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## **EUROPEAN SOCIAL CHARTER**

16<sup>th</sup> National Report on the implementation of the  
European Social Charter

submitted by

### **THE GOVERNMENT OF SLOVENIA**

- Follow-up to Collective Complaints 95/2013 and 53/2008
- Complementary information on Article 19§2, 19§4, 31§1, 31§2 (Conclusions 2015)

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REPUBLIC OF SLOVENIA

**Sixteenth Report of the Republic of Slovenia**  
**on the implementation of the European Social Charter**  
**(revised)**

**SIMPLIFIED REPORT**

March 2017

## **Contents**

### **Introduction**

- 1 The follow-up action taken by the Republic of Slovenia in response to the violation of Article 17 of the European Social Charter (revised), which was established in the collective complaint procedure lodged by APPROCH against Slovenia**
  - 1.1 The background**
  - 1.2 The follow-up action taken by the Government of the Republic of Slovenia to remedy the violation**
  
- 2 The follow-up action taken by the Republic of Slovenia in response to the violation of Article 31 of the European Social Charter (revised), which was established in the collective complaint procedure lodged by FEANTSA against Slovenia**
  - 2.1 The background**
  - 2.2 The follow-up action taken by the Government of the Republic of Slovenia**
  
- 3 Further information on the implementation of Articles 19§2, 19§4, 31§1 and 31§2 (non-conformity conclusions in 2015 due to lack of information)**
  - 3.1 Article 19§2 – The right of migrant workers and their families to protection and assistance – departure, journey and reception**
  - 3.2 Article 19§4 – Equal treatment of migrant workers in employment, the right to organise and the right to housing**
  - 3.3 Article 31§1 – The right to housing – adequate housing**
  - 3.4 Article 31§2 – The right to housing – reduction of homelessness**

## INTRODUCTION

The European Social Charter (revised) (hereinafter: the Charter) was adopted by the Council of Europe in 1996. The Republic of Slovenia signed the Charter on 11 October 1997; the Act Ratifying the Charter was adopted by the National Assembly on 11 March 1999 (Official Gazette of the Republic of Slovenia – International Treaties [Uradni list RS – MP], No. 7/99); the Charter was ratified on 7 May 1999 and has been applicable in Slovenia since 1 July 1999. Together with the ratification of the Charter, the Republic of Slovenia also accepted supervision of compliance with obligations under the Charter in accordance with the procedure laid down in the Additional Protocol to the European Social Charter providing for a system of collective complaints (hereinafter: the Additional Protocol). The Additional Protocol is a measure to improve the effective implementation of social rights guaranteed by the Charter. It governs the collective complaints procedure that certain international organisations may initiate against the contracting parties should they consider that the application of the Charter has been unsatisfactory.

**The reporting system on the implementation of the Charter is often modified. The last modification was made in 2014, with the introduction of certain new features, among them periodic simplified reporting for signatory states which have accepted the Additional Protocol. According to the reporting schedule, Slovenia has now drawn up its second simplified report. In compliance with the request of the Council of Europe, the report contains:**

- 1. Information on the follow-up action taken by the Government of the Republic of Slovenia (hereinafter: the Government) in response to the Charter violations established by the European Committee of Social Rights (hereinafter: the ECSR) in the collective complaints procedures (Collective Complaints No. 53/2008, *FEANTSA v Slovenia*, and No. 95/2013, *APPROACH v Slovenia*);**
2. Information on the follow-up action taken by the Government in response to the ECSR's latest conclusions on non-conformities with the Charter because of the lack of necessary information; this year, this refers to "Conclusions 2015", reached on the basis of the Fourteenth Report of the Republic of Slovenia on the implementation of the European Social Charter (thematic group: children, families and migrants), adopted by the Government in February 2015. Pursuant to "Conclusions 2015", the ECSR has found a lack of information in reporting on the implementation of Articles 19§2, 19§4, 31§1 and 31§2 and thus requires additional clarifications from Slovenia.

**1 The follow-up action taken by the Republic of Slovenia in response to the violation of Article 17 of the European Social Charter (Revised), which was established in the collective complaint procedure lodged by APPROCH against Slovenia.**

## **1.1 The background**

The Collective Complaint against Slovenia (No. 95/2013) was submitted by the Association for the Protection of All Children Ltd (hereinafter: APPROACH), 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. On 4 February 2013, APPROACH filed a collective complaint against Slovenia on the grounds of an alleged violation of Article 17 of the Charter (the right of children and young persons to social, legal and economic protection) as a result of Slovenia's failure to explicitly and effectively prohibit in the national legislation all corporal punishment of children in the family and other settings.

