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## **REVISED EUROPEAN SOCIAL CHARTER**

Comments from Trade Union and Employer's Organisations  
on the  
10th National Report on the implementation of  
the Revised European Social Charter

submitted by

**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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Report registered by the Secretariat on 29 December 2010

**CYCLE 2011**



## **Commentaries by Trade Union and Employer's Organisations**

The 10<sup>th</sup> report on the implementation of the European Social Charter (Revised) was discussed at the session of the Economic and Social Council. Commentaries provided by representatives of Trade Union and Employer's organisations are indicated in the continuation of the text.

### **COMMENTARIES BY THE SLOVENIAN ASSOCIATION OF FREE TRADE UNIONS**

#### **Article 7**

#### **RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION**

##### **Temporary and occasional work by pupils and students (page 8, 9, 10)**

At the very beginning it has to be pointed out that with regard to the analysis of trends of violations and abuses of the current terms of the Revised European Social Charter the document absolutely relies on official data of the Labour Inspectorate of the Republic of Slovenia (in the continuation of the document). But the data capture of this kind is undeniably limited in giving a real picture of the scope of an individual violation or abuse.

The initial part of the document is already faced with this problem, in particular in the part where Temporary and Occasional Work by Pupils and Students is analysed. Otherwise, the document has correctly identified that with regard to the work of pupils and students the majority of reports on violations or abuses are due to disputable payments or non-payments for the work performed. With regard to the fact that the document captures data only from the findings made by the Labour Inspectorate of the Republic of Slovenia, it should be repeated that the most realistic possible picture of this acute problem should be given. It is, in fact, our conviction that there are more violations present in this field. This can already be deduced from the data from the current list of non-payers as of 8 November 2010.<sup>1</sup> On that day there were 428 companies on this list which had delayed their payments for student work for more than 60 days.

Moreover, in a document from the Student Organisation of Slovenia entitled "Document on the Comprehensive Arrangement of the Position of Students in Slovenia"<sup>2</sup> one can read about drawing attention to the issue of excessive work by students who perform student work comparable to a regular employment relationship. In this respect, among other matters, as its cause the so called "fictitious enrolment" is particularly mentioned (certain individuals have enrolled at higher education institutions, higher vocational education institutions and secondary education programmes as this is currently enabled by an absence of a common register of enrolments into higher education and higher education vocational programmes), and alternative enrolments (enrolments by individuals who have not been admitted to a desired programme and with a wish to obtain the status of a student enrol into another programme for a transitional period which they do not intend to finish and are waiting for the possibility of enrolment or transfer to the desired programme).

In the same document a huge problem regarding abuses of the instrument of student work by means of the misuse of referrals to work for students is mentioned. Because of inadequate control and in spite of the applicable income tax ceiling (above 3,051.35 € income tax is paid) abuses still happen; in particular by pupils' and students' referrals being lent to persons

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<sup>1</sup> Accessible at: <http://www.neplacniki.info/>

<sup>2</sup> Accessible at: [http://www.studentska-org.si/images/stories/dokumenti/2010/sl78\\_dokument\\_sos\\_koncna.pdf](http://www.studentska-org.si/images/stories/dokumenti/2010/sl78_dokument_sos_koncna.pdf)

without the status of a student or a pupil and with this the right to work arising from the right to the temporal and occasional work of pupils and students is ensured. According to the Student Organisation of Slovenia due to the lack of control by inspection services only 19 such misuses are detected annually. The Student Organisation of Slovenia also draws attention to the issue of performing student work at systematised job posts that is otherwise mentioned by the Labour Inspectorate of the Republic of Slovenia in the document in question (example: page 8: students perform work in private security activities, activities concerning passenger and freight transport by road). But an obvious lack of real insight into the scope of these violations is again present.

#### **7.10 Special protection against physical and moral dangers (page 12)**

As regards this point the Slovenian Association of Free Trade Unions has pointed out the issue of custody assigned to unaccompanied minors in Slovenia and the returning of these persons back to their country of origin. Article 5 of the Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals especially talks about the fact that the best interests of the child should be taken into due account when implementing this Directive. But non-governmental organisations, and among these organisations, Slovene Philanthropy, have meanwhile pointed out that the current situation in this field has shown that three possible solutions which may be offered to unaccompanied minors in Slovenia (application for asylum in the Republic of Slovenia, return to the country of origin and family reunion in the third country) do not always meet the requirement to follow the best interests of the child. In individual cases involving unaccompanied minors the situation of the said persons in the countries of origin are such that their returning to these countries would definitely not be in their best interests. These minors often do not have any reasons for protection on the basis of the Geneva Convention and subsidiary protection. In addition to the endangerment of the right to life it is especially necessary to take into consideration other cases of severe endangerment of the minor's growth and personal development in their countries of origin. For example, in some cases minors have no parents or guardians in their country of origin and these countries often do not have in place a developed, adequate system for care and protection of endangered children. The instrument of humanitarian asylum under the old Asylum Act partially enabled at least protection to be given also to these children and young persons. This is supported by the fact that among eleven unaccompanied minors who were awarded the status of a refugee by Slovenia until 2006, nine of them were given humanitarian asylum (Ibid.).

It is written on page 14 of the document that in 2008 the Ministry of Justice prepared a **new Criminal Code** which was adopted by the National Assembly on 20 May 2008. The new Criminal Code (hereinafter referred to as: KZ-1) was published in the Official Gazette of the Republic of Slovenia, No. 55/08, and its corrigendum in the Official Gazette of the Republic of Slovenia, No. 66/08. KZ-1 entered into force on 1 November 2008. The most relevant criminal offences in KZ-1 with regard to the field of combat against trafficking in human beings are determined in Article 113 (Trafficking in Human Beings) and Article 112 (Enslavement). These two criminal offences have replaced two criminal offences under Article 387 (a) and Article 387 of the Criminal Code, 1994 (as amended until 2004) which had determined the criminal offences mentioned. With regard to the definition of elements of the mentioned criminal offences in KZ-1 as compared to the Criminal Code from 1994 (as amended until 2004) it is possible to make an assessment that it is a matter of amendments of an editing nature only. In the "Comments by the Slovenian Association of Free Trade Unions regarding the report on the implementation of the ILO Convention No. 143", which were

submitted to the Ministry of Labour, Family and Social Affairs on 11 October 2010, the Slovenian Association of Free Trade Unions pointed out the issue concerning the weak and mild penalties from the case-law in the field of the prosecution of trafficking in human beings. If we again point out the main points from this document:

In June 2010 the Government adopted the Annual Report of the Inter-Ministerial Working Group on the Fight against Trafficking in Human Beings (IWG) for 2009. It is necessary to highlight some parts of this document. According to the statements of the Report the Slovenian Police discovered several forms of the phenomenon of trafficking in human beings also in 2009.

