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European Social Charter (REVISED)

European Committee of Social Rights

Conclusions 2023

SLOVENIA

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts conclusions; in respect of collective complaints, it adopts decisions.

Information on the Charter, the Committee, the national reports as well as the Statement of interpretation on Article 17 adopted by the Committee during the supervision cycle can be found in the General Introduction to all Conclusions.

In accordance with the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, the report requested from the States Parties concerned the following provisions of the thematic group IV " Children, families and migrants ":

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection of maternity (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunity and treatment (Article 27),
- the right to housing (Article 31).

The reference period was from 1 January 2018 to 31 December 2021.

The following chapter concerns Slovenia, which ratified the Revised European Social Charter on 7 May 1999. The deadline for submitting the 22nd report was 31 December 2022 Slovenia submitted it on 19 July 2023.

The Committee recalls that Slovenia was asked to reply to the specific targeted questions posed under various provisions (questions included in the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter). The Committee therefore focused specifically on these aspects. It also assessed the replies to the previous conclusions of non-conformity, deferral and conformity pending receipt of information (Conclusions 2015).

In addition, the Committee recalls that no targeted questions were asked under certain provisions. If, in its previous conclusion (Conclusions 2015), the Committee concluded that the situation was in conformity, there was no examination in 2023.

Comments on the 22nd report by the Human Rights Ombudsman of the Republic of Slovenia ("the Ombudsman") were registered on 28 September 2023.

Slovenia has accepted all provisions from the above-mentioned group.

The conclusions relating to Slovenia concern 36 situations and are as follows:

– 23 conclusions of conformity: Articles 7§2, 7§§6-10, 8§§1-5, 17§2, 19§§1-3, 19§5, 19§7, 19§9, 19§11, 19§12, 27§§1-3.

– 13 conclusions of non-conformity: 7§1, 7§§3-5, 16, 17§1, 19§4, 19§6, 19§8, 19§10, 31§§1-3.

Conclusions and reports are available at www.coe.int/socialcharter.

Article 7 - Right of children and young persons to protection
Paragraph 1 - Prohibition of employment under the age of 15

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 7§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee notes that it has previously considered that the situation in Slovenia was in conformity with Article 7§1 of the Charter.

The Committee has observed that many States’ legislation is in conformity with Article 7§1 of the Charter regarding the minimum age for employment. Nevertheless, the Committee is concerned about the situation in practice. There are data that suggest that in many countries there are significant numbers of children working illegally. However, there are few official data on the extent of the problem. Therefore, as targeted questions to the States, the Committee asked for information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. It also asked for information on the number of children actually working, as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally.

In reply to the Committee's targeted questions, the report provides detailed information concerning the activities of the Labour Inspectorate in monitoring individual employers and collecting data on violations detected in accordance with the standard classification of activities. The Committee takes note of the numbers of detected violations of Article 211 of the Employment Relationships Act (ZDR-1), which regulates the work of children under the age of 15, and the fines imposed by the Labour Inspectorate during the reference period. It also notes the information concerning the numbers of decisions issued by inspectors to authorise work by children under the age of 15.

The Committee further notes that, according to Article 212 of the ZDR-1), the working time of children under the age of 15 doing light work during school holidays may not exceed seven hours per day or 35 hours per week. Children’s work during a school year may not exceed 2 hours per day or 12 hours per week in addition to the time allocated for school lessons.

The Committee recalls (Statement of Interpretation of 2015) that children under the age of 15 and those who are subject to compulsory schooling are only entitled to perform “light” work. Work considered to be “light” in nature ceases to be so if it is performed for an excessive duration. States are therefore required to set out the conditions for the performance of “light work” and the maximum permitted duration of such work.

The Committee considers that children under the age of 15 and those who are subject to compulsory schooling should not perform light work during school holidays for more than 6 hours per day and 30 hours per week in order to avoid any risks that the performance of such work might have for their health, moral welfare, development or education.

The Committee considers that the situation is not in conformity with Article 7§1 of the Charter on the ground that children during school holidays under 15 years of age can perform light work for seven hours a day and 35 hours a week, which is excessive.

Conclusion

The Committee concludes that the situation in Slovenia is not in conformity with Article 7§1 of the Charter on the ground during school holidays children under 15 years of age can work seven hours a day and 35 hours a week, which is excessive and therefore, cannot be regarded as light.

Article 7 - Right of children and young persons to protection

Paragraph 2 - Prohibition of employment under the age of 18 for dangerous or unhealthy activities

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that no targeted questions were asked for Article 7§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion (Conclusions 2019) the Committee found that the situation in Slovenia was in conformity with the Charter.

In its previous conclusion the Committee asked the next report to provide information on the monitoring activities and findings of the Labour Inspectorate (including violations detected and sanctions effectively applied in practice against the employers) in relation to the prohibition of employment of young persons under the age of 18 for dangerous or unhealthy activities. The Committee notes in this respect that in the course of 2018-2021 the Labour Inspectorate has detected violations of Article 192 of the Employment Relations Act (ZDR-1), concerning the working time of young workers under the age of 18 as well as Article 193, concerning the prohibition of night work and Article 5 of the Prevention of Undeclared Work and Employment Act. According to the report offenses imposing reprimands were issued and minor offence proceedings were initiated.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 7§2 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 3 - Prohibition of employment of children subject to compulsory education

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that no targeted questions were asked for Article 7§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion (Conclusions 2015) the Committee found that the situation in Slovenia was not in conformity with Article 7§3 of the Charter on the grounds that the duration of light work for children subject to compulsory education during school holidays was excessive.

The Committee refers to its conclusion in Article 7§1 and considers that the situation is not in conformity with the Charter as the duration of light work for children subject to compulsory education during school holidays is excessive and therefore, may deprive them of the full benefit of education.

Conclusion

The Committee concludes that the situation in Slovenia is not in conformity with Article 7§3 of the Charter on the ground that the duration of light work for children subject to compulsory education during school holidays is excessive and therefore, may deprive them of the full benefit of education.

Article 7 - Right of children and young persons to protection

Paragraph 4 - Working time

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that no questions were asked for Article 7§4 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§4 requires that the working hours of persons under 18 years of age are limited in accordance with the needs of their development, and particularly with their need for vocational training.

In its previous conclusion, the Committee considered that the situation in Slovenia was not in conformity with Article 7§4 of the Charter on the ground that the duration of working time for young workers under the age of 16 was excessive. The Committee noted that Section 192 of the Employment Relationships Act as amended in 2013 (Official Gazette of Republic of Slovenia No. 21/20013, ZDR-1) provided that young workers under the age of 18 should not work for more than eight hours per day and 40 hours per week (Conclusions 2015).

The report states that the situation has not changed. The Committee recalls that under Article 7§4, domestic law must limit the working hours of young persons under 18 years of age who are no longer subject to compulsory schooling. The limitation may be the result of legislation, regulations, contracts or practice (Conclusions 2006, Albania). For persons under 16 years of age, a limit of eight hours a day or forty hours a week is contrary to the article (Conclusions XI-1 (1991) the Netherlands). However, for persons over 16 years of age, the same limits are in conformity with the article (Conclusions 2002, Italy). The Committee thus reiterates its conclusion of non-conformity.

The Committee has also previously recalled that the situation in practice should be regularly monitored. It requested data on the concrete actions, violations identified and sanctions imposed on employers in relation to working time for young persons under the age of 18 who are no longer subject to compulsory school attendance. The report provides data on the violation found by the labour inspectors between 2018 and 2021 concerning working hours of employees under the age of 18, and on the sanctions imposed.

Conclusion

The Committee concludes that the situation in Slovenia is not in conformity with Article 7§4 of the Charter on the ground that the daily and weekly working time for young workers under the age of 16 is excessive.

Article 7 - Right of children and young persons to protection

Paragraph 5 - Fair pay

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 7§5 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee deferred its previous conclusion pending receipt of the information requested (Conclusions 2019). The assessment of the Committee will therefore concern the information provided in the report in response to the conclusion of deferral and to the targeted questions.

Fair remuneration for young workers and apprentices

In its previous conclusion, the Committee noted that according to the Employment Relationships Act, employers must pay the minimum wage defined by law or a collective agreement. Under Section 6 of the same Act, employers shall ensure equal treatment for workers irrespective of their age, especially with respect to wages and other incomes related/deriving from an employment relationship. The Committee requested information on the minimum wage and net average wage of young workers.

The report provides that in 2021 the net minimum wage amounted to EUR 736.09 and the net average wage stood at EUR 1,282.06. The minimum wage thus equals 57% of the average wage.

Under Article 7§5 the Committee examines if young workers are paid the equivalent of 80% of a minimum wage in line with the Article 4§1 fairness threshold (60% of the net average wage). Thus, if young workers' wage amounts to 80% of the minimum threshold required for adult workers (60% of the net average wage), the situation would be in conformity with Article 7§5 (Conclusions XVII-2 (2005), Spain). This is at least a 48% of the net average monthly wage.

The Committee thus considers that the situation is in conformity with the Charter in this respect.

As regards the apprentices, the Committee has previously requested information on the net amounts of the allowances paid to apprentices at the beginning and at the end of the apprenticeship as provided by the collective agreements.

The report provides that in Slovenia, vocational education is mainly carried out in the form of school-based learning and apprenticeship. In accordance with Article 20 of the Apprenticeship Act, the employer is obliged to pay the apprentice an apprentice's remuneration for the period of their work-based learning / in-company apprenticeship. The monthly amount of the apprentice's remuneration may not be less than 250 euros in the first year of vocational education, 300 euros in the second year and 400 euros in the third year. During the period of work-based learning, the employer must reimburse the apprentice for meal and transport costs, expenses during business trips and off-site allowance in the same way and at the same rate as the worker employed with the employer who is training the apprentice. The remuneration amount does not include allowances, compulsory charges payable by the employer and the reimbursement of costs. Remuneration of work-based learning is regulated in Article 42 of the ZPSI-1, which states that during the implementation of work-based learning, the upper secondary student is entitled to remuneration in accordance with the branch collective agreement for the relevant activity or other regulations. The ZDR-1 also specifies that the salary of a trainee or worker undergoing training or a worker undergoing job induction may not be lower than the minimum wage.

The Committee recalls that the terms of apprenticeships should not last too long and, as skills are acquired, the allowance should be gradually increased throughout the contract period, starting from at least one-third of the adult starting wage or minimum wage at the commencement of the apprenticeship, and arriving at least at two-thirds at the end (Conclusions 2006, Portugal). The Committee notes that the minimum apprentices wage starts at 33,9% of the minimum wage and reaches 54% of the minimum wage at the end of the apprenticeship. Accordingly, the situation is not in conformity with the Charter in this regard.

Fair remuneration in atypical jobs

For the present monitoring cycle, the Committee requested updated information on net minimum wages and allowances payable to persons under 18 years of age. In particular, it asked for information on measures taken to ensure that fair remuneration is guaranteed to young workers:

- i) in atypical jobs (part-time work, temporary work, fixed-term work, casual and seasonal work, self-employed people, independent workers and homeworkers.)
- ii) in the gig or platform economy and
- iii) having zero hours contracts.

The report states that all full-time workers are entitled to receive a wage that is at least equal to the minimum wage, irrespective of the type of the employment contract, excluding from the minimum wage any additional payments provided for by laws and regulations and collective agreements, the part of the wage for job performance and remuneration for business performance agreed in a collective agreement or employment contract. The legal relationship is considered to be an employment relationship even if no employment contract has been signed between the contracting parties, provided that it contains the elements of an employment relationship set out in the ZDR-1. An additional safeguard has been established, namely that if elements of an employment relationship exist, work may not be performed on the basis of a civil-law contract, except in cases provided by law. Therefore, if elements of an employment relationship exist in a particular case, such relationship is considered an employment relationship with all the rights thereof, even in the absence of a written employment contract between the parties. The effect and application of labour legislation are therefore not left to the discretion of the contracting parties.

Enforcement

In the context of the present monitoring cycle the Committee also requested information on measures taken to ensure that this right of young persons to fair pay is effectively enforced (e.g., through Labour Inspectorates and similar enforcement authorities, trade unions).

The report states that on the basis of the Inspectorate's annual guidelines, regular and targeted inspections were carried out in the reporting period in the area of guaranteeing the right of workers to remuneration for work, as well as regards the implementation of the Minimum Wage Act. The number of violations identified in relation to remuneration for work is not statistically monitored separately for workers under the age of 18. It is also not possible to determine statistical data only for fixed-term employees and for other listed categories of employees.

Conclusion

The Committee concludes that the situation in Slovenia is not in conformity with Article 7§5 of the Charter on the ground that apprentices allowances at the end of the apprenticeship are not appropriate.