In July 2013, the ECSR declared the collective complaint lodged by APPROACH against Slovenia admissible. In its opinion submitted in September 2013, the Government relied on Article 7, paragraph 1, of the Additional Protocol and entirely rejected the allegations of APPROACH regarding the violation of Article 17 of the Charter, claiming that Slovenia fully complies with the obligations under Article 17 thereof, since the existing national legislation provides protection of children against negligence, violence or exploitation, and that Slovenia acts with due diligence in this area. The Government explained the provision of the prohibition of corporal punishment of children in family settings and educational institutions and described the measures intended to raise awareness and recognise all forms of violence in society and to develop appropriate social skills among the general public.

In January 2015, the ECSR found that Slovenia was in violation of Article 17, paragraph 1, of the Charter, since the national legislation does not contain an explicit and effective prohibition of all forms of corporal punishment of children in the family and other settings (kindergartens, schools, institutional care institutions and foster care). The ECSR further noted that under the Charter reporting procedure, Slovenia had repeatedly received conclusions regarding non-conformity with Article 17 of the Charter.

In June 2015, the Committee of Ministers adopted Resolution CM/ResChS(2015)10, in which it calls on Slovenia to report on the follow-up action taken by the Government to remedy the established violations.

## **1.2 The follow-up action taken by the Government in response to the conclusions of the procedure of the collective complaint lodged by APPROACH against Slovenia**

In the context of broad consensus in relevant international legal instruments, the Government of the

Republic of Slovenia amended two Acts in 2016 and included the explicit prohibition of all corporal punishment of children in domestic and other settings in the national legislation.

The explicit prohibition of corporal punishment of children **in other settings** is included in the **Act Amending the Organisation and Financing of Education Act** (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 46/2016), which entered into force in July 2016. Article 2 of the Act reads as follows: "In accordance with the objectives set out in the preceding Article, kindergartens, schools and other education institutions for children and adolescents with special needs must provide a safe and supportive learning environment where **corporal punishment** and any other form of violence against children or between children or unequal treatment on grounds of gender, sexual orientation, social and cultural origin, religion, race, ethnic and national origin, or physical and mental development **shall be prohibited.**"

The explicit prohibition of corporal punishment of children **in the domestic environment** is included in the **Act Amending the Domestic Violence Prevention Act** (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 68/2016), which entered into force in November 2016. Article 3a of the Act reads as follows: "(1) Corporal punishment of children shall be prohibited. (2) Corporal punishment of children shall be considered any physical, cruel or degrading punishment of children or any other act with the intention to punish children containing elements of physical, psychological or sexual violence or neglect as an educational method."

The Government holds that the **violation of Article 17§1 of the Charter** as established in the collective complaints procedure (No. 95/2013) and in "Conclusions 2015" **has been remedied.**

## **2 The follow-up action taken by the Government in response to the violation of Article 31 of the Charter, which was established in the procedure of the collective complaint lodged by FEANTSA against Slovenia**

### **2.1 The background**

The Collective Complaint against Slovenia (No. 53/2008) was submitted by the European Federation of National Organisations working with the Homeless (hereinafter: FEANTSA), alleging a violation of Article 31 (the right to housing) in conjunction with Article 16 (the right of the family to social, legal and economic protection) and Article E (non-discrimination) of the Charter. Slovenia was alleged by FEANTSA to have violated:

- Article 31, paragraph 1, by revoking acquired legal titles to homes, increasing the price of accommodation and reducing the possibilities of acquiring adequate accommodation, thus encroaching upon acquired security of tenure;
- Article 31, paragraph 2, in that the effect of the measures taken against the vulnerable group in question was to provoke evictions and increase homelessness;

- Article 31, paragraph 3, by reducing in the long term the affordability of housing that was once guaranteed;
- Article 16, by having artificially created housing problems for the families of tenants in denationalised flats;
- Article E, by having created unequal conditions for both groups of previous holders of the housing right with respect to tenancy, which replaced the former right to housing.

In January 2009, the Government submitted its opinion based on Article 7 of the Additional Protocol and fully denied the allegations of violations of the Charter by describing the legal arrangement of the status of tenants in denationalised flats, which in no way violates the Charter.

