and health conditions such as, for example, three generations living together, a severe level of disability, serious illness that requires permanent care, and similar.

(2) The lessors shall determine the deviation from the spatial standards referred to in the previous paragraph by taking into account the opinion of the Social Work Centre submitted by the person entitled.

Article 16

(Elimination of Architectural Obstacles)

If a non-profit housing unit is intended for a disabled person or family with a disabled family member with difficult or impaired normal movement, it shall be necessary, in awarding non-profit housing, to consider the need to eliminate the architectural obstacles in the dwelling, or at the entry to or exit from the residential building, as well as adequate surfaces providing for movement with a wheelchair.

VI. PROCEDURE FOR AWARDING NON-PROFIT HOUSING

Article 17

(Invitation to Tender)

(1) For awarding non-profit rental housing, the lessor must publish an invitation to tender in the mass media, except when it concerns a lessor established with the purpose of solving the housing issues of a particular population group, which may publish an internal invitation to tender for awarding non-profit rental housing.

(2) In the invitation to tender, the lessor may decide to form two priority lists, separately for dwellings intended for rent to the applicants, who are not obliged to pay their own share and security due to the social conditions in accordance with Article 9 of these Rules, and for dwellings intended for rent to the applicants, who are obliged to pay their own share and security with regard to their income.

(3) The mayor (hereinafter, the mayor) may authorise a public corporation owned by the municipality to carry out the tender procedure.

Article 18

(Content of the Invitation to Tender)

The tender for the award of non-profit rental housing must determine in particular the following:

1. the conditions to be fulfilled by the persons entitled to non-profit rental housing;
2. the data that must be provided in the application by the applicants;
3. the documentation to be enclosed by the applicants to the application;
4. the data on the lessor's decision relating to the payment of own share and security and the payment conditions;
5. the data on the lessor's decision relating to the formation of separate priority lists in accordance with the second paragraph of the previous Article of these Rules;
6. an indicative number of available non-profit dwellings, whereby the dwellings intended for rent to the applicants, who are not obliged to pay their own share and security for using the dwelling due to the social conditions in accordance with Article 9 of these Rules, shall be defined separately;
7. the definition of priority categories of applicants;
8. the data on the priority category of applicants if one or more applicants achieve the same number of points in the invitation to tender according to the form for assessing the housing conditions;
9. an indicative time limit, in which non-profit housing that is the subject of the invitation to tender shall be available for rent;
10. the time limit for submitting the applications and an indicative time limit for publishing the results of the invitation to tender;
11. the amount of rent for the average dwelling that is the subject of the invitation to tender and the reference to the regulations determining non-profit rents and subsidising of rents;
12. the possibility of changing the rent in the event of changed conditions for awarding non-profit housing pursuant to Article 90 of the Act.

Article 19

(Tender Documentation)

(1) To the application for awarding non-profit rental housing, the applicants must attach the following documents:

- information on receipts as well as a statement on financial conditions in accordance with the regulations in the field of social security, with which the applicant and other adult household members allow access to their personal data to other personal information database managers;
- the tenancy or sub-tenancy agreement if the applicant does not live at the home of his parents or relatives;
- the last decision on the assessment of personal income tax;
- other items for the invitation of tender relevant documentation that identifies the material, social and health conditions;
- documentation on the permanent use of a wheelchair or the permanent need for assistance from another person in the case of a disabled person under the third paragraph of Article 3 of these Rules.

(2) The lessors of non-profit housing shall obtain nationality certificates and certificates of residence and the number of household members directly from the competent public authorities.

Article 20

(Tendering Procedure)

(1) The lessors shall appoint commissions that will examine the validity of applications based on received documents to create priority lists for awarding non-profit housing performed by competent authorities, organisations and individuals.

(2) The lessors shall specify a time limit for amending the application to those who will submit incomplete applications.

(3) The applications that will not be amended in the prescribed time limit shall be rejected with a decision.

(4) Until the expiry of the prescribed time limit for amending the application, the priority list for awarding non-profit rental housing may not be created.

