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EUROPEAN SOCIAL CHARTER

22nd National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF SLOVENIA

Articles 7, 8, 16, 17, 19, 27, and 31
for the period 01/01/2018 – 31/12/2021

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REPUBLIC OF SLOVENIA

Twenty-second Report of the Republic of Slovenia
on the implementation of the European Social Charter (revised)

Articles 7, 8, 16, 17, 19, 27 and 31
(Protection of children, families and migrants)

Reference period:
1 January 2018 to 31 December 2021

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INTRODUCTION

The European Social Charter (Revised) (hereinafter: the RESC) was adopted by the Council of Europe in 1996. The Republic of Slovenia signed the RESC on 11 October 1997; the Act ratifying the Charter was adopted by the National Assembly on 11 March 1999 (Official Gazette of the Republic of Slovenia [*Uradni list RS*] – International Treaties, No 7/99); the instrument of ratification was deposited on 7 May 1999 and entered into force for Slovenia on 1 July 1999. In addition to the ratification of the RESC, the Republic of Slovenia also undertook to supervise the fulfilment of the commitments under the RESC in accordance with the procedure determined by the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints.

In accordance with the existing reporting system, the Republic of Slovenia has issued a report on the implementation of the articles of the RESC from the thematic group "protection of children, families and migrants" covering the following rights:

- 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 children and young persons to social, legal 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 opportunities and treatment (Article 27),
- the right to housing (Article 31).

The last report on the implementation of the articles on the protection of children, families and migrants was submitted by Slovenia to the Council of Europe in March 2015 for the reporting period from 1 January 2010 to 31 December 2013 (Fourteenth National Report of the Republic of Slovenia on the implementation of the RESC). On the basis of the aforementioned Report, the European Committee of Social Rights (hereinafter: the ECSR) adopted the Conclusions 2015 stating that the situation in the Republic of Slovenia **was in conformity with the RESC in 25 cases, but not in 11 cases (Articles 7§3, 7§4, 8§3, 17§1, 19§2, 19§4, 19§8, 19§10, 31§1, 31§2, 31§3)**. The ECSR deferred the conclusions about the implementation of Article 7§5 because it needs further information to adopt decisions, which Slovenia is providing in this report.

In the Sixteenth (Simplified) Report of the Republic of Slovenia on the implementation of the RESC adopted by the Government on 16 March 2017, Slovenia provided the required additional clarifications on the implementation of Articles 19§2, 19§4, 31§1 and 31§2, for which conclusions of non-conformity were issued in 2015. The recurrent lack of the required information has made it necessary to report again under the simplified report (on four articles). In the Conclusions 2017 adopted by the ECSR in January 2018 which refer to the Sixteenth Report of the Republic of Slovenia on the implementation of the European Social Charter (Revised) (RESC), the ECSR found that with regard to Articles 19§2, 19§4, 31§1 and 31§2 the situation in Slovenia **was in conformity with Articles 19§2 in 19§4**, but that further information was needed. With regard to 31§1, the ECSR found that due to the lack of **information a conclusion could not be adopted and the conclusion was therefore deferred**. With regard to 31§2, the ECSR notes that the **situation in Slovenia is not in conformity with the article**.

The Twenty-second Report of the Republic of Slovenia on the implementation of the RESC covers the reporting period from 1 January 2018 to 31 December 2021. In accordance with the instructions from the appendix to the letter from the Head of the Sector for the European Social Charter of the Directorate-General for Human Rights and the Rule of Law to the Permanent Representative of

Slovenia to the Council of Europe (Ref. DGI/JM/VK 50/2022) the Report focuses on providing answers to targeted questions. It also contains responses to the conclusions of non-conformity issued in 2015 (also taking into account the conclusions of 2017 with regard to Articles 19§2, 19§4, 31§1 and 31§2). The Report also provides additional clarifications on the articles for which conformity conclusions were issued, but due to the lack of information the ECSR wishes to receive answers to the questions raised in the Conclusions 2015 (and the Conclusions 2017).

Article 7: THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION

7§1 Prohibition of employment of children and young persons under the age of 15

Information (answers to the questions raised) to be provided (from the Appendix with instructions):

a) Please provide information on the measures taken by the authorities (e.g. Labour Inspectorates) to detect child labour, including children working in the informal economy. In this regard, please provide information on the number of children actually working (either from existing statistics on this issue or from surveys to be conducted to obtain such information), as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally (General question, Conclusions 2019).

The Employment Relationship Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 21/13, hereinafter: the ZDR-1) stipulates in Article 211 that children under the age of 15 may in exceptional circumstances undertake paid work in recording a film, and in the preparation and performance of artistic, stage and other works in the area of cultural, artistic, sporting and advertising activities. Another exception from the general prohibition of child labour is covered in paragraph 3 of Article 211 of the ZDR-1, which lays down the legal basis for work of children who have reached the age of 13. A child who has reached the age of 13 may also carry out light work in other activities, but for no longer than 30 days in a calendar year during school holidays and in a manner, to the extent and on condition that the work to be carried out does not pose a risk to the child's safety, health, morals, education or development. The types of light work are defined in the Rules on the protection of the health of children, adolescents and young persons at work (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 62/15). The ZDR-1 links the work to be carried out by a child to prior authorisation from a labour inspector issued at the request of a statutory representative in compliance with the procedure and under the conditions stipulated in the Rules on issuing work permits for children under 15 years of age (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 24/18).

In such case, the work cannot be carried out on the basis of an employment contract or employment relationship, as such person does not have the capacity to enter into an employment contract. Such work is therefore carried out on the basis of other civil law contracts under the conditions and in accordance with the restrictions and the special protection as laid down in Articles 211 and 212 of the ZDR-1.

The Labour Inspectorate of the Republic of Slovenia (hereinafter: the Labour Inspectorate) monitors the statistical data by individual employers and forms of violations detected in accordance with the

standard classification of activities. The activities stated in the Report represent the main activity for which the employer is registered with the Agency of the Republic of Slovenia for Public Legal Records and Related Services (hereinafter: AJPES) Given the fact that the number of violations in this area is small in comparison to other violations detected by the labour inspectors (which can be seen in the work reports accessible to the public on the Labour Inspectorate's website), the remaining data presented in this Report have been obtained through access to individual cases.

Below you will find information submitted to the Labour Inspectorate on the violations committed in the 2018–2021 period.

Violations in 2018

During the reporting period, labour inspectors did not find any violations of Article 21 of the ZDR-1 which stipulates that an employment contract can only be concluded by persons who have reached the age of 15.

They found five violations of Article 211 of the ZDR-1, which regulates the work of children under the age of 15, upper secondary school and university students and which stipulates that children under the age of 15 are prohibited from working. In exceptional circumstances a child under the age of 15 may undertake paid work in recording a film, and in the preparation and performance of artistic, stage and other works in cultural, artistic, sporting and advertising activities. A child who has reached the age of 13 may also carry out light work in other activities, but for no longer than 30 days in a calendar year during school holidays and in a manner, to the extent and on condition that the work to be carried out does not pose a risk to the child's safety, health, morals, education or development. The types of light work are defined in an implementing regulation. A child may carry out the work referred to in paragraphs two and three of Article 211 of the ZDR-1 after receiving a permit from a labour inspector, issued on the basis of an application filed by the child's legal representative. The procedure and the conditions for the issuance of a permit by the labour inspector are defined in detail in an implementing regulation. Upper secondary school and university students who have reached 14 years of age may perform practical education with an employer within the framework of educational programmes. In cases referred to in paragraphs two, three and six of Article 211, in cases of occasional or temporary performance of work by upper secondary school and university students and voluntary traineeship, the provisions of the ZDR-1 on the prohibition of discrimination, equal treatment with regard to gender, working time, breaks and rest periods, special protection of workers under the age of 18, and liability for damages apply.

Violations were identified in the following areas: two violations in activity I56 (Food and beverage service activities), two violations in activity S94 (Activities of membership organisations), while for one violation no information on the activity is available.

On the basis of the irregularities identified during the reporting period in relation to the violation of Article 211 of the ZDR-1, the inspectors issued one decision on a minor offence imposing a fine, one payment order and one warning under the Minor Offences Act.

The procedure and the conditions for the issuance of a permit by the labour inspector are thus defined in more detail in an implementing regulation. The Rules on issuing work permits for children under 15 years of age (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 60/04 in 21/13 – ZDR-1) were in force until 28 April 2018, when the new Rules on issuing work permits for children under 15

years of age (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 24/18) entered into force. The provision on the issuance of a permit has been amended so that before issuing a work permit for a child the labour inspector will assess whether the work the child will carry out could pose a risk to the child's safety, health, morals, education and development. The inspector's assessment is based on the findings about the types and levels of risk in the workplaces related to the child's work and defined in the employer's safety statement. Before issuing a work permit for a child, the inspector may, at their own discretion, in view of the circumstances of the work, inspect the premises of the employer where the child will work under the work permit. The employer must also inform the Labour Inspectorate of the exact start of work (date, time) at least 24 hours before the event or on the last working day before the event. The employer must also keep daily records of the child's arrival and departure to and from work and/or the child's attendance at filming. This year, inspectors issued 530 decisions authorising work by children under the age of 15, most of which concerned the work of children in the recording of commercials, promotional videos and films and performing in various shows.

The Rules on the protection of the health of children, adolescents and young persons at work (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 62/2015) define the measures and activities necessary for the protection of health, for the physical and mental development of children, adolescents and young persons at work and in relation to work. No violations of these Rules were recorded in the reporting period.

In 2017, the Apprenticeship Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 25/17) was adopted. Supervision of the implementation of the provisions of this Act falls within the competence of the Inspectorate responsible for labour and the Inspectorate responsible for education.

The Inspectorate responsible for labour supervises

1. compliance with the mandatory elements of the apprenticeship contract and the employer's fulfilment of the rights and obligations under the apprenticeship contract (Article 16);
2. the employer's obligations (Article 19);
3. the amount of the apprentice's remuneration (Article 20);
4. the payment of the apprentice's expenses (Article 21);
5. the consideration of the rights, workload and special protection of the apprentice (Articles 22, 23, 24, 25 and 26).

The Inspectorate responsible for education supervises:

1. the enrolment of an apprentice in the education programme (Article 7);
2. the compliance with the conditions required of a mentor (Article 9);
3. the part of the content of the apprenticeship implementation plan which falls within the competence of the school (Article 11);
4. the fulfilment of the provisions of the apprenticeship contract that define the role of the school (Article 16);
5. the organisation of interim examinations (Article 33);
6. changes to the way in which the education programme is delivered (Article 34).

Labour inspectors did not find any violations of the Apprenticeship Act. Nor did they find any violations of the Vocational Education Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 79/06,

68/17 and 46/19), where they only monitor compliance with the provisions regulating work-based training (Articles 31 to 45).

Violations in 2019

No violations of Article 21 of the ZDR-1, which stipulates that an employment contract may only be concluded by persons who have reached the age of 15, were found.

There was one violation of Article 211 of the ZDR-1, which regulates the work of children under the age of 15 and upper secondary school and university students in activity G47 (Retail trade, except of motor vehicles and motorcycles). One administrative decision was issued.

Inspectors found no violations of the Rules on the protection of the health of children, adolescents and young persons at work. They also found no violations of the Apprenticeship Act and the Vocational Education Training Act.

Children under 15 years of age mostly participate in recording films, promotional videos and commercials and perform in various shows. However, as already pointed out, for all these activities a prior permit from a labour inspector must be acquired. In 2019, labour inspectors thus issued 649 decisions related to the work of children under the age of 15.

Violations in 2020

No violations of Article 21 of the ZDR-1, which stipulates that an employment contract may only be concluded by persons who have reached the age of 15, were found.

Three violations of Article 211 of the ZDR-1 were found, specifically one violation in activity A02 (Forestry and logging), one violation in activity N77 (Rental and leasing activities), while for one violation no information on the activity is available. For the irregularities found, one decision on a minor offence imposing a reprimand and an administrative prohibitive decision were issued.

Inspectors issued 505 decisions authorising work by children under the age of 15, most of which concerned children's work in the recording of commercials, promotional videos and films.

No violations of the Rules on the protection of the health of children, adolescents and young persons at work were found. There were also no violations of the Apprenticeship Act and the Vocational Education Training Act.

Violations in 2021

No violations of Article 21 of the ZDR-1, which stipulates that an employment contract may only be concluded by persons who have reached the age of 15, were found.

Four violations of Article 211 of the ZDR-1 were identified. For two violations no information on the activity is available, while one violation was identified in activity G47 (Retail trade, except of motor vehicles and motorcycles) and one violation in activity I56 (Food and beverage service activities). For the irregularities found, one decision on a minor offence imposing a fine was issued.

Inspectors issued 755 decisions authorising work by children under the age of 15, most of which concerned the work of children in the recording of commercials, promotional videos and films.

No violations of the Rules on the protection of the health of children, adolescents and young persons at work were found. There were also no violations of the Apprenticeship Act and the Vocational Education Training Act.