In September 2009, the ECSR delivered a decision that Slovenia was in violation of Article 31, paragraphs 1 and 2, (the right to housing), Article 16 (the right of the family to social, legal and economic protection) and Article E (non-discrimination), in conjunction with Articles 16 and 31 of the Charter.

In June 2011, the Committee of Ministers adopted Resolution CM/ResChS(2011)7, in which it called on Slovenia to amend its arrangement to bring it into compliance with the Charter by the submission of the next national report on the relevant Articles thereof.

## **2.2 The follow-up action taken by the Government in respect of the conclusion of the procedure of the collective complaint lodged by FEANTSA against Slovenia**

In the Fifteenth Report of the Republic of Slovenia on the implementation of the European Social Charter (revised) submitted in 2015, the Government notified the ECSR of its activities to eliminate non-conformities, emphasising that, with respect to appropriate protection and solutions, certain tenants in denationalised dwellings had filed an application with the European Court of Human Rights against the Republic of Slovenia. In the case of *Berger-Krall and Others v. Slovenia*, the Court rejected all the tenants' claims and on 12 June 2014 issued a judgment finding that the rights of the tenants of denationalised dwellings guaranteed by the European Convention on Human Rights had not been violated. The judgment became final in October 2014.

In its Conclusions 2016, the ECSR stated that the situation in Slovenia still has not been brought into conformity with the Charter, raised questions and asked for statistics on tenants in denationalised dwellings. The Government explains that it does not have the required statistics.

The Government believes that its measures described in Slovenia's previous report on the implementation of the Charter have adequately resolved the issue of tenants in denationalised dwellings and stresses that the European Court of Human Rights found that their rights had not been violated.



### 3 Further information on the implementation of Articles 19§2, 19§4, 31§1 and 31§2 (non-conformity conclusions in 2015 due to lack of information)

#### 3.1 Article 19§2 – The right of migrant workers and their families to protection and assistance – departure, journey and reception

##### *The integration of foreigners and the provision of health and other rights of asylum seekers and persons with granted international protection*

With regard to the ECSR's questions about policies for the integration of foreigners and the provision of health and other rights of asylum seekers and persons with granted international protection, the Government herein describes the relevant legislative provisions and their implementation.

The **new Act Amending the Aliens Act** (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 45/14 – ZTuj-2 – official consolidated text, 90/14, 19/15 – ZZSDT and 5/17) was adopted in 2014. The Aliens Act regulates the entry of foreigners into the Republic of Slovenia, the acquisition of visas and residence permits, departure from the country, voluntary return and deportation of foreigners and particularities of the procedure. It also designates authorities responsible for the implementation of the Act. Chapter X of this Act regulates the integration of foreigners. For the performance of integration tasks, the Act provides for a broader inter-ministerial cooperation between the competent ministries, national and international professional organisations, foreign authorities, and other service providers. In addition to the Ministry of the Interior, the ministries of education, culture and public administration are also responsible for the implementation of the Act.

The Act stipulates that the Republic of Slovenia must provide the conditions for the integration of foreigners who have a residence permit or a certificate of residence registration into the cultural, economic and social life in Slovenia. The Act also stipulates that foreigners who are not citizens of the EU are entitled to programmes for faster integration into cultural, economic and social life, i.e. Slovenian language courses and courses on Slovenian history, culture and constitutional system, programmes promoting social exchanges and communications with Slovenian citizens, and information programmes on the integration of foreigners into the Slovenian society. The Ministry responsible for the interior must provide foreigners with information necessary for their integration into Slovenian society through press publications, via the internet or by replying to their specific questions (in written or oral form).

The Ministry of the Interior, which is responsible for harmonising and coordinating integration measures in Slovenia, has been implementing since 2012 the **Initial Integration of Foreigners Programme**, which merged the previous two programmes of integration: the Slovenian language and Slovenian society courses. The Slovenian language course is provided free of charge and includes topics about Slovenian society. It was designed by the Slovenian Institute for Adult

Education, verified by the Council of Experts of the Republic of Slovenia for Adult Education, and approved by the Minister of Education, Science and Sport. It is a state-approved Slovenian language education programme for immigrants and covers issues related to life and work that facilitate the integration of immigrants into the Slovenian society. Until the end of 2014 the Programme was funded by the European Fund for the Integration of Third-Country Nationals and since 2015 it has been funded by the Asylum, Migration and Integration Fund.

