

## Joint EU-Council of Europe project

# “Ensuring the best interests of the child in civil court proceedings in Slovenia”

## Presentation of the Inception report

**Project Launch Conference**  
**13 February 2024**



The project is co-funded by the European Union via the Technical Support Instrument, and co-funded and implemented by the Council of Europe, in cooperation with the European Commission, Directorate-General for Structural Reform Support (DG REFORM).



## Preparation of the Inception report

- Bi-lateral consultations took place from 14 to 16 November 2023 in Ljubljana.
- Consultations were conducted on the basis of the same questionnaire
- Draft version was sent for comments to the partners (Ministry of Justice and EC/DG REFORM) as well as all the members of the Inter-ministerial Group (IMWG)
- Final version endorsed by the IMWG on 2 February 2024 is presented today



## Bi-lateral consultations

### List of agencies/ministries consulted during the inception phase :

- Ministry of Justice;
- Judiciary (Supreme Court of Slovenia, High Court in Ljubljana, District court in Ljubljana)
- Ministry of Health;
- Ministry of Labour, Family, Social Affairs and Equal Opportunities;
- Association of Centres for Social Work;
- Chamber of Clinical Psychology;
- Expert Council for judicial expertise, judicial valuation, and judicial interpretation;
- Ombudsperson's Office;
- Association for Nonviolent Communication (NGO);
- Slovenian Bar association.



## Methodology and objectives

- **Objective:** to offer a preliminary exploration of the views of the different actors involved in the civil court proceedings involving children in Slovenia
- The challenges and gaps identified as well as the areas for improvements should be viewed as opinions **based on the working experience of each professional group** and as such, they may be contradictory
- **First step** in exchanging views and identifying challenges among agencies



## Content

1. Legal, policy and institutional framework ensuring the best interests of the child in civil court proceedings
2. Lack of clinical experts for the preparation of opinions
3. Training and support programme needs
4. Awareness-raising on the best interests of the child



## 1. Legal, policy and institutional framework ensuring the best interests of the child in civil court proceedings

### Identified gaps and challenges

- **Principles of the best interests** of the child not sufficiently detailed in the Family code
- Possible lack of **information and participation of the child** in the civil court proceedings
- **Child representation and advocacy** in particular the role, profile and nomination of guardians not sufficiently developed; lawyers appointed by the judge not always specialised or trained in children's rights
- **Lack of follow-up and feedback** between the judges and the courts experts
- Problems in the **protection and placement of the child** in conflictual cases
- **Joint custody issues** in very difficult cases and in particular when domestic violence is suspected is not well addressed by the law and coordinated between civil and criminal courts



## Identified gaps and challenges (follow up)

- **Delays in family law proceedings still too long.** Mainly due to the lack of clinical experts but also to difficulties in
  - the appointment procedure of court experts by the judge ;
  - multiple expert opinions;
  - limited use of temporary measures ;
  - lawyer remuneration procedure ;
  - fluctuation and lack of judges and court staff ;
  - too heavy administrative workload for judges;
  - information on the child not always up-to-date and shared between the professionals ;
  - structure of opinion report not harmonised ;
  - multidisciplinary approach not systematic





## Recommendations

- Possible **revision of the Family Code** with a view to an even more protective justice ensuring the best interests of the child
- Strengthening of **child consultation**
- Reinforcement of the role and automatic **nomination of guardians** and mobilisation of resources at national level
- Extend **free legal aid** for the child
- Improve the **nomination procedure** of court experts
- Better use of **temporary measures**
- Review the **remuneration procedure** of lawyers





## Recommendations (follow-up)

- Lawyers appointed by the judge should be **better trained and specialised in children's rights**
- The high **turnover of judges and staff** should be addressed
- Part of the **administrative and financial tasks** in the hands of the judges should be delegated
- **Child information file** should be complete, up-to-date and provided to the court expert when appointed
- Guidelines to **harmonise the structure and the content of report** could be developed
- **Childcare and the foster family system** should be strengthened, and incentive actions should be taken to better inform on their role for the society
- Explore how to better deal with **joint custody issues** exploring practices and experiences from abroad



## 2. Lack of clinical psychologist experts for the preparation of opinions

### Identified gaps and challenges

- Clinical psychologists face **high pressure and responsibility**
- **No systematic funding** for specialisation in clinical psychology
- Role as court expert **not sufficiently attractive and difficulties** to do their clinical work at the same time
- Little use is made of **other categories of experts** for cases that do not necessarily need a clinical psychologist (social workers, psychologists, etc.)
- Judges not encouraged and/or informed to **appoint other types of expertise**
- **General lack of professionals** working with and for children in civil court proceedings