Article 7 - Right of children and young persons to protection

Paragraph 6 - Inclusion of time spent on vocational training in the normal working time

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that no questions were asked for Article 7§6 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§6 requires that time spent on vocational training by young people during normal working hours must be treated as part of the working day (Conclusions XV-2 (2001), Netherlands). Such training must, in principle, be done with the employer’s consent and be related to the young person’s work. Training time must thus be remunerated as normal working time, and there must be no obligation to make up for the time spent in training, which would effectively increase the total number of hours worked (Conclusions V (1977), Statement of Interpretation on Article 7§6). This right also applies to training followed by young people with the consent of the employer and which is related to the work carried out, but which is not necessarily financed by the latter.

In the previous conclusion, the Committee found the situation in Slovenia to be in conformity with the Charter, pending receipt of information on valid regulations relating to the inclusion of time spent by young workers in vocational training in the normal working time and the activities of the labour inspectorate.

The report provides that in Slovenia, vocational education includes both school-based learning and apprenticeships, with work-based training at the employer’s premises being a mandatory component. Apprenticeships are provided to young individuals up to age 18 or 19, and apprentices are classified as upper secondary students, not workers. The Apprenticeship Act also covers adult apprenticeships, although there has been no uptake of this form. Apprenticeships do not constitute an employment relationship, as apprentices receive remuneration rather than a salary.

Both work-based training and apprenticeships are subject to time limits, not exceeding eight hours per day or 36 hours per week. These regulations apply to both apprentices and upper secondary students engaged in school-based learning. General rules apply to vocational education during normal working hours for all workers. Both employer-supported and self-driven education efforts grant workers the right to time off for exam preparation and attendance. If not defined otherwise, both groups have the right to be absent from work on the days of their first-time exams, representing the minimum legal standard employers must provide.

The report further provides that in the reference period the Labour Inspectorate did not establish any violations of the Apprenticeship Act and the Vocational and Technical Education Act.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 7§6 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 7 - Paid annual holidays

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that no targeted questions were asked for Article 7§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee found that the situation in Slovenia was in conformity with Article 7§7 of the Charter (Conclusions 2015). Therefore, the Committee reiterates its previous conclusion.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 7§7 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 8 - Prohibition of night work

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that no targeted questions were asked for Article 7§8 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee found that the situation in Slovenia was in conformity with Article 7§8 of the Charter (Conclusions 2015). Therefore, the Committee reiterates its previous conclusion.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 7§8 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 9 - Regular medical examination

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that no targeted questions were asked for Article 7§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee found that the situation in Slovenia was in conformity with Article 7§9 of the Charter (Conclusions 2015). Therefore, the Committee reiterates its previous conclusion.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 7§9 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 10 - Special protection against physical and moral dangers

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 7§10 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, pending receipt of the information requested, the Committee concluded that the situation in Slovenia was in conformity with Article 7§10 of the Charter (Conclusions 2015). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of conformity pending receipt of information and the targeted questions.

Protection against sexual exploitation

In the targeted questions, the Committee asked for updated information on measures taken to strengthen the protection of children, including migrant, refugee, and displaced children, from sexual exploitation and abuse (in particular, in response to the risks posed by the Covid-19 pandemic) during the reference period, including information on the incidence of such abuse and exploitation.

The report states that the police increased public awareness through various social and public media, encouraging the public to report sexual abuse and to protect children, and providing the public with knowledge on how to recognise early signs of sexual abuse of children. Minors identified as victims of abuse are provided with access to rehabilitation and, where necessary, appropriate psychological treatment and professional counselling.

The report further states that Slovenia adopted two action plans during the reference period to combat trafficking in human beings. There is also the PATS project - Identifying, assisting and protecting victims of human trafficking and/or sexual abuse in asylum procedures in the Republic of Slovenia, which helps to identify, assist and protect victims of human trafficking in asylum procedures in Slovenia.

The report further states that Slovenia amended its Criminal Code and defined rape in accordance with the current concept based on consent rather than coercion.

Protection against the misuse of information technologies

The Committee has previously asked to be kept informed about the activities of the Safer Internet Centre of Slovenia (Conclusions 2015).

In the targeted question, the Committee asked for information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).

The report states that the Safer Internet Centre provides three main services: Safe.si (an awareness node on the safe use of the Internet and new technologies), the TOM SOS Helpline (a helpline for problems on the Internet) and Web Eye (an anonymous website for reporting child sexual abuse). During the reference period, Safe.si successfully worked with four schools and provided a wide range of educational activities on the safe and responsible use of the Internet and mobile devices for pupils, parents and teachers. The police work closely with the Safer Internet Centre and Web Eye, from which they receive reports of child sexual abuse content. In 2021, the main topic of the Safer Internet Day in Slovenia was well-being and the Internet.

In reply to the targeted question, the report states that Article 176 of the Criminal Code regulates the protection of children from all forms of violence, exploitation and abuse in the digital environment, including grooming.

The report also lists several projects related to cyber violence, such as the SOS Helpline Society project launched in 2019, #praviladejtanja (#datingrules in English), an awareness-raising project launched in 2019, the project entitled “Click off! Stop cyber violence against women and girls” which was active between 2017 and 2019. The police work with schools where officers and criminal investigators run preventive workshops for parents, teachers and children.

Protection from other forms of exploitation

The Committee has previously asked for an update on the situation indicated in GRETA's recommendations, namely that the Slovenian authorities should conduct and support research on human trafficking issues as an important source of information for future policy measures (Conclusions 2015).

The report states that the authorities are fully aware of the importance of such research for the development of policies in this area and two expert studies are scheduled in the new 2023-2024 Action Plan to Combat Trafficking in Human Beings.

The report further states that, in the framework of the European Migration Network, the Ministry of Interior prepared a national contribution in 2021, analysing the existing legislation and policy documents on the subject of trafficking in human beings.

Covid-19

In the context of the Covid-19 pandemic, the Committee asked for information on the impact of the pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen monitoring mechanisms.

The Committee recalls that Article 7§10 of the Charter guarantees protection against sexual and other exploitation of children as well as protection against the misuse of information technology and social media (for the purposes of online bullying, child pornography, grooming, harassment, etc.), which is particularly pertinent in view of the acceleration of digitalisation and online activity brought about by the pandemic (Statement on Covid-19 and social rights, 24 March 2021).

The report states that in 2020, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, launched a public call for tenders for the co-financing of projects to help the most vulnerable population groups as a result of the Covid-19 pandemic and to mitigate its consequences.

The report further states that shortly after the start of the Covid-19 pandemic, the police began posting content on their websites and social networks to highlight that domestic violence is unacceptable and to encourage victims and witnesses to report such violence and abuse.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 7§10 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 1 - Maternity leave

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that no targeted questions were asked in relation to Article 8§1 of the Charter, only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group "Children, families and migrants").

As the previous conclusion found the situation in Slovenia to be in conformity with the Charter (Conclusions 2015), there was no examination of the situation in 2023. Therefore, the Committee reiterates its previous conclusion.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the right to paid maternity leave.

According to the report, Covid-19 didn't have an impact on the right to paid maternity leave.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 8§1 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 2 - Illegality of dismissal during maternity leave

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that no targeted questions were asked in relation to Article 8§2 of the Charter only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group “Children, families and migrants”).

In its previous conclusion (Conclusions 2015), the Committee concluded that the situation in Slovenia was in conformity with Article 8§2 of the Charter pending receipt of information requested, on the applicability of the rules to the public sector and confirmation that there was no ceiling on the amount of damages that could be awarded for non-pecuniary loss.

Prohibition on dismissal

The Committee previously asked whether the rules regarding the prohibition on dismissal applied to all employed women in both the private and public sector (Conclusions 2015).

The report confirms that the rules apply to women employed in both the private and public sector.

Compensation for unlawful dismissal

The Committee previously noted that while the compensation awarded under Section 118 of the Employment Relationships Act was subject to a ceiling, an employee unlawfully dismissed during pregnancy or maternity leave can also claim unlimited compensation for non-pecuniary damage under other provisions of the same Act. It asked for the next report to confirm that this understanding is correct, and to provide any relevant example of case-law in this respect (Conclusions 2015).

The report confirms that this is correct, in addition to financial redress which is awarded under Section 118 of the Employment Relationships Act, compensation may be awarded under Section 179; pursuant to this provision, the employer is liable to compensate, under the general rules of civil law, a worker who suffers damage at work or in connection with work; the employer is also liable for damage inflicted by them on the worker when rights under the employment relationship are violated. There is, however, no ceiling on the amount of damages that may be awarded under this section.

Covid-19

The Committee asked whether the Covid- 19 crisis had had an impact on the possibility of dismissing employees who are pregnant or on maternity leave; it also asked whether there have been any exceptions to the ban on dismissal.

The report states that the Covid-19 crisis had no impact on the rules regarding the dismissal of pregnant employees and employees on maternity leave.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 8§2 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 3 - Time off for nursing mothers

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that no targeted questions were asked for Article 8§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation was not in conformity with Article 8§3 of the Charter on the ground that during the reference period nursing breaks were not remunerated. (Conclusions 2015). The assessment of the Committee will therefore concern the information provided by the Government in response to the previous conclusion of non-conformity.

According to the report the Parental Protection and Family Benefits Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 26/14, 90/15, 75/17 introduced compensation for nursing breaks. A mother has the right to remunerated nursing breaks until the child is 18 months old, for one hour a day. The Committee concludes that the situation is now in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 8§3 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 4 - Regulation of night work

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§4 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation was in conformity (Conclusions 2015). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted question.

In its targeted question the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in the case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave.

The Committee previously noted (Conclusions 2005 and 2011) that, under the Employment Relationships Act, night work is prohibited during pregnancy, during one year after having given birth, and during the entire nursing period, if the risk assessment shows that that work entails a risk for the worker and/or her child’s health. Moreover, a worker taking care of a child between one and three years of age may only work at night if she consents to do so.

According to the report if a female worker is employed in a job which is prohibited while pregnant, recently having given birth or breastfeeding and where it is not possible to avoid risks to the health of the worker or the child by adjusting the working conditions or working hours, the employer must provide the worker with other suitable work. If the woman’s previous salary was higher she must continue to receive the same amount, if however the salary at the new post is higher she is entitled to receive the higher amount. If an employer is unable to provide a woman with suitable alternative work the woman is entitled to take leave and receive compensation equivalent to her average monthly wage during the previous three months.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 8§4 of the Charter.

Article 8 - Right of employed women to protection of maternity
Paragraph 5 - Prohibition of dangerous, unhealthy or arduous work

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§5 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation was in conformity with Article 8§5 of the Charter pending receipt of information requested (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the information previously requested and the targeted question.

In its targeted question the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in the case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave and women concerned retain the right to return to their previous employment once their condition permits.

The Committee previously requested updated information as regards the applicable regulations defining the risk factors, procedures and working conditions which are subject to restrictions in respect of women who are pregnant, who have recently given birth or are nursing their infant as well as confirmation that women on leave due to no suitable alternative employment remain entitled to return to their previous work, at the end of the protected period.

The report provides details of the rules on the protection of health at work of pregnant workers and workers who have recently given birth or are breastfeeding which were last amended in 2015 following the transposition of EU Directives. The Rules prohibit the exposure of pregnant and breastfeeding workers to the exhaustively listed risk factors and working conditions, and prohibit the exposure of pregnant workers and workers who have recently given birth and breastfeeding workers to risk factors, processes and working conditions where the risk assessment indicates that there is a risk to the health of the work and/or the child.

The Employment Relationships Act provides that where the worker is unable to continue her previous employment due to a risk to her health or that of her child, she must be transferred to another appropriate work, without loss of pay. Under Section 189(4), if no transfer is possible, the employee must be suspended from work and is entitled to a wage compensation equivalent to her average monthly wage during the previous three months.

The report confirms that once the protective measures have expired the pre existing employment contract is reinstated.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 8§5 of the Charter.

Article 16 - Right of the family to social, legal and economic protection

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that for the current reporting cycle, States were asked to respond to several targeted questions for Article 16 of the Charter as well as, where applicable, previous conclusions of non-conformity, deferral or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the Charter's implementation in respect of the provisions relating to the "Children, family and migrants" thematic group).

In its previous conclusion (Conclusions 2015), the Committee found that the situation in Slovenia was in conformity with Article 16 of the Charter, pending receipt of the information requested on mediation services.

The Committee's assessment will therefore relate to the information provided in the report in response to the previous conclusion, and to the targeted questions.

Legal protection of families

Rights and obligations, dispute settlement

- **Mediation services**

In its previous conclusion (Conclusions 2015), the Committee noted that social assistance services to families were provided as part of the public network of social centres and asked whether these services covered mediation services.