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

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7§2 Prohibition of employment of children and young persons under the age of 18 with respect to prescribed occupations regarded as dangerous and unhealthy

B) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from the Conclusions 2015):

1) The ECSR wishes to receive information on the monitoring activities of the Labour Inspectorate in relation to the violations and sanctions imposed on the employers for the violation of legislation related to the prohibition of employment of children and young persons under the age of 18 in respect of occupations regarded as dangerous and unhealthy.

As regards the protection of workers under the age of 18 who enjoy special protection in conformity with the provisions of the ZDR-1, we report that in 2018 four violations of paragraph one of Article 193 of the ZDR-1 were identified; paragraph one stipulates that a worker under the age of 18 shall not be allowed to work at night from 22.00 to 06.00 hours; where the worker performs work in the fields of culture and art, sports or advertising, they shall not be allowed to work from 24.00 to 04.00 hours. Violations were identified in the following activities: one violation in activity C26 (Manufacture of computer, electronic and optical products), two violations in activity I56 (Food and beverage services), while for one violation no information on the activity is available.

For the violations of Article 193 of the ZDR-1 the following measures were taken: one administrative decision, two decisions on a minor offence imposing a fine and one decision on a minor offence imposing a reprimand were issued.

As regards the protection of workers under 18 years of age, no violations of Article 191 (Prohibition of performing work), Article 192 (Working time, breaks and rest periods), Article 194 (Extended annual leave) or Article 212 (Special protective provisions) of the ZDR-1 were identified in 2018.

It should also be noted that allowing upper secondary school and university students to work is in contravention of the regulations governing temporary or occasional work of upper secondary school and university students (without a student work service referral); such work is deemed undeclared work. Pursuant to the Prevention of Undeclared Work and Employment Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 32/14 and 47/15 – ZZSDT) the Financial Administration of the Republic of Slovenia (hereinafter: the FURS) is responsible for supervising undeclared employment. In

accordance with the 2014 amendment to the above Act, the Labour Inspectorate's competence is maintained only if it is established in the course of its work that there are grounds to suspect undeclared work. In this case the Labour Inspectorate shall issue a decision prohibiting the work of an individual in undeclared employment and promptly inform the FURS thereof. In 2018, labour inspectors recorded three cases of violation of indent four of paragraph one of Article 5 of the Prevention of Undeclared Work and Employment Act, but the data for persons under 18 years of age are not kept separately. In these cases the inspectors acted in accordance with their powers and issued a prohibitory decision and informed the FURS thereof. Violations were recorded in the following activities: one in activity G46 (Wholesale trade), one in activity I56 (Food and beverage service activities) and one in activity M 69 (Legal and accounting activities). Statistical data on all violations identified are kept by the FURS.

In 2018, inspectors did not record any violations of Article 124 of the ZDR-1 referring to voluntary traineeship.

In 2019, labour inspectors found two violations of paragraph one of Article 192 which stipulates that the working time of a worker under the age of 18 shall not exceed eight hours a day or 40 hours a week. For one violation no information on the activity is available, while the second violation was identified in activity C27 (Manufacture of electrical equipment). Inspectors also identified two violations of paragraph four of Article 192 of the ZDR-1 governing the right of a worker under the age of 18 to a weekly rest period of at least 48 consecutive hours. For one violation no information on the activity is available, while the second violation was identified in activity C27 (Manufacture of electrical equipment). For the violations identified, one decision on a minor offence imposing a reprimand was issued.

As regards the protection of workers under the age of 18, no violations of Article 191 (Prohibition of performing work), Article 193 (Prohibition of performing night work), Article 194 (Extended annual leave) and Article 212 (Special protective provisions) of the ZDR-1 were recorded in 2019. We would like to add that in 2019, inspectors did not record any violations of Article 124 of the ZDR-1 referring to voluntary traineeship.

In 2019, labour inspectors did not identify any cases of undeclared work related to indent four of paragraph one of Article 5 of the Prevention of Undeclared Work and Employment Act.

In 2020, three violations of paragraph one of Article 193 of the ZDR-1 were identified, all in activity I56 (Food and beverage service activities). For the irregularities, one administrative regulatory decision and one decision on a minor offence imposing a reprimand, and one decision on a minor offence imposing a fine were issued.

As regards the protection of workers under 18 years of age, no violations of Article 191 (Prohibition of performing work), Article 192 (Working time, breaks and rest periods), Article 194 (Extended annual leave) or Article 212 (Special protective provisions) of the ZDR-1 were identified in 2018. We would like to add that in the reporting period, inspectors did not record any violations of Article 124 of the ZDR-1 referring to voluntary traineeship.

In 2021, four violations of Article 192 of the ZDR-1 were identified, of which two violations referred to paragraph one of Article 192 of the ZDR-1 stipulating that the working time of a worker under the age of 18 shall not exceed eight hours a day or 40 hours a week. For one violation no information on the activity is available, while the second violation was identified in activity Q86 (Human health activities). Inspectors also identified two violations of paragraph four of Article 192 of the ZDR-1 stipulating that a worker under the age of 18 shall have the right to a weekly rest period of at least 48 consecutive hours. For one violation no information on the activity is available, while the second violation was identified in activity Q86 (Human health activities). A decision on a minor offence imposing a reprimand was issued.

As regards the protection of workers under the age of 18, no violations of Article 191 (Prohibition of performing work), Article 193 (Prohibition of performing night work), Article 194 (Extended annual leave) and Article 212 (Special protective provisions) of the ZDR-1 were identified in 2021.

In 2021, labour inspectors again recorded no violations of Article 124 of the ZDR-1 referring to voluntary traineeship.

In 2021, labour inspectors identified one case of undeclared work related to indent four of paragraph one of Article 5 of the Prevention of Undeclared Work and Employment Act in activity C32 (Other manufacturing). A motion for the initiation of minor offence proceedings was put forward to the FURS.

7§3 Prohibition of employment of children and young persons subject to compulsory education

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from the Conclusions 2015):

Non-conformity was found in the Conclusions 2015 and therefore additional clarifications are provided below in line with the ECSR call.

1) The ECSR concludes that the situation in Slovenia is not in conformity with Article 7§3, on the ground that the duration of light work for children subject to compulsory education during school holidays is excessive. With regard to the request of the ECSR that children should be provided with uninterrupted rest periods lasting of at least two weeks during school holidays, Slovenia explains that the Ministry of Labour, Family, Social Affairs and Equal Opportunities has drafted a proposal for an amendment to Article 212 of the ZDR-1, which stipulates in the new paragraph four that children performing light work during school holidays should be provided with at least two weeks of uninterrupted rest. The proposed amendment is expected to be approved in 2023 and is currently being discussed with the social partners.

2) The ECSR would like to receive additional information regarding two violations of the Rules on the protection of the health of children, adolescents and young persons at work, identified in 2012. In respect thereof we explain that in one case the employer did not include the work of children and

minors in the risk assessment. The second case concerned the participation of children in the recording of a promotional video where the legal entity engaged in activity J59 (Motion picture, video and television programme production, sound recording and music publishing activities) allowed several children under the age of 15 to work without a prior permit from the labour inspector. However, the legal entity had the consent of the children's parents to record the video. The labour inspector issued a minor offence decision and an improvement decision requiring the employer to revise the safety statement with a risk assessment and to include a child labour risk assessment in the safety statement.

3) The ECSR would like to continue to receive information on the monitoring activities and findings of the Labour Inspectorate, including the number of violations and sanctions imposed in relation to the prohibition on the employment of children, included in compulsory education.

No violations of the Rules on the protection of the health of children, adolescents and young persons at work were found in 2018, 2019, 2020 and 2021. Detailed information and clarifications are provided in answer a) under Article 7§1.

7§4 Working time of persons under 18 years of age

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from the Conclusions 2015):

Non-conformity was found in the Conclusions and therefore additional clarifications are provided below in line with the ECSR call.

1) Regarding the opinion of the ECSR that the situation in the Republic of Slovenia is not in conformity with Article 7§4, on the ground that the (daily and weekly) working hours for persons under 16 years of age is excessive, while for other young workers (aged 16 to 18) the limitation of working hours to eight hours per day or sixteen hours per week is appropriate, we explain that the stated difference between the young workers is not based on Article 7§4 of the ESC, therefore we consider the limitation of working hours in the national legislation to be appropriate.

2) The ECSR would like to receive information on the monitoring and the findings of the Labour Inspectorate (found violations and sanctions imposed on the employers) in relation to working hours of persons under 18 years of age.

In 2018, four violations of paragraph one of Article 193 of the ZDR-1 were identified in relation to the protection of workers under the age of 18 who enjoy special protection in accordance with the provisions of the ZDR-1; this paragraph stipulates that a worker under the age of 18 shall not be allowed to work at night from 22.00 to 06.00 hours; where the worker performs work in the fields of culture and art, sports or advertising, they shall not be allowed to work from 24.00 to 04.00 hours. Violations were identified in the following activities: one violation in activity C26 (Manufacture of computer, electronic and optical products), two violations in activity I56 (Food and beverage service activities), while for one violation no information on the activity is available.

For the violations of Article 193 of the ZDR-1 the following measures were taken: one administrative decision, two decisions on a minor offence imposing a fine and one decision on a minor offence imposing a reprimand were issued.

In 2019, two violations of paragraph one of Article 192, which stipulates that the working time of a worker under the age of 18 shall not exceed eight hours a day or 40 hours a week, were identified. For one violation no information on the activity is available, while the second violation was identified in activity C27 (Manufacture of electrical equipment). Two violations of paragraph four of Article 192 of the ZDR-1, which regulates the right of a worker under the age of 18 to a weekly rest period of at least 48 consecutive hours, were identified. For one violation no information on the activity is available, while the second violation was identified in activity C27 (Manufacture of electrical equipment). For the irregularities identified, one decision on a minor offence imposing a reprimand was issued.

In 2020, three violations of paragraph one of Article 193 of the ZDR-1 were identified, all in activity I56 (Food and beverage service activities). For the irregularities one administrative regulatory decision and one decision on a minor offence imposing a reprimand, and one decision on a minor offence imposing a fine were issued.

In 2021, four violations of Article 192 of the ZDR-1 were identified, of which two violations referred to paragraph one of Article 192 of the ZDR-1 stipulating that the working time of a worker under the age of 18 shall not exceed eight hours a day or 40 hours a week. For one violation no information on the activity is available, while the second violation was identified in activity Q86 (Human health activities). Inspectors also identified two violations of paragraph four of Article 192 of the ZDR-1 stipulating that a worker under the age of 18 shall have the right to a weekly rest period of at least 48 consecutive hours. For one violation no information on the activity is available, while the second violation was identified in activity Q86 (Human health activities). A decision on a minor offence imposing a reprimand was issued.

7§5 Fair pay

Information to be provided (from the Appendix with instructions):

a) Please provide updated information on net minimum wages and allowances payable to persons under 18 years of age. Please provide information on measures taken to ensure that fair remuneration is guaranteed to young workers: in atypical jobs, in the gig or platform economy and having "zero hours" contracts.

The employment relationship which is established by the conclusion of an employment contract between the worker and the employer, guarantees the worker a fair wage which may not be less than the minimum wage established by law or by a collective agreement directly binding on the employer. In the Republic of Slovenia wages are therefore determined by collective agreements and by laws. Collective agreements are subject to negotiations between employers or their representatives and the trade unions, which also freely negotiate at different levels (national, sectoral, enterprise) the amounts of the starting salaries and minimum wages for different levels of job difficulty. The Minimum Wage Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 13/10, 92/15 and 83/18; hereinafter: the ZminP) lays down the amount of the minimum wage at the national level which all

employers must respect when paying workers for the work performed. The ZminP provides that a worker employed full time by an employer in Slovenia shall have the right to be paid at least the minimum wage; in the case of part-time work, the worker shall be entitled to at least a proportionate share of the minimum wage. The amount of the minimum wage is the lowest possible monthly (gross) wage to which a full-time employee is entitled even if their wage under a collective agreement or an employment contract was lower. In such cases, the employer is obliged to add the difference up to the minimum wage when calculating the employee's wage. Therefore, full-time workers are entitled to receive a wage that is at least equal to the minimum wage, irrespective of the amount of the basic salary determined by a collective agreement or an 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 minimum wage may also not include the reimbursement of expenses that the employer is obliged to pay to the worker (e.g. reimbursement of expenses for meals during work, transport to and from work, business travel expenses), as well as other benefits from employment (e.g. holiday allowance, severance pay, long-service bonus).

In the case of civil law relationships (for example self-employment) the parties freely negotiate payment for work. However, it should be noted that 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. Labour legislation needs to be taken into consideration in all legal relationships which contain elements of an employment relationship.

b) Please provide information on measures taken to ensure that this right is effectively enforced (e.g., through Labour Inspectorates and similar enforcement authorities) .