According to the Police the majority of cases dealt with were linked to sexual abuse and labour exploitation. What is indicative is the data that cases involving labour slaves and beggars were not recorded in 2009. However, it was found out that in 2009 there were more cases of labour exploitation which also reflects the present economic crisis and greater preparedness of people to accept various work offers in order simply to get work. In the provision of assistance to victims of trafficking in human beings the Police actively co-operated with non-governmental organisations, Slovenian Karitas and the non-governmental organisation Ključ.

As regards Article 113 of the Criminal Code (Trafficking in Human Beings) the Police dealt with only one criminal case of trafficking in human beings in 2009 (there were 9 cases in 2008). One report was referred to the responsible Prosecution Office. The prosecution was lodged against one suspect. In the procedure, the Police dealt with three victims.

*In addition to cases of trafficking in human beings for which the Police lodged a criminal complaint or report to the responsible Prosecution Office, **nine cases of suspicion of trafficking in human beings were dealt with.** In some cases the procedure concerning the collection of information and evidence is still taking place and in some cases, on the basis of information and evidence collected, the criminal complaint for other criminal offences, for example because of the abuse of a minor or the violation of workers' rights, was lodged. As possible victims of trafficking in human beings **four minors** were also dealt with.*

As regards Article 112 of the Criminal Code (Enslavement) no criminal offences were dealt with according to the statements of the Report (6 cases in 2008). One report was submitted to the responsible State Prosecution Office. And according to the Report information and evidence were supposedly being collected with regard to one case involving labour exploitation due to violation of international treaties concerning exploitation of people and deprivation of human rights.

Upon the publication of the Report the Slovenian Association of Free Trade Unions publicly pointed out the extremely low official recording of trafficking in human beings whereby as one of the centres of trafficking in human beings it particularly emphasised the role of the Agencies for the Provision of Work the number of which has greatly increased lately and according to official data it almost reached 200.

It is again necessary to highlight the words by Katjuša Popovič from the Society Ključ – the centre for combat against trafficking in human beings who assesses that Slovenia is not only a transit country but in many cases also a final destination of trafficking in human beings. A good number of construction workers, seasonal workers in agriculture, household assistants, forced beggars, etc., is also included in this circle.

The Police and the representatives of the Ministry of the Interior hereby openly admit that they encounter problems with the “legal practice” concerning trafficking in human beings. It is said by the Police that on average per year they deal with from between fifteen to twenty-five cases of criminal offences of trafficking in human beings. According to their assessment the recorded criminal offences in Slovenia with regard to the number of population are

comparable to the detected criminal offences of trafficking in human beings in other countries across Europe. It was added that criminal offence of trafficking in human beings had been known only since 2004 due to which there is no “real case-law” present, and the new expression “exploitation” which was introduced on this occasion as a condition for proving trafficking in human beings had not been adequately or sufficiently explained by the legislator according to the police’s assessment.

Sandi Čurin, the Under-Secretary at the Ministry of the Interior and the National Coordinator for combat against trafficking in human beings assures that criminal offences of this kind are very difficult to prove. The Police are active enough but there are no case decisions because it is a matter of a new field of criminality and because Prosecution Offices are still “finding their way” as regards the definition of criminal offences of this kind”.

The Peace Institute hereby points out a tendency to rather mild criminal sanctions. While in Germany or in Denmark convictions are made in the case of more than half of the accused persons, it is completely different in Slovenia. In the analysis of court cases of all convictions linked to trafficking in human beings issued between 2002 and 2007 it was found that Courts pronounced sentences only for 25 persons, among these only 18 cases were finally approved (Ibid.).

### **Dealing with unaccompanied minors living on the street and measures for their assistance (page 15)**

As regards Crisis Centres for Young Persons (CCYP) it is necessary to point out the time limitation regarding the accommodation of minors in the CCYP, that is 21 days with the possibility of prolongation for the same period of time, as may be read on the above mentioned web page. But in specific, harder cases it may easily happen that an adequate solution for a minor is not found during this period of time which is why a real question is raised as to what the possible measures are in such a situation.

### **Criminal offences against children (page 18)**

Statistical data for selected criminal offences committed against children for the period from 1 January 2006 to 31 June 2010 show an extremely worrying picture of an increasing number of criminal offences of “neglect and maltreatment of a child”. The number of these criminal offences increased, in particular from 276 to 720 in the period between 2006 to 2009, which amounts to almost a threefold increase (the same data table is provided on page 2008). Such trend demands an immediate, adequate response of responsible institutions in the sense of a research into the fundamental reasons for the trend of this kind, which, however, is not noticed in the document.

## **Article 8 THE RIGHT OF EMPLOYED WOMEN TO PROTECTION**

### **8.2 Prohibition of cancellation of employment contract (page 20)**

Although in 2009 labour inspectors observed only **1 violation** with regard to the less favourable treatment of workers connected with pregnancy or parental leave, one has to be very careful as regards this data in particular if it is crossed with the data from the last report of the Equal Opportunities Advocate for 2009 which stated that the majority of cases concerning violations of equal opportunities dealt with particularly referred to the field of employment relationships among which the alleged violations regarding the prohibition of discrimination because of pregnancy or parenthood prevail. With regard to this the Equal Opportunities Advocate points out that in case of pregnancy and rights arising from parental protection the least protected category of persons are persons employed for a fixed term. Article 77 of the Employment Relationships Act particularly stipulates that a fixed-term

employment contract shall end without notice upon the expiry of the time for which it was concluded. The Equal Opportunities Advocate observes that especially in connection with this Article the number of persons who turn to the Advocate for advice is increasing. (Ibid.)<sup>3</sup>

In addition, the Advocate points out that frequently a case of unequal treatment is also linked to the restriction of rights with regard to parental leave. This concerns the right to the absence from work due to childbirth or the care and protection of a child of the person who actually takes care of and protects the child. In the majority of cases encountered by the Advocate in 2009 it was the matter of the restriction of the right to the use of paternal leave and harassment linked to it. (Ibid.)