In response, the report indicates that, according to Article 205 of the Family Code which became fully applicable in 2019, mediation takes place before, during, or after the initiation of court proceedings and includes assistance in regulating personal and property relations. The Committee notes that mediation is primarily conducted before court proceedings are initiated to formulate an amicable divorce proposal or a proposal for a court settlement relating to the child's custody and upbringing, maintenance and contact with parents or other persons, or to parental care issues affecting the child's development. Mediation during court proceedings is conducted in accordance with the law governing alternative dispute resolution. The report adds that mediation began to be carried out in June 2020 and is conducted by mediators who are listed as such by the Ministry of Labour, Family, Social Affairs and Equal Opportunities. According to the report, mediation related to parental responsibility is paid for by the state and is available to all families. The Committee takes note of the statistical data on the results of family mediation provided in the report.

Domestic violence against women

The Committee notes firstly that Slovenia has ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which entered into force in Slovenia in June 2015.

In its previous conclusion, the Committee asked how the Domestic Violence Prevention Act was implemented in practice.

In addition, among the targeted questions that it raised, the Committee asked for updated information on measures taken to reduce all forms of domestic violence against women, including information on incidence and conviction rates.

In response, the report indicates that the Domestic Violence Prevention Act, adopted in 2008, covers a wide range of forms of domestic violence, including stalking and neglect as well as physical, sexual, psychological and economic violence. It also determines the role, tasks and co-operation of the various state authorities and non-governmental organisations in combating domestic violence. Amended in 2016, the Act broadened the definition of domestic violence

to include former partners and sets out measures to ensure the safety and protection of victims of domestic violence, including provisions on the protection of children who witness violence. The report adds that, under the Act, social work centres are responsible for processing personal data and managing databases relating to victims and perpetrators of violence in order to assist the victim, communicate with the perpetrator, draw up a plan of assistance for the victim and ensure its implementation and monitoring, as well as for scientific, research and statistical purposes.

A SOS Helpline for women and children victims of violence, including domestic violence, has been available 24/7 since 1 January 2021.

The report indicates that the Ministry of Labour, Family, Social Affairs and Equal Opportunities funds regular annual training for the staff of social work centres on preventing and responding to domestic violence and violence against women, and co-finances social protection programmes (violence prevention programmes) run by non-governmental organisations. The Committee takes note of the very detailed information contained in the report on these programmes.

Furthermore, the Ministry of Labour, Family, Social Affairs and Equal Opportunities is drafting a strategic document - the Resolution on the National Prevention of Violence against Women and Domestic Violence (2020-2025). According to the report, this resolution covers both domestic violence and violence against women. Its main objectives include strengthening and enhancing the quality of programmes related to domestic violence, improving the protection and treatment of victims, and developing laws to prevent domestic violence and violence against women.

The report also indicates that domestic violence is defined as a criminal offence in Article 191 of the new Criminal Code, and as a minor offence in Article 6 of the Protection of Public Order Act. The report explains that the two provisions overlap in content, *“but the law refers to the application of Article 11a of the Minor Offences Act, which stipulates that where an act has both the elements of a criminal offence and a minor offence, prosecution of the criminal offence takes precedence.”* Different executive orders have been adopted concerning the activities of various authorities and services in relation to such violence. The Committee takes note of the very detailed information provided in the report on police action in relation to violence crime.

The Committee notes from the report that the number of victims (female children and adults) of domestic violence decreased during the reference period (from 2,109 in 2018 to 1,716 in 2021). However, according to the report, data recorded by authorities often does not reflect the reality of gender-based violence. The number of minor offences with elements of domestic violence decreased during the reference period, from 2,887 to 2,607.

Social and economic protection of families

Family benefits

Equal access to family benefits

In a targeted question, the Committee asked whether a length of residence requirement was imposed on nationals of other States Parties lawfully resident in the country for eligibility to family benefits.

In response, the report indicates that eligibility for child benefit or other family benefits does not depend on the length of residence in Slovenia.

It adds that stateless persons and refugees are treated equally regarding the receipt of child benefit.

Level of family benefits

Among the targeted questions that it raised, the Committee asked for information about the amounts paid in family benefit as well as the median equivalised income for the reference period. It also asked whether family or child benefits were subject to a means-test and, if so, what percentage of families were covered.

The Committee points out that family benefit must be such as to provide a significant number of families with sufficient extra income. Adequacy is assessed with respect to the monthly median equivalised net income as calculated by Eurostat.

The Committee notes from Eurostat data (published on 17 March 2023) that the monthly median equivalised income stood at €1,285 in 2021.

The report indicates that the amount of child benefit varies according to the family's average monthly income and is paid until the child reaches the age of 18. The Committee notes the amounts of child benefits paid by income bracket in 2020-2021 (see the report for more details). In 2021, 82.5% of children in Slovenia received child benefit.

The Committee notes that other family benefits do not depend on the material situation of the family: parental allowance (€402.19 per month; on average, 2,696 beneficiaries in 2021); birth grant (€350; 20,117 beneficiaries in 2021); large family allowance; special child care allowance (on average, 8,306 beneficiaries in 2021); partial payment for loss of income (on average, 974 beneficiaries in 2021).

The Committee notes that in 2020-2021, the minimum child benefit was around 1.6% of the median equivalised income (for families with incomes between € 871.99 and € 1,052.75). The Committee understands that no benefit is paid if the average monthly income per family member exceeds € 1,052.75 (this situation concerns around 17.5% of all children, according to the report). In this regard, the Committee refers to Eurostat data on the minimum wage in Slovenia, which was € 886.63 in 2018 and €1,024.24 in 2021. However, on the basis of the information available and taking into account the various additional family benefits and tax reductions, the Committee considers that the situation in Slovenia is not in conformity with Article 16 on the ground that family benefits do not constitute a sufficient income supplement for a significant number of families.

Measures in favour of vulnerable families

Among the targeted questions that it raised, the Committee asked what measures had been taken to ensure that vulnerable families could meet their energy needs, in order to ensure their right to adequate housing (which includes access to essential services).

In response, the report indicates that the government provides social assistance benefits to individuals/families who have ordinary or extraordinary expenses related to the payment of electricity costs that they are unable to cover with their own income.

In addition, the report indicates that the Slovenian Environmental Public Fund (ECO Fund) is running projects that provide instructions on how to rationalise consumption costs and use energy more efficiently (a visit from an energy consultant to assess energy consumption and the necessary measures, training on energy/water consumption and a set of measures to reduce it). These measures are targeted all vulnerable families who are entitled to ordinary and extraordinary social assistance and/or income support.

The Act on Emergency Measures to Mitigate the Consequences of the Impact of High Energy Commodity Prices was adopted in March 2022 with eligibility for payment linked to the year 2020. This Act established the payment of a bonus to certain categories of beneficiaries who were eligible for specific rights in December 2021. The Committee takes note of the categories of beneficiaries of this bonus detailed in the report.

In a targeted question, the Committee asked whether, in cases where specific temporary measures had been taken to financially support families during the covid-19 pandemic, they would or were expected to be maintained or withdrawn and, if they had been withdrawn, what effect this was expected to have on vulnerable families.

In response, the report states that in 2020-2021, the government adopted measures to mitigate the impact and eliminate the consequences of Covid-19 on the population. Many of these measures were aimed at helping children and families improve their financial situation. The Committee takes note of the various measures detailed in the report (increase in the amount of benefits for large families, solidarity bonuses, increase in child care allowance, one-off solidarity bonus for new-borns, etc.). It also notes that most of these measures have ceased to be applied.

Conclusion

The Committee concludes that the situation in Slovenia is not in conformity with Article 16 of the Charter on the ground that family benefits do not constitute a sufficient income supplement for a significant number of families..

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 1 - Assistance, education and training

The Committee takes note of the information contained in the report submitted by Slovenia and in the comments by the Human Rights Ombudsman.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§1 and asked States to provide, in the next report, information on measures taken to reduce statelessness; to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation; to reduce child poverty; combat discrimination and promote equal opportunities for children from particularly vulnerable groups; and on the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

In its previous conclusion the Committee concluded that the situation in Slovenia was not in conformity with Article 17§1 of the Charter on the ground that not all forms of corporal punishment were prohibited in the home (Conclusions 2015). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of non-conformity, the targeted questions and the general questions.

The legal status of the child

In the general questions, the Committee asked for information on measures taken by the State to reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth). It also asked for information on measures taken by the State to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation.

The report states that the Citizenship Act of the Republic of Slovenia, No. 24/04 contains a number of elements that prevent statelessness.

The report further states that every birth in Slovenia is recorded *ex officio* in the official register, whether or not the child belongs to one of the vulnerable groups. If the child is born outside a healthcare institution without a doctor, midwife or registered nurse, the child’s father or the mother’s partner, or the mother herself, may declare the child’s birth.

Protection from ill-treatment and abuse

The Committee has previously concluded that the situation in Slovenia was not in conformity with Article 17§1 of the Charter on the ground that not all forms of corporal punishment were prohibited in the home (Conclusions 2015).

The report states that since 2016, all forms of corporal punishment have been prohibited in Slovenia.

The Committee notes that in its 2nd assessment of the follow-up (2017): Association for the Protection of all Children (APPROACH) Ltd. v. Slovenia, Complaint No. 95/2013 it considered that the two Acts adopted in Slovenia in 2016, which explicitly prohibit all corporal punishment of children in all circumstances affecting the physical integrity, dignity, development or psychological well-being of a child, explicitly addressed the violation found by the Committee.

The Committee therefore considers that the situation in Slovenia is now in conformity with Article 17§1 of the Charter.

Child poverty

In the general questions, the Committee asked for information on measures to reduce child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing, etc.); to combat discrimination and promote equal opportunities for children from particularly vulnerable groups, such as ethnic minorities, Roma children, children with disabilities and children in care. It also asked for information on the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

The report states that for 2013-2020, Slovenia adopted the Resolution on the National Social Protection Programme, which, as a strategic document, has laid down the guidelines for the development of social protection over that period. Moreover, important measures to alleviate child poverty or to improve the situations of families with children include social transfers or rights to public funds, such as: child benefit, social assistance benefit in cash, income support, State scholarship, reduced nursery school fees, rent subsidies, snack subsidies for pupils and upper secondary students, lunch subsidies for pupils, entitlement to reimbursement of healthcare costs not covered by compulsory social insurance, and the right to payment of the compulsory health insurance contribution.

The report further states that on 1 January 2019, all austerity measures related to the family were abolished. In 2019, the amount of the various benefits was increased. The report states that food parcels are made available to people in need at more than 370 distribution points in Slovenia. Particular attention is paid to families with young children when granting assistance.

The report states that children from different parts of Slovenia participated in the process of drawing up the National Action Plan for the European Child Guarantee. Children also actively participated in an international conference held in 2021 on the European Child Guarantee. Slovenia is participating in the CP4Europe project, which aims to help promote children's rights to participation at national and pan-European levels.

The Committee notes from EUROSTAT that 11% of children in Slovenia in 2021 were at risk of poverty or social exclusion, a slight decrease in comparison with 2018, when the percentage was 13.1%. The Committee notes that the 2021 rate is significantly lower than the EU average of 24.4%.

The prevalence of child poverty in a State Party, whether defined or measured in either monetary or multidimensional terms, is an important indicator of the effectiveness of state efforts to ensure the right of children and young persons to social, legal and economic protection under Article 17 of the Charter. Consistent with its approach in relation to the conceptualisation and measurement of poverty adopted by the Committee in terms of Article 30, the Committee's consideration of child poverty for the purposes of Article 17 reflects an understanding of both income and multi-dimensional understandings of poverty (Statement of interpretation, 2013, Article 30). This understanding is reflected in the indicators and elements the Committee takes into account when assessing State Party compliance with Article 17. For the States that have not accepted Article 17, child poverty will be addressed under Article 30.

The EUROSTAT data and the EU-27 rate of children at risk of poverty or social exclusion is used as key point of reference and indicator of state compliance with Charter rights by the Committee. The Committee will also have regard to disimprovement in terms of the rate of children at risk of poverty or social exclusion in a State Party. Furthermore, the Committee also takes into account non-monetary measures adopted at reducing child poverty and social exclusion such as ensuring access to quality and affordable services in the areas of health, education and housing. When assessing State conformity with Article 17, the Committee will

also take into account the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

Right to assistance

The Committee has previously asked what assistance was given to children in an irregular migration situation to protect them against negligence, violence or exploitation (Conclusions 2015).

In the targeted question, the Committee asked for information on any measures adopted to protect and assist children in crisis situations and emergencies.

The report states that, in accordance with the International Protection Act, No. 16/17, the principle of the child's best interests is most important in the treatment of minors, and in accordance with it, minors are provided with a standard of living appropriate to their psychological, mental, moral and social development. Minors identified as victims of abuse of any kind are provided with rehabilitation and, where necessary, appropriate psychological treatment and counselling. In the case of unaccompanied minors, a statutory representative is appointed. If a child is identified as a victim of trafficking in human beings, assistance is provided under the programme of assistance to victims of trafficking in human beings – crisis accommodation and safe housing, financed by the Slovenian Government.