The programme's admission criteria are specified in the Decree on the methods and scope of providing support programmes for the integration of third country nationals (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 70/12 and 58/16). The Initial Integration of Foreigners Programme is free of charge for third-country nationals who reside in the Republic of Slovenia on the basis of a permanent residence permit and for their family members who reside in the Republic of Slovenia on the basis of a temporary residence permit due to family reunification, regardless of the length of residence in the Republic of Slovenia or of the permit validity; for those who reside in the Republic of Slovenia based on a temporary residence permit issued for a period of at least one year; and for those who are family members of Slovenian or EU citizens residing in the Republic of Slovenia on the basis of a family member's residence permit, regardless of the length of residence or the permit validity.

If third-country nationals wish to enrol in the free Initial Integration of Foreigners Programme, they must file with the administrative unit of their permanent or temporary residence an application for a certificate of eligibility to enrol therein. If they meet the requirements, the administrative unit will issue a certificate of eligibility, which they must present to the programme provider selected in a public tender. The programme is carried out at locations across Slovenia where the majority of foreigners live or where foreigners have expressed an interest in attending.

The free Initial Integration of Foreigners Programme is composed of 180-, 120- and 60-hour courses. Which of these courses foreigners are entitled to depends on the length of their residence in Slovenia and the type of their residence permit. Third-country nationals who took the 180- or 120-hour Slovenian language courses, attended at least 80% of classes and have a valid residence permit are entitled to a free first basic level Slovenian language exam.

Table: *The number of third-country nationals who attended the Initial Integration of Foreigners Programme and successfully completed the Slovenian language exam in 2014 and 2015.*

Year	Number of participants in the Initial Integration of Foreigners Programme	Number of persons who successfully completed the Slovenian language exam
2014	1,819	580
2015	1,973	380

\*Includes persons with granted international protection.

Source: Ministry of the Interior

### ***Healthcare and social protection of immigrants***

With regard to the integration of immigrants into the healthcare system, the Government explains that pursuant to Article 33 of the Aliens Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. [45/14](#) – official consolidated text, [90/14](#), [19/15](#), [47/15](#) – ZZSDT and 5/17), health insurance is one of the main requirements that **foreigners** must meet to be eligible for a **residence permit**. Foreigners who apply for permanent or temporary residence in Slovenia and are EU citizens are covered by the appropriate health insurance scheme in accordance with the EU regulations on coordination of social security schemes. Foreigners who are third-country nationals and reside in Slovenia owing to employment or work, and their family members residing in Slovenia are covered by the Slovenian healthcare system.

The healthcare and social protection of **applicants for international protection and persons granted international protection** are defined by the International Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 22/16) adopted in April 2016 and harmonised with the directives of the Common European Asylum System.

Applicants for international protection have the right to reside in Slovenia, the right to material care during their stay in an asylum centre or its branch facility (i.e. to accommodation, food, clothing, footwear and hygiene supplies), financial aid during their placement in private accommodation, emergency medical treatment, education, access to the labour market, humanitarian assistance, and pocket money.

Emergency medical treatment of applicants includes their right to emergency medical aid and emergency ambulance transportation on a doctor's order, the right to emergency dental aid, emergency treatment on treating a doctor's order (preservation of vital functions, the right to have severe haemorrhage stopped or death caused by haemorrhage prevented, the right to prevention of sudden deterioration of health, treatment of chronic diseases, treatment of bone fractures and sprains or other injuries, access to medicine for the treatment of diseases and pathological conditions, etc.). Emergency medical treatment for women includes birth control, abortion, healthcare during pregnancy and childbirth. Vulnerable individuals with special needs, and exceptionally also other applicants, have the right to additional healthcare services including psychotherapeutic assistance.

To facilitate communication for foreigners receiving health services or treatment in healthcare institutions, a dictionary is being compiled by the Ministry of the Interior in cooperation with other competent institutions (the National Institute of Public Health, the Faculty of Arts, the Faculty of Medicine, the University College of Nursing and the Nurses Association of Slovenia). This dictionary, in six languages, will be available to the general public by mid-2017.