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

### **Social protection of families – accommodation (page 23)**

At the start of this part of the document it is pointed out that in its conclusions the European Committee of Social Rights (hereinafter referred to as ECSR) has indicated that in Slovenia there is a lack of not-for-profit rental apartments and the question has been asked as to what measures were taken by the State in order to provide for the accessibility of both not-for-profit and other (market) apartments.

The Slovenian Association of Free Trade Unions points out that the market of not-for-profit rental apartments is chronically undersupplied according to the available data. It is urgent to draw attention to the audit of the National Housing Programme (hereinafter referred to as: NHP)<sup>4</sup> carried out by the Court of Audit of the Republic of Slovenia. The Court presented its results at a press conference at the end of December 2009. The Court of Audit critically assessed the efforts of the Housing Fund of the Republic of Slovenia (HFRS) and the Ministry of the Environment and Spatial Planning made between 2000 and 2007 aiming at the implementation of the national housing programme (NHP). That programme, in the auditors' opinion, **was not implemented** in numerous fields, and the data that **only roughly a third of the envisaged not-for-profit rental apartments** were constructed is especially problematic. As was said by the President of the Court of Audit, **Igor Šoltes**, at the press conference, the housing programme between 2000 and 2007 anticipated the construction of 13,950 not-for-profit rental apartments, but only 4529 were constructed, of this number the HFRS provided for 1140 apartments, independently or as a co-investor with municipalities.

As said in the audit: the target number of constructed not-for-profit apartments in the period from 2000 to 2007 was not achieved, since only 32,5 percent of the envisaged not-for-profit rental apartments were constructed. In the mentioned period the Fund did increase the number of constructed apartments, but municipalities and not-for-profit housing organisations gradually decreased the number of constructed apartments. Neither the Fund nor the Ministry of the Environment and Spatial Planning kept a register of all constructed not-for-profit apartments in Slovenia that is why the monitoring and the implementation of the NHP was not possible at state level.

In his opinion it is especially problematic that the HFRS, in spite of a strong lack of not-for-profit rental apartments, the construction of which was, according to the NHP, a priority, undertook the construction of market apartments. "And that in spite of the data available that spoke about the fact that the construction of flats in the market will increase anyway. By

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<sup>3</sup> The annual report of the Equal Opportunities Advocate in which actual cases of discrimination may be read about is accessible at: <http://www.uem.gov.si/fileadmin/uem.gov.si/pageuploads/ZagovornistvoPorocilo2009.pdf>

<sup>4</sup> The entire audit report is accessible on the following link:  
[http://www.rsrs.si/rsrs/rsrs.nsf/I/K47D9133808825705C1257694001D12F6/\\$file/NSVS.pdf](http://www.rsrs.si/rsrs/rsrs.nsf/I/K47D9133808825705C1257694001D12F6/$file/NSVS.pdf)

constructing market apartments the prices of apartments did not decrease by so much as they predicted. That is why it is problematic that they gave priority to the construction of market apartments. It is assessed that such conduct was in contradiction to the national housing programme and that in the future the funds will have to be dedicated for the construction of not-for-profit rental apartments,” was pointed out by Šoltes.

He is supported by Dr. **Richard Sendi** from the Urban Planning Institute who several years ago, together with his colleagues, wrote a book on the topic of housing reform in which mistakes of Slovenia’s housing policy’s actors are disclosed. Sendi says that he himself was always critical with regard to the decisions of the State that the housing fund actually turns to the sale of market apartments instead of putting all its efforts into the construction of not-for-profit rental apartments. “The State should primarily take care of the accessibility of the land intended for residential construction and see that those from the lower social classes will get housing and that this is done with the help of municipalities who know the best the needs for apartments. Money for the construction of market apartments was, in my opinion, wasted. Because with this money they were helping people from higher social classes who already had apartments and who in the end even resold cheaply the apartments bought through the Fund,” was pointed out by Sendi.

In the auditors’ opinion, neither did the national housing saving scheme achieve the effect in which many people indeed got involved in the first years but some leveraged the scheme due to high interest rates and later did not use the saved-up funds for the purchase of an apartment. “In 2006 and 2007 the interest decreased greatly which is a consequence mainly of changes in the real estate and loan market, but it also turned out that the funds from an average saving agreement represent only a small part of the funds necessary for the purchase of an apartment or a house. The data shows that on the basis of an average price in 2007 the available funds from the average saving agreement enabled purchasers to afford to buy only **eight square metres** of an apartment in Ljubljana or in the Littoral region,” also said Šoltes (Pahor, 23 December 2009).<sup>6</sup>

With regard to this field **the Human Rights Ombudsman**, in his last report for 2009, in item 2.9.2 also highlights that there is no progress in the field of renting not-for-profit apartments. The Housing Act does still not stipulate the time scale obligations of a municipality that in certain time periods (for example, once a year) publishes a tender, on a mandatory basis, for renting a not-for-profit apartment. (Ibid.): 174)<sup>7</sup>

The Human Rights Ombudsman also highlights the problem of **income limits with regard to awarding rent subsidies** which are not adapted to the costs of true every day living. The unsuitability of the Housing Act provision that an individual is eligible for a market rent subsidy if he/she applies to the last public tender for the award of not-for-profit apartments for a lease in the municipality of a person’s permanent residence was also criticised in the 2008 Report (Ibid: 174, 175).

## **Legal protection of families (page 27)**

### **Roma people**

In Slovenia the problem of adequate and efficient arrangement of housing for Roma people is still very pressing. As regards this point the Slovenian Association of Free Trade Unions points out the words of Darko Rudeša, the President of the Forum of Roma Councillors given

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<sup>5</sup> The data in the documents support this statement: in 2008 the anticipated total construction comprised 10,250 apartments according to the NHS, of this, 9,971 were actually realised, whereby only 498 non-for-profit apartments were constructed.

<sup>6</sup> Accessible at: [http://www.dnevnik.si/tiskane\\_izdaje/dnevnik/1042325371](http://www.dnevnik.si/tiskane_izdaje/dnevnik/1042325371).