In reply to the targeted question, the report states that children and young persons aged between six and 18 who find themselves in a situation of acute distress requiring their removal from the environment in which they are living, may be referred to a youth crisis centre. In 2020, 24 children were admitted to the youth crisis centre. During the first wave of the Covid-19 pandemic, a number of children stayed in youth crisis centres for a longer period of time due to the unexpected and uncertain situation.

In its comments, the Human Rights Ombudsman states that a system of adequate accommodation of unaccompanied children has not yet been established in Slovenia. Unaccompanied children are accommodated either in the asylum reception centre in Logatec or on the premises of the Postojna student dormitory. Between 2018 and 2021, the Human Rights Ombudsman detected numerous violations of the rights of unaccompanied children in police procedures at the border (lack of individual treatment, disregard of the rules on special treatment of children, violation of their right to asylum, violation of the prohibition of collective expulsion and the principle of non-refoulement, and incorrect implementation of detention).

The Committee notes from other sources (Slovenian legislation, namely amendments to the Foreigners Act of 30 March 2021(ZTuj-2F), Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Croatia on the readmission of persons whose entry or residence is illegal of 7 March 2006) that there are readmission agreements allowing the Slovenian authorities to carry out immediate expulsion of persons in an irregular migration situation, including children, and that it has occurred in practice. The Committee also notes that national legislation allows for closing of the border in case of so-called "complex crisis" and for the restriction of access to the asylum procedure. The Committee concludes that the situation in Slovenia is not in conformity with Article 17§1 of the Charter on the ground that immediate expulsion of children in an irregular migration situation can be carried out by the authorities without providing them with any assistance.

Rights of children in public care

In its previous conclusion, the Committee asked whether the poor financial situation of a family could be the sole ground for the placement of children. The Committee wished to be informed of the number of children in institutions as opposed to foster families and other types of family-type care. It considered that if this information was not provided in the next report, there would be nothing to establish that the situation was in conformity with Article 17§1 of the Charter (Conclusions 2015).

The report states that poverty is never a ground for removing a child from the family.

The report further states that in 2018, 671 children were placed with foster families, in 2019 – 657 children, in 2020 – 652 children and in 2021 – 621 children. The report provides information on the number of children with special needs in institutional care. In 2018, 1,211 children with special needs were placed in institutions, in 2019 – 1,258 children, in 2020 – 1,236 children and in 2021 – 1,244 children.

In its comments, the Human Rights Ombudsman states that urgent systemic action is needed in institutional care for children with severe mental health disorders. First and foremost, the Human Rights Ombudsman calls for deinstitutionalisation. The Committee notes that Article 17 implies an obligation to initiate and carry forward a deinstitutionalisation process, by effectively making community-based family-type services available to all young children who cannot grow up in a family environment or are temporarily or definitively deprived of their family's support (European Roma Rights Centre (ERRC) and Mental Disability Advocacy Centre (MDAC) v. Czech Republic, Complaint No. 157/2017, decision on the merits of 17 June 2020, §145).

Conclusion

The Committee concludes that the situation in Slovenia is not in conformity with Article 17§1 of the Charter on the ground that immediate expulsion of children in an irregular migration situation can be carried out by the authorities without providing them with any assistance.

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 2 - Free primary and secondary education - regular attendance at school

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§2 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§2 and asked States to provide, in the next report, information on measures taken to introduce anti-bullying policies in schools; and on measures taken to facilitate child participation across a broad range of decision-making and activities related to education.

In its previous conclusion, pending receipt of the information requested, the Committee concluded that the situation in Slovenia was in conformity with Article 17§2 of the Charter (Conclusions 2015). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of conformity pending receipt of information, targeted questions and the general questions.

Costs associated with education

In the targeted questions, the Committee asked for information on measures taken to ensure that state allocation of resources to private education did not negatively impact on the right of all children to access free, quality public education.

The report also states that private primary schools and *gimnazija* schools are co-financed by public funds to the extent of 85% of the funds provided by the State or municipality for the implementation of the public programme. All financial aid granted to families and pupils and upper secondary students enrolled in public schools is also granted to those in private schools with an officially recognised curriculum.

Vulnerable groups

The Committee notes that where the States have accepted Article 15§1 of the Charter, the right to education of children with disabilities is dealt with under that provision.

The Committee has previously asked whether children in an irregular situation had a right to education (Conclusions 2015).

The report states that children who are foreign citizens or stateless persons residing in Slovenia are entitled to compulsory primary education under the same conditions as Slovenian citizens. Persons with international protection status who are applicants for international protection or those with temporary protection status are entitled to education in Slovenian upper secondary schools under the same conditions as Slovenian citizens. Persons with temporary protection status may enrol in upper secondary education if they cannot prove their previous education with appropriate documents or certificates, on the basis of an interview conducted by the school.

The voice of children in education

In the general questions, the Committee asked what measures have been taken by the State to facilitate child participation across a broad range of decision-making and activities related to education (including in the context of children’s specific learning environments).

The report states that the implementation of the curriculum renewal, which started in 2021, involves key stakeholders, including students. In addition, the Association of Friends of Youth – Children’s Parliament is a programme aimed at educating children in active citizenship and democracy. The High School Student Organisation of Slovenia is a democratically organised union of upper secondary school students.

Anti-bullying measures

In the general questions, the Committee asked what measures have been taken to introduce anti-bullying policies in schools, i.e. measures relating to awareness raising, prevention and intervention.

The report states that, in accordance with the Slovenian legislation, providing a safe and supportive learning environment is one of the fundamental aims of education. It includes strengthening social skills, tolerance and respect for diversity, as well as facilitating development and the achievement of the highest possible level of creativity.

The report further states that between 2016 and 2021, in the context of the “Only (with) others are we” project, a total of 10,000 education professionals and managers were made aware of the importance of respect for diversity, intercultural cooperation, respectful communication and zero tolerance of violence, as well as constructive conflict resolution. Also, as part of the “HAND in HAND” project, a universal programme promoting social, emotional and intercultural competences was developed to prevent discriminatory bullying, segregation and early school leaving.

Covid-19

In the context of the Covid-19 crisis, the Committee asked the States Parties to provide information on measures taken to address the effects of the Covid-19 pandemic on the education of children (including in particular disabled children, Roma and Traveller children, children with health issues and other vulnerable children).

The Committee recalls that under Article 17§2 of the Charter equal access to education must be ensured for all children during the Covid-19 crisis. In this respect, particular attention should be paid to vulnerable groups such as children from minorities, children seeking asylum, refugee children, children with disabilities, children in hospital, children in care, pregnant teenagers, children deprived of their liberty (Statement on Covid-19 and social rights, 24 March 2021).

The report states that despite changes in the learning environment, after initial problems with overloaded systems, the educational process continued uninterrupted in all primary and upper secondary schools and educational institutions for children and young persons with special needs. During the period of distance learning, the Ministry of Education, Science and Sport paid special attention to pupils and upper secondary students with special needs enrolled in mainstream schools. Particular emphasis was placed on empowering teachers who lacked IT skills and on improving the situation of Roma pupils.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 17§2 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 1 - Assistance and information on migration

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that no targeted questions were asked for Article 19§1 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2015), the Committee considered that the situation in Slovenia was in conformity with Article 19§1 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

Measures against misleading propaganda relating to emigration and immigration

In reply to the Committee’s previous request for information on the progress made to improve the situation of the Advocate of the Principle of Equality, the report indicates that the Protection against Discrimination Act 2016 (the “ZVarD”) set up the legal basis for the establishment of an independent state authority for equality, i.e. the Advocate of the Principle of Equality (the Advocate). The report states that under the ZVarD, the Advocate has considerably more powers than the predecessor, and after funding was initially withheld, it has been provided with more funds for staffing and professional development. The report further provides detailed information on the Advocate’s statutory tasks and its funding. It is reported that on 31 December 2021, the Advocate employed 19 public employees in addition to the head.

In its previous conclusion, the Committee stressed that in order to combat misleading propaganda, there must be effective organs to monitor discriminatory, racist or hate-inciting speech, particularly in the public sphere. It asked what steps have been taken in this regard to monitor and tackle racist and misleading propaganda (Conclusions 2015).

The report provides information on the legal framework applicable to hate speech and hate crime, including in the media context, and examples of case law of the Supreme Court in interpreting Article 297 of the Criminal Code in a case of hate speech against Roma in 2019. It further provides information on cases of discrimination and hate speech in the media monitored and dealt with by the Advocate of the Principle of Equality.

In its previous conclusion, the Committee asked what other specific steps were being taken to combat human trafficking and other abuses of potentially vulnerable migrants (Conclusions 2015). The report provides information on the two actions plans to combat trafficking in human beings 2019-2020, respectively 2021-2022. On the basis of the action plans, the Inter-Ministerial Working Group on Combating Trafficking in Human Beings carried out preventive activities aimed at raising awareness among groups at risk, the general public and professional circles and the consumers and users of services provided by victims of trafficking. The report states that among vulnerable groups, special attention was paid to children and young persons, migrant workers, applicants for international protection and refugees. The report also provides information on the PATS project, which aims to identify, assist and protect victims of trafficking in human beings in asylum procedures.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 19§1 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 2 - Departure, journey and reception

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that no targeted questions were asked for Article 19§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2017), the Committee considered that the situation in Slovenia was in conformity with Article 19§2 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

Immediate assistance offered to migrant workers

In reply to the Committee’s previous request for further information on the conditions for access to integration programmes and their implementation (see Conclusions 2017), the report provides detailed information on the integration programmes (including Slovenian language courses) available for persons with international protection status, foreigners who are not national of the European Union and applicants for international protection.

The report also provides information on the implementation of a project aimed to facilitate communication for foreigners receiving health services/ treatment referred to in the previous conclusion (Conclusions 2017). It provides information on the *guide* available in 8 languages intended for healthcare professionals as well as for persons who do not understand Slovenian and need healthcare in Slovenia.

In its previous conclusion, the Committee asked that the next report provide complete and updated information on all measures taken in favour of migrant workers and their families, in case they need assistance during their first weeks in the country in relation to their placement and integration in the workplace, but also to their accommodation, health or financial situation (Conclusions 2017).

The report provides detailed information on the measures taken in relation to persons with international protection status, foreigners and applicants for international protection. The report indicates that foreigners who are third-country nationals and reside in Slovenia for the purpose of employment or work and their family members residing in Slovenia are covered by the Slovenian healthcare system.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 19§2 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 3 - Co-operation between social services of emigration and immigration states

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that no targeted questions were asked for Article 19§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2015), the Committee considered that the situation in Slovenia was in conformity with Article 19§3 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

In its previous conclusion, the Committee asked that the next report provide a description of the situation as regards communication and cooperation between Slovenian authorities and bodies in other States charged with provision of social services (Conclusions 2015). It noted that this may take the form of international agreements or networks, or specific examples of cooperation between the social services of Slovenia and other origin and destination countries (Conclusions 2015).

The report states that in the case of specific life situations where a rapid response from different services is needed, there is a nationwide cooperation between the employment service or labour offices and the social work centres. The report explains that there are few daily migrant workers in Slovenia, so there is no need to establish specific formal channels.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 19§3 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 4 - Equality regarding employment, right to organise and accommodation

The Committee takes note of the information contained in the report submitted by Slovenia, as well as the comments submitted by the Human Rights Ombudsman of the Republic of Slovenia ("the Ombudsman").

The Committee recalls that no targeted questions were asked for Article 19§4 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the "Children, families and migrants" thematic group).

In its previous conclusion (Conclusions 2015), the Committee concluded that the situation in Slovenia was not in conformity with Article 19§4 of the Charter on the ground that a two-year residence requirement for eligibility for municipal housing, as applied by some municipalities, was excessive and constituted a discrimination against migrant workers and their families.

The assessment of the Committee will therefore concern the information provided in the report in response to the conclusion of non-conformity and to the questions raised in its previous conclusion.

Remuneration and other employment and working conditions

In its previous conclusion, the Committee concluded that the situation was in conformity with the Charter on this point (see Conclusions 2017). It took note of the adoption of the Protection Against Discrimination Act 2016 and asked for updated information on its implementation (Conclusions 2017). The report indicates that the Protection against Discrimination Act 2016 (the "ZVarD") established the Advocate of the Principle of Equality (the Advocate) as an independent state authority in the field of protection against discrimination, with whom any person who considers that they have been discriminated against may lodge a complaint. The report further provides detailed information on the mandate, functions and activities of the Advocate, including with regard to migrant workers and their families. For example, in 2020 the Advocate provided key information in writing on rights protection, also relevant for migrant workers and their family members on guaranteed banking for foreigners at least via so-called basic accounts, which is a condition for payment of wages and often for employment. This information was distributed in English to various stakeholders in the field, including the Government Office for the Support and Integration of Migrants, NGOs, labour offices, and social work centres.