(5) For managing the tendering procedure, the provisions of the act regulating the general administrative procedure shall apply.

Article 21

(Application of the Form)

In examining all circumstances relevant for placing and classifying the participants of the invitation to tender to the priority list for awarding non-profit housing, the lessors shall use the form in the Annex to these Rules for assessing the housing and social conditions, in which the participants of the invitation to tender and their immediate family members live.

Article 22

(Completion of Scoring Record, Possibility of Inspecting the Housing Conditions by the Commission)

(1) The commission under Article 20 of these Rules shall complete a scoring record based on the form in the Annex to these Rules and submit one copy of the record to the participant of the invitation to tender.

(2) Within a commission, the lessors may also inspect the housing conditions of the participants of the invitation to tender.

(3) After the inspection of housing conditions, the commission shall complete a scoring record based on the form in the Annex to these Rules.

(4) The record shall be signed by all members of the commission, and one copy of the record shall be handed over to the participant of the invitation to tender after the inspection.

(5) The commission shall not determine the housing conditions by performing an inspection in maternity homes and shelters-safe houses, places of refuge, and centres for providing assistance to criminal offence victims.

Article 23

(Determining the Priority List for Awarding Non-profit Housing)

(1) Based on the provisions of these Rules, the tender conditions and the form from the Annex to these Rules, the lessors shall determine the priority list for awarding non-profit rental housing and publish it in the same manner as the invitation to tender.

(2) In publishing the priority list referred to in the previous paragraph of this Article, the lessors of non-profit housing must provide for a separate publication of the list of persons entitled to non-profit housing rental according to the criteria under Article 9 of these Rules from the list of other entitled persons.

Article 24

(Legal Protection)

(1) The decision on the classification on the priority list of the persons entitled to housing or the non-classification on the priority list of the persons entitled to non-profit housing shall be issued by an authorised person of the lessor, based on the Act regulating the general administrative procedure, within six months after the conclusion of the invitation to tender.

(2) An appeal addressed to the mayor may be filed against the decision of the competent authority of the lessor – the municipality or the public housing fund.

(3) An appeal addressed to the management board of the public non-profit organisation may be filed against the decision of the competent authority of the lessor – non-profit housing organisation.

(4) An appeal addressed to the Housing Commission of the Government of the Republic of Slovenia may be filed against the decision of the competent authority of the lessor – the State.

(5) The decision on the appeal shall be final. After the appeals have been solved, the list of persons entitled to housing shall be published.

Article 25

(Tenancy Agreement for an Indefinite Period)

(1) In accordance with the published list, the lessors shall invite the entitled persons to conclude the tenancy agreement. The tenancy agreement shall be concluded for an indefinite period.

(2) If the entitled person from the list does not respond to the second invitation by the lessor to conclude the tenancy agreement, he shall be removed from the list referred to in the previous paragraph.

Article 26

(Intended Use of Non-profit Housing)

(1) In the event of vacating the non-profit dwelling awarded in accordance with these Rules, the dwelling shall be awarded for rent based on an invitation to tender unless no application has been submitted to the invitation to tender.

(2) If no application has been submitted to the invitation to tender, the lessor shall publish a public call for awarding non-profit rental housing for a definite period for a freely formed rent.

(3) In the cases referred to in the previous paragraph, the dwelling shall be rented for a definite period of one year and, after the expiry of one year, the invitation to tender for awarding the dwelling for rent to persons entitled to non-profit housing shall be repeated.

VII. INSTRUCTIONS FOR THE USE OF NON-PROFIT HOUSING

Article 27

(The Use of Non-profit Housing)

In using the non-profit housing, the tenants shall be obliged to observe the provisions of the Act, the tenancy agreement and the house rules, while also observing the principle of prudent use of the dwelling and the shared parts of the building.

VIII. EXCHANGE OF NON-PROFIT HOUSING

Article 28

(Possibility of Exchanging the Housing)

(1) Within their possibilities, the lessors shall enable the exchange of rental housing while observing the changed needs of the tenants of non-profit housing according to the appropriate size, location and position (floor) of the dwelling, the amount of rent, and other costs for using the dwelling.