In accordance with the International Protection Act, persons with granted international protection have the right to information on the status, rights and obligations of persons under international

protection in Slovenia, the right to reside in Slovenia, the right to financial compensation for private accommodation, assistance with integration, and the right to healthcare and social protection, education, employment and work. **With respect to social protection, healthcare and education, persons granted international protection are equal to Slovenian citizens; they exercise their rights to employment and work on the basis of regulations governing the employment and work of foreigners.**

### **3.2 Article 19§4 – Equal treatment of migrant workers in employment, the right to organise and the right to housing**

#### ***Equal treatment of migrant workers in employment, the right to organise***

The Government stresses that Slovenia's legislation guarantees migrant workers equal treatment as regards payment, employment and working conditions, given that the provisions of the Employment Relationships Act – ZDR-1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 21/2013) apply fully to employed migrant workers. In 2015, a new Employment, Self-employment and Work of Aliens Act – ZZSDT (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 47/2015) was adopted; Article 7 of the Act clearly and unambiguously states that, as regards the rights and obligations deriving from employment, aliens employed in Slovenia have equal status to that of Slovenian citizens. The implementation of both acts falls under the supervision of the Labour Inspectorate of the Republic of Slovenia (IRSD).

At their discretion, migrant workers can become members of trade unions or establish trade unions, as explained in the last report of the Republic of Slovenia. The Government does not have statistics on migrant workers' membership of trade unions.

The Government cannot agree with the findings of the ECSR about the lack of effective measures, given that a number of measures were adopted in recent years with a view to increasing the effectiveness of the implementation of legislation:

- Enhanced activities of the Labour Inspectorate in the area of antidiscrimination law (such as training of inspectors and others employed with the Labour Inspectorate, preventive actions such as informing workers and employers on their rights and obligations arising from the antidiscrimination law, and supervision of the implementation of the prohibition against discrimination in the framework of the targeted actions);
- Targeted actions in the sectors in which most aliens work, i.e. construction; and
- Awareness-raising campaigns and provision of information to migrant workers about their rights (including the Information for Foreigners Portal and booklets on living and working in Slovenia in the languages of the countries from which most migrants in Slovenia come).

The improvement of the situation of migrant workers in the labour market in Slovenia is evident from the statistics. According to the Labour Inspectorate of the Republic of Slovenia, the data on violations established (despite intensified inspections) in connection with the work of aliens show a

dramatic decrease from 339 violations in 2007 to 47 violations in 2015.

With respect to statistics on the number of court cases involving discrimination at work on grounds of nationality, race or ethnic origin, the Government informs the ECSR that it is not possible to obtain these data from the existing databases of labour courts or the Supreme Court. According to data from the Higher Labour and Social Court and the Constitutional Court, however, no such case was heard by these courts between April 2013 and September 2016.

The Government also informs the ECSR of positive legislative developments in the area of antidiscrimination. The Implementation of the Principle of Equal Treatment Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 50/04, 61/07 and 93/07) expired in 2016. It was replaced by the **Protection Against Discrimination Act** (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 33/16 – ZVarD) which strengthens the legal protection of victims of discrimination based on any personal circumstance, including ethnic origin, as victims are provided with free representation in judicial and administrative procedures; and it lays down higher fines for perpetrators.

The Act also provides for a new regulation of the status of the advocate of the principle of equality, and anyone who believes that he or she has been discriminated against can file a petition with the advocate. When victimisation is established, the advocate may ask the offender to adopt suitable measures to protect against victimisation the discriminated person or any person helping him or her, or to remedy the consequences of victimisation.

### ***Legal status of posted workers***

As Slovenia is a full member of the EU, the legal status of posted workers is regulated by Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (and Directive 2014/67/EU on the enforcement of the first-mentioned Directive). Regardless of the fact that their employment relationship is regulated by the law of other country, workers posted to the territory of a Member State must be guaranteed minimum working and employment conditions as stipulated by national regulations or generally applicable collective agreements of the country where work is carried out.

Workers from third countries (i.e. not EU Member States) posted to Slovenia perform their work on the basis of the **Employment, Self-employment and Work of Aliens Act** – ZZSDT (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 47/2015); as regards the rights and obligations deriving from employment, the Act, *inter alia*, stipulates that aliens employed in Slovenia enjoy equal status to that of Slovenian citizens.

In Slovenia, individual employment relationships are governed by the Employment Relationships Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 21/2013). An employer who

temporarily posts workers under an employment contract governed by foreign law to work in Slovenia must provide these workers with the rights stipulated by Slovenian legislation and the relevant collective agreement governing working hours, breaks and rest periods, night work, minimum annual leave, wages, health and safety at work, special protection of workers and equal treatment where these are more favourable to the workers.