In its previous conclusion, the Committee asked for confirmation that foreign workers enjoy equality of treatment in access to vocational training in the field of employment under the Protection Against Discrimination Act (Conclusions 2017). The report indicates that equal treatment in relation to "*access to all types and to all levels of career guidance and counselling, technical and vocational education and training, advanced vocational training and retraining, including practical work experience*" is guaranteed under indent two of paragraph one of Article 2 of the Protection Against Discrimination Act (ZVarD), and in relation to "*employment and working conditions, including termination of employment contract and pay*", under indent three. Both include all forms of vocational training (for a profession, prior to employment), retraining (e.g. as a form of reasonable adjustment to meet labour market needs in terms of incentives to take up employment), as well as on-the-job training (referral by the employer for training) or off-the-job training (e.g. the possibility of off-the-job training).

Membership of trade unions and enjoyment of the benefits of collective bargaining

In its previous conclusion, the Committee concluded that the law provides equal treatment with nationals to migrant workers with respect to membership of trade unions and enjoyment of the benefits of collective bargaining (Conclusions 2015).

The Committee referred to the Statement of Interpretation in the General Introduction and asked for information concerning the legal status of workers posted from abroad, and what legal and practical measures are taken to ensure equal treatment in matters of employment, trade union membership and collective bargaining (Conclusions 2015).

The report does not provide the requested information concerning workers posted from abroad. Due to the failure to provide the information on posted workers, the Committee concludes that the situation in Slovenia is not in conformity with Article 19§4 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Slovenia of their reporting obligations under Article C of the Charter.

Accommodation

In its previous conclusion, the Committee concluded that the situation in Slovenia was not in conformity with Article 19§4 of the Charter on the ground that equal treatment is not secured for migrant workers with respect to access to housing, and in particular to assisted rental schemes and subsidies (Conclusions 2015).

The report indicates that the legal regulation and conditions regarding access to non-profit housing for migrant workers have not changed in the meantime. Citizens of EU Member States have the right to rent a dwelling under a non-profit housing scheme and to rent subsidies, subject to the condition of reciprocity. Third-country nationals as migrants do not have the right to a non-profit rental apartment or special treatment under the housing or other legislation of the Republic of Slovenia.

The Committee recalls that there must be no legal or *de facto* restrictions on home-buying (Conclusions IV (1975), Norway), access to subsidised housing or housing aids, such as loans or other allowances (Conclusions III (1973), Italy). Economic obstacles to access social housing to those eligible do not provide a valid reason to discriminate against nationals of non-EU states (Conclusions 2015, Slovenia).

The Committee notes that the situation that it has previously found to be in non-conformity with the Charter has not changed. It notes that nationals of non-EU states do not have access to a non-profit rental apartment or subsidised housing. It maintains therefore its conclusion of non-conformity on this point and concludes that the situation in Slovenia is not in conformity with Article 19§4 of the Charter on the ground that equal treatment is not secured for migrant workers with respect to access to housing, and in particular to assisted rental schemes and subsidies.

Conclusion

The Committee concludes that the situation in Slovenia is not in conformity with Article 19§4 of the Charter on the ground that equal treatment is not secured for migrant workers with respect to access to housing, and in particular to assisted rental schemes and subsidies.

Due to the failure to provide the information listed below the Committee concludes that the situation in Slovenia is not in conformity with Article 19§4 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Slovenia of their reporting obligations under Article C of the Charter. List of information missing:

- information concerning the legal status of workers posted from abroad, and what legal and practical measures are taken to ensure equal treatment in matters of employment, trade union membership and collective bargaining.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 5 - Equality regarding taxes and contributions

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that no targeted questions were asked for Article 19§5 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

As the previous conclusion found the situation in Slovenia to be in conformity with the Charter (Conclusions 2015), there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 19§5 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 6 - Family reunion

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee points out that no targeted questions were asked in relation to Article 19§6 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current report cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee concluded that pending receipt of the information requested, the situation in Slovenia was in conformity with Article 19§6

In the present conclusion, the assessment of the Committee will therefore concern the information provided by the Government in response to the questions raised by the Committee in the previous conclusion (Conclusions 2015).

Scope

In its previous conclusion (Conclusions 2015), the Committee took note from the Migration and Integration Policy Index (MIPEX) 2015 that from 2011 to 2014 migrant workers with a residence permit could apply immediately for family reunion, but that this had been later restricted and migrant workers must now wait for one year before applying for family reunification. The Committee requested in the previous conclusion (Conclusions 2015) that the next report contain up-to-date information on any length of residence requirements for all categories of migrant worker.

In reply, the report indicates that with the adoption of the Act amending the Foreigners Act in 2021, the required length of lawful residence of a foreigner in Slovenia before their family members can join them have been extended from one to two years. According to the report, the regulation follows the provisions of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, under which Member States may require the sponsor to have stayed lawfully in their territory for a period not exceeding two years, before having family members join them.

The Committee recalls that States may require a certain length of residence of migrant workers before their family can join them. It also recalls that a period of one year is acceptable under the Charter, but a longer period was considered to be excessive (Conclusions 2011, Statement of Interpretation on Article 19§6). The Committee therefore concludes that the situation in Slovenia is not in conformity with the Charter on the ground that the required length of residence of two years for migrant workers before their family members can join them is excessive.

In the previous conclusion (Conclusions 2015), the Committee asked whether the residence permit of a family member who has joined the migrant worker in Slovenia is dependent upon the continued sponsorship of the migrant worker. It also asked whether exceptions can be made, for example where the cohabitation terminates for reasons of domestic violence.

The report confirms that the residence permit of a family member who has joined the migrant worker in Slovenia is dependent upon the continued sponsorship of the migrant worker but affirms that there are exceptions to this principle in case of domestic violence. According to the report, in case of domestic violence, if the family member of a migrant worker justifies their residence in Slovenia as a victim of domestic violence (i.e., if they cooperate with the competent authorities in an investigation or as a witness in a criminal proceeding for domestic violence etc.), the means of subsistence are not a prerequisite for the issue of a permit for the victim of domestic violence.

In the previous conclusion (Conclusions 2015), the Committee also asked whether the deportation of the migrant sponsor would deprive the family member of their right of residence in Slovenia.

In reply, the report states that the answer is partly affirmative, assuming that the foreigner (a family member of the deported foreigner) is residing in Slovenia for the purpose of family reunification. However, if such a person (family member) is identified as a victim of domestic violence (Article 50 of the Foreigners Act), the family member may obtain permission to stay, a temporary residence permit as a victim of domestic violence, or a subsequent (independent) temporary residence permit for another purpose (e.g. employment or work, etc.), but in order for the residence permit to be issued, they must meet the conditions prescribed by law for the specific purpose of residence.

The Committee recalls that even where the requirements for the expulsion of a migrant worker are met under Article 19§8, the members of the worker's family who are in the territory of the receiving State should not be deported as consequence of the migrant worker's expulsion. The right to family reunion provided for in Article 19§6 must be regarded as conferring on each of its beneficiaries a personal right of residence distinct from the original right held by the migrant worker. However, the Committee understands from the information provided by the report that family members of the migrant workers do not have an independent right to stay and that they can be deported as a consequence of the migrant worker's expulsion and the only exception is the cases of domestic violence. The Committee concludes that the situation is not in conformity with the Charter on this point.

In the previous conclusion (Conclusions 2015), the Committee asked whether age requirements were imposed by law or in practice on spouses for the purposes of family reunion. In reply, the report indicates that the right to family reunification is granted to a foreigner who has reached the age of majority.

Conditions governing family reunion

In its previous conclusion (Conclusions 2015), the Committee took note from the Ministry of Interior's website that "sufficient means of living" in Slovenia cannot be lower than the basic minimum income. The Committee asked whether social benefits can be included in the calculation of means.

In reply, the report states that social benefits are generally not recognised as means by which a foreigner can demonstrate sufficient means of subsistence. According to the report, only certain benefits resulting from the foreigner's previous employment or from parental protection insurance (e.g. maternity, paternity, parental benefits) and benefits resulting from the foreigner's inability to work (income support, which is intended for persons who cannot ensure their own financial security due to circumstances beyond their control, such as persons who are permanently unemployable or persons who are permanently incapable of working, e.g. persons with a disability status) are taken into account as social benefits.

The Committee reiterates that social benefits shall not be excluded from the calculation of income of a migrant worker who has applied for family reunion (Conclusions 2011, Statement of Interpretation on Article 19§6). The Committee understands from the information provided in the report that social benefits, with the exception in particular of parental protection insurance and benefits resulting from the migrant worker's inability to work, are excluded from the calculation of income of the migrant worker for the purposes of family reunion. Therefore, the Committee concludes that the situation is not in conformity with the Charter on this point.

Concerning the accommodation requirements, The Committee asked in the previous conclusion (Conclusions 2015) that the next report provide information on what standard of accommodation is required and how this requirement is applied in the practice. In reply, the report states that accommodation is not one of the conditions for the issue of a residence permit.

In the previous conclusion (Conclusions 2015), the Committee noted that applicants for visa or residence permits are afforded an appeal under Section 29 of the Foreigners Act. The Committee asked whether the same appeal mechanism is available to applicants for family reunion. In reply, the report states that an appeal is allowed against the act of issuing a residence permit for the purpose of family reunification pursuant to Article 47 of the Foreigners Act. According to the report, such appeal is decided by the second instance authority, namely the Ministry of Interior. The Committee also notes from the report that under the provisions of the General Administrative Procedure Act (Article 229), against the decision of the Ministry of Interior, an administrative dispute before the administrative courts is allowed and the courts renders a final decision in this respect. The Committee concludes that the situation is in conformity with the Charter in this respect.

In the previous conclusion (Conclusions 2015), the Committee requested that the next report provide updated information with regard to the requirements and procedures for family reunion of all migrants including refugees and beneficiaries of international protection.

In reply, the report states that the right to family reunification is granted to a person who has been granted refugee status and to a person who has been granted subsidiary protection for more than one year, provided that the family existed before the person under international protection entered Slovenia. A person granted subsidiary protection for one year is granted the right to family reunification when their subsidiary protection is extended in accordance with the Act governing international protection.

According to the report, although immediate family members are deemed to be a spouse, partner in a civil partnership, unmarried minor children of the person or the spouse, etc., in exceptional cases and where specific circumstances support the reunion of the family, the competent authority may deem any other relative of the person to be their family member.

The report also explains that a permanent residence permit for a family member of a refugee or a temporary residence permit for a family member of a person granted subsidiary protection is issued upon application by the refugee or the person granted subsidiary protection, who must submit the application to the ministry responsible for the interior within 90 days of the date of the final decision granting the status. The reports further states that a permanent or temporary residence permit may be issued to a family member of a refugee, or a person granted subsidiary protection whose identity has been established if there are no grounds for refusing to issue a residence permit. A temporary residence permit is issued for the duration of subsidiary protection and is renewed under the same conditions as those applicable to its issuance, for the same period as the subsidiary protection. The report also indicates that a decision to refuse to issue a permanent/temporary residence permit, an order suspending the procedure, or an order rejecting an application issued in the procedure for issuing a permanent/temporary residence permit for a family member is served on the refugee or person granted subsidiary protection by the Ministry of Interior.

Conclusion

The Committee concludes that the situation in Slovenia is not in conformity with Article 19§6 of the Charter on the grounds that:

- the required length of residence of two years for migrant workers before their family members can join them is excessive;
- family members of the migrant workers do not have an independent right to stay and that they can be deported as a consequence of the migrant worker's expulsion;
- social benefits, with the exception of parental protection insurance and benefits resulting from the migrant worker's inability to work, are excluded from the calculation of income of the migrant worker for the purposes of family reunion.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 7 - Equality regarding legal proceedings

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee points out that no targeted questions were asked in relation to Article 19§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee found the situation in Slovenia to be in conformity with the Charter, pending receipt of the information requested.

In the previous conclusions, the Committee took note of the legal provisions in the Criminal Procedure Act, Civil Procedure Act and the Constitution of Slovenia concerning free legal aid and exemption from the obligation to reimburse the costs in legal proceedings. Referring to its statement of interpretation on the rights of the refugees under the Charter, the Committee asked under what conditions refugees and asylum seekers may receive legal aid assistance.

The report does not provide any answer in this respect. The Committee notes that under Article 10 of the Free Legal Aid Act, persons eligible for free legal aid include, apart from citizens of the Republic of Slovenia with permanent residence in the Republic of Slovenia, aliens holding a permit for permanent or temporary residence in Slovenia and stateless persons residing legally in Slovenia. According to the same provision, with respect to the right to free legal aid, the persons referred to in this provision, shall enjoy a status equal to that enjoyed by citizens of the Republic of Slovenia.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 19§7 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 8 - Guarantees concerning deportation

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee points out that no targeted questions were asked in relation to Article 19§8 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee concluded that the situation in Slovenia was not in conformity with Article 19§8 of the Charter on the grounds that migrant workers may be expelled in situations where they do not endanger national security or offend against public interest or morality and that migrant workers have no independent right of appeal against a deportation order. In the present conclusion, the assessment of the Committee will therefore concern the information provided by the Government in response to the previous conclusion of non-conformity.