The Labour Inspectorate pays constant attention to the rights of workers related to payment for work, i.e. from the aspect of guaranteeing rights to all workers, not just to those under 18 years of age. 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, both with regard to compliance with Articles 134, 135, 136 and 137 of the ZDR-1, and with regard to holiday allowance (Article 131 of the ZDR-1). During the reporting period, the implementation of the Minimum Wage Act was also monitored. As of 1 January 2020 any additional payments provided for by laws and regulations and collective agreements, the part of the salary for job performance and remuneration for business performance agreed as per collective agreement or employment contract were to be excluded from the definition of the minimum wage.

The Labour Inspectorate and the line ministry (the Ministry of Labour, Family, Social Affairs and Equal Opportunities) have also publicly highlighted the changes in terms of the preventive function. An open day on this subject was organised giving workers the opportunity to verify the correctness of their payroll directly with the inspector. Trade unions also provided considerable professional assistance.

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. The results can generally be found in the Labour Inspectorate's published work reports which are available on the Inspectorate's website.

c) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from the Conclusions 2015):

In accordance with Article 7§5, the ECSR decided to defer the decision due to lack of information and therefore additional information is provided below within the questions posed.

1) The ECSR would like to receive information on the minimum and average wages of young workers (in net amounts).

As explained in the answer under point a), the amount of the minimum wage is the lowest possible monthly (gross) wage to which a full-time employee is entitled even if their wage under a collective agreement or an employment contract was lower. The minimum wage does not include all additional payments provided for by laws and regulations and collective agreements, the part of the salary for job performance and remuneration for business performance agreed as per collective agreement or employment contract (entered into force on 1st January 2020). The minimum wage cannot include the reimbursement of expenses that the employer is obliged to pay to the employee (e.g. reimbursement of expenses for meals during work, transport to and from work, business travel expenses), as well as other benefits from employment (e.g. holiday allowance, severance pay, long-service bonus). A worker employed full time by an employer in the Republic of Slovenia has the right to be paid at least the minimum wage. In the case of part-time work, the worker is entitled to at least a proportionate share of the minimum wage. The amount of the minimum wage is determined by the minister responsible for labour after prior consultation with the social partners and is published in the Official Gazette of the Republic of Slovenia [*Uradni list RS*], no later than 31 January of the current year.

From 1 January 2018 to 31 December 2021 the minimum wages were as follows:

- From 1 January 2021 to 31 December 2021: EUR 1,024.24
- From 1 January 2020 to 31 December 2020: EUR 940.58
- From 1 January 2019 to 31 December 2019: EUR 886.63
- From 1 January 2018 to 31 December 2018: EUR 842.79

The calculation of the minimum wage related to gross and net income (for the period 2018–2021) is presented in detail below:

Table: Minimum wage and average salary (2021)

	2021		2020		2019		2018	
	Minimum wage	Average salary	Minimum wage	Average salary	Minimum wage	Average salary	Minimum wage	Average salary
1. Gross income	1,024.24	1,969.59	940.58	1,856.20	886.63	1,753.84	842.79	1,681.55
2. Social security contributions – rate 22.10%	226.36	435.28	207.87	410.22	195.95	387.6	186.26	371.62
3. General relief	411.72	291.67	529.20	291.67	543.32	275.22	543.32	275.22
4. Tax base	386.16	1,242.64	203.51	1,154.31	147.36	1,091.02	113.22	1,034.71
5. Tax rate	16%	26%	16%	26%	16%	27%	16%	27%
6. Personal income tax	61.79	252.25	32.56	229.28	23.58	221.05	18.11	205.84
7. Contributions and personal income tax (2+6)	288.15	687.53	240.43	639.5	219.53	608.65	204.37	577.46
8. Net income (1-7)	736.09	1,282.06	700.15	1,216.70	667.10	1,145.19	638.42	1,104.09

Source: Ministry of Finance, own calculations

2) The ECSR would like to receive information on the minimum wages and average salaries of young workers in net amounts by individual sectors of the economy.

As regards the provision of the minimum wage we emphasise (as explained in the answer under point a)) that an employment relationship which is established by the conclusion of an employment contract between the worker and the employer, guarantees the worker a fair wage (this applies to all sectors of the economy). This wage must not be below the minimum laid down by a law and by a collective agreement that binds the employer directly. In Slovenia wages are determined by collective agreements and laws. The ZminP lays down the amount of the minimum wage at the national level which all employers must respect when paying workers for the work performed. The ZminP provides that a worker employed full time by an employer in the Republic of Slovenia shall have the right to be paid at least the minimum wage; in the case of part-time work, the worker shall be entitled to at least a proportionate share of the minimum wage. The amount of the minimum wage (see answer 1) is the lowest possible monthly (gross) wage to which a full-time employee is entitled even if their wage under a collective agreement or an employment contract was lower.

Information on the number of employees under the age of 18 is provided below (for the period 2018-2021).

Table: Persons in employment in Slovenia aged under 18, 2018-2021 (as at 31 December).

	2018	2019	2020	2021
< 18 years of age	78	83	54	88
< 18 years of age, working full time	70	76	47	81

Source: Statistical Register of Employment

3) The ECSR would like to receive information on the remuneration of apprentices at the beginning and at the end of their apprenticeship as laid down in the collective agreements.

First, we provide information on the new developments relating to apprenticeship and practical work-based learning. In Slovenia, vocational education is mainly carried out in the form of school-based learning and, since the adoption of the Apprenticeship Act (Official Gazette of the Republic of Slovenia [Uradni list RS], No 25/17) in 2017, also in the form of apprenticeship.

In both school-based learning and apprenticeship, upper secondary students receive part of their education as in-company training, and in both forms of the same programme they undertake work-based learning in companies; this is the compulsory part of each education programme.

In apprenticeship, an upper secondary student undertakes work-based learning in a company for at least half of the duration of the education programme. Apprenticeship is only provided to young persons (up to the age of 18 or 19) and apprentices have the status of upper secondary students, not workers. The Apprenticeship Act also regulates adult apprenticeship (part-time education, further vocational education and training), but there is no interest in this form of apprenticeship and there has been no case of such education so far. In Slovenia, an apprentice (apprenticeship) cannot be considered a young worker, because apprentices are upper secondary students, just as their classmates in school-based learning programmes are upper secondary students. Both are trained on the basis of a specific contract (the apprentice on the basis of an apprenticeship programme which is not an employment contract) and neither of them receives a salary but a remuneration.

In accordance with Article 20 of the Apprenticeship Act (Official Gazette of the Republic of Slovenia [Uradni list RS], No 25/2017) 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 year¹. Paragraph seven of Article 20 of the Act stipulates that the stated monthly amounts of apprentice's remuneration shall be adjusted in the manner and within the time limit specified in the Adjustments of Transfers to Individuals and Households in the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia [Uradni list RS], No 114/06 as amended). Transfers to individuals and households are adjusted once a

¹The monthly apprentice's remunerations which apply to the payments from April 2022 to March 2023 inclusive, amount to EUR 264.26 for the first year of vocational education, EUR 317.11 for the second year and EUR 422.82 for the third year (Source: GZS, further information is available at: <https://www.gzs.si/vajenistvo/vsebina/PODJETJA-Informacije-za-podjetja/Vi%C5%A1ina-vajeni%C5%A1kih-nagrada>).

year, i.e. on 1 March of each year, to the growth of consumer prices in the previous year according to the data from the Statistical Office of the Republic of Slovenia.

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. If an apprentice is not present at the workplace for the entire month, they receive a proportionate share of the remuneration.

Practical education in vocational and upper secondary technical education regulated by the Vocational and Technical Education Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], 79/06, 68/17 and 46/19, hereinafter: the ZPSI-I) takes place in two parts. Part of the education takes place in school workshops as practical lessons, while part of the education takes place at the employer as work-based learning. Vocational and upper secondary technical education programmes specify the minimum scope of practical work-based learning; this amounts to 24 weeks or 912 hours in three years of education, which is almost a third of the total duration of the education programme. On the basis of a calendar issued by the Ministry of Education and Sport for each school year, schools draw up a plan for the provision and scheduling of work-based learning with the employer. In order to implement work-based learning, a work-based learning contract must be signed with each individual upper secondary student to establish a contractual relationship. As a rule, individual contracts are signed for all years of the upper secondary student's education, while collective contracts are signed for one year with the possibility of renewal. The difference between the two contracts, which is of more substantive significance, is that under an individual work-based learning contract the period of work-based learning can be extended due to practical lessons if the employer and the school agree thereon. Work-based learning in vocational and upper secondary technical education can be extended from 24 weeks to a maximum of 53 weeks over a three-year education period. In this case, the employer must sign an annex to the individual work-based learning contract and specify in the annex the period of work-based learning agreed with the school.

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.

With regard to traineeship we would like to clarify that the ZDR-1, as a general regulation on employment relationships, no longer prescribes compulsory traineeship. According to the ZDR-1, other laws and branch collective agreements may determine whether traineeship is compulsory for a particular type of work. Traineeship should therefore be only required where it is reasonable and justified by the nature of the work, the activity and the profession. A person may sign an employment contract as a trainee only if traineeship is compulsory for a certain type of work under a law or a branch collective agreement. Given that traineeship can be introduced by way of a separate law or branch collective agreement, the ZDR-1 refers to the legal sources by which compulsory traineeship has been introduced, as they contain a detailed regulation of all issues related to traineeship. One of the issues is the remuneration of trainees. In respect of remuneration, the ZDR-1 only defines the lowest threshold, which means that a trainee or a worker undergoing training or job induction is entitled to a

basic salary in the amount of at least 70% of the basic salary a worker would receive in the workplace or for the type of work for which they are being qualified. 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

(In 2018: EUR 843; in 2019: EUR 887; in 2020: EUR 940; in 2021: 1,024 EUR) laid down by law. In concrete terms, only the amount of salary itself depends on how it is regulated in a specific regulation or a branch collective agreement, which is the basis for compulsory traineeship in the specific case.

7§6 Inclusion of time spent on vocational training in the normal working time

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from the Conclusions 2015):

1) The ECSR would like information on the current regulation of training in collective agreements (referring to the General Collective Agreement for Economic Activities and the General Collective Agreement for Non-Economic Activities which regulated training) and information on the number of young workers covered by general collective agreements.

With regard to the question of the number of young persons covered by specific collective agreements, we submit a general clarification on the regulation of this area. The concept of a collective agreement is a free expression of will, as its conclusion and form are subject to free collective bargaining. The limitation of the contracting parties' autonomy is regulated by Article 9 of the ZDR-1. The list of collective agreements is published by the Ministry of Labour, Family, Social Affairs and Equal Opportunities, but statistical data on the number of (young) workers are not collected. Individual collective agreements regulate the area of education, training and advanced training in a uniform way for all workers, not just for young workers.

We would like to add that the General Collective Agreement for Economic Activities ceased to apply (it was terminated on 30 September 2005, although its procedural part applied until 30 June 2006). At the national level there are currently 28 branch collective agreements of general validity in the private sector, 17 of which have extended validity, which means that they apply to all employees in a particular branch, regardless of the membership of employers in the employers' associations which signed the collective agreement.

2) The ECSR would like to receive updated information on the valid regulations relating to the inclusion of time spent by young workers in vocational training in the normal working time.

As explained in the answer to the question (7§5 Equal pay, third answer under point c) in Slovenia, vocational education is mainly carried out in the form of school-based learning and, since the adoption of the Apprenticeship Act, also in the form of apprenticeship. In both school-based learning and apprenticeship, part of the education takes place at the employer. Both forms of the same programme involve work-based learning in companies; this is the compulsory part of each education programme. In apprenticeship, an upper secondary student undertakes work-based learning in a company for at least half of the duration of the education programme. Apprenticeship is only provided to young

persons (up to the age 18 or 19) and apprentices have the status of upper secondary students, not workers.

The Apprenticeship Act also regulates adult apprenticeship (part-time education, further vocational education and training), but there is no interest in this form of apprenticeship and there has been no case of such education so far.

In Slovenia, an apprentice (apprenticeship) thus cannot be considered a young worker, because apprentices are upper secondary students, just as their classmates in school-based learning programmes are upper secondary students. Both are trained on the basis of a specific contract (the apprentice on the basis of an apprenticeship programme which is not an employment contract). Apprenticeship does not have all the necessary elements to be defined as an employment relationship, for example an apprentice does not receive a salary but a remuneration. Work-based training at the employer and apprenticeship at school may not exceed eight hours per day or 36 hours per week (paragraph one of Article 24 of the Apprenticeship Act). This also applies to an apprentice over the age of 18 and an upper secondary student in school-based learning (Article 66 of the Vocational and Technical Education Act). However, a student can "enter" apprenticeship after the age of 15.

Article 39 of the Vocational and Technical Education Act defines the scope of the educational part by stating that the practical and theoretical education of upper secondary students may not exceed eight hours per day and the weekly working time prescribed by the relevant Act and collective agreement minus two hours (which is 38 hours per week under the legislation in force). If theoretical education lasts five hours on a particular day, work-based training at the employer is not permitted that day. In the case of four or more hours of interrupted work-based learning, an upper secondary student must be provided with a break of at least 30 minutes. An upper secondary student who undertakes education with an employer for more than nine months, must be provided with at least eight weeks of holidays per year. There is also a restriction on theoretical classes for upper secondary students: a maximum of 30 hours per week without physical education, and all forms of educational work may not exceed 36 hours per week.