The Employment Relationships Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 21/2013) applies to all employed or self-employed foreigners or foreigners performing work (posted workers) in Slovenia, which means that their status is equal to that of Slovenian citizens.

### ***The right of migrants to housing***

Article 10<sup>1</sup> of the **Employment, Self-employment and Work of Aliens Act** – ZZSDT (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 47/2015) adopted in 2015 stipulates that employers or hirers who provide accommodation to foreigners in Slovenia must comply with the minimum housing and hygiene standards. The **Rules laying down minimum standards for accommodation of aliens employed or working in the Republic of Slovenia**<sup>2</sup> (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. [62/15](#)) define the minimum standards with respect to furnishings, maintenance, heating and lighting of rooms, minimum number of square metres per person, furnishings, ventilation and lighting of sanitary premises, etc. The Labour Inspectorate of the Republic of Slovenia supervises compliance with minimum standards, primarily on the basis of reported alleged irregularities. Between 2012 and 2015 the Inspectorate established the following number of violations of the <sup>3</sup>Rules:

Table: The number of established violations of the Rules laying down minimum standards for

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<sup>1</sup>Article 10

(Accommodation of aliens)

(1) Employers and hirers who provide accommodation to aliens in the Republic of Slovenia shall ensure compliance with the minimum housing and hygiene standards.

(2) The minimum housing and hygiene standards referred to in the preceding paragraph shall be specified in an implementing regulation issued jointly by the minister responsible for labour, the minister responsible for spatial planning and the minister responsible for health.

(3) The minimum housing standards referred to in the first paragraph of this Article shall apply to premises furnishings, maintenance, heating and lighting, the maximum number of persons accommodated in one room, and the minimum floor area per person.

(4) The minimum hygiene standards referred to in the first paragraph of this Article shall specify the maximum number of users relative to the furnishings of the sanitary facilities, the separation of such facilities from the living quarters, and their ventilation and lighting.

(5) The amount of rent for accommodation shall be specified in a contract. Disputes relating to the amount of rent for accommodation rented out in accordance with this Act shall be decided on by a competent court, whereby the provisions of the regulation determining the highest recognised market rents shall apply, *mutatis mutandis*.

<sup>2</sup>With the entry into force of these Rules, the Rules laying down minimum standards for accommodation of aliens employed or working in the Republic of Slovenia of 2011 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 71/11 and 47/15 – ZZSDT) ceased to apply.

<sup>3</sup>Rules laying down minimum standards for accommodation of aliens employed or working in the Republic of Slovenia of 2011 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 71/11 and 47/15 – ZZSDT); Rules laying down minimum standards for accommodation of aliens employed or working in the Republic of Slovenia (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. [62/15](#)).

accommodation of aliens<sup>4</sup>

Year	Number of violations
2012	0
2013	5
2014	11
2015	4

Source: Labour Inspectorate of the Republic of Slovenia

As regards the **accessibility of non-profit dwellings to migrant workers**, the Government explains that all migrant workers may rent a dwelling at the market rate, while, subject to reciprocity, only migrant workers from EU Member States have the right to rent a dwelling under a non-profit scheme or to subsidised rent.

The Government spent several years drafting the National Housing Programme 2015–2025; this was adopted by the National Assembly at the end of 2015. The Programme envisages substantial amendments to the housing legislation, including the setting up of a new public rental housing system and a new rent policy. Its primary objective is to increase the supply of public rental housing and improve access to dwellings for vulnerable groups. New housing legislation is expected to be ready for public debate in 2017.

### **3.3 Article 31§1 – The right to housing – adequate housing**

#### ***Inspection of adequate standard of housing***

With respect to the inspection of the standard of (rented) dwellings, the Government reiterates that the Housing Act defines the notion of adequate housing. Adequate housing under this Act is a dwelling in a one- or multi-dwelling building constructed in accordance with minimum technical standards for the construction of residential buildings and dwellings and for which a permit for use has been issued in compliance with the regulations on the construction of buildings.

Furthermore, the housing legislation stipulates that owners of dwellings must:

- hand over a dwelling as the subject of lease under a contract of lease in a condition that enables the tenant of the dwelling normal use of the dwelling in accordance with valid norms and standards;
- maintain the dwelling and shared parts in a residential or multi-dwelling building in a condition that enables the tenant normal use of the dwelling and shared parts;
- be accountable for legal and material faults in the leased dwelling.