(2) The lessor shall decide on the eligibility or non-eligibility of exchanging the non-profit housing in accordance with the provisions of the act regulating the general administrative procedure.

IX. EXCEPTIONAL AWARDING OF NON-PROFIT RENTAL HOUSING

Article 29

(Exceptional Awarding of Non-profit Housing)

(1) In the case of demolition, renovation, and natural or other disasters, the municipalities and the public housing funds may award those affected by the disaster, if they do not have any residential units intended for the temporary housing needs of socially disadvantaged persons, a non-profit housing unit for a definite period, until the elimination of the consequences of the disaster, based on the decision of the mayor or director of the public housing fund.

(2) Based on the decision of the mayor or director of the public housing fund and the prior opinion of the Social Work Centre, a non-profit housing unit for a definite period may also be awarded to the family that requires temporary relocation for protecting the interests of their children.

(3) The municipal council or the supervisory board of the public housing fund shall be informed of the decision on the exceptional awarding of non-profit housing according to the first and second paragraphs of this Article.

(4) People whose applications for the exceptional awarding of non-profit housing are rejected, may file an appeal addressed to the mayor or the supervisory board of the non-profit housing organisation.

X. PROCEDURE OF CHANGING THE AMOUNT OF RENT AFTER AWARDING THE NON-PROFIT HOUSING

Article 30

(Changing the Amount of Rent)

(1) Every five years the lessors may request from the tenants of non-profit housing information on receipts, a statement on financial conditions, and, from the competent tax office, a certified copy of their personal income tax declaration for the previous year.

(2) The information on receipts and the statement on financial conditions shall be requested for the last 12 months prior to verifying the fulfilment of conditions for the use of non-profit housing, and the tenant must submit the supporting documents to the lessor within 30 days of receiving the request.

(3) The lessors shall decide on the eligibility or non-eligibility of the tenant to further the non-profit tenancy relationship within 30 days after receiving all supporting documents referred to in the previous paragraph with a decision in the administrative procedure.

(4) An appeal addressed to the appeal body under Article 24 of these Rules may be filed against this decision, while taking into account the status of the lessor.

(5) If the social conditions of the tenant who is paying a freely formed rent for the dwelling change so that his/her income falls below the threshold determined in Article 5 of these Rules, the tenant may request that the lessor inspects his social situation and changes the freely formed rent to the non-profit rent.

XI. TRANSITIONAL AND FINAL PROVISIONS

Article 31

(Expiry of the Existing Regulation)

Upon the entry into force of these Rules, the following shall no longer apply:

– Rules on Renting Non-profit Apartments (Official Gazette of the RS, No. 26/95, 31/97, 45/98 – Constitutional Court Decision, 9/99 – Constitutional Court Decision, and 31/03).

Article 32

(Entry into Force of the Rules)

These Rules shall enter into force the day after their publication in the Official Gazette of the Republic of Slovenia.

ANNEX
FORM FOR ASSESSING THE HOUSING AND SOCIAL CONDITIONS AND FOR ASSESSING THE
PRIORITY CATEGORIES OF APPLICANTS

I. HOUSING CONDITIONS

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 1. Housing status: | |
| 1.1. Participant of the invitation to tender who is without an apartment or lives in the premises for temporary stay or other non-residential premises | 180 points |
| 1.2. Participant of the invitation to tender who is a subtenant or tenant of a market rent housing unit | 140 points |
| 1.3. Participant of the invitation to tender resides in a workers' home | 130 points |
| 1.4. Participant of the invitation to tender resides at the home of his parents or relatives | 120 points |
| 1.5. Participant of the invitation to tender is a tenant in an apartment that was seized according to the nationalisation regulations and returned to the original owner | 120 points |
| 1.6. Participant of the invitation to tender is the former caretaker | 160 points |
| 2. Residence quality: | |
| 2.1. Residing in an inappropriate apartment | 30 points |
| 3. Level of crowding in the dwelling: | |
| 3.1. Up to 4m ² per family member | 20 points |
| 3.2. From 4m ² to 8m ² per family member | 15 points |
| 3.3. From 8m ² to 12m ² per family member | 10 points |
| 4. Functionality of the dwelling: | |
| 4.1. Dwelling with architectural obstacles | 50 points |
| 4.2. Dwelling with the entrance directly from the yard | 10 points |