<sup>7</sup> The Human Rights Ombudsman Annual Report 2009 is accessible at: [http://www.varuh-rs.si/fileadmin/user\\_upload/pdf/lp/Letno\\_porocilo\\_Varuha\\_za\\_2009.pdf](http://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/Letno_porocilo_Varuha_za_2009.pdf).



in the interview for Mladina magazine (No. 37 / 2010): “The fact is that the key role should be played by Roma people. They are the ones who should make the first step. A Roma person who wishes to be accepted needs to adapt to conditions and norms which are already determined. In Dolenjska region the first condition is that a Roma person meets the conditions for spatial arrangement, if you understand my meaning. I have just come from a session of a **spatial commission for arranging Roma settlements and it was observed that in Dolenjska, Bela krajina and Posavje there is not one Roma settlement which would have the status of a legal settlement.** A lot is discussed about Roma settlements but never about legal housing. When conditions are fulfilled for Roma person in terms of spatial arrangement, legal employment may also be expected from him. He has a permanent address and needs to pay for obligations which come with it. In Dolenjska the local community dedicates too little attention to an integrated solving of the Roma issue (Petrovčič, 2010)”<sup>8</sup>.

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

### **17.1 Assistance, education and training**

#### **The inclusion of disabled children into mainstream education (page 39)**

In spite of extensive material in this part of the document it is important to highlight comments made in the last report of the Human Rights Ombudsman 2009 who in chapter 2.15 4, on the basis of numerous initiatives observes that children with special needs who are included in primary schools together with their peers (regular primary schools) often encounter numerous problems many times due to their shortcomings, disabilities and disorders. Additional problems arise because of poor knowledge and sometimes also due to the misunderstanding of adults who deal with these children. If problems are also present in a family – relations between parents and relations between parents and children – sometimes, the best solution among all possible solutions is that a child is included in an institutional education and care centre. In regular schools some teachers and other professionals are afraid of taking responsibility for treating children with special needs. The Human Rights Ombudsman has been informed about cases when they wish children to be preferably included in institutions or adequately specialized institutions. In the Ombudsman’s opinion this issue is dealt with in too formal a manner and regulations which try to regulate and stipulate all procedures, and try to apply to all cases and situations are given too much emphasis, while there is too little empathy, understanding and compassion for the hardships of children and their families.

The Ombudsman is of the opinion that in such cases procedures should have been accelerated. The Ombudsman supports the decision that children are not accommodated or transferred to an institution when this is not professionally justified and urgent or if this is not in the best interests of children. The Ombudsman also believes that upon the exclusion of a child from the family all service providers and experts should co-operate in the best way possible and strive actively for a child to return to the original family. In all cases of a removal or exclusion of children from a family, parents need to be made as familiar as possible of all options and conditions for their return and also about all ways and procedures in which this may be achieved. 277).

The Slovenian Association of Free Trade Unions fully supports these words of the Ombudsman whereby further comments shall be added:

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<sup>8</sup> Accessible at: [http://www.mladina.si/technik/201037/darko\\_rudas\\_predsednik\\_foruma\\_romskih\\_svetnikov](http://www.mladina.si/technik/201037/darko_rudas_predsednik_foruma_romskih_svetnikov)

An adequate translation of the title and a uniform use of terminology are needed. In the text it is explained that in the field of the inclusion of children with special needs into a normal school environment the term “children with behaviour and personality disorder” is replaced by the term “children with emotional and behaviour disorder”. Obviously it is only a cosmetic correction which does not significantly change the everyday exclusion and stigmatisation of children labelled with the term “disturbed, with disorders, etc.”. What does change is particularly the fact that the problem which has referred to an individual child is medicalised and evaluated through the medical terminology which leads to the idea that that everything is all right with the child but that the child has certain problems which may be of a temporary or permanent nature and may be “corrected” or “improved” with the use of a certain treatment. It is our conviction that the Diagnostic and Statistical Manual for Mental Disorders (DSM-IV) is not the right guideline for placing the problems of children in the problem field of mental health since through the use of medical diagnostics children are additionally labelled and excluded from their social environment. In this manner problems with which a child is faced remain in the sphere of this child, his/her family and those individuals who “correct” it in such a way that the social context of problems of children who acquire such a label is overlooked. Children particularly encounter problems in growing up, problems with learning difficulties, problems in relations with parents, peers, vulnerability, etc. With the use of adequate terminology it is possible to emphasize the diversity and complexity of problems which are encountered by children. It is suggested that the term “disorder” is replaced with the term “problems”.

The next problem is linked to the education system which is founded on differentiation and individualisation of lessons which is the basis for the formation and implementation of levelled lessons in nine-year elementary schools. Behind the idea of levelled lessons lies the supposed individualisation of children and work according to comparable groups of children which is a recommendation of the Council of Europe and OECD. Such differentiation causes great hardship among children since transition between one and other group is made difficult, the expectations towards children in groups in which “worse” children are classified are lower, their position is clear and so are their perspectives for the future. Work in such groups is supposed to trigger competition among children which is seen as a positive impact by the founders, which, however, is doubtful from the long-term perspective. One of the reasons why negative impacts are possible which are, for example, mentioned by Dušan Merc, is the fact that due to exaggerated competition children are less creative. The examination of creativity tells us that creativity is greater in groups where there is no competition that is why the techniques of stimulating creativity are conceived on the basis of co-operation and prevention of giving arguments and anti-arguments (which is also an important element of competition) as such conduct disables the search for new solutions. The other problem is discrimination which “worse” children may experience from peers, social exclusion and stereotypisation of “worse” children (e.g., Roma children are bad pupils, persons who stammer belong to a group of less capable persons since they do not keep pace with the competitive spirit of the more successful group, children who do not participate in a range of leisure activities may be characterised as less capable, etc.).

Particularly with regard to the fact that differentiation may bring about social exclusion for children who are not visibly handicapped it is even more important that an egalitarian school environment is created for all children. Precisely the experience of this, that people are different, that assistance and solidarity are an integral part of social cohesion and that children may develop their understanding especially through experience, is an important background on the basis of which it would be necessary to form an education system in which the diagnosis or social position of an individual is not so important, but it is the environment which must be sensitive enough to these needs and which must be able to react to them by providing adequate support both for children with special needs and for other children who

encounter handicap or other disabilities for the first time. In fact, the existing system reinforces the differentiation of children into “better” and “worse” which (unintentionally) co-creates bad starting points for the future of some children, while others (“better” r) are growing up in the environment in which they mainly learn that in our society there is no room for those who are not able or are not knowledgeable (high-performance culture).