In the light of the ZDR-1, we can explain that in Slovenia's labour legislation general rules apply to vocational education of young persons during the normal working time and they include all workers. These are general measures that apply to all categories of employees. The general provision of Article 170 of the ZDR-1 thus stipulates that workers have the right to and the obligation of ongoing education, training and further training in accordance with the requirements of the working process, with the purpose of retaining employment and career advancement. The duration and the course of education and the rights of the contracting parties during and after such education are to be laid down in an education agreement and/or a collective agreement. The right to absence from work in all three forms (education, training and further training) is guaranteed for the purpose of preparing (studying) for and taking exams. The general principle applies that both the worker who is undergoing education in the interest of the employer and the worker who is undergoing education in their own interest, have the right to absence from work to prepare for or take exams (Article 171). The duration of the absence can be defined in collective agreements or the contracting parties can agree on this right in an employment contract or education agreement. If the right to absence from work to prepare for or take exams is not defined in a collective agreement, employment contract or education agreement, both the worker who is undergoing education in the interest of the employer and the worker who is undergoing

education in their own interest, have the right to absence from work on the days on which they take exams for the first time. This is the minimum legal standard that the employer must provide to the worker.

3) The ECSR would like to receive information on the number and nature of violations found by the Labour Inspectorate.

In 2018, 2019, 2020 and 2021 the Labour Inspectorate did not establish any violations of the Apprenticeship Act and the Vocational and Technical Education Act.

7§7 Paid annual holidays

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

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7§8 Prohibition of night work

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

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7§9 Regular medical examination

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

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7§10 Special protection against physical and moral dangers

Information to be provided (from the Appendix with instructions):

a) Please provide updated information on the measures taken to strengthen the protection of children, including migrant, refugees, 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.

In protecting children from sexual abuse the police place great emphasis on prevention, and during the reporting period (including during and after the COVID-19 epidemic), the police strengthened 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 in children. In particular, they pointed out that children had spent more time at home during the epidemic, which put children who were victims of domestic violence and abuse at risk of the abuse continuing and not being recognised. The police put a lot of emphasis on raising awareness

on the traps of the Internet, because children and young persons spent more time online during the COVID-19 epidemic.

The incidence of cases is evident from the police statistics on criminal offences *Presentation, manufacture, possession and distribution of pornographic material* in accordance with Article 176 of the Criminal Code (hereinafter: the KZ-1) which refers to the commission of criminal offences against the sexual integrity of children via the Internet during the reference period (data include the number of criminal complaints and not the number of closed cases).

Table: Number of criminal complaints 2017-2021

Type of criminal offence – number of criminal complaints	Number of criminal offences				
	2017	2018	2019	2020	2021
Presentation, manufacture, possession and distribution of pornographic material	189	141	134	150	176

Source: The police

In 2022 (outside the reporting period) the Children's House finally became operational, marking the conclusion of many years of efforts to improve the treatment of children who find themselves in criminal or pre-trial proceedings as witnesses or victims of criminal offences. The Children's House operates according to the Barnahus model, the leading European model for the treatment of children who have been victims of sexual abuse, and involves the coordination of criminal investigation procedures and procedures for the protection and support of children. In March 2021, the Child Protection in Criminal Proceedings and Comprehensive Treatment of Children in the Children's House Act was also adopted.

With regard to international protection, in accordance with the International Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 16/17 – official consolidated version and No 54/21, hereinafter: the ZMZ), the principle of the child's best interests is the primary concern in the treatment of minors, in accordance with which minors are provided with a standard of living appropriate to their psychological, mental, moral and social development. In assessing the best interests of the child, account is also taken, inter alia, of the minor's well-being and social development, taking into account in particular the environment from which the minor comes and safety and security issues, in particular where the minor is at risk of being a victim of trafficking in human beings.

Minors identified as victims of abuse of any kind, neglect, exploitation, torture or cruelty, inhuman or degrading treatment or who have suffered from armed conflict are provided access to rehabilitation and, where necessary, appropriate psychological treatment and professional counselling. In cases involving unaccompanied minors, a statutory representative is appointed to the unaccompanied minor before the procedure is initiated to represent the unaccompanied minor in the procedure for granting international protection, and in the areas of health protection, education, protection of property rights and benefits, and in relation to the exercise of reception rights. Under the International Protection Act, both children and unaccompanied minors fall under the category of vulnerable persons with special needs, and as such, they are provided with additional special care and treatment. This is identified

already in the preliminary procedure or at any later stage in the international protection procedure. Material reception conditions, medical and psychological counselling and care, or appropriate support in the international protection procedure are adapted to vulnerable person in accordance with the identified needs. In addition, the staff of the competent authority are suitably qualified to deal with minors and to assist minors in exercising their rights in accordance with the legislation and to consider the applications lodged by vulnerable persons with special needs.

Regarding the fight against trafficking in human beings, the Republic of Slovenia adopted two action plans to combat trafficking in human beings during the reporting period, one for the period 2019-2020 and one for the period 2021-2022. On the basis of the action plans, the Inter-Ministerial Working Group on Combating Trafficking in Human Beings continued to carry 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. Among the vulnerable groups, special attention was given to children and young persons, workers and migrants, and applicants for international protection. To this end, the Government financed various projects run by non-governmental and humanitarian organisations. In addition, the Ministry of the Interior introduced systematic awareness-raising activities for children and young persons on human trafficking in basic and upper secondary schools in all Slovenian regions in 2021. Public awareness on the current issue is being raised through the central website gov.si² and the websites and social networks of the Ministry of the Interior.

The PATS project, the purpose of which is to identify, assist and protect victims of human trafficking in asylum procedures in Slovenia, should also be highlighted. The project was aimed at informing those seeking international protection about the phenomenon of trafficking in human beings. It provided intensive awareness raising of each individual seeker about the dangers and traps of human trafficking, information on this issue and information how to identify as victims of human trafficking, where to find help and how to protect themselves.

In 2021, the 8th March Institute (Inštitut 8. marec) drafted a proposal to amend the legal definition of sexual violence and rape in the Criminal Code. The proposal was then adopted by the National Assembly by a large majority (78 votes in favour and three against) and was also approved. The amended Criminal Code has defined rape according to the modern consent-based model rather than the coercion-based model. For this reason, the chapter on criminal offences against sexual integrity has been amended so that the use of force is no longer required to prove rape.

Slovenia has thus joined many other countries that have already regulated this issue in accordance with the "yes means yes" model (such as Croatia, Sweden, Cyprus, Denmark, Portugal, Belgium, Luxembourg and the United Kingdom). *Many non-governmental organisations actively participated in the #onlyYESmeansYES#campaign.*

In 2020, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, as the intermediary body, 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 epidemic and to mitigate its consequences*, which was financed by the European Union (the European Social Fund) and implemented within the Operational

² <https://www.gov.si/zbirke/projekti-in-programi/boj-proti-trgovini-z-ljudmi/>
http://www.vlada.si/boj_proti_trgovini_z_ljudmi/

Programme for the Implementation of the EU Cohesion Policy in the Period 2014–2020. The subject of the public call for tenders was the co-financing of projects aimed at helping vulnerable groups affected by the COVID-19 epidemic and mitigating its consequences. The purpose of the public call for tenders was to implement projects that provide innovative approaches to address and tackle the social hardships faced by vulnerable groups as a result of the COVID-19 epidemic. Within the scope of the public tender, co-financing was provided for projects developing various approaches to address the newly arising needs related to the COVID-19 epidemic in the following areas: 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 providing emergency accommodation for target groups. The key objectives were to promote social inclusion and empowerment, using various approaches that include vulnerable groups in the development of new approaches that would help to address their needs due to the COVID-19 epidemic and reduce its consequences, and to promote the social inclusion of people from target groups and the fight against poverty and any kind of discrimination. The groups targeted by the public call are victims of violence, older persons, people with disabilities, people with mental health problems, children and young persons, and others who face high levels of social exclusion (as approved by the expert committee in the selection procedure).

In 2018, the Ministry of Labour, Family, Social Affairs and Equal Opportunities co-financed the project "Everything except YES means NO" which was carried out by the SOS Helpline Society (Društvo SOS telefon). The purpose of the project was to raise the awareness of girls and boys about gender stereotypes (and the breaking of gender stereotypes related to sexual violence) and sexual consent.

b) Please provide information on the impact of the COVID-19 pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen monitoring mechanisms

Statistically, we cannot confirm the impact of COVID-19 on the number of reported child abuse offences, because, unfortunately, most cases of abuse go undetected and unreported. Changes in the habits of both the children and the perpetrators of abuse could be expected to lead to such an increase, while there are also concerns that as a result of reduced contact between children and public service workers (for example in kindergartens and schools) the number of reported cases might decrease.

Soon after the beginning of the COVID-19 pandemic, the police began publishing contents on their websites and social networks to highlight the unacceptability of domestic violence (including sexual abuse) and to encourage victims and witnesses to report such violence and abuse. It was always emphasised in public statements and posts that the police respond to every call for help and work 24 hours a day, every day of the week³.

The criminal offence of domestic violence is a criminal offence prosecutable ex officio, because the legislator has provided for the protection of victims even in cases where the victims themselves are

³We give some of these statements as examples:

<https://www.facebook.com/policijaSI/videos/670228440406335/> of 11 April 2019

<https://www.facebook.com/policijaSI/photos/a.1406845139558353/2552822348293954/?type=3&theater>, of 15 April 2020

<https://www.policija.si/medijsko-sredisce/sporocila-za-javnost/sporocila-za-javnost-gpue/103332-v-nekaterih-druzinah-so-odnosi-v-teh-dneh-na-veliki-preizkusnji-policisti-pozivamo-k-strpnosti>, of 21 March 2020

<https://www.policija.si/medijsko-sredisce/sporocila-za-javnost/sporocila-za-javnost-gpue/103563-v-policiji-apeliramo-na-vse-sosede-prijavite-nasilje-v-druzini-zrtev-tega-mogoce-ne-more>

unable or unwilling to speak out. When violence is reported, the police always inform the social work centre, which in most cases and within a few days set up an inter-institutional team which also includes a representative of the police and other authorities that have any kind of information on violence (education, healthcare) and non-governmental organisations in this field.

On the basis of the Domestic Violence Prevention Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 16/08, 68/16, 54/17 – ZSV-H in 196/21 – ZDOsk) social work centres must keep records on the victims and perpetrators of domestic violence. In the Social Database data are being collected by gender, age, the relationship between the perpetrator and the victim, the type of violence and the measures or services carried out by social work centres. This data collection activity also ran smoothly during the COVID-19 epidemic.

Table: Number of victims (children and adults) of domestic violence by gender

Number of victims by gender	2018	2019	2020	2021
Number of victims – male	727	638	591	499
Number of victims – female	2109	1885	1848	1716
Total	2836	2523	2439	2215

Source: Social data base

Table: Number of victims (children) of domestic violence by gender

Number of victims by gender	2018	2019	2020	2021
Number of victims – male (children)	489	411	373	341
Number of victims – female (children)	436	394	362	364
Total	925	805	735	705

Source: Social data base

In order to more easily monitor the situation and the quality of the life of children, Slovenia introduced a child well-being index⁴ in 2018. Under the 'behaviour and risks' domain the child well-being index also includes the '*exposure to violence*' component. The index has been developed for Slovenia and 26 other European countries. Currently, the Social Protection Institute of the Republic of Slovenia is also developing a regional child well-being index which is expected to include the '*exposure to violence*' component. A study is planned to be carried out in 2023 which will form the basis for the regional child well-being index.

c) Please provide 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).

In 2020, the Programme for Children 2020–2025 was adopted through which the Government aims, among other things, to strengthen child protection and care. The Programme deals extensively and comprehensively with the situation of children and takes measures to improve their situation and welfare. The Programme document is based on the Council of Europe Strategy for the Rights of the Child (2016-2021) which defines for a period of six years the main challenges in the field of children's

⁴ <https://ibo.irssv.si/#/>

rights and identifies five priority areas to address these challenges. One of the priority areas also included in the Programme for Children 2020-2025 is the area of violence and a violence-free life.

In recent years, many measures have been carried out to contribute to the improvement of comprehensive treatment of victims of domestic violence, and projects have been implemented to expand the network of crisis centres, maternity homes and safe houses throughout Slovenia. There are currently ten crisis centres for children and young persons who are victims of domestic violence. Non-governmental organisations play an important role in the prevention of child abuse, which is why every year several social protection programmes and family related programmes are co-financed through calls for tenders that also include the prevention of violence against children. Within the framework of social assistance programmes, various programmes are carried out, including prevention, provision of information and counselling, telephone counselling, coordination, support, help and self-help, accommodation and therapy. In 2020, there were 11 counselling services, 1 telephone counselling service, 14 self-help groups, 8 maternity homes (165 places), 16 safe houses (265 places), 1 crisis centre for adult victims of violence with children (16 places) and 15 programmes of psychosocial support for children, young persons and their families. Comprehensive support and psychosocial support for children who are victims of domestic violence urgently require quality training programmes for professionals in this field. Professional training on violence against children for case workers from social work centres has thus been co-financed for many years, as it is usually the case workers who come into contact with a child victim of abuse and create the social and emotional environment necessary for the child to go through the discovery process. It is therefore extremely important that these workers do their job well.