II. SOCIAL CONDITIONS

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 5. Number of household members: | |
| 5.1. For every minor | 30 points |
| 5.2. Family with a family member older than 65 years of age | 30 points |
| 6. Separated living: | |
| 6.1. Separated living of the parents and minors due to inappropriate housing conditions (foster placement, care in a foreign family, institution) | 60 points |
| 6.2. Status of the parent who supports a child (single parent) | 40 points |
| 7. Health conditions: | |
| 7.1. Permanent illnesses of minors due to poor housing conditions | 80 points |
| 7.2. Permanent illnesses due to poor housing conditions | 60 points |

III. PRIORITY CATEGORIES OF APPLICANTS

Young families, youth:	
Age of family up to 35 years	points
Age of the applicant up to 30 years	points

Family with a large number of children:	
Minimum three children	points
For every further child	points

Disabled persons and families with a disabled family member:

Disability	points
Family with a small number of employed persons: Employment in the family	points
Citizens with a long employment period: Without an apartment or subtenants	points
The applicants who, in view of the profession and activity they perform, are important for the municipality:	points
Women and women with children, the victims of domestic violence	points
Persons with the status of war victim	points
Other priority categories of applicants in accordance with the third paragraph of Article 6 of these Rules	points

The number of points shall be determined by the lessor of the non-profit housing in accordance with his competence under Article 87 of the Housing Act and Article 6 of the Rules on renting non-profit apartments for deciding the priority categories of applicants, which must be determined in every invitation to tender separately, taking into account the range between 50 and 150 points.

THE EXPLANATORY NOTES FOR THE APPLICATION OF THE RULES AND THE FORM FOR ASSESSING THE HOUSING AND SOCIAL CONDITIONS
(the back side of the Form)

Explanatory notes for the application of the Rules

To Article 3 of the Rules, Assessment of property

Relating to the property ownership of the applicant and other household members who live with him permanently, the value of business premises and equipment up to the total value of the dwelling if it concerns the activity, with which the applicant earns his livelihood, shall not be included in the property.

If the applicant is a disabled person or family with a disabled family member, the amount that the disabled person spends for the purchase of particular aids he needs due to his disability shall be deducted from the total household income by submitting the appropriate supporting documents.

If the applicant is a woman or woman with a child, the victim of domestic violence, who, due to domestic violence, may not exercise the right to a co-ownership share of the apartment or dwelling, the scope of the housing property shall be recorded separately and observed in the lessor's decision on the duration and amount of rent.

The term "other property" under the fourth indent concerns all other property in the State and abroad, movable or immovable, except the housing property referred to in the third indent of the Article of these Rules.

In assessing other property in relation to the value of an appropriate dwelling, the dwelling with a score of 320 points shall be considered as appropriate, the value of one point being EUR 2.63 and the dwelling size in relation to the number of dwelling occupiers, the latter in the amount of upper ranges foreseen for the dwellings with the payment of own share and security under Article 14 of these Rules.

To Article 4 of the Rules, Additional conditions

Relating to the additional conditions that may be prescribed by the lessor of non-profit housing, a possible example thereof has already been provided in Article 87 of the Housing Act, namely the period of residing in the municipality, and the points achieved with additional conditions may not exceed the allowable 25% deviation from the number of points in the Form. The sum of the highest values of individual points in the Form is 450 points, therefore 25% amounts to 112.5 points, meaning that the total sum may be exceeded by 112 points.

To Article 5 of these Rules, Calculation of the applicant's monthly income

The household income, which is the criterion for the entitlement to non-profit housing, shall be determined in the manner specified by the social security regulations for determining the eligibility for social assistance.