A special problem is interpretation for deaf and partially deaf children and students as they are eligible for 100 hours of interpretation linked to education on an annual basis (this does not include only lectures). Such a solution far from satisfies the needs of children and students

### **Education of the member of the Roma community (page 43)**

On page 43 of the document it is written that 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 for 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 of the school and the Roma community),
- the introduction of the Roma language at optional level, learning of the Slovenian language, introduction of contents relating to Roma culture, history and identity in the lessons,
- 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 Slovenian Association of Free Trade Unions points out that the so-called Bršljin model of Roma segregation in the education process derived precisely from this strategy. This is pointed out by Amnesty International (hereinafter referred to as: AI) in its 2008 Annual Report. AI otherwise welcomes some positive movements in the field of education of Roma people, among other matters the introduction of Roma assistants. It is an important first step in the process of systemic implementation of inclusion of Roma assistants in the education process. AI Slovenia also welcomes the start of the process of renewal of the Roma Education Strategy from 2004 which should address the fundamental shortcomings of the current arrangement. In spite of the above mentioned AI points out that there are still many open urgent challenges which is particularly clearly illustrated by the field of pre-school education/kindergartens into which Roma children, as a rule, do not get included and that is why they come to the first grade of primary school with deficient knowledge of Slovenian and without any contact with the education system. Because of this they automatically lag behind in the educational process which only contributes to other factors which cause a huge drop out of Roma children from the education system.

In its 2008 report AI wrote that authorities did not carry out an independent and thorough evaluation of the so called Bršljin model which would enable children who need additional assistance to compensate for the lost knowledge and skills and return to usual lessons. Even though the expressed purpose was different the model may lead to segregation since some separate classes in the past were composed only of Roma children. Authorities did not submit any proof that Roma children had benefits from these separate remedial classes..

Neither did authorities submit any plans for the development of the Bršljin model into public debate which would also include the Roma community. In 2008 children did not have at their

disposal school programmes and materials in the Roma language and neither did school material entirely reflected the Roma culture (AI).

Darko Rudaš, the President of the Forum of the Roma Councillors, holds an identical viewpoint. In the already mentioned interview for Mladina magazine he said that from the correspondence of the commission for the renewal of the Roma education strategy it is evident that from this school comes “catastrophic data about the success of Roma children” (Petrovčič, 2010)

The Slovenian Association of Free Trade Unions points out that education institutions which include Roma people should deal more with integration into the community and work in the community. Education institutions are in fact a part of these communities which is why their important responsibility is to co-operate in creating an environment in which all children will have access to education and where they will be accepted both by teachers and children, where continuous support will be ensured both in school and in the community since only in this manner may the goal of improving the education level of Roma people be achieved. Individualisation may bring along both positive and negative impacts but it is important to adequately define risks and prepare solutions which will not only individualise the responsibility of Roma children and their parents for non-education and non-inclusion but also seek solutions in changing Roma children and their parents. In a school environment which includes Roma children integration with other organisations and institutions is urgently needed with the aim to strengthen cohesion within the community, reduce prejudices and actively work on the elimination of stereotypes which Slovenians have towards Roma people and the Roma towards Slovenians.

It is also important to keep and additionally develop programmes within the community intended for children, young persons and parents since they represent a “soft” transition into a structured system of education for everybody involved, they strengthen the power of the community and individuals within it, they enable a mutual meeting and active work on stereotypes. Such programmes are urgent which is why the State must support them both financially and through providing networking since they represent a bridge and potential for the development of the community. Such programmes should ensure enough diversity so that they do not only communicate to participants that something is “wrong” with them because they need additional teaching and other aid on the part of pedagogic personnel. Programmes should be the work of the community and the people within it. It is urgently necessary to form a system of identifying the informal competences of Roma people and on the basis of these competences develop programmes in which Roma people will also be included as educators.

### **Protection against maltreatment and abuses of children and young persons (page 48)**

It would be sensible to use uniform terminology which refers to abuses and violence against children and young persons. Considering the fact that according to the data from the General Police Directorate the number of reports with all violent acts towards children is increasing and, for example, with regard to neglect and maltreatment increased to a number of 720 it would be necessary to think over strategies for preventing violence and abuses and diminishing damage to children and young persons, their parents and the broader public which would include various ministries and sectors in a connecting manner. It would make

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<sup>9</sup> Summarised from: <http://www.amnesty.si/sl/node/1916>

sense to design and implement a country wide campaign the purpose of which would not only be to draw attention to the problem and its consequences but also to equip people with relevant mechanisms for response and action in such situations (when they know about violence, they are victims of violence, etc.).

### **Children included in various forms of social care 51)**

This part of the document only gives information on the situation and legislative regulation and it does not present strategies and measures to improve the situation. The report would have to be adequately supplemented with middle-term and long-term goals with regard to, for example, the education of foster carers, the system of international adoptions, adoptions by same-sex partners, the legal effects in case of the death of a biological parent in the case of same-sex partners, additional programmes intended for young persons with problems in growing up who are placed in institutions for education and upbringing, etc.

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

### **19.1 Assistance and information by free services (page 56)**

The Slovenian Association of Free Trade Unions points out that nowhere in this part of the document does it mention the double discrimination of migrant workers from Bosnia and Herzegovina and Macedonia considering the provisions of item 4 of this Article (equal treatment):

- (1) The Slovenian Association of Free Trade Unions has been pointing out for some time the incorrectness of the currently applicable Agreement on Social Insurance between Slovenia and Bosnia and Herzegovina and Macedonia which sets up permanent residence as a condition for obtaining unemployment benefit; 5. Article 5 of the currently applicable Agreement on Social Insurance between Slovenia and Bosnia and Herzegovina and Former Yugoslav Republic of Macedonia practically prevents a great number of workers from Bosnia and Herzegovina from enforcing the right to unemployment benefit in Slovenia since a condition for obtaining this right is the requirement of a permanent residence permit. However, workers from Bosnia and Herzegovina, as a rule do not have this permit as one condition for obtaining the permit is five years of continuous residence. With this their equality before the law is questioned.
- (2) This leads to an acute issue regarding non-arranged health insurance for the same unemployed migrants. The still valid provision of the currently applicable Agreement on Social Insurance between Slovenia and Bosnia and Herzegovina and Macedonia in item 5 stipulates that only persons with a permanent residence in the Republic of Slovenia are eligible for unemployment benefit. Thus when a citizen of Bosnia and Herzegovina and Macedonia without a permanent residence in Slovenia tries to enforce the right to unemployment benefit, he will receive a decision on his eligibility for the benefit of this kind but he will not actually receive the benefit. The right to unemployment benefit is essentially suspended due to the lack of a permanent residence in the Republic of Slovenia. And with this situation, problems start to additionally pile up because the Health Care and Health Insurance Act in the provisions of item 9 of Article 15 stipulates that compulsory insurance is provided for those unemployed persons who **receive unemployment benefit** from the Employment Service of Slovenia. But migrant workers from Bosnia and Herzegovina and Macedonia do not receive it since they are only eligible to receive it but their actual

right is suspended. At the same time the aforementioned Act in item 21 of the same Article allows for the possibility of compulsory insurance only to citizens of the Republic of Slovenia with a permanent residence in the Republic of Slovenia who are not covered in any other manner. Thus it is shown that in this case migrant workers are found in a dead-end position and practically excluded from the system of compulsory health insurance.