Some of the projects which have been co-financed by the Ministry of Labour, Family, Social Affairs and Equal Opportunities are described below:

- 2019: the project of the SOS Helpline Society – *A drop wears away a stone (Kapljica izdolbe kamen)*
The purpose of the project was to raise awareness of the unacceptability of dating violence, with an emphasis on cyber violence against girls.
- 2019: As part of the same regular annual co-financing by the Ministry of Labour, Family, Social Affairs and Equal Opportunities the DrogArt Association carried out the awareness-raising project *#praviladejtanja (#dating rules)* which warns girls about concrete signs of a violent relationship.
- From 2017 to 2019 a project to raise awareness about cyber violence and harassment against women and girls entitled *Click off! Stop cyber violence against women and girls (Odklikni spletno nasilje nad ženskami in dekleti)* was implemented. The purpose of the project was to address cyber violence and harassment as a form of violence against women and girls, reflecting unequal power relations between women and men, and to strengthen the existing national activities to prevent cyber violence and harassment from a gender perspective. The main objectives of the project were: to raise awareness, to prevent and eliminate stereotypes about cyber violence, to increase the sensitivity and knowledge of all stakeholders, to increase the knowledge of professionals in order to provide an adequate prevention and protection system, and to exchange experiences and good practices.

Legislation in this area includes the Domestic Violence Prevention Act and the Criminal Code.

The Domestic Violence Prevention Act ⁵adopted by the Republic of Slovenia in 2008 with the aim of preventing domestic violence and effectively protecting victims from further violence, was amended in 2016 to strengthen protection against domestic violence. One of the amendments included in the Act is the provision on corporal punishment of children, which is defined as any physical, cruel or degrading punishment of children or any other act with the intention of punishing children that involves elements of physical, psychological or sexual violence or neglect as a method of upbringing.

Article 176 of the Criminal Code *Presentation, manufacture, possession and distribution of pornographic material* regulates the protection of children from all forms of violence, exploitation and abuse in the digital environment.

The most commonly identified forms dealt with by the police and based in particular on the reports of the *National Centre for Missing & Exploited Children (NCMEC)* and other forms are:

(1) Whoever sells, presents or publicly exhibits documents, pictures or audiovisual or other items of a pornographic nature to persons under fifteen years of age, enables them to gain access to these in any other manner, or presents to them a pornographic or other sexual performance, shall be punished by a fine or imprisonment of up to two years.

This paragraph is quite clear as children under the age of 15 may not be presented with or given access to pornographic or sexual content. Pornographic and sexual content includes pornography, material on sexual abuse of children, nudity, persons in erotic lingerie, sex dolls, audio pornography and writings about pornography and sex.

(2) Whoever, by force, threat, deception, exceeding or abusing powers, recruitment or solicitation, or for exploitative purpose instructs, obtains or encourages a minor to produce photographs, audio-visual or other items of a pornographic or other sexual nature, or uses them in a pornographic or other sexual performance or is knowingly present at such performances, shall be sentenced to between six months and eight years in prison.

This paragraph is most commonly used when a suspect asks a victim to send them intimate photographs of themselves; the suspect can only solicit, but can also blackmail or threaten the victim. The paragraph may also be used when a suspect himself records a minor, either undressed or engaged in a sexual act. Victims are minors under the age of 18. This paragraph would also apply to live-distant child abuse (LDCA) or live streaming of child abuse.

(3) The same punishment as referred to in the preceding paragraph shall be imposed on whoever, for himself or herself or any third person, produces, distributes, sells, imports, exports pornographic or other sexual materials depicting minors or their realistic images, or supplies them in any other way, or possesses such materials, or obtains access to such materials by means of information and communication technologies, or discloses the identity of a minor in such materials.

In this case too, victims are minors under the age of 18. This paragraph of Article 176 usually applies to the possession of material showing the sexual abuse of children or the exploitation of children for sexual purposes. It may also relate to intentional access to such material, including for sale, or where such material reveals the identity of a minor. In this case, the suspect does not record the material

⁵ Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 16/08, 68/16, 54/17 – ZSV-H and 196/21 – ZDOsk

himself; however, the paragraph could be applied if he has produced the material himself, for example by making a collage, sticking the photo of one child's face on the photo of another child's body and similar. Pornographic material includes all of the above.

(4) If an act referred to in paragraph two or three of this Article is committed within a criminal organisation for the commission of such criminal offences, the perpetrator shall be sentenced to imprisonment of between one and eight years.

It is an organised way of sexually abusing children, usually for profit. The act may be connected with trafficking in human beings, with the condition being that several people work together in an organised way.

(5) The offence referred to in paragraph three of this Article in the part which means acquiring, producing, possessing or acquiring access to pornographic or other sexual material by means of information or communication technologies shall not be unlawful if it was committed among minors of comparable age who have agreed to the offence, it corresponds to the level of their mental and physical maturity, and it depicts such persons.

(6) The pornographic or other sexual materials referred to in paragraphs two, three and four of this Article shall be confiscated or their use shall be appropriately prevented.

This is an important provision which prevents, in particular, confiscated electronic devices from being returned prior to investigation, as they can be permanently confiscated if they are found to contain child sexual abuse material. The confiscation of these electronic devices and the material found in the devices is mandatory in police procedures, while the court decides on permanent confiscation. Practice shows that the court makes use of this possibility.

The criminal offence of "grooming" is specifically defined as an offence of soliciting a person under the age of 15 for sexual purposes, where the perpetrator solicits a child to meet with the intention of committing sexual abuse, and it is reasonable to assume that the meeting would actually take place. Such criminal offences are almost never recorded, with the exception of a few cases where one person was suspected of more than one criminal offence. The reason for the low number of such acts is probably the fact that not all acts are reported, while in the reported cases the perpetrator has already solicited the child for sex and to take intimate photographs, which is why the police have treated these acts as criminal offences of *presentation, manufacture, possession and distribution of pornographic material*.

It should also be emphasised that the penalty provision itself states pornographic material, but we are well aware that it does not refer to pornography but to material presenting sexual abuse of children.

The police also work with schools where the police officers and criminal investigators conduct preventive workshops for parents, teachers and children, and cooperate with the Inspectorate of the Republic of Slovenia for Education and Sport and the National Education Institute in training kindergarten, basic and upper secondary school principals to encourage reporting of any form of abuse and violence against children. The police also work closely with the *Safer Internet Centre (Center za varnejši internet)* and the *Web Eye (Spletno oko)* reporting point (see more under point d) of answer No. 1) from which they receive reports of child sexual abuse content. When investigating this type of criminal offence the priority of the police is to identify the victims of sexual abuse, to preserve evidence, to identify the perpetrators and prevent the dissemination of material that could depict abuse and exploitation.

For more information on protection against misuse of information technology, see point d) of answer No. 1).

d) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from the Conclusions 2015):

1) As regards the protection against misuse of information technology the ECSR wishes to be kept informed about the activities of the Safer Internet Centre which was established in 2005 to raise awareness among children, young persons, parents and teachers on the safe use of the Internet.

The *Safer Internet Centre* project (established in 2005) is implemented by the University of Ljubljana – Faculty of Social Sciences, the Academic and Research Network of Slovenia (ARNES), the Slovenian Association of Friends of Youth (ZPMS) and the Youth Information and Counselling Centre of Slovenia (MISSS). Since 2016, the project is no longer funded by the Ministry of Education, Science and Sport but by the European Commission Agency HADEA (as of 1 April 2021) and the Office of the Republic of Slovenia for IT Security (as of 31 July 2021).

The Safer Internet Centre provides three main services: Safe.si, an awareness node on safe use of the Internet and new technologies (www.safe.si), the TOM SOS Helpline, a helpline for problems on the Internet (<http://www.e-tom.si/>) and Web Eye, an anonymous web point for reporting sexual abuse of children (www.spletno-okno.si).

The awareness node on the safe use of the Internet and new technologies – Safe.si has been operating since 2005; it is a credible source of information and is supported by the Slovenian public and the media. It raises awareness of safe and responsible use of the Internet and mobile devices and promotes cultural and friendly use of the internet with a focus on creating user-friendly content. The project addresses not only children, but also their parents and grandparents, school and kindergarten teachers, and social, youth and other case workers who work with children. It provides a range of advice and information on how to use the Internet, social networks, mobile phone applications and other modern internet-related technologies safely, and what to do if something goes wrong.

In the 2018-2021 period, Safe.si successfully worked with four schools. Since 2007, it has been actively involved in educating young persons, parents and teachers about the opportunities and potential risks of Internet use. The Safe.si representatives visit more than 330 schools and educate more than 23,000 young persons, parents and teachers each year. They provide schools with a wide range of educational activities on the safe and responsible use of the Internet and mobile devices for pupils, upper secondary school students, parents and teachers: workshops for pupils and upper secondary school students, lectures for parents of children in schools and kindergartens, and training for teachers, the school management and case workers. In the 2019/2020 school year, they started with lectures for parents of kindergarten children, as children are exposed to the Internet and mobile devices at a very young age, often before the age of two.

In 2020, due to the COVID-19 epidemic, face-to-face lectures were replaced by online lectures with webinars for teachers, which were attended by more than 580 participants. At the beginning of the 2020/2021 school year, they worked with ARNES, the Association of networks of councils of parents

and Logout, the Centre for Digital Wellbeing, to develop recommendations for parents and teachers on distance learning.

In the 2020/2021 school year, due to the second wave of the COVID-19 epidemic, which also led to the closure of schools, the scope of the educational programmes for pupils, upper secondary school students and teachers was also extended through webinars. In autumn 2020, two webinars for parents were held with more than 800 participants joining, while the recording was viewed by more than 3,000 people.

Various campaigns have been carried out, such as the Safer Internet Day (SID), which is celebrated in the second week of February by more than 130 countries worldwide. The Safer Internet Day is a central event of the INSAFE network of Safer Internet Centres in Europe (<https://www.betterinternetforkids.eu/>), which consists of national nodes that raise awareness about safe and effective ways of using the Internet and technology. In 2021, the main theme of the Safer Internet Day in Slovenia was well-being and the Internet, which was particularly relevant during the COVID-19 pandemic, when pupils spent a lot of time in front of screens. The central event was the interactive web presentation for primary schools which was attended live by more than 11 000 pupils, i.e. pupils of the second educational cycle⁶ and pupils of the third educational cycle⁷.

Activities were also carried out to raise awareness of the recommended screen time for children and young persons. Under the auspices of the Primary Healthcare Committee of the Medical Chamber of Slovenia, primary level paediatricians from the Primary Level Paediatrics Section of the Association of Paediatrics, together with professionals from Safe.si, Logout and professionals from some other organisations, prepared the first national guidelines for screen time for children and young persons in 2021. The guidelines have been developed on the basis of research findings and a broad consensus of numerous professionals, and following the example of similar guidelines used in other countries. The guidelines have been widely supported by various professional organisations and in Slovenia by the Minister of Education, Science and Sport and the Minister of Health. In addition to the guidelines for parents and guardians, they have produced a leaflet with recommendations on screen time and estimate that they have reached over 100,000 parents of children aged 1 to 18.

They have produced various educational and promotional materials to raise awareness and promote safer use of the Internet for young persons through the media (public relations). They also work with the media and journalists in the preparation of features, shows and articles on safer use of the Internet.

The TOM Telephone Helpline (<http://www.e-tom.si>) is a helpline for children and young persons which operates within the Slovenian Association of Friends of Youth (ZPMS). It was established in 1990 on the initiative of the ZPMS Committee for the Rights of the Child. Five years later, a national network of around 200 qualified counsellors was set up. The network consists of 9 counselling groups in Ljubljana, Maribor, Murska Sobota, Slovenske Konjice, Velenje, Krško, Idrija, Ajdovščina and Tolmin. The TOM Telephone Helpline has been developed to provide emotional support to children and young persons who are facing various questions, dilemmas and distress in the process of growing up. Anonymity and confidentiality of the call and the callers are guaranteed. In this way, young persons are encouraged

⁶ <https://safe.si/video/safesi-videi/spletna-interaktivna-predstava-dobro-pocutje-in-internet-za-2-triletje-os>

⁷ <https://safe.si/video/safesi-videi/spletna-interaktivna-predstava-dobro-pocutje-in-internet-za-3-triletje-os>

to develop self-confidence and communication skills and are prepared for resolving conflict situations independently. In order to ensure the overall personal and social development of children and young persons the TOM Telephone Helpline is linked to other similar projects and programmes that provide direct support to children and young persons (such as the Counselling Centre for Children and Young Persons, counselling services in schools, social work centres, crisis centres, doctors – gynaecologists, other helplines for callers in mental distress, other associations and organisations working with young persons). Recently, the most important counselling topics have been love, physical development and sexuality, peers, family and school. The counsellors of the TOM Telephone Helpline answer questions, respond to dilemmas and resolve problems related to the use of the Internet and mobile devices. Children, young persons and their parents can get advice via a web chat – the TOM chatroom, e-Mail: (tom@zpms.si) or an online form.