If the entitled person does not have any income for the entire year prior to the invitation to tender, an appropriate calculation shall be performed by taking into account the information on the average net salary in the State, whereby the average net salary in the State prior to the invitation to tender is divided by the average net salary in

the year of the invitation to tender (for the number of months when the applicant received a salary). This quotient is the deflator used for multiplying the applicant's income, thus obtaining the data on the applicant's income serving as the basis for the calculation under Article 5 of these Rules.

To Article 6 of these Rules, Priority groups of applicants

In Article 87, the Housing Act states the priority groups of applicants, thus the Rules explicitly allow that the lessors of non-profit housing also include, at their discretion, in the invitation to tender some other priority category, which must be substantiated in the invitation to tender.

In a particular invitation to tender, the lessors of non-profit housing shall explicitly determine which category of applicants shall have priority on the assumption of an equal number of points.

To Article 9 of these Rules, Exemption from paying own share and security

The household income thresholds refer to the last 12 months prior to the invitation to tender, which are simultaneously comparable to the available data at the national level.

To Article 14 of these Rules, Calculation of subsidies to the rents

As the upper threshold in calculating the subsidies to the rents, the upper spatial standards of dwellings shall be considered (30m² for a single-member household, 45m² for a two-member household, etc).

To Article 20 of the Rules, Commissions

The decision on the composition of commissions shall be under the authority of the lessor.

Explanatory notes for the application of the Form

I. HOUSING CONDITIONS

1. Housing status

1.1. Participant of the invitation to tender who is without an apartment

The participant of the invitation to tender shall be scored who:

- resides in a housing unit intended for the temporary solving of housing needs of socially disadvantaged citizens or in other non-residential premises;
- resides in a maternity home or shelter-safe house, place of refuge, centre for providing assistance to criminal offence victims;
- resides, alone or with a family, occasionally in residential buildings but without the status of a subtenant or dwelling occupier.

If the participant of the invitation to tender is without a dwelling, the scoring under points 2. Residence quality, 3. Level of crowding in the dwelling and 4. Functionality of the dwelling shall be excluded.

1.2. Participant of the invitation to tender who is a subtenant or tenant of a market rent housing

The participant of the invitation to tender, who has concluded a subtenancy agreement or has proof of paying rent for a market rent housing unit, shall be scored.

1.3. The participant of the invitation to tender resides in a workers' home

The participant of the invitation to tender, who has concluded an agreement on using the room built for the accommodation of individuals, shall be scored.

1.4. The participant of the invitation to tender resides at the home of his parents or relatives

The participant of the invitation to tender, who has proof of residing at the home of his parents or relatives (certificate of residence or common household), shall be scored.

1.5. The participant of the invitation to tender is a tenant in an apartment that was seized according to the nationalisation regulations and returned to the original owner

The participant of the invitation to tender, who is a former holder of the housing right, shall be scored.

1.6. Participant of the invitation to tender is a former caretaker

The participant of the invitation to tender, who was already a caretaker before 1991 and who stopped working as a caretaker in the absence of any fault or due to retirement, shall be scored.

2. Residence quality

Usually these are older dwellings with missing or poor installations, basements and moist dwellings with too little sun, dwellings with a completely non-functional arrangement of rooms, etc., which receive the maximum 110 points according to the existing scoring system.

3. Level of crowding in the dwelling

In the calculation, the data on the dwelling size from the concluded tenancy or subtenancy agreement or the dwelling scoring record shall be taken into account. If the applicant lives at the home of his parents or relatives, the applicant's statement on the size of the dwelling or residential building that the applicant occupies alone or shares shall be taken into account.

The dwelling of the participant, whose housing status falls under point 1, namely from point 1.2 to 1.6, shall be scored.

4. Functionality of the dwelling

4.1. Dwelling with architectural obstacles

The provision shall apply if the participant of the invitation to tender or his family member is physically impaired. The participant of the invitation to tender or the household member, who is permanently dependant on a wheelchair, shall be scored.

4.2. Dwelling with the entrance directly from the yard

It shall be scored only if the entrance leads directly to the living premises.

II. SOCIAL CONDITIONS

5. Number of household members

5.1. Number of household members evident from an appropriate certificate

Pregnancy proved by a doctor's certificate shall be scored as well.