## **19.5 Equal treatment with regard to taxes and contributions**

### **Calculation and payment of mandatory contributions for social protection in Slovenia**

The Slovenian Association of Free Trade Unions here again notes the fact that migrant workers from Bosnia and Herzegovina and Macedonia who have temporary residence in Slovenia, on the basis of the Agreement on Social Insurance among these countries, are automatically denied access to the receiving of unemployment benefit although as employees they paid 0,14% of their gross wages for unemployment insurance.

In the text upon the initiative for the conclusion of the Agreement on the Amendment of the Agreement on Social Insurance between the Republic of Slovenia and Bosnia and Herzegovina the Government of the Republic of Slovenia wrote the following:

In case the text of the agreement on social insurance would be amended and the right to unemployment benefit would **also** be held by **the citizens of Bosnia and Herzegovina** with temporary residence in Slovenia, the calculation would be as follows:

“The right to unemployment benefit would be held by all holders of personal work permits and employment permits, or 5,272 citizens of Bosnia and Herzegovina. If age structure is also taken into account it can be seen that approximately 65% of these persons can be justifiably assumed to have more than 5 years of service. In this case the average number due to receive unemployment benefit should be 4,095 month (maybe even more!). With an average monthly obligation of 550 EUR per person for the Employment Service of Slovenia this would mean a total of **11,888,360** EUR obligation for the Employment Service of Slovenia. The anticipated increase of financial obligation would thus, according to rough estimation, amount to **4,357,843EUR.**”(Ibid.)<sup>10</sup>

## **19.8 The lesson of the official language of the recipient country (page 62)**

The Slovenian Association of Free Trade Unions points out that nowhere in the document on this point is there any mention of the illogicality of the Decree on aliens integration (OG RS 65/2008) which applied throughout the entire reporting period and which in Article 3 stipulates the following conditions for the eligibility of free participation:

(1) Free participation in the programmes of the learning of Slovenian language and familiarization with Slovenian history, culture, constitutional arrangement is available to third country nationals who reside in the Republic of Slovenia on the basis of a **permanent residence** permit and their family members who hold a permit for temporary residence in the Republic of Slovenia due to family reunion regardless of the length of the residence in the Republic of Slovenia and the validity of the permit.

(2) Free participation in the programmes of the learning of Slovenian language and familiarization with Slovenian history, culture, constitutional arrangement is available to third country nationals who reside in the Republic of Slovenia **on the basis of a temporary residence permit for at least two years** and hold a permit for temporary residence issued

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<sup>10</sup> Accessible at:

with the validity of at least one year, and their family members who hold a permit for temporary residence in the Republic of Slovenia due to family reunion regardless of the length of their residence in the Republic of Slovenia and the validity of the permit. Such setting of conditions for the eligibility for free participation is surely, under no condition, in compliance with the inclusive integration policy.

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

### **21:1 Inclusion in professional life**

#### **Access to vocational advice and training for citizens of the States party to the ESC (page 64)**

On page 65 it is written that the condition for obtaining a personal work permit for three years is that a person /.../ must have at least vocational education and must for the last two years prior to lodging the application have been continuously employed by the same employer or his legal predecessor.

The Slovenian Association of Free Trade Unions points out that in particular this provision has caused a great deal of confusion and vagueness. **The Employment and Work of Aliens Act** (OG RS No. 76/07) in item 5 and 6 of the first paragraph of Article 10 (b) stipulates that a personal work permit with a validity of three years may be applied for by:

- an alien with at least vocational education who two years prior to lodging the application has been continuously employed by the same employer or his legal predecessor,
- a migrant worker who two years prior to lodging the application has been continuously employed by the same employer or his legal predecessor.

But the Legislative and Legal Service of the National Assembly of the Republic of Slovenia in May 2008 took a standpoint that the provisions should be interpreted in favour of an alien, in particular in a manner such that “an alien with at least vocational education and a migrant worker fulfil conditions to obtain a personal work permit with the validity of three years already after the expiry of the validity of the employment permit which has been issued for the period of one year and prolonged for another year regardless of the actual duration of the employment.” It seems that in practice most problems are caused by the term “employment”. The purpose of the law was to facilitate procedures but in practice it actually never happens that upon the date of issue of work permit the residence permit is also issued and consequently the registration of the employment is not realised on the same day. That is why interpretation should actually be understood in a broader context and in favour of the alien.

But, as it was noted, this kind of interpretation of the Employment and Work of Aliens Act by the Legislative and Legal Service of the National Assembly of the Republic of Slovenia hardly broke through the direct interpreting of the Employment and Work of Aliens Act in this item which caused a great deal of problems to migrant workers in enforcing the right to a personal work permit.

#### **The instrument of family assistant (page 66)**

This subject has been extensively covered in this part of the document. In spite of this the Slovenian Association of Free Trade Unions wishes to highlight the issue that is closely linked to the instrument of a family assistant and that has influenced the instrument in question throughout the reporting period. It is **the level of the partial payment for the lost income for a family assistant** which is determined by the Social Assistance Act does not change in accordance with the amount of the minimum wage. In the continuation of the text the description of the situation in this field arising from the proposal of the Act amending the Act regulating Adjustments of Transfers to Individuals and Households in the Republic of Slovenia (ZUTG) is summarised.

In 2004 the Social Assistance Act (OG RS 3/07 – official consolidated text, hereinafter referred to as: ZSV) introduced the instrument of a family assistant and thus it enabled disabled persons and motionless persons to stay at home and a person who lives at the same address to take care of them. Upon the introduction of the above-mentioned instrument the additional charge for the costs of financing family assistants was imposed on municipalities.