In the previous conclusion (Conclusions 2015), the Committee took note that according to Article 61 of the Foreigners Act, residence permit may be revoked if the foreigner concerned is left without any means of subsistence or has no guaranteed access to means of subsistence. The Committee considered that the revocation of a residence permit was an administrative act which serves as a precursor of the expulsion of a migrant and that it must therefore conform to the same conditions as an expulsion order, namely the migrant worker is a threat to national security or offends against public interest or morality. In the previous conclusion (Conclusions 2015), the Committee considered that the possibility of revocation of a residence permit for reasons other than the fact that the migrant worker is a threat to national security or offends against public interest or morality was contrary to the Charter.

In reply, the report states that Article 55 of the Foreigners Act indicates the grounds for refusing to issue a residence permit, which include a failure to fulfil the requirement of sufficient means of subsistence. In this respect, the report underlines that the failure to meet this requirement alone is not a sufficient ground for refusal, and that grounds for refusal also include a failure to meet other requirements laid down by law for the issue of a temporary residence permit for the purpose of employment or work, such as the absence of an employment relationship, a lack of health insurance, etc.

The report also indicates that according to Article 56 of this Act, temporary residence permit shall not be annulled as regards a foreigner whose employment or work was terminated through no fault of their own if they acquired unemployment insurance in accordance with the Act governing the labor market. Moreover, the authority deciding on the termination of residence must take into account the length of the foreigner's stay in the country, their personal, family, economic and other ties to Slovenia, and the consequences that the termination of residence would have for the foreigner or their family.

The Committee reiterates that the possibility of revocation of a residence permit for reasons other than the fact that the migrant worker is a threat to national security or offends against public interest or morality is contrary to the Charter. The Committee therefore concludes that the situation is not in conformity with the Charter on this point.

Concerning the second ground of non-conformity (migrant workers have no independent right of appeal against a deportation order), the report indicates that as a rule, appeals against the decisions to refuse the issue of a residence permit are decided by the Ministry of Interior. According to the report, however, an administrative dispute against the decision of the Ministry is allowed so the case could be decided by the administrative courts in final instance. The report indicates that the same applies to a decision by the first-instance authority annulling a

residence permit: where no appeal is allowed against a decision of the first instance authority, an administrative dispute may be initiated before the administrative courts and the case can be decided by the court in final instance (Article 229 of the General Administrative Procedure Code).

The report also indicates that in the proceedings before the administrative courts, the foreigner has the right to free legal aid under the conditions provided by the Act governing free legal aid. No fee is payable for the lodging of an appeal or for the proceedings concerning the administrative dispute before the administrative courts.

Conclusion

The Committee concludes that the situation in Slovenia is not in conformity with Article 19§8 of the Charter on the ground that migrant workers may be expelled in situations where they do not endanger national security or offend against public interest or morality.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 9 - Transfer of earnings and savings

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee points out that no targeted questions were asked in relation to Article 19§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee found the situation in Slovenia to be in conformity with Article 19§9 of the Charter.

Since no targeted questions were asked under Article 19§9, and the previous conclusion found the situation in Slovenia to be in conformity with the Charter, there was no examination of the situation in 2023.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 19§9 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 10 - Equal treatment for the self-employed

The Committee takes note of the information contained in the report submitted by Slovenia.

On the basis of the information in the report the Committee notes that there continues to be no discrimination in law between migrant employees and self-employed migrants in respect of the rights guaranteed by Article 19.

However, in the case of Article 19§10, a finding of non-conformity in any of the other paragraphs of Article 19 ordinarily leads to a finding of non-conformity under that paragraph, because the same grounds for non-conformity also apply to self-employed workers. This is so where there is no discrimination or disequilibrium in treatment.

The Committee has found the situation in Slovenia not to be in conformity with Articles 19§4, 19§6, 19§8, and 19§9 of the Charter. Accordingly, for the same reasons as stated in the conclusions on the abovementioned Articles, the Committee concludes that the situation in Slovenia is not in conformity with Article 19§10 of the Charter.

Conclusion

The Committee concludes that the situation in Slovenia is not in conformity with Article 19§10 of the Charter as the grounds of non-conformity under Articles 19§4, 19§6, 19§8, and 19§9 of the Charter apply also to self-employed migrants.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 11 - Teaching language of host state

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee points out that no targeted questions were asked in relation to Article 19§11 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee found the situation in Slovenia to be in conformity with Article 19§11 of the Charter, pending receipt of the information requested.

In the previous conclusion (Conclusions 2015), the Committee noted that upon the entry into primary and secondary school and for the first two years, Slovenian language and culture lessons are organised and provided to children residing in Slovenia whose mother tongue is not Slovenian. It asked what further measures were available for students to continue to support their education and ensure that they do not fall behind their fellow students if the initial courses are not sufficient.

In reply, the report indicates that the most recent amendments to acts governing secondary education (Vocational and Technical Education Act which entered into force in the 2018/2019 school year), improved the conditions for successful integration of upper secondary students whose mother tongue is not Slovenian or who have not completed primary school education in Slovenia. According to the report, these amendments define the possibility for upper secondary students whose mother tongue is not Slovenian or who have not completed primary school education in Slovenia to learn Slovenian. These students must enrol in a Slovenian course and pass the test of Slovenian language skills under the Common European Framework of Reference for Languages at level A2. The Slovenian courses for upper secondary students are regulated in detail by the Rules on Slovenian Courses for upper secondary students, stipulating 160 hours of lessons with testing for a group of between 7 to 12 students. Students who do not attain level A2 must in addition complete a 70-hour Slovenian course, while others complete this course if they so desire. For students who pass the test, the school provides up to 35 additional hours of Slovenian until the end of the school year, but when there are more than 24 such students, the school may provide up to 70 additional hours.

The report moreover indicates that the amendment to the Rules on norms and standards for the implementation of the primary school programme entered into force in the 2020/2021 school year and provides more additional hours of Slovenian for immigrant pupils. According to the report, in the 2020/21 school year, the Order amending the basic school education programme introduced curricula for Initial Slovenian courses for respective educational periods, which help to implement conditions for learning a new language to improve the linguistic and social integration of immigrant pupils into the education system.

The report also provides figures concerning the immigrant pupils who were provided additional hours of Slovenian in their first and second school years. Accordingly, the number of migrant pupils in the first school year who were provided language courses was 1,186 in 2014/15 school year, whereas this figure was 1,678 in 2020/21 school year. Also, the number of additional hours of Slovenian provided to immigrant pupils was 18, 375 in 2014/15 school year, whereas this figure was 26,572 in 2020/21 school year.

In the previous conclusion (Conclusions 2015), the Committee also asked for confirmation that all third country nationals who hold a temporary residence permit, including family members

of those holding a temporary residence permit are entitled to a minimum 60 hours of integration classes.

In reply, the report indicates that the Slovenian language learning programme and the Introduction to Slovenian society programme are carried out as state-approved adult education programmes. For the integration of foreigners who are not nationals of the European Union, programmes are provided to: - Third-country nationals living in Slovenia on the basis of a permanent residence permit and their family members residing in Slovenia on the basis of a temporary residence permit due to family reunion. They are entitled to 180 hours of the Slovenian language-learning programme or the single programme.- Third-country nationals living in Slovenia on the basis of a temporary residence permit issued for a period of validity of at least one year. They are entitled to 60 hours of the Slovenian language-learning programme or the single programme.- Third-country nationals who are family members of Slovenian citizens or of EU citizens and reside in Slovenia on the basis of a family member residence permit. They are entitled to 180 hours of the Slovenian language-learning programme or the single programme.- Third country nationals living in Slovenia on the basis of a temporary residence permit, on condition that this permit and the previous temporary residence permits are valid for an uninterrupted period of at least 24 months, and their family members holding a temporary residence permit granted for the purpose of family reunion. They are entitled to 180 hours of the Slovenian language-learning programme or the single programme.- Third-country nationals holding a temporary residence permit who have already attended 60 hours of the Slovenian language-learning programme or the single programme and fulfil the conditions referred to in the preceding paragraph or have obtained a permanent residence permit. They are entitled to re-attend 120 hours of the Slovenian language-learning programme or the single programme.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 19§11 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 12 - Teaching mother tongue of migrant

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee points out that no targeted questions were asked in relation to Article 19§12 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee found the situation in Slovenia to be in conformity with the Charter, pending receipt of the information requested.

In the previous conclusion (Conclusions 2015), the Committee took note that in 2012, the Ministry and the National Education Institute drafted guidelines for supplementary lessons in mother tongues and cultures for members of the language and cultural communities in Slovenia. It asked for details of these guidelines and requested that the next report provide updated information regarding their implementation.

In reply, the report indicates that in 2012, the National Education Institute drafted the above-mentioned guidelines to provide expert support to teachers of remedial lessons and to raise awareness among the majority population about the reasons for attending remedial lessons in mother tongues and cultures and its advantages. According to the report, this document contains a set of activities enabling quality activities, didactic principles and proposed content, linguistic goals, etc. It is available on the website of the Ministry of Education, Science and Sport. The report states that teachers of remedial lessons without significant support from their countries of origin find this document especially useful.

In the previous conclusion (Conclusions 2015), the Committee noted that whereas 1,797 children benefited from lessons in Slovenian in public schooling, only 305 students were taught their parents’ mother tongue in 2013. The Committee asked details on how language classes are organised, and to what the low number of students obtaining instruction in their mother tongue is due.

In reply, the report states that as regards the co-financing of remedial lessons in the mother tongue and culture for children of other nationalities, the basic principle of the Ministry of Education, Science and Sport is to share the responsibility between the Slovenian ministry responsible for education and the relevant ethnic community. The Ministry of Education, Science and Sport comes to the aid of those communities wishing to preserve their language and culture. This often stems from cooperation between Slovenia and the country of origin, such as Croatia, North Macedonia, Serbia and China, sometimes from the activities of communities organised as associations, such as the Russian, German and French-speaking communities; and sometimes from the voluntary activities of interested members of a community, such as the Dutch, Albanian and Bosnian-speaking communities. According to the report, the ethnic community provides a teacher and the Ministry of Education, Science and Sport, premises in schools, finances material costs and teaching materials, and provides expert support to teachers of remedial lessons.

With regard to the low number of students in 2013, obtaining instruction in their mother tongue, the report states that the number of languages and the number of children attending these lessons varies from year to year. In recent years, there has been an increase in the number of pupils attending remedial lessons in mother tongues and a commensurate increase in the amount of funding provided for this purpose by the Ministry of Education, Science and Sport. In the 2022/2023 school year (outside the reporting period), the pilot implementation of remedial lessons in Romani and Roma culture will continue, and remedial lessons in Bosnian and Ukrainian languages and cultures will be introduced.

The report also provides figures as to the number of pupils in language classes. According to those figures, whereas as in 2019/20 school year the number of pupils attending remedial language classes was 419, with a funding from the Ministry of Education, Science and Sport of € 15,750, the number of pupils in these classes in the school year 2021/22 was 564, with a funding of € 29,835. According to the report, the difference in the number of immigrant pupils learning Slovenian and those attending remedial lessons in the mother tongue and culture is mainly due to the fact that every pupil in the Slovenian education system has the right to additional lessons in Slovenian, while pupils attend mother tongue and culture lessons on a voluntary basis and under the condition that the ethnic community of which they are members organises such lessons.

In the previous conclusion (Conclusions 2015), the Committee also asked whether language classes are encouraged and organised outside of formal education for children of migrant workers. In reply, the report states that some ethnic communities are organised in the form of associations, namely the Russian, German and French speaking communities, while others, such as the Dutch, Albanian and Bosnian speaking communities, rely on voluntary activities of their interested members.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 19§12 of the Charter.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 1 - Participation in working life

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that no targeted questions were asked for Article 27§1 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2015) found the situation in Slovenia to be in conformity with Article 27§1 the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the rights of workers with family responsibilities to equal opportunities and treatment, in particular on the possibilities to work remotely and its consequences.

In reply, the report states that during the Covid-19 crisis, numerous measures were adopted, including those that facilitated the reconciliation of work and family life. Teleworking was provided to the greatest possible extent. For absence from work due to the closure of schools and kindergartens, workers were granted a higher compensation than payable in cases of force majeure (i.e. 80% of the base) while the employer was entitled to claim reimbursement of the wage compensation paid.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 27§1 of the Charter.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 2 - Parental leave

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that no targeted questions were asked for Article 27§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2015) found the situation in Slovenia to be in conformity with Article 27§2 the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the rights of workers with family responsibilities to parental leave.

