



European
Social
Charter

Charte
Sociale
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

2 May 2013

Case document No. 2

Association for the Protection of all children (APPROACH) Ltd v. Slovenia
Complaint No. 95/2013

**OBSERVATIONS OF THE GOVERNMENT
ON THE ADMISSIBILITY**

Registered at the Secretariat on 2 May 2013

REPUBLIC OF SLOVENIA
MINISTRY OF LABOUR, FAMILY
SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES



**Observations from the Government of the Republic of Slovenia pursuant to
the Article 6 of the Additional Protocol to the European Social Charter
Providing for a System of Collective Complaints, on the admissibility of the
collective complaint**

**The Association for the Protection of All Children (APPROACH) Ltd
v. Slovenia
Complaint No. 95/2013**

Ljubljana, 25 April 2013

1. The European Social Charter (revised) (hereinafter: RESC) was adopted by the Council of Europe in 1996. The Republic of Slovenia signed the RESC on 11 October 1997, the Act ratifying the RESC was adopted by the National Assembly on 11 March 1999 (Official Gazette of the Republic of Slovenia – MP No. 7/99), and ratified it on 7 May 1999; it has been in force since 1 July 1999. Together with the ratification of the RESC, The Republic of Slovenia also accepted supervision over the obligations under the RESC according to the procedure laid down in the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (hereinafter: Additional Protocol).
2. The Association for the Protection of All Children (hereinafter: APPROACH) is an international non-governmental organisation established in the United Kingdom, which has the right to lodge a collective complaint under Article 1b of the Additional Protocol.
3. On 4 February 2013, APPROACH lodged a collective complaint against the Republic of Slovenia in accordance with Article 5 of the Additional Protocol. In accordance with Article 5 of the Additional Protocol, the Secretary General has notified the Republic of Slovenia of it. The European Committee of Social Rights invited Slovenia to submit its observations on admissibility pursuant to the Article 6 of the Additional Protocol by 3 May 2013.
4. APPROACH alleges that Slovenia violates Article 17 of RESC, since the Slovenian legislation lacks an explicit and effective prohibition of all corporal punishment of children in the family and other settings, and because Slovenia has failed to act with due diligence to eliminate such punishment in practice.
5. The Government of the Republic of Slovenia asserts that the existing national legislation protects children and young persons against negligence, violence or exploitation as envisaged in Article 17 of RESC and that Slovenia acts with due diligence in the area of protection of children.

Ana Vodičar, M.A.
Acting Director General for Family Affairs
HEAD OF THE DELEGATION ACTING AS
THE AGENT FOR THE GOVERNMENT OF
SLOVENIA