The **WEB EYE** reporting point (www.spletno-oko.si) aims to reduce the dissemination of materials on the Internet which depict sexual abuse of children. Activities are carried out in cooperation with the police, Internet service providers, web portals and other interested governmental and non-governmental organisations.

With regard to the prevention of child sexual abuse, we would like to draw attention to the term *child pornography* used in the Conclusions 2015 (paragraph 7§10, page 15). Instead of this term we propose that the term *child sexual abuse material* be used. The stated term was adopted in 2016 with the so-called Luxembourg Guidelines, in the formulation of which Slovenia also participated. The police place great emphasis on preventive measures and the training of professionals involved in the investigation and prevention of child sexual abuse. Close cooperation has also been established with professionals from abroad and similar agencies, police forces and non-governmental organisations.

2) With regard to the recommendations of the ECSR that the Slovenian authorities should conduct and support research on human trafficking-related issues as an important source of information for future policy measures, we state that we are fully aware of the importance of such research for the development of policies in this area.

The Inter-ministerial Working Group on Combating Trafficking in Human Beings (MDS TZL) has included two objectives in the framework of the new Action Plan to Combat Trafficking in Human Beings 2023-2024 (beyond the reporting period) relating to two expert studies on the improvement of measures to combat trafficking in human beings. In Slovenia, the court decisions on criminal offences of trafficking in human beings are based on various practices, which indicates the need for a comprehensive and in-depth expert analysis of the provisions of criminal legislation and court practice. To this end, an expert survey will be conducted of all cases of human trafficking that have been resolved with a final judgment in the last ten years. On the basis of the results, the Inter-ministerial Working Group on Combating Trafficking in Human Beings will take the relevant decisions. The Action Plan also aims to examine the relevance of the definition and the understanding of forced labour and labour exploitation in relation to trafficking in human beings in Slovenia and other EU Member States. On the basis of the expert survey, the Inter-ministerial Working Group on Combating Trafficking in Human Beings will, if necessary, take appropriate measures, including proposals for possible amendments to the sectoral legislation.

In the framework of the European Migration Network (EMN), of which Slovenia is a member, the Ministry of the Interior prepared a national contribution in 2021, analysing the existing legislation and

policy documents and providing information received from the competent national authorities which served as a basis for the study "*Third-country national victims of trafficking in human beings: detection, identification and protection*". The study examined national practices for the detection, identification and protection of third country national victims of trafficking in human beings in the period 2015–2020. It covered third country nationals who are asylum seekers without regulated status but with a valid residence permit in the territory of a EU Member State, Norway and Georgia (permit or visa). The study is aimed at policy-makers at national, EU and international level, as well as representatives of individual sectors, organisations of civil society and the academic sphere. The objective of the study was to complement and update other relevant reports and studies carried out by the Commission and to contribute to the evaluation of the Anti-Trafficking Directive. The study⁸, also translated into Slovenian, is published on the national website of the European Migration Network, while the findings of the study were presented to the participants of the consultation on the prevention of trafficking in human beings in international protection procedures in November 2022 and distributed in physical form to interested persons.

Article 8 – THE RIGHT OF EMPLOYED WOMEN TO PROTECTION OF MATERNITY

8§1 Maternity leave

Information to be provided (from the Appendix with instructions):

a) Please provide information whether the COVID-19 crisis had an impact of on the right to paid maternity leave (in particular whether all employed women concerned – in the private as in the public sector - continue to receive at least 70% of their salary during the whole length of the compulsory maternity leave during the COVID-19 crisis).

Maternity leave is intended for the preparation for birth, care of the child immediately after birth and the protection of the mother's health upon and after childbirth. Mothers are entitled to maternity leave in the form of full absence from work for 105 consecutive days, of which they are obliged to take at least 15 days. The start of maternity leave is 28 days before the due date, except when the birth is premature. The maternity benefit is equal to 100% of the base and is not capped. The COVID-19 crisis had no impact on maternity leave and the scope of the rights remained the same, both in terms of duration and the amount of benefit.

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from the Conclusions 2015):

1) The ECSR would like further clarification on the compulsory duration of maternity leave and information on cases where the mother can give up part of her maternity leave. It should be noted that mothers are obliged to take at least 15 days of maternity leave. If a mother gives birth to a stillborn child, she has the right to maternity leave of 42 days after the day of delivery. If the child dies during

⁸ <https://emm.si/arhiv-publikacije/study-on-third-country-national-victims-of-trafficking-in-human-beings-detection-identification-and-protection/>

maternity leave, the mother is entitled to the maternity leave already taken (but not less than 42 days), and after the death of the child the mother is entitled to an additional 10 days of maternity leave. If the mother gives up the child after the birth, she is entitled to 42 days maternity leave from the day of the birth.

A father is entitled to maternity leave, if the mother is deemed by a medical specialist to be permanently or temporarily incapable of caring for the child. In such case, the mother is on sick leave (e.g. hospitalised for postnatal depression). With the consent of the mother, the father is also entitled to maternity leave in cases where the mother giving birth to the child is under 18 years of age and has the status of an apprentice, a pupil, an upper secondary school student or a student. In this case, the maternity leave is 77 days reduced by the number of days of the child's age on the day the father commences maternity leave.

With the consent of the mother and father, one of the grandparents is also entitled to maternity leave in cases where the mother who gives birth to the child is under 18 years of age and has the status of an apprentice, a pupil, an upper secondary school student or a student. In this case, the maternity leave is 77 days reduced by the number of days of the child's age on the day one of the grandparents commences maternity leave. We also explain that mothers who are under the age of 18 are usually not employed and do not have parental protection insurance and are therefore not entitled to maternity leave. They would only be entitled to a family benefit, i.e. parental allowance (which is not an employment right).

2) The ECSR would like to receive statistical data on the average length of maternity leave and the proportion of mothers taking less than six weeks' maternity leave.

In 2018, the average length of maternity leave was 104.38 days. 16 mothers took less than six weeks maternity leave which was 0.09% of all mothers who took maternity leave that year (18,777 mothers).

In 2019, the average length of maternity leave was 104.50 days. 12 mothers took less than six weeks maternity leave, which was 0.06% of all mothers who took maternity leave that year (19,046 mothers).

In 2020, the average length of maternity leave was 104.33 days. 22 mothers took less than six weeks maternity leave, which was 0.12% of all mothers who took maternity leave that year (18,776 mothers).

In 2021, the average length of maternity leave was 104.37 days. 11 mothers took less than six weeks maternity leave, which was 0.06% of all mothers who took maternity leave that year (18,631 mothers).

3) As regards the question of the minimum amount of maternity benefit, we explain that the maternity benefit may not be less than the basic amount of the minimum income (from 1 April 2022, the basic amount of the minimum income has been EUR 421.89 net or EUR 569.91 gross).

8§2 Illegality of dismissal during maternity leave

Information to be provided (from the Appendix with instructions):

e) Please provide information:

i) whether the COVID-19 crisis had an impact on the possibility of dismissing pregnant employees and employees on maternity leave

The COVID-19 crisis had no impact on the possibility of dismissing pregnant employees and employees on maternity (and parental)⁹ leave.

ii) whether there were any exceptions to the prohibition of dismissal during pregnancy and maternity leave during the pandemic.

During the pandemic there were no exceptions with an impact on the dismissal of pregnant employees and employees on parental (and maternity) leave.

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from the Conclusions 2015):

1) The ECSR would like to receive information on the extraordinary termination of the employment relationship (with the consent of a labour inspector) of a pregnant worker, a worker who is breastfeeding a child up to one year of age and a parent on parental leave where there are grounds for extraordinary termination of the employment relationship. It also asks whether the same rules on the termination of the employment contract during pregnancy and maternity (or parental) leave also apply to women employed in the public sector.

Protection against dismissal under Article 115 of the ZDR-1¹⁰ (this protection applies to the public sector as well as to the private sector) is not absolute. A female worker during the period of her pregnancy, a female worker who is breastfeeding a child of up to one year of age or a parent in the period when they are on parental leave uninterrupted in the form of full absence from work and for one month after the end of such leave may be dismissed, but only under very restrictive conditions.

It is an exception and exceptions need to be interpreted restrictively. In accordance with paragraph five of Article 115 dismissal is only permitted in two cases or for two reasons:

- if reasons for extraordinary termination exist (reasons for extraordinary termination by the employer are exhaustively listed in Article 110 of the ZDR-1) or
- due to the initiation of a procedure for winding-up of the employer.

An additional condition for the legality of termination in this case is the prior consent of the labour inspector. This is the only case in labour legislation where prior control by the authorities is foreseen

⁹With regard to the translation and understanding of the terms "maternity leave" and "parental leave" we provide information on the difference between these two types of leave. **Maternity leave** is intended for the preparation for birth, care of the child immediately after birth and the protection of the mother's health upon and after childbirth. Maternity leave **lasts 105 days** of which the mother is obliged to take 15 days. **Parental leave is intended for mothers and fathers** and amounts to **130 days for each parent (altogether 260 days)** in the form of full or partial absence from work. The mother can transfer 100 days of parental leave to the father, while 30 days are non-transferrable and can only be used by the mother (in general, the father can use no more than 230 days; only in exceptional circumstances can he use all 260 days. The father may transfer 130 days of parental leave to the mother (the mother can use all 260 days). Parental leave is extended in the event of a multiple birth, a prematurely born child or a child who needs special care. A part of the parental leave of a maximum 75 days may be carried forward and taken anytime until the child completes the first grade of primary school.

¹⁰ Employment Relationship Act (Official Gazette of the Republic of Slovenia [Uradni list RS], 21/13, 78/13 – corr., 47/15 – ZZSDT, 33/16 – PZ-F, 52/16, 15/17 – Dec. of the CC, 22/19 – ZPosS, 81/19, 203/20 – ZIUPOPDVE, 119/21 – ZČmIS-A, 202/21 – Dec. of the CC, 15/22 and 54/22 – ZUPŠ-1)

as to whether dismissal is permissible or not. The inspector will examine whether or not the specific case falls within the two permitted cases where the dismissal of a protected worker is permissible. In accordance with the court practice there is no special, independent judicial protection against the labour inspector's decision; it is included in the context of any subsequent labour dispute about the legality of termination of the employment contract before the labour court. The violation of Article 115 is defined as an offence fined from EUR 3,000 to EUR 20,000.

Example of court practice: Decision of Higher Labour and Social Court Pdp 464/2015. If the defendant was aware of the plaintiff's parental leave before giving the plaintiff notice of the contested extraordinary termination of the employment contract, the defendant should also take into consideration the provision of Article 115 of the ZDR-1 if the plaintiff did not expressly inform the defendant of this parental leave.

The decision to reject the request for the consent to the extraordinary termination of an employment contract is not an administrative act or an act that may be contested in an administrative dispute. With regard to the statutory regulation, the inspector's consent is only a procedural requirement in the procedure of terminating the employment contract of a breastfeeding mother and, in relation to the decision on extraordinary termination of the employment contract (which may be reviewed in a labour law dispute) does not have the characteristics of an independent administrative decision as it does not decide on the plaintiff's right, obligation or legal interest. The correctness of the labour inspector's decision will thus be subject to a judicial review in the context of an individual labour dispute to establish the illegality of the dismissal, if initiated by the female worker against the defendant. In the case of the termination of a breastfeeding mother's employment contract, the labour court, in the context of a dispute on the legality of such termination, will examine the existence of the reasons for the termination of the employment contract and thus also the substantive correctness of the labour inspector's decision, if the dispute is brought by the female worker against the employer (see also Constitutional Court Decisions U-I-245/10, U-I-181/10 and Up-1002/10 of 14 September 2011 and Supreme Court Decisions I Up 310/2013 of 12 September 2013 and I Up 77/2010 of 26 May 2010, and I Up 255/2013).

2) The ECSR's understanding related to Article 118 of the Employment Relationship Act that an employee who is unlawfully dismissed during pregnancy or parental leave can claim unlimited compensation is correct.

In this respect, we would like to add that in terms of applying the institution of court termination of an employment contract in practice, the ZDR-1 (Article 118) has introduced the most significant changes by regulating compensation as a form of remuneration or compensation for the reintegration of a worker with the employer. Instead of compensation, the Act uses the term "adequate financial redress" which retains the ceiling of 18 monthly salaries, but, unlike the previous regulation, it explicitly specifies what is to be taken into account in assessing the amount of adequate financial redress. It is specified that the amount of financial redress is determined by the court with regard to the duration of the worker's employment, the worker's prospects for new employment and the circumstances that led to the wrongful termination of the employment contract, taking into consideration the rights enforced by the worker for the period until the termination of the employment relationship.