## Recommendations

- **Mobilise financial resources** more systematically to develop specialisation in clinical psychology
- **Improve working conditions** for clinical experts and court experts in general
- **Encourage the use of the expertise** of child psychiatrists, psychiatrists, psychologists or social workers, as appropriate, to reduce the workload of clinical psychologists
- Develop **guidelines** on how the expertise should match the specific needs of the case
- **Educate/train more** clinical psychologists and professionals working with and for children
- **Recruit more professionals** to provide effective support to the judges



### 3. Training and support programme needs

#### Identified gaps and challenges

- Great need of **evidence-based programmes for family** and parental support during the whole duration of the procedure
- The judges in charge of these cases would need to **improve their knowledge of psychology**, as would the experts in **adversarial procedures**
- **No compulsory training** on interviewing methods for judges dealing with family matters
- **Lack of information** from the judges on available and relevant family support programmes
- **Lack of psychological support** for judges dealing with difficult family matters



## Identified gaps and challenges (follow up)

- Judges, lawyers, social workers and professionals working with and for children are **not all familiar with and/or specialised in child friendly justice** ensuring the best interests of the child
- **No forensic psychology sub-specialisation** in Slovenia
- **Few evidence-based support programmes**
- Content of support programmes is **not validated or controlled** by the state nor is adequately funded
- **Lack of multidisciplinary and inter-agency approach**
- **Lack of financial resources** for training



## Non-exhaustive list of topics of training/programmes identified

- Communication between parents and with the child;
- Children's behaviours in conflictual situation;
- Interviewing and informing the child;
- Support to family and children in crisis and/or conflictual situation;
- Child's development and psychological needs;
- Protection of the child from toxic relations and divorces;
- How to deal with child/parental alienation and manipulation;
- How to deal with aggressive and conflictual persons (currently being developed for judges);
- How to identify what type of expertise is needed (for judges);
- On procedural and adversarial proceedings (for experts and non-legal professionals);
- How to foster better cooperation among family judges and criminal judges;
- Guidelines to prepare and write an expert opinion;
- Joint training for social workers/psychologists/judges on care proceedings;
- Forensic psychology sub-specialisation to be introduced in universities;
- General training on child-friendly justice and the best interests of the child



## Recommendations

- Evidence based support programmes should be reinforced
- Family support programmes should be mandatory for high conflictual cases
- Build on programmes and experiences in other countries
- Joint training with a multidisciplinary approach should be encouraged
- Training on the best interests of the child and child-friendly justice should be compulsory for all judges and lawyers dealing with or appointed for these cases
- A network of specialised, experienced and well-trained judges and lawyers could be set up
- Judges should be better informed about the programmes available and their relevance to the case





## Recommendations (follow up)

- Psychological and institutional support should be provided to judges to be better accompanied in their decision
- Training and education of clinical psychologists should be reinforced and better funded
- Forensic psychology sub-specialisation should be introduced in universities
- all professionals working with and for children including in civil court proceedings (judges, state attorney, lawyers, educators, social workers, etc.) should be better trained on how to approach children, and how to communicate with them in a child-friendly manner
- Encourage exchanges and joint expertise as well as interagency and multidisciplinary training to develop synergies
- Better orientation, coordination, validation, dissemination and promotion of support programmes



## 4. Awareness-raising on the best interests of the child

### Identified gaps and challenges

- Lack of prevention programmes for parents;
- Lack of general information on the rights of the child and child-friendly justice among the general public

### Recommendations

- Develop preventive information programmes for parents;
- Courses of parenting to young couples wishing to become parents;
- Awareness-raising programmes on child-friendly justice and safeguarding of children's rights

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## Next phases of the project

## Inception phase

Desk review and in-depth analysis  
of the legal, policy and institutional  
framework