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<sup>4</sup>Rules laying down minimum standards for accommodation of aliens employed or working in the Republic of Slovenia of 2011 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 71/11 and 47/15 – ZZSDT); Rules laying down minimum standards for accommodation of aliens employed or working in the Republic of Slovenia (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 62/15).

If the condition of the dwelling does not allow the tenant normal use of the dwelling, the tenant may propose that the housing inspectorate order the owner of the dwelling to carry out such works as are required for providing normal use of the dwelling or shared parts. If the owner does not carry out the works ordered within the time limit specified in the decision, the tenant may carry out such works at the owner's expense. The tenant may offset the incurred costs of such works against the owner's claims for rent. If the owner does not comply with a decision referred to in the preceding paragraph, the tenant may require the owner to supply other suitable housing.

The Government explains that according to the Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning, detailed statistical data on inspections of the adequate standard of housing requested by the ECSR are not kept in the existing database, as the legislation does not envisage the collection of such data.

As regards the lack of statistical data related to inspections of the adequacy of housing, the Government clarifies that according to the Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning, these data do not appear in the existing database (there is no legal basis for their collection), and hence they cannot be submitted.

### **3. 4 Article 31§2 - The right to housing – reduction of homelessness**

The Government stresses that people at risk of eviction are entitled to free legal aid and have a number of options available to prevent eviction if they seek assistance in time.

Assistance can be provided by the competent social work centre where counsellors provide first social aid, personal assistance and family assistance. Within these services, counsellors and clients jointly seek a solution most favourable to the client (and their family). First, the client's financial capacity to pay the debt or pay it off in instalments is considered and extraordinary social assistance in cash to repay the debt may be granted. The client's social network is also examined with a view to finding means to pay off the debt. Where the debt cannot be repaid, counsellors inform the client of accommodation options, such as accommodation with relatives or within the client's social network or temporary accommodation provided by the state; cooperation with the municipality is established and the possible allocation of a non-profit dwelling is examined.

The Government explains that it does not have comprehensive data on evictions in Slovenia, as these data are fragmented between different institutions (courts, housing funds and social work centres).

The data <sup>5</sup>on evictions <sup>6</sup>from non-profit dwellings in recent years kept by the three biggest housing funds (there are no data on evictions from private or market-rent dwellings) are presented in the

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<sup>5</sup> Source: Lapanja–Furlan Valentin, 2016, Eviction prevention – European and Slovenian policies [*Preprečevanje deložacij – evropska in slovenska politika*]. Available at: <http://dk.fdv.uni-lj.si/dela/lapanja-furlan-valentin.PDF>.

<sup>6</sup>The Public Housing Fund of Ljubljana Municipality, the Maribor Public Intermunicipality Fund and the Housing Fund of the Republic of Slovenia



table below:

Year	Number of evictions from non-profit dwellings <sup>7</sup>
2013	78
2014	67
2015	92

Source: Lapanja–Furlan 2016.

The ethnic origin of evicted persons is not given.

The Government emphasises that Roma at risk of eviction in Slovenia enjoy the same rights to free legal aid and the services of social work centres as other Slovenian citizens. The Ministry of Labour, Family, Social Affairs and Equal Opportunities has no information on potential issues specific to evictions of Roma.

In 2015, the Ministry prepared an aid package for those who are weakest in social terms, with the aim of easing the position of individuals who are in debt and rely on social transfers. One of the three essential measures is a pilot project providing aid in the event of eviction; this will serve as a basis for the preparation of integrated and system-wide solutions to housing needs of evicted individuals and families.

This measure is being carried out by the Ministry of Labour, Family, Social Affairs and Equal Opportunities in cooperation with the Slovenian Red Cross, Slovenian Caritas, the Slovenian Association of Friends of Youth and the Housing Fund of the Republic of Slovenia. Evicted persons can be placed in vacant dwellings of the Housing Fund of the Republic of Slovenia, and they can also receive aid and support for social inclusion and sustainable solutions to their personal and housing issues. Detailed information will be submitted upon project completion in 2017.

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<sup>7</sup>The Public Housing Fund of Ljubljana Municipality, the Maribor Public Intermunicipality Fund and the Housing Fund of the Republic of Slovenia