Prior to the adoption of the last amending act by means of the Decision of the Constitutional Court (Official Gazette of the Republic of Slovenia, Nos. 36/04 – official consolidated text and 69/05 Decision of CC) an intervention was made into the statutory arranged instrument of a family assistant – 6 family assistants, in separate actions tried to improve the currently applicable implementation of the instrument mentioned by means of a constitutional suit. For the last 6 years family assistants have striven for the regulation of their status but with the amendments of legislation, contrary to their expectations, anomalies occurred also in the field of the amount of the right to partial payment for lost income which is otherwise determined in the amount of the minimum wage. In 2007 the Act amending the Social Security Act (OG RS, No. 105/06) introduced a modified financing method regarding the work of family assistant, that is, that the rights of family assistants are additionally financed with the funds of a disabled person to the amount of its payment capability and with the funds in the amount of the contributions of persons liable. With the above mentioned amendment of the law the number of family assistants was significantly reduced, that is from 1231 to 582 active family assistants but in the last year the number of family assistants slightly increased and it is moving to between 1000 and 1100. The growth is partially a result of increased unemployment.

The discrepancy regarding the amount of the partial payment for the lost income occurred due to a mismatch regarding the amount of the minimum wage as determined by the Minimum Wage Act and the Act regulating Adjustments of Transfers to Individuals and Households in the Republic of Slovenia. This discrepancy is not in accordance with the statutory purpose of the regulation of the minimum wage, particularly when taking into consideration the social and economic significance of the continuously performed work of a family assistant which, from a social and economic point of view, could only be adequately evaluated with the amount of each minimum wage, harmonised on the basis of the provisions of Article 3 of the ZUTPG. Because of the above mentioned the currently applicable determination of the payment for family assistants with an amount that does not follow the changes of the minimum wage is obviously not acceptable and it does not contribute to a greater enforcement of this socially exceptional beneficial instrument. At the beginning of 2010 the Minimum Wage Act (Official Gazette of the Republic of Slovenia, No. 13/2010) was adopted. After the enforcement of this law the minimum wage amounts to 734,15 EUR. ZUTPG in Article 2 stipulates that the amount of the transfer determined in relation to the minimum wage is the value valid as of 31 December 2006 (in the amount of 521.83 EUR, see page 68!) but in Article 3 it further determines the method of harmonisation of transfers for individuals and households, that is twice a year, in July and January, with the increase in cost of basic living essentials. Provisions of this kind also apply for partial payment for lost income which is paid



out to a family assistant as determined by the second indent of the second item of the second paragraph of Article 3 of ZUTPG. The amount of the minimum wage was harmonised with the prices for basic living essentials for all beneficiaries in compliance with ZUTPG until the enforcement of the above-mentioned fact, however, in compliance with the above mentioned text the new amount of the minimum wage has not kept up with the cost of living. Because of this family assistants feel aggrieved.

In spite of increasing the minimum wage stipulated with the Minimum Wage Act, family assistants have not received new decisions on the harmonisation of the amount of a partial payment for the lost income with the view of standardizing the payment at a national level. The situation is thus completely non-transparent and non-arranged but unfortunately the responsible ministry has not approached the arrangement of this topic until recently (Ibid.).

### **27.3 Prohibition of the cancellation of an employment contract due to reasons linked to parental obligations**

See arguments under 8.2.

## **Article 31 THE RIGHT TO HOUSING**

### **31:1 The adequate housing (page 76)**

Under this item the document does comment that the definition of adequate housing is determined in the Housing Act: “adequate apartment is that apartment which is located in such one or multi-storey dwelling constructed in compliance with minimum technical conditions for the construction of residential buildings and apartments and a certificate of occupancy is issued for it in compliance with the regulations on the construction of buildings.

But the Slovenian Association of Free Trade Unions at this point draws attention to an extremely pressing issue regarding non-adequate housing conditions and renting of properties for workers temporarily working in Slovenia. Thus, at the meeting of the Committee for Legal Field of the Inspection Council held on 10 December 2008 the representative of a Market Inspectorate of the Republic of Slovenia presented a case from Kamnik where a person liable changed the intended use of a restaurant into a residential building (ex restaurant Goručan). Persons present at the meeting given the information that in various buildings in Kamnik and in the surrounding a greater number of aliens is registered, at one address even up to 149 registered persons.

Moreover it was highlighted at the meeting that the Housing Act in Article 2 defines the housing units in which residence is possible and on its basis the Rules on minimum technical conditions for the construction of housing units and flats were adopted. In the debate it was highlighted that in the mentioned Rules some norms for construction are determined, precisely, these are technical regulations for new constructions which determine mandatory elements which an developer must fulfil in order for the constructed building to be called a flat and it applies from the outset and not for the already constructed buildings. The Rules mentioned were indeed adopted on the basis of the Housing Act but it has no connection with lessors and lessees and the issue regarding the housing of aliens.

But the Citizenship Act and on its basis the adopted Decree on criteria for determining the fulfilment of certain conditions for obtaining citizenship of the Republic of Slovenia by means of naturalisation which as one of the conditions determines the ensured residence in an adequate apartment (Article 3 of the Decree) has not been in force since 1994.

The representative of the Labour Inspectorate of the Republic of Slovenia explained in the continuation of the debate that currently there are no regulations regulating the field of housing of aliens.

For concrete descriptions of real residential conditions for migrant workers, the following examples taken from the findings from the analysis of the position regarding migrant workers as regards violations connected with work and employment of aliens and their residential conditions (ZSSS, 2008) are given:

- The residence hall for single persons at the Cesta na Poljane 1<sup>11</sup> in Ljubljana is fifteen minutes walk away from the closest shop Mercator in Šiška. The closest shops for residents of the residential hall for single persons in Tacenska 9 in Ljubljana are more than twenty minutes away. Residents of both residential halls are fifteen minutes away from the closest bus station. Both residential halls are located many kilometres from the outpatient clinic and that is why bus transport is necessary for a visit to the clinic.
- Housing conditions in the mentioned residential halls for single persons differ significantly within individual residential halls. Residents of residential halls for single persons are accommodated in various spaces. Rooms in which residents are accommodated differ according to the size, the number of beds, the number of windows, and furniture.
  - The residential hall for single persons at Cesta na Poljane 1 is a former residential house. According to the housekeeper there are approximately 150 construction workers residing in the hall. 19 persons reside in the ground floor and are accommodated in 5 bedrooms. Smaller bedrooms measure 12m<sup>2</sup>. Four individuals sleep in these rooms. Beds are typically bunk beds. Two bunk beds are squeezed against the wall. Such a bedroom has one window which often is not fully opened because the window is partially obstructed by the furniture. Bedrooms are often equipped with bad-quality beds and older wardrobes. Smaller sanitation rooms are located on the ground floor which are used by 19 residents of the ground floor. Sanitation rooms have no radiators, they are not heated. Residents on the ground floor arranged for themselves an extra space before the dining room and an improvised kitchen. Single-handedly they provided for the component parts of the kitchen and these elements were sourced from the landfill site for bulk waste. The majority of construction workers keep their clothes in travelling bags. On the floor there are big, clear common spaces with a kitchen and dining room. There are several bedrooms. In these bedrooms more than six residents are accommodated on bunk beds. In rooms there is often only one wardrobe which is suitable for storing clothes but it is not enough for six people. In the residential hall at Cesta na Poljane 1 there is a washing machine but it is owned by the owner of the residential building and its use is not allowed, or rather, the washing machine is locked.
- The residential hall for single persons at Tacenska 9 in which more than 40 construction workers are accommodated is a multi-storey dwelling from 1926. The residential house is decrepit and in need of thorough renovation. 8 construction workers reside on the ground floor. All eight workers are accommodated in one big bedroom. The majority of beds in this room are bunk beds. Two radiators are situated in the room. Windows in the ground floor are newer of a plastic material but because they are not fitted properly they are draughty. On the upper floor there are bedrooms with three, four or six beds. Bedrooms are poorly equipped and the furniture is worn-

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<sup>11</sup> This residence hall for single persons burned down in April 2009.

out. According to residents radiators in some rooms do not work. Radiators are old and damaged. Windows are big, wooden and do not close well. In bedrooms of which walls border sanitation rooms there is a lot of dampness. Kitchen spaces are limited to a small space which is located in the corridor in front of the sanitation rooms. Residents have problems with cockroaches found in wardrobes because residents keep food in there among other things. In sanitation rooms there is one urinal, two toilet bowls and two shower stalls. In addition to the mentioned elements in the sanitation rooms there is also a washing machine with a broken down programme for the spinner but the residents nevertheless use it regularly.

- Although room sizes are different individuals pay a uniform rent regardless of the accommodation. This rent is not shown in the form of a cost on the wage bill which is received by a construction worker every month. Residents said that they are otherwise familiar with the amount of the rent. The rent for a bed in a multi-bed room amounts approximately to 130 EUR. The rent is the same regardless of the size of the room, the number of beds in the room or with regard to the general state of the residential hall for single persons and various services which may be offered by the hall. Therefore, differences from one to the other residential hall for single persons are huge.
- For an average observer until the end of September 2008 the appearance of the container settlement in Bežigrad was rather shocking, and it was distressing to see how workers of a company were accommodated in containers at the parking place. In each container there are 4 beds without toilets which are located outside. Containers are either too cold or heat up to 50 degrees during the summer which does not provide for minimum living conditions. In the summer, according to some former residents there were cases when residents slept outside on the asphalt because the heat inside the container was simply unbearable.

All this publicly disclosed data created pressure to such an extent that the Ministry of Labour, Family and Social Affairs set up an inter-ministerial working group in which also representatives of the Slovenian Association of Free Unions were included. Its purpose was to formulate the Decree on residential conditions for aliens. In September 2009 the Office of the Government of the Republic of Slovenia for Legislation in its written opinion found out that “from the point of view of the compliance with the Constitution and the legal system the text of the draft of the Decree was in contravention of Article 87 of the Constitution of the Republic of Slovenia, and consequently also with the legality principle from Article 120 of the Constitution under which the administration is linked to the Constitution and laws. The Government Office for Legislation believes that it is necessary to determine the mentioned obligation of employers in the Employment and Work of Aliens Act and at the same time also basic criteria within the framework of which the Government or the responsible Minister by means of the implementing regulation might further arrange the mentioned question regarding the housing of aliens working in the Republic of Slovenia ” (Ibid.).

For the same reason the realisation of the Decree was delayed into 2010 since right at this moment the proposal of the new Employment and Work of Aliens Act (ZZDT) is in final inter-ministerial coordination which is the legal basis for the realisation of the Decree. Needless to say, in the meantime until the realisation of the Decree the global economic and social crisis took place which very negatively affected the position of migrant workers in Slovenia. At this present moment it can surely not be said that Slovenia fully respects item 1 of Article 31 of the Revised European Social Charter which says as follows (Ibid):

*With a view to ensuring effective exercise of the right to housing, the Parties undertake to take measures designed:*

*1. to promote access to housing of an adequate standard.*

*Residential conditions of the Roma community*

See argument under **Legal protection of families – Roma people (page 7)**

### **31.2 Decreasing the number of homeless**

The Slovenian Association of Free trade Unions with regard to this item draws attention to chapter 2.9.1. of the last report by the Human Rights Ombudsman for 2009 where among other matters it is stated (also with regard to the seriousness of evictions) that it is urgent to determine in the Housing Act (SZ) the obligation and the responsibility of a municipality in ensuring housing units. The Ombudsman also draws attention to the fact that it might be sensible that prior to any expulsion from housing, certain non-formal and informative procedures would be introduced in order for the individuals to really understand and take into account the finality of the eviction. The Ombudsman has especially observed that many individuals still think and believe that this cannot happen to them which is why they do not use all avenues and legal means available for the protection of their rights prior to the final eviction. (Ibid.): 174)

### **31. Accessible housing**

See argument under **Social protection of families – accommodation (page 6)**

## **COMMENTARY OF THE EMPLOYER'S ASSOCIATION OF SLOVENIA**

The Association of Employers of Slovenia in connection with the chapter 8.2 draws attention to the fact that due to a too general regulation of the protection against the termination of an employment contract in cases when a worker is still breast-feeding frequent abuses of protection provisions by female workers take place. The law does not define especially which doctor is responsible for the issuing of the certificate and how much time protection applies which is why the certificate is acquired from the doctor who will issue it in the easiest way without any medical examination. Workers often enforce protection against the termination of the employment contract on account of breastfeeding also after the child's fulfilled age of three and more.