According to the report, the Covid-19 crisis did not affect the right to parental leave, its duration, or the amount of parental benefit paid.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 27§2 of the Charter.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 3 - Illegality of dismissal on the ground of family responsibilities

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that no targeted questions were asked for Article 27§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion, the Committee found that the situation in Slovenia was in conformity with Article 27§3 of the Charter, pending receipt of the information requested i.e. whether there is a ceiling established by legislation on non-pecuniary damages (Conclusions 2015). The assessment of the Committee will therefore concern the information provided in the report in response to the question raised in its previous conclusion.

Effective remedies

The Committee previously asked (Conclusions 2015) whether for pecuniary damage there is a ceiling to compensation of 18 months wage, but no ceiling established by legislation for non-pecuniary damage.

The Committee recalls that any ceiling on compensation that may preclude damages from being commensurate with the loss suffered and sufficiently dissuasive are proscribed (Conclusions 2011, Statement of Interpretation on Articles 8§2 and 27§3). If there is a ceiling on compensation for pecuniary damage, the victim must be able to seek unlimited compensation for non-pecuniary damage through other legal avenues (e.g. anti-discrimination legislation), and the courts competent for awarding compensation for pecuniary and non-pecuniary damage must decide within a reasonable time (Conclusions 2011, Statement of Interpretation on Articles 8§2 and 27§3, see also *Confederazione Generale Italiana del Lavoro (CGIL) v. Italy*, Complaint No. 158/2017, decision on the merits of 11 September 2019, §96).

In reply, the report confirms that there is no ceiling for non-pecuniary damages. More precisely, the right to compensation is governed by Article 179 of the ZDR-1 (Employment Relationship Act) under which workers are compensated by the employer in line with the general rules of civil law and there are no limitations set on the liability for damages. Furthermore, according to Article 6 of the ZDR-1, the less favourable treatment of workers in connection with pregnancy or parental leave is considered discriminatory. When determining the amount of non-pecuniary damage compensation, the compensation must be effective and proportionate to the damage suffered by the worker and must discourage the employer from repeating the violation.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on

- whether the Covid-19 crisis had an impact on the prohibition of dismissal on the ground of family responsibilities and whether there were any exceptions to the prohibition of dismissal on the ground of family responsibilities during the pandemic and
- whether a ceiling on compensation for unlawful dismissals was applied on the ground of family responsibilities during the Covid-19 crisis.

Concerning the first question, the report states that the general rules prohibiting dismissal on the ground of family responsibilities and allowing no exceptions remained in force during the Covid-19 crisis. As regards the second question, the report states that the legislation

governing the ceiling on compensation for unlawful dismissals was not amended or supplemented during the Covid-19 crisis.

Conclusion

The Committee concludes that the situation in Slovenia is in conformity with Article 27§3 of the Charter.

Article 31 - Right to housing

Paragraph 1 - Adequate housing

The Committee takes note of the information contained in the report submitted by Slovenia, as well as the comments submitted by the Human Rights Ombudsman of the Republic of Slovenia ("the Ombudsman").

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 31§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group "Children, families and migrants").

In its previous conclusion, the Committee concluded that the situation in Slovenia was not in conformity with Article 31§1 of the Charter on the grounds that:

- it had not been established that the supervision of housing standards was adequate;
- the measures taken by public authorities to improve the substandard housing conditions of a considerable number of Roma were not sufficient (Conclusions 2015).

In 2016, States were invited to report on conclusions of non-conformity for repeated lack of information. On that occasion, the Committee examined the situation in Slovenia insofar as the ground of non-conformity related to the responsibility for adequate housing was concerned, and deferred its conclusion, pending receipt of the information requested (Conclusions 2017).

The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of non-conformity, the questions raised in its previous conclusions, and the targeted questions.

Criteria for adequate housing

In a targeted question, the Committee asked for updated information on the adequacy of housing (e.g., number of substandard dwellings, overcrowding, water, heating, sanitary facilities, electricity), on the percentage of the population living in inadequate housing, including overcrowded housing, and on the practical measures taken to improve the situation.

The report provides data demonstrating generally improved trends during the reference period, across all indicators specified in the targeted question. Relying on Eurostat data, the report notes that severe housing deprivation decreased from 4.4% in 2017 to 3.1% in 2020, the latter figure compared to a European Union average of 4.2%. In this context, the severe housing deprivation rate is defined as the percentage of population living in an overcrowded dwelling, with at least one of the housing deprivation measures, namely a leaking roof, no bath/shower, no indoor toilet, or a dwelling considered too dark. The report also provides detailed data concerning the different elements of housing deprivation. For example, the share of persons without a bathtub or shower in their dwelling decreased from 0.2% in 2018 to 0.1% in 2021. The housing overcrowding rate decreased from 12.5% in 2018 to 10.9% in 2021 (in the European Union 17.1% and 17.3% respectively).

The report provides further data on access to heating, water and wastewater facilities. Thus, the share of households which cannot afford adequate heating decreased from 5% in 2017 to 2% in 2021. In 2018, 1,895,294 inhabitants (or 92.6% of the population) were connected to the public water supply, 137,750 inhabitants had their own drinking water supply, 7,784 inhabitants harvested rainwater, whereas the situation of 5,986 inhabitants was uncertain (including those who had their drinking water supplied in tanks, those who did not live at their registered address, those who relied on a water source without the necessary permits, or those who relied on the water supply of a nearby building). As for the share of inhabitants with

a registered address with access to wastewater discharge and treatment facilities, 92.28% were connected to the public sewerage network, separate urban wastewater treatment plants, or septic tanks, whereas 7.72% had an uncertain status, discharged wastewater directly into water, or had a cesspool.

The report provides information about legislative provisions that restrict the ability of public and private landlords to rent properties to households likely to generate overcrowding, depending on their size. Furthermore, during the reference period, the Housing Fund of the Republic of Slovenia (HFRS), a public fund that finances and implements the national housing programme, implemented the pilot project "Housing Community for Young People" aimed at helping young people move out of their family homes.

Responsibility for adequate housing

In its previous conclusion, the Committee deferred its conclusion pending receipt of the information requested (Conclusions 2017). The Committee asked for information on the number of sanctions imposed, structures restored following inspections and additional information on procedures in place to verify that buildings comply with security norms (Conclusions 2015 and 2017). As the report does not provide the information requested, the Committee considers that the situation is not in conformity with Article 31§1 of the Charter on the ground that the supervision of housing standards is not adequate.

Legal protection

In its previous conclusion, the Committee asked what legal remedies were available to challenge long waiting periods to access housing (Conclusions 2017). The Committee refers to its conclusion under Article 31§3 of the Charter, where this issue is examined.

Measures in favour of vulnerable groups

In its previous conclusion, the Committee concluded that the situation in Slovenia was not in conformity with Article 31§1 of the Charter on the ground that the measures taken by public authorities to improve the substandard housing conditions of a considerable number of Roma were not sufficient (Conclusions 2015).

In a targeted question, the Committee asked for information on the measures taken to ensure adequate housing for vulnerable groups, including refugees, asylum seekers, Roma and Travellers, in particular during the Covid-19 crisis.

The report refers to work carried out between 2017 and 2020 on developing basic utility infrastructure in the Žabjak-Brezje Roma settlement in the Novo Mesto Municipality, within the scope of a €3.65 million project co-funded by local and national authorities. In addition, the HFRS provided municipalities with co-financing for developing a temporary housing stock intended for individuals or families who were homeless, or who faced the risk of becoming homeless, including Roma. The HFRS published a call for tenders and carried out awareness-raising activities regarding the opportunities available under this scheme. However, the report does not provide any information about the take-up of financing for housing intended for Roma recipients specifically. Pursuant to legislative amendments adopted in 2021, additional funding was earmarked from the State budget on an annual basis for municipalities with registered Roma settlements. More than €1.5 million were paid out within the scope of this mechanism during 2021, although it is not clear what share of this amount was allocated for work on improving housing conditions specifically. In its comments, the Ombudsman confirms that the various measures invoked by the Government resulted in very limited improvements for their intended beneficiaries, if at all.

As for the measures taken in the context of the Covid-19 crisis, the report notes that, in 2020, the Ministry of Labour, Family, Social Affairs and Equal Opportunities published a call for projects aimed at mitigating the consequences of the pandemic among vulnerable groups.

Two of the projects selected for financing included the provision of emergency accommodation for large Roma families, among other vulnerable groups. The report also describes the efforts of authorities at the local and national level to ensure that Roma communities had sufficient access to clean drinking water during the Covid-19 crisis.

The Committee refers to the relevant findings from the missions carried out by different monitoring bodies during the reference period, suggesting that the housing standards in the most deprived Roma communities remained unsatisfactory. In its fifth Opinion on Slovenia, adopted in 2022, the Advisory Committee on the Framework Convention for the Protection of National Minorities reiterated that substandard housing conditions of Roma coupled with their spatial separation considerably affected their ability to participate in socio-economic life and could result in further poverty, marginalisation and social exclusion. In its 2019 report on Slovenia, the European Commission against Racism and Intolerance identified the lack of engagement from the part of local authorities as one of the main factors hampering the ongoing efforts to improve security of tenure or ensure access to a safe water supply in Roma settlements. The United Nations Special Rapporteur on minority issues, who visited Slovenia in 2018, highlighted the difficult living conditions, lack of security of tenure, and lack of access to public services, including drinking water and sanitation, in many Roma settlements.

In view of all information at its disposal, and in particular that regarding the insufficient progress with the regularisation of Roma settlements, and in this connection, the lack of access to a safe water supply, among other essential public services, the Committee reiterates its previous conclusion of non-conformity.

Conclusion

The Committee concludes that the situation in Slovenia is not in conformity with Article 31§1 of the Charter on the grounds that:

- the supervision of housing standards is not adequate;
- the measures taken by public authorities to improve the substandard housing conditions of a considerable number of Roma are insufficient.

Article 31 - Right to housing

Paragraph 2 - Reduction of homelessness

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 31§2 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Slovenia was not in conformity with Article 31§2 of the Charter on the grounds that:

- the measures in place to reduce the number of homeless persons were inadequate in quantitative terms;
- it had not been established that there was adequate legal protection for persons threatened by eviction;
- it had not been established that sufficient procedures were put into place ensuring that evictions of Roma were carried out in conditions respecting the dignity of the persons concerned;
- the law did not prohibit eviction from emergency accommodation/shelters without the provision of alternative accommodation (Conclusions 2015).

In 2016, States Parties were invited to report on conclusions of non-conformity for repeated failure to provide information. On that occasion, the Committee examined the situation in Slovenia insofar as the grounds of non-conformity related to forced evictions were concerned and maintained its conclusion of non-conformity with respect to the forced evictions of Roma (Conclusions 2017).

The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusions of non-conformity, the questions raised in its previous conclusions, and the targeted questions.

Preventing homelessness

In a targeted question, the Committee asked for information on the measures taken to prevent categories of vulnerable people from becoming homeless and to reduce the number of persons in a situation of homelessness, in particular during the Covid-19 crisis. The Committee also asked for information on the overall number/rate of homeless persons.

The report notes that, in 2020, the Ministry of Labour, Family, Social Affairs and Equal Opportunities earmarked €2 million in funding for projects aimed at mitigating the consequences of the Covid-19 pandemic among vulnerable groups, through measures such as psychosocial counselling, awareness-raising, provision of information, field work, provision of practical support to users, establishment of new safe spaces, digital solutions for relieving distress and emergency accommodation.

The report provides an estimate of the number of persons in a situation of homelessness based on the number of users of relevant social assistance programmes provided by the State. Thus, in 2020, there were 3,340 users of such programs, including 997 in accommodation programs, 2,069 in day programs, and 274 in eviction programmes. At the same time, there were 378 beds in shelters/emergency accommodation, with an additional 72 beds held in reserve. The report also refers to the types of assistance available to individuals and households threatened by evictions that is outlined below in the sub-section on forced eviction.

In its previous conclusion, the Committee concluded that the situation in Slovenia was not in conformity with Article 31§2 of the Charter on the ground that the measures in place to reduce the number of homeless persons were inadequate in quantitative terms, mainly on account of

the insufficient number of beds in shelters/temporary accommodation in relation to the number of homeless people (Conclusions 2015). As the report does not provide the requested information, the Committee reiterates its previous conclusion of non-conformity.

Forced eviction

In a targeted question, the Committee asked if the State Party declared a moratorium/prohibition on evictions during the pandemic, about its legal basis, its scope, or, alternatively, if any other measures were taken to limit the risk of evictions, including by supporting households who were unable to pay their bills. The Committee also asked for information on the number of evictions carried out (tenant evictions, evictions from illegal camps or shanty towns, including those affecting camps where Roma or Travellers were installed).