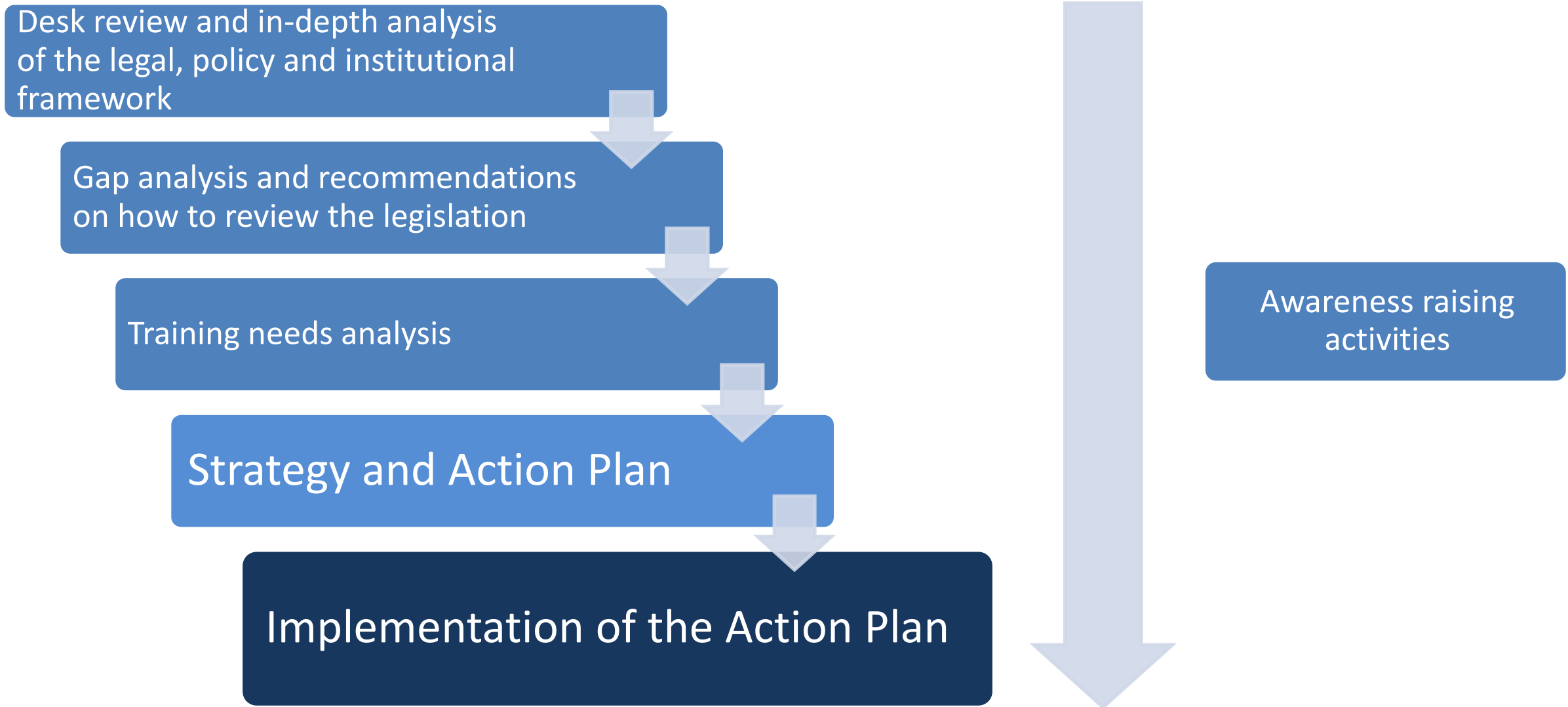
Gap analysis and recommendations  
on how to review the legislation

Training needs analysis

Strategy and Action Plan

Implementation of the Action Plan

Awareness raising  
activities





## Conclusions

- Inception report is a starting point
- To identify the main needs and challenges in upholding the rights of the child in civil law proceedings in Slovenia as well as preliminary recommendations
- A new phase begins
- To respond effectively to needs, the project will encourage the sharing of experience and good practice existing in other European countries



# Thank you!

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## General information

- The project is co-funded by the European Union via the Technical Support Instrument, and co-funded and implemented by the Council of Europe, in cooperation with the Ministry of Justice and the European Commission, Directorate-General for Structural Reform Support (DG REFORM).
- **Budget:** 611,111 EUR
- **Timeline:** 1 September 2023 – 28 February 2026 (30 months)
- **Slovenian Beneficiary authority:** Ministry of Justice





## General information

**General Impact:** the better protection of children's rights in civil court proceedings in Slovenia through ensuring the best interests of the child.

The project is divided into 2 main components, leading to the following outcomes:

- A comprehensive Action Plan to reform Slovenia's legal framework in the field of civil court proceedings involving children is adopted
- The implementation of the Action Plan has been initiated