We would like to add that in its Judgment VIII Ips 114/2012, the Supreme Court explained that compensation under Article 118 of the ZDR (financial redress under Article 118 of the ZDR-1) does not

entail compensation for damage suffered by a worker at work or in relation to work. This compensation is paid for the worker's reintegration with the employer or the loss of employment despite a previously established unlawful termination of the employment contract by the employer and the establishment of the employment relationship up to but no later than the issuance of a decision by the first-instance court. This compensation is paid for the future estimated damage resulting from the unsuccessful reintegration of the worker; it is not meant as compensation for loss of income or compensation for any other pecuniary damage caused by the unlawful termination of the employment contract during the period pending the termination of the employment contract by a court ruling, or for non-pecuniary damage due to potential unlawful action by the employer upon the termination of the employment contract.

The right to compensation in general is governed by Article 179 of the ZDR-1; pursuant to this Article, 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 limitation on the liability for damages under this Article.

The Government of the Republic of Slovenia notes that, pursuant to Article 6 of the ZDR-1, the less favourable treatment of workers in connection with pregnancy or parental leave is considered discriminatory. In the event of a violation of the prohibition of discrimination and pursuant to Article 8 of the ZDR-1, the employer is liable to compensate the worker under the general rules of civil law. When determining the amount of non-pecuniary damage compensation, the following must be taken into account: the compensation must be effective and proportionate to the damage suffered by the candidate or worker, and must discourage the employer from repeating the violation.

8§3 Time off for nursing mothers

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from the Conclusions 2015):

Non-conformity was found in the Conclusions and therefore additional clarifications are provided below in line with the ECSR call.

1) In its Conclusions 2015, the ECSR found non-conformity with Article 8§3, because nursing breaks were not remunerated. The Conclusions 2015 clarify that relevant legislation was adopted in 2014 (this entered into force in September 2014 and did not cover the reporting period at that time) – the Parental Protection and Family Benefits Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 26/14, 90/15, 75/17 – ZUPJS-G, 14/18, 81/19, 158/20, 92/21 and 153/22)), which introduces compensation for the duration of the nursing break, and therefore the violation has been remedied.

Below, we give an additional explanation that on the basis of a certificate issued by a paediatrician, a mother employed full-time has the right to remuneration for nursing breaks until the child is 18 months old, for one hour a day, amounting to the proportionate part of the basis referred to in paragraphs

one, two and three of Article 43 and Article 46 of the Parental Protection and Family Benefits Act. For the calculation of this remuneration the same basis applies as for the calculation of the maternity, paternity and parental benefits.

2) Regarding the ECSR's question on the regulation of the right to paid nursing breaks in the private and public sectors, we explain that all mothers, whether employed in the private and public sectors or self-employed, are entitled to this remuneration.

8§4 Regulation of night work

Information to be provided (from the Appendix with instructions):

a) Please provide updated information to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave.

If a female worker is employed in a job that is subject to an absolute prohibition of work or in a job 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 and a more favourable salary.

If the salary received by the worker at her primary job was more favourable, the employer must pay her that salary. If the salary at the other job is more favourable, she is entitled to that salary (paragraph four of Article 184 of the ZDR-1)¹¹. If the employer is unable to provide the worker with other suitable work, the worker is entitled to absence from work and to wage compensation under paragraph seven of Article 137 of the ZDR-1. This means that she is entitled to compensation in the amount of her average monthly wage during the past three months or during the period she worked in the past three months.

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

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8§5 Prohibition of dangerous, unhealthy or arduous work

Information to be provided (from the Appendix with instructions):

a) Please provide updated information to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that the women concerned retain the right to return to their previous employment at the end of the protected period.

¹¹ Employment Relationship Act – ZDR-1 (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 21/13, 78/13 – corr., 47/15 – ZZSDT, 33/16 – PZ-F, 52/16, 15/17 – Dec. of the CC, 22/19 – ZPosS, 81/19, 203/20 – ZIUPOPDVE, 119/21 – ZČmIS-A, 202/21 – Dec. of the CC, 15/22 and 54/22 – ZUPŠ-1)

The salary is explained under 8§4 (answer to point a). Regarding the right to return to the previous employment at the end of the protection period, we explain that these are temporary measures and therefore the female worker is entitled to return to the same post since the employment contract is not terminated and the worker continues to work on the basis of her (same) employment contract.

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from the Conclusions 2015):

1) The ECSR reiterates its request for an update 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.

We would like to clarify that on 24 June 2015 the Rules on protection of health at work of pregnant workers and workers who have recently given birth or are breastfeeding¹² (hereinafter: the Rules) were adopted, transposing two directives into the Slovenian legislation:

- Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (110) of Directive 89/391/EEC) (OJ L No. 348, 28.11.1992, p. 1); last amended by Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures (OJ L No. 65 of 5 March 2014, p. 1) (hereinafter: the Directive) and
- Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007 amending Council Directive 89/391/EEC, its individual Directives and Council Directives 83/477/EEC, 91/383/EEC, 92/29/EEC and 94/33/EC with a view to simplifying and rationalising the reports on practical implementation (OJ L No. 165 of 27 June 2007, p. 21), last amended by Directive 2013/35/EU of the European Parliament and of the Council of 26 June 2013 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (20th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) and repealing Directive 2004/40/EC (OJ L No. 179 of 29 June 2013, p. 1).

In accordance with the Directive two articles of the Rules have been redrafted as follows:

- Article 5 by prohibiting the exposure of pregnant and breastfeeding workers to the exhaustively listed risk factors and working conditions, and
- Article 6 by prohibiting 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 (referred to in Article 3 of the Rules) indicates that there is a risk to the health of the worker and of the child.

2) The ECSR asks for confirmation that the female workers remain entitled to return to their previous work at the end of the protection period. In this respect, we would like to clarify that Article 184 of

¹² <http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV12455>

the ZDR-1 refers to temporary protection measures. If the employer provides the worker with other appropriate work, the female worker and the employer sign an annex to the existing employment contract, in which they agree on the work, the duration of the work and remuneration for the work to be performed by the worker during the period of validity of the protection measure under Article 184. Once the protection measure has expired, the existing employment contract is reinstated. If the employer does not provide the female worker with other appropriate work and the worker is absent from work for this reason, the worker is still employed by the employer. After the expiry of the protection measure and the justified absence from work, there is no change in the employment status, as the female worker continues to work on the basis of her (same) employment contract, and is therefore, of course, entitled to perform the same work under her employment contract as before the protection measure came into force. Such a solution is therefore based on the general rules applicable to employment contracts, the obligation to provide work, the prohibition of unilateral changes to contractual provisions, etc. The same employment status is thus guaranteed even after the expiry of the protection measure under Article 184 of the ZDR-1.

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

Information to be provided (from the Appendix with instructions):

a) Please provide updated information on measures taken to reduce all forms of domestic violence against women including information on incidence and conviction rates.

The Ministry of Labour, Family, Social Affairs and Equal Opportunities (MDDSZ) is drafting a new *Resolution on the National Programme for the Prevention of Domestic Violence and Violence against Women*. For the first time, the Resolution covers both domestic violence and violence against women. The purpose of the Resolution is to recognise the key areas where deficiencies and weaknesses have been identified and where changes are needed, and to define the objectives and actions through which improvements can be achieved. The key changes/objectives are: to strengthen and improve the quality of programmes related to domestic violence, to improve the protection, treatment and the position of victims of such violence, to further improve the expertise of the staff dealing with the issue of domestic violence and violence against women, to improve legislation on the prevention of domestic violence and violence against women, to improve the monitoring of domestic violence and violence against women, and to better organise the reference areas. The set objectives are in line with the basic European guidelines on the prevention of and response to domestic violence and violence against women.

The Ministry of Labour, Family, Social Affairs and Equal Opportunities (MDDSZ) finances regular annual training for case workers at social work centres on the prevention of and response to domestic violence and violence against women (for the Ministry, the training is organised by the Social Chamber).

In 2020, the Ministry of Labour, Family, Social Affairs and Equal Opportunities launched a *public invitation to tender for co-financing projects to help the most vulnerable groups of the population in addressing needs related to the COVID-19 epidemic and to mitigate its consequences*. The purpose of the public invitation to tender was to implement projects that provide innovative approaches to addressing and tackling the social distress faced by vulnerable groups as a result of the COVID-19

epidemic. Victims of violence were also one of the target groups addressed in the invitation to tender. In the invitation to tender four programmes were selected that directly address the problem of violence or focus on victims of violence. The total value of the co-financing for the projects is EUR 1,911,951.66.

During the International Days for the Elimination of Violence against Women, the Ministry of Labour, Family, Social Affairs and Equal Opportunities drew special attention to online violence and harassment against women and girls. Massive use of the internet and social media has strongly increased since the outbreak of the epidemic, especially during quarantine, making women and men, girls and boys even more exposed to this form of violence. In November 2020, the media campaign *#Click-off (#Odklikni)* was repeated, raising public awareness of the problems and dimensions of online harassment and violence in Slovenia. The campaign also highlighted that tools are available for children, young persons and their parents in the form of the mobile application *Click off*, which they can use when confronted with the problem of online violence and harassment. The application provides knowledge on how to more easily recognise such forms of violence and gives instructions on how to protect themselves.

In 2020, the Republic of Slovenia signed the mutual agreement for establishing a EU-wide helpline number for women victims of violence; women victims of violence and victims of domestic violence will be able to call the same number across Europe to get advice and support. From 1 January 2021, the counselling line number of the SOS Helpline (SOS Telefon) for women and children has been available 24 hours a day, seven days a week. The SOS Helpline for women and children victims of violence is mainly co-funded by the Ministry of Labour, Family, Social Affairs and Equal Opportunities.

On the basis of the Domestic Violence Prevention Act social work centres must keep evidence on the victims and the perpetrators of domestic violence. In the Social Database data are being collected by gender, age, the relationship between the perpetrator and the victim, the type of violence and the measures or services carried out by social work centres.

Table: Number of victims (children and adults) of domestic violence by gender

Number of victims by gender	2018	2019	2020	2021
Number of victims – male	727	638	591	499
Number of victims – female	2109	1885	1848	1716
Total	2836	2523	2439	2215

(Source: Social Database)

Through regular annual public invitations to tender the Ministry of Labour, Family, Social Affairs and Equal Opportunities co-finances social protection programmes of non-governmental organisations (including programmes of public social care institutions) that provide a higher quality professional treatment of vulnerable groups of persons and are complementary or alternative to social assistance services. Over time, high-quality and user-friendly social protection programmes have been developed and implemented throughout Slovenia. Among many others, violence prevention programmes are supported through co-financing. These programmes take the form of safe houses, crisis centres and counselling offices. In 2020, the Ministry of Labour, Family and Social Affairs co-funded 35 violence

prevention programmes. The programmes financed by the Ministry of Labour, Family, Social Affairs and Equal Opportunities in 2020 included eight maternity homes, 13 safe houses and crisis centres with a total of 340 beds. These programmes are implemented by various non-governmental organisations, for example: The SOS Helpline Society for Women and Children (Društvo SOS telefon za ženske in otroke), the Society for Helping Women and Children Victims of Violence (Društvo za pomoč ženskam in otrokom žrtvam nasilja), the Life Without Violence Society (Društvo življenje brez nasilja), the Society for Non-violent Communication (Društvo za nenasilno komunikacijo) and others.

Social protection programmes aimed at preventing violence are implemented in a way that allows programme providers to adapt their activities (in line with the current measures and recommendations), while at the same time being accessible to users at any time by telephone, e-mail or video call. These organisations also publish their contact details in as many places as possible that are accessible to people.

The tables below show data on the number of all social protection programmes and their co-financing by the Ministry of Labour, Family, Social Affairs and Equal Opportunities in the period 2018–2021; separately, tables on the co-financing of violence prevention programmes are added.

Table: Social protection (SP) programmes, 2018

	Number of programmes	Amount of funding
Public SP programmes	122	EUR 12,956,859.97
Development SP programmes	57	EUR 2,398,410.23
TOTAL	179	EUR 15,355,270.20

Table: Social protection (SP) programmes, 2019

	Number of programmes	Amount of funding
Public SP programmes	122	EUR 12,956,859.97
Development SP programmes	48	EUR 2,246,523.11
TOTAL	170	EUR 15,203,383.08

Table: Social protection (SP) programmes, 2020

	Number of programmes	Amount of funding
Public SP programmes	126	EUR 13,725,485.04
Development SP programmes	35	EUR 1,561,592.39
TOTAL	161	EUR 15,287,077.40

Table: Social protection (SP) programmes, 2021

	Number of programmes	Amount of funding
Public SP programmes	141	EUR 14,935,396.87
Development SP programmes	34	EUR 1,256,992.39
TOTAL	175	EUR 16,192,389.26

Table: Social protection programmes **2022** (outside the reporting period)

	Number of programmes	Amount of funding
Public SP programmes	143	EUR 19,622,162.85
Development SP programmes	38	EUR 2,078,132.95
Total	181	EUR 21,700,295.80

Table: Co-financing of violence-prevention programmes (2018–2021)

Year	2018	2019	2020	2021
Social protection programmes / violence	Amount of funding (EUR)	Amount of funding in EUR	Amount of funding in EUR	Amount of funding in EUR
	3,334,898.40	3,353,954.95	3,332,581.05	3,464,050.00

Police data on the incidence of criminal and minor offences related to domestic violence are presented below.