5.2. Family with a household member older than 65 years of age

It shall be scored if the participant of the invitation to tender is obliged to provide for the household member older than 65 years of age.

6. Separated living

6.1. Separated living of the parents and minors due to inappropriate housing conditions

It shall be scored only if it is clear from the decision on foster placement, placement to another family or an institution that the reason therefor was inappropriate housing conditions.

6.2. Status of the parent who supports a child (single parent)

It shall be scored if the parent provides for the child alone, which is proved by a certificate that maintenance is irrecoverable in accordance with Constitutional Court Decision No. 1967 (Official Gazette of the RS, No. 45/98). These points shall also be attributed to the parent who receives maintenance from the Maintenance Fund.

7. Health conditions

7.1. Permanent illnesses of minors due to poor housing conditions This provision shall apply if it concerns illnesses due to poor housing conditions, on which poor housing conditions have a direct impact.

7.2. Permanent illnesses due to poor housing conditions as under point 7.1

Permanent illnesses are proved by a medical report of the level I medical commission of the Health Insurance Institute of Slovenia (HIIS).

III. PRIORITY CATEGORIES OF APPLICANTS

Young families, youth

Young families

The provision shall apply for families with at least one child, in which none of the parents are older than 35 years, whereby not only the cohabitation of both parents and children shall be taken into account but also all other types of family.

The age of 35 years means 35 years completed in the year of publishing the invitation to tender.

Youth

The provision shall apply if the participant of the invitation to tender is not older than 30 years.

The age of 30 years means 30 years completed in the year of publishing the invitation to tender.

Family with a large number of children

– minimum three children

The participant of the invitation to tender with at least three minors shall be scored. Pregnancy proved by a doctor's certificate shall be considered as well.

– for every further child

The participant of the invitation to tender with at least four children or more shall receive additional points.

Pregnancy proved by a doctor's certificate shall be considered as well.

Disabled persons and families with a disabled family member

Disability shall be scored if institutional care is not provided for:

– the family living with a child with a moderate, serious or severe mental or physical disability determined by a competent commission (a medical report and opinion of the specialist paediatric service or a decision according to the Rules on Placement and the Register of Children, Youth and Young Adults with Physical and Mental Disabilities (Official Gazette of the SRS, No. 18/77) and the Rules on the organisation and methods of work of commissions for the placement of children with special needs and on criteria for determining the type and degree of disadvantages, impairments and disabilities of children with special needs (Official Gazette of the RS, No. 54/03);

– the family, of which the applicant or adult family member is a disabled person (the decision of the Social Work Centre, the Pension and Disability Insurance Institute of the Republic of Slovenia or the Employment Service of Slovenia);

– the family, of which an adult family member has an extended paternal right.

Family with a small number of employed persons

The provision shall apply for the family with at least three members, of whom only one is employed.

Citizens with a longer employment period who are without housing or who are subtenants

The provision shall apply if the male applicant has 13 and the female applicant 12 years of service.

The applicants who, in view of the profession and activity they perform, are important for the municipality

According to the competence under the sixth paragraph of Article 87 of the Housing Act, the local community shall determine and substantiate separately in the invitation to tender the category of applicants who, in view of the profession and activity they perform, are important for the municipality.

Women and women with children, the victims of domestic violence

Domestic violence shall be scored based on the professional opinion of the Social Work Centres and the governmental and non-governmental organisations (maternity homes, shelters-safe houses, places of refuge, centres for providing assistance to criminal offence victims), which provide psycho-social assistance to victims of violence.

Persons with the status of war victim

In Article 17, the Victims of War Violence Act (Official Gazette of the RS, No. 63/95) determines that the war violence victim, who is without a dwelling, shall have priority before other applicants in applying for non-profit housing.

Other priority categories of applicants in accordance with the third paragraph of Article 6 of these Rules

According to the powers under the third paragraph of Article 6 of these Rules, the lessors of non-profit housing may also include in the invitation to tender other priority categories, in addition to the priority categories listed by the Rules, which must be specially substantiated in the invitation to tender.