The report notes that all court proceedings other than those in urgent cases were suspended during 2020, amounting to a *de facto* moratorium on evictions. The suspension originated in a decision of the Supreme Court of 12 March 2020 and was confirmed by the Act on Provisional Measures for Judicial, Administrative and Other Public Matters to Cope with the Spread of SARS-CoV-2 of 28 March 2020. Furthermore, the Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy of 2 April 2020 provided for the suspension of judicial enforcement procedures, including those concerning immovable property and evictions. The measures introduced by this law lapsed on 31 May 2020.

The report further notes that the Act Determining the Intervention Measure of Deferred Payment of Borrowers' Liabilities adopted on 20 March 2020 enabled the deferred payment of borrowers' liabilities, including housing loans. The Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy of 2 April 2020 introduced a support package for members of vulnerable groups who experienced difficulties with paying their debts, including solidarity benefits for students and pensioners, exceptional assistance in the form of a monthly basic income for the self-employed, and reimbursement of wage compensation paid to workers who were unable to work due to force majeure.

The report also emphasizes that tenants in non-profit housing facing social distress continued to benefit from the subsidies and safeguards previously outlined by the Committee in Conclusions 2015 and 2017. The report further notes that an amendment to the Housing Act adopted on 26 May 2021 introduced several changes to the housing subsidy system by increasing the rent subsidy and introducing more favourable conditions for low-income single households and wheelchair users.

In its previous conclusion, the Committee asked whether the assistance to persons subject to eviction proceedings by social work centres was provided on a systematic basis and free of charge (Conclusions 2017). The report reiterates that social work centres provide persons at risk of being evicted with different types of assistance such as first social aid, personal assistance, or family counselling. This is aimed at identifying solutions for avoiding evictions, including by accessing available housing benefits or other types of assistance, such as the cash social assistance, extraordinary cash social assistance or one-off municipal cash payments, and at identifying alternative accommodation in case of an imminent eviction. The report notes that this type of assistance is provided systematically, free of charge and entered into voluntarily by those concerned.

In its previous conclusions, the Committee asked whether NGOs and associations protecting the rights of homeless persons or any specific category of the population which is at risk of becoming homeless were entitled to legal aid (Conclusions 2011, 2015 and 2017). The report confirms that NGOs operating in the public interest are eligible to apply for free legal aid in legal proceedings concerning most matters.

In its previous conclusion, the Committee asked for further information on a pilot project started in 2015 at the initiative of the Ministry of Labour, Family, Social Affairs and Equal Opportunities in partnership with other stakeholders, with the twofold goal of providing temporary accommodation with comprehensive assistance to families and individuals who had been forcibly evicted, and of preparing a set of systemic solutions for preventing and managing evictions (Conclusions 2017). The report notes that the work under the project continued with the accommodation of 14 individuals and families in 11 apartments provided by the Housing Fund of the Republic of Slovenia, providing assistance and support, meetings of the project management team, monitoring and evaluation. The project was concluded on 10 April 2020, with a final report published by the Social Protection Institute and titled "Implementation, experiences and proposals of the pilot project for support and assistance to forcibly evicted families in the territory of the Republic of Slovenia".

In its previous conclusions, the Committee asked for information on the suspensive effect of an eviction in case a tenant had no possibility to access alternative accommodation (Conclusions 2011, 2015, 2017). The report refers to Article 71§2 of the Enforcement Act, as recently amended, which provides for the grounds based on which a court may, at the request of the debtor or *ex officio*, suspend enforcement. Thus, a court may, *inter alia*, defer an enforcement request for eviction, without a specific time limit, if there are particularly justifiable reasons for doing so, namely, in the case of enforcement for vacating and surrendering an apartment or a house which is the debtor's home. In this case, a forcible eviction may be stayed at the request of the debtor, or *ex officio* if the debtor proves that they were not able to find other accommodation and that continuation of the enforcement would jeopardise the debtor's position and interests to a greater extent than the stay of enforcement would jeopardise the creditor's position and interest.

Further amendments of the Enforcement Act adopted during the reference period introduced an obligation for the courts to opt for less intrusive measures than the sale of the property in the course of enforcement proceedings on its own motion. At the same time, debtors were granted a possibility to propose other means of enforcement until the order for sale was issued or to request for a postponement of the enforcement.

In its previous conclusion, the Committee concluded that the situation in Slovenia was not in conformity with Article 31§2 of the Charter on the ground that it had not been established that sufficient procedures have been put into place ensuring that evictions of Roma are carried out in conditions respecting the dignity of the persons concerned (Conclusions 2015, 2017). The report notes that Roma have equal access to the generally available benefits and facilities. The report provides further information on the activities carried out by two NGOs with a view to preventing eviction in Roma communities, also in partnership with or benefitting from funding from the State. However, the report does not address the situation of Roma living in informal settlements who are threatened by evictions or the extent to which generally available legal protections apply to them. The Committee considers that the situation in Slovenia is not in conformity with Article 31§2 of the Charter on the ground of the absence of sufficient measures in place to ensure that evictions of Roma are carried out in conditions respecting the dignity of the persons concerned.

Right to shelter

In a targeted question, the Committee asked for information on the availability and adequacy of emergency accommodation offered during the Covid-19 crisis. The Committee also asked for information on the right to shelter of unaccompanied foreign minors, including those irregularly present, in law and practice.

The report notes that access to shelters was not affected during the Covid-19 crisis. The report further notes that three shelters were set aside for the purposes of accommodating persons who were unable to comply with confinement rules at their regular place of residence. As regards unaccompanied foreign minors, including those who are irregularly present on the

territory of Slovenia, they are entitled to shelter and are accommodated in special institutions for minors, where they receive appropriate care.

In its previous conclusion, the Committee considered that the situation was not in conformity with the Charter on the ground that the law did not prohibit eviction from emergency accommodation/shelters without the provision of alternative accommodation (Conclusions 2015). The report notes that the situation has not changed, but that evictions from shelters only take place in case of violent behaviour or destruction of property at the shelter by the user in question, which is a very rare occurrence. The Committee recalls that eviction from shelters without the provision of alternative accommodation must be prohibited (see Conclusions 2015, Statement of Interpretation on Article 31§2), and therefore reiterates its previous conclusion of non-conformity.

Conclusion

The Committee concludes that the situation in Slovenia is not in conformity with Article 31§2 of the Charter on the grounds that:

- the measures in place to reduce the number of homeless persons are inadequate in quantitative terms;
- the absence of sufficient measures in place to ensure that evictions of Roma are carried out in conditions respecting the dignity of the persons concerned;
- the law does not prohibit eviction from emergency accommodation/shelters without the provision of alternative accommodation.

Article 31 - Right to housing

Paragraph 3 - Affordable housing

The Committee takes note of the information contained in the report submitted by Slovenia.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 31§3 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Slovenia was not in conformity with Article 31§3 of the Charter on the grounds that:

- nationals of other States Parties lawfully residing or working regularly were not entitled to equal treatment regarding eligibility for non-profit housing;
- the supply of non-profit housing was inadequate;
- the average waiting period for allocation of non-profit rental housing was too long;
- the remedies in case of excessive length of waiting period were not effective (Conclusions 2015).

The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusions of non-conformity and the targeted questions.

Social housing

In a targeted question, the Committee asked for information on the measures taken to ensure an adequate supply of affordable housing, including with respect to the number of applications for social housing, the average waiting time for the attribution of social housing, the remedies available, and addressing the specific situation of Roma and Travellers. The Committee also asked for information as to whether and to what extent the Covid-19 crisis had an impact on adequate supply of affordable housing for persons with limited resources.

In its previous conclusion, the Committee concluded that the situation in Slovenia was not in conformity with Article 31§3 of the Charter on the ground that the supply of non-profit housing was inadequate (Conclusions 2015). The report notes that, although the housing cost overburden rate is relatively low due to the high share of owner-occupied housing, it is above the European Union average in households below the at-risk-of-poverty threshold. There was a rise in housing costs, in particular in low-income households, largely attributed to the rising costs of fuel. The report further notes that housing affordability is poor due to the low supply of public rental housing and regular housing on the market. Housing is less affordable for low-income households and young people. The report refers to a national survey carried out by the Housing Fund of the Republic of Slovenia (HFRS) in 2021, which identified a shortage of 9,668 public rental apartments, 644 housing units, 1,896 other rental apartments, and 1,459 sheltered housing for the elderly.

The report refers to several measures taken to increase the stock of non-profit housing. Amendments to the Housing Act adopted on 26 May 2021 included measures such as the indexation of the amount of non-profit rent, the adjustment of the subsidy system to protect socially vulnerable persons, increased borrowing limits for housing funds, and the establishment of a public rental service. In addition, the HFRS received the right of pre-emption in the sale of building land owned by municipalities and intended for the construction of multi-apartment buildings.

The Municipal Cost Reduction Act adopted in 2020 provided municipalities with additional funding to spend on non-profit housing. Pursuant to the Act Determining Additional Measures to Prevent the Spread of COVID-19 and to Mitigate, Control, Ensure Recovery from and Eliminate Its Impact adopted in 2021, the minimum amount of assets to be appropriated by municipalities for the establishment of a public fund decreased from €10 million to €2.5 million,

thus facilitating action around non-profit housing at the local level. Grants from the Recovery and Resilience Plan totalling €60 million will be used to finance 1,036 affordable apartments for people facing poverty and social exclusion. On 27 July 2022 (outside the reporting period), the HFRS contracted a €70 million loan for building 912 rental apartments, with work due to take place from 2025 to 2026. While taking note of measures that are being taken to improve the situation, the Committee reiterates its previous conclusion of non-conformity on the ground that the supply of social housing is inadequate.

In its previous conclusion, the Committee concluded that the situation in Slovenia was not in conformity with Article 31§3 of the Charter on the ground that the average waiting period for allocation of non-profit rental housing was too long (Conclusions 2015). The report notes that data on the number of applications for non-profit housing introduced, granted, and refused, the main reasons for refusals, or on the average waiting time for the attribution of non-profit housing is not collected. However, the report notes that the measures taken to increase the non-profit housing stock, described above, should, in turn, also reduce waiting times. The Committee notes that lengthy waiting times are the consequence of an inadequate supply of social housing, which forms the object of the conclusion of non-conformity already stated above.

In its previous conclusion, the Committee concluded that the situation in Slovenia was not in conformity with Article 31§3 of the Charter on the ground that the remedies in case of excessive length of waiting period were not effective (Conclusions 2015). The report notes that the Housing Act does not provide for specific remedies in the case of excessive waiting periods for non-profit housing. However, the report emphasizes that individuals or households who are not allocated non-profit housing despite being eligible for it qualify for support for renting housing on the open market, through the market rent subsidy. Based on all information at its disposal, the Committee reiterates its previous conclusion of non-conformity.

In its previous conclusion, the Committee concluded that the situation in Slovenia was not in conformity with Article 31§3 of the Charter on the ground that nationals of other States Parties lawfully residing or working regularly were not entitled to equal treatment regarding eligibility for non-profit housing (Conclusions 2015). The report notes that, pursuant to Article 160 of the Housing Act, citizens of European Union Member States having a permanent residence permit in Slovenia are entitled to a non-profit rental apartment, assistance with the payment of rent, a soft loan from the HFRS, and to savings under the national housing savings scheme, subject to conditions. The Committee recalls that nationals of other States Parties to the Charter and to the 1961 Charter lawfully residing or working regularly are entitled to equal treatment regarding eligibility for non-profit housing (Conclusions 2011, 2015). Here, it recalls that the right to affordable housing must not be subject to any kind of discrimination on any grounds mentioned by Article E of the Charter. Based on all information at its disposal, the Committee reiterates its previous conclusion of non-conformity.

Housing benefits

In a targeted question, the Committee asked for information on housing benefits, whether in the framework of the housing benefit system, or in the framework of social assistance.

The report provides information about the different housing benefits available in Slovenia. As to the rent subsidy, the report provides information for each year during the reference period on the number of applications introduced and granted, the number of complaints in respect to refused or dismissed applications, and the number of persons eligible for a rent subsidy by household size as of 31 December 2019 and 31 December 2021 respectively. The report further explains the method of calculation for the non-profit rent subsidy and the market rent subsidy. The report further notes that an amendment to the Housing Act adopted on 26 May 2021 introduced several changes to the housing subsidy system by increasing the rent subsidy and introducing more favourable conditions for low-income single-person households and wheelchair users.

Conclusion

The Committee concludes that the situation in Slovenia is not in conformity with Article 31§3 of the Charter on the grounds that:

- the supply of social housing is inadequate;
- the remedies in case of excessive waiting periods for social housing are not effective;
- nationals of other States Parties lawfully residing or working regularly are not entitled to equal treatment regarding eligibility for social housing.