According to the police data (2020), there were 10% more criminal offences related to domestic violence in 2020 than the year before. In 2021, fewer cases of domestic violence were reported (by 4% compared to 2020) and the number of female victims of crime (domestic violence and sexual violence) was again significantly higher than the number of male victims. The rate of reporting violence to the police and other institutions is low in Slovenia, and the data recorded by the authorities often does not reflect the true extent of gender-based violence.

Table: Police statistics on criminal offences of domestic violence by gender of the suspect (2018-2021)

Number of suspects	2018	2019	2020	2021
Total	1,386	1,360	1,501	1,296
Male	1,307	1,275	1,403	1,199
Female	79	85	98	97

Source: Police

During the period under review, the police dealt with an annual average of 2,796 minor offences with elements of domestic violence under paragraph four of Article 6 of the Protection of Public Order Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 70/06 and 139/20; hereinafter: the ZJRM-1). During the COVID-19 epidemic, i.e. in 2019 and 2020 (**red areas in the table**), there was a

slight increase in the number of minor offences dealt with. With regard to the relationship between the offender and the injured party, in 2020 there was an increase in the number of minor offences, where the offender acted in the 'role' of a collateral relative (brother, sister), a child (offence against parents) or a parent (offence against children).

Table: Police statistics on minor offences with elements of domestic violence (2018-2021)

		RELATIONSHIP BETWEEN THE OFFENDER AND THE INJURED PARTY ¹³					
Year	No. of minor offences	Spouse	Cohabiting partner	Ex partner	Brother/sister	Child	Parent
2018	2,887	337	396	270	76	172	361
2019	2,795	262	322	257	80	154	336
2020	2,893	299	351	267	104	181	383
2021	2,607	251	374	256	74	140	335

Source: Police

On average, men account for more than two thirds of all offenders (76%) and the COVID-19 period shows no significant difference.

Table: Overview of offenders by gender¹⁴

Gender of offender	2018	2019	2020	2021
	2,794	2,703	2,756	2,486
male	2,223	2,152	2,265	2,025
female	571	551	491	461

Source: Police

On average, the police imposed 979 restraining orders against approaching a particular person, place or area under the provisions of Article 60 of the Police Tasks and Powers Act (ZNPPol). In the majority of cases, the offenders comply with the measure, as an average of only 20% of all measures imposed are violated over a longer period of time.

¹³ The most frequently identified relationships were selected.

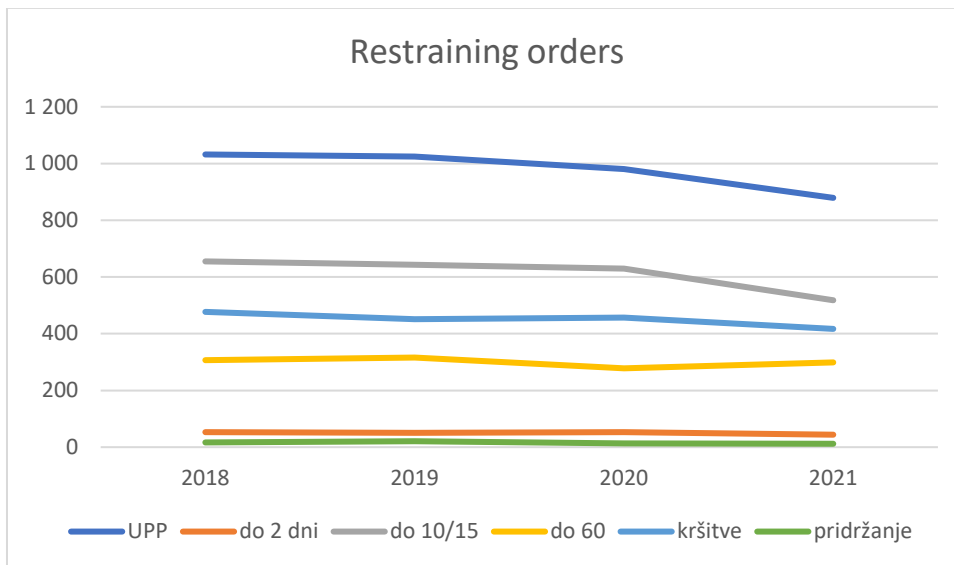
¹⁴ The number of offenders differs from the number of offences because one offender may commit more than one offence (e.g. he may use violence against his partner and a child in the same incident – each offence is treated separately).

Table: Police statistics on imposed restraining orders against approaching a particular person, place or area (2018-2021)¹⁵

Year	Measure	up to 2 days ¹⁶	up to 10/15 ¹⁷	up to 60 ¹⁸	Violations ¹⁹	Detention ²⁰
2018	1,032	53	655	307	477	17
2019	1,025	51	643	316	451	21
2020	981	53	630	278	457	13
2021	879	44	518	299	417	12

Source: Police

Graph: Police statistics on imposed restraining orders against approaching a particular person, place or area (2018-2021)



Source: Police

b) For States Parties not having accepted Article 31, please provide updated information on the availability of adequate affordable housing for families.

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c) Are family or child benefits provided subject to a means-test? If so, what is the percentage of families covered?

Entitlement to child benefit depends on the family's material situation (on the income and assets of all family members). An average of 323,833 or 190,198 families received monthly child benefit in 2021. According to the SURS, the number of children under the age of 18 in Slovenia in 2021 was 392,888. This means that 67,869 children or approximately 17.5% of children in Slovenia do not receive child

¹⁵ Measures under Articles 60 and 61 of the Police Tasks and Powers Act

¹⁶ Authorisation of police measure by the investigating judge for 48 hours.

¹⁷ Extension of police measure by the investigating judge up to 15 days.

¹⁸ Extension of police measure by the investigating judge up to 60 days.

¹⁹ Number of violations (non-compliance with the measure); one measure may be violated several times.

²⁰ Number of detentions for repeated violations of the measure.

benefit. Around 3,000 families receive child benefit in another EU Member State under the provisions of Regulation (EC) No. 883/2004 on the coordination of social security systems.

Other family benefits do not depend on the material situation of the family (for more information on these additional payments and the amounts paid see answer d)).

d) Please provide information about the amounts paid in child/family benefit as well as the median equivalised income for the reference period.

Below, we provide information on the amounts of child benefit paid in relation to the classification in the income bracket in the selected reference period and information on other family benefits (parental allowance, birth grant, large family allowance, childcare allowance and partial payment for loss of income).

Child benefit

Table: Depending on the classification in the income bracket, the monthly child benefit amounts to (1 February 2018 to 31 December 2018):

Income bracket	Average monthly income per person (in euros)	Child benefit for a child in primary school or until the age of 18 (in euros):			Child benefit for a child in upper secondary school but no longer than until the age of 18 (in euros):		
		1st child	2nd child	3rd and subsequent child	1st child	2nd child	3rd and subsequent child
1	up to 185.43	114.31	125.73	137.18	114.31	125.73	137.18
2	from 185.44 to 309.05	97.73	108.04	118.28	97.73	108.04	118.28
3	from 309.06 to 370.86	74.48	83.25	91.98	74.48	83.25	91.98
4	from 370.87 to 432.67	58.75	67.03	75.47	58.75	67.03	75.47
5	from 432.68 to 545.98	48.04	56.06	64.03	48.04	56.06	64.03
6	from 545.99 to 659.30	30.44	38.10	45.71	30.44	38.10	45.71
7	from 659.31 to 844.73	22.83	30.44	38.10	28.83	36.44	49.65
8	from 844.74 to 1,019.86	19.88	27.50	35.11	22.88	30.50	39.89

Source: Ministry of Labour, Family, Social Affairs and Equal Opportunities

Table: Depending on the classification in the income bracket, the monthly child benefit amounts to (1 July 2019 to 31 December 2019):

Income bracket	Average monthly income per person (in euros)	Child benefit for a child in primary school or until the age of 18 (in euros):			Child benefit for a child in upper secondary school but no longer than until the age of 18 (in euros):		
		1st child	2nd child	3rd and subsequent child	1st child	2nd child	3rd and subsequent child
1	up to 188.02	117.05	128.75	140.47	117.05	128.75	140.47
2	from 188.03 to 313.37	100.08	110.63	121.12	100.08	110.63	121.12
3	from 313.38 to 376.05	76.27	85.25	94.19	76.27	85.25	94.19
4	from 376.06 to 438.72	60.16	68.64	77.28	60.16	68.64	77.28
5	from 438.73 to 553.63	49.19	57.41	65.57	49.19	57.41	65.57
6	from 553.64 to 668.53	31.17	39.01	46.81	31.17	39.01	46.81
7	from 668.54 to 856.56	23.38	31.17	39.01	29.52	37.31	50.84
8	from 856.57 to 1,034.14	20.36	28.16	35.95	23.43	31.23	40.85

Source: Ministry of Labour, Family, Social Affairs and Equal Opportunities

Table: Depending on the classification in the income bracket, the monthly child benefit amounts to (1 February 2020 to 31 December 2021)

Income bracket	Average monthly income per person (in euros)	Child benefit for a child in primary school or until the age of 18 (in euros):			Child benefit for a child in upper secondary school but no longer than until the age of 18 (in euros):		
		1st child	2nd child	3rd and subsequent child	1st child	2nd child	3rd and subsequent child
1	up to 191.40	117.05	128.75	140.47	117.05	128.75	140.47
2	from 191.41 to 319.01	100.08	110.63	121.12	100.08	110.63	121.12
3	from 319.02 to 382.82	76.27	85.25	94.19	76.27	85.25	94.19

4	from 382.83 to 446.62	60.16	68.64	77.28	60.16	68.64	77.28
5	from 446.63 to 563.60	49.19	57.41	65.57	49.19	57.41	65.57
6	from 563.61 to 680.56	31.17	39.01	46.81	31.17	39.01	46.81
7	from 680.57 to 871.98	23.38	31.17	39.01	29.52	37.31	50.84
8	from 871.99 to 1052.75	20.36	28.16	35.95	23.43	31.23	40.85

Source: Ministry of Labour, Family, Social Affairs and Equal Opportunities

Parental allowance:

- Parental allowance is intended for mothers (or fathers after the 77th day from the birth of the child) who do not have parental protection insurance (students, unemployed); the eligible person is also included in the pension and disability insurance for the duration of the right;
- the mother and the child must have permanent residence in Slovenia and must actually reside in Slovenia;
- the right runs for 365 days. The period is extended in the event of a multiple birth, a prematurely born child or a child who needs special care.

Table: Parental allowance

Period	Payment amount
from 1 November 2018 to 30 June 2019	EUR 252.04
From 1 July 2019 to 31 December 2020	EUR 258.09
From 1 January 2020 to 31 December 2021	EUR 402.18

Source: Ministry of Labour, Family, Social Affairs and Equal Opportunities

In 2021, the average number of beneficiaries per month was 2,696.

Birth grant

- The birth grant is a one-off amount intended for purchasing everything necessary for a new-born;
- every child whose mother or father has permanent or temporary residence in Slovenia (and actually resides in Slovenia) has the right to a birth grant.

Table: Birth grant

Period	Payment amount
from 1 January 2018 to 30 June 2019	EUR 280
From 1 July 2019 to 31 December 2020	EUR 286.72
From 1 January 2020 to 31 December 2021	EUR 350

Source: Ministry of Labour, Family, Social Affairs and Equal Opportunities

In 2021, the number of beneficiaries was 20,117.

Large family allowance

- Large family allowance is an annual benefit intended for a family having, for at least one day in a calendar year, three or more children aged up to 18 years of age, or beyond 18 years of age if they have the status of a pupil, upper secondary school student, apprentice or university student, but only until they reach the age of 26;
- one of the parents and the children must have their permanent or temporary residence in Slovenia and must actually reside in Slovenia.

Table: Large family allowance

Period	Amount for three children	Amount for four or more children
from 1 January 2018 to 30 June 2019	EUR 395	EUR 480
From 1 July 2019 to 31 December 2021	EUR 404.48	EUR 491.52

Source: Ministry of Labour, Family, Social Affairs and Equal Opportunities

In 2021, the number of beneficiaries was 33,243.

Child care allowance

- Child care allowance is a right exercised by one of the parents or other person for a child who needs special care, if the child has permanent residence in Slovenia and actually lives in Slovenia;
- the right to child care allowance is granted for the period during which the grounds for entitlement to child care allowance exist and only until the child reaches 18 years of age, or beyond 18 years of age if the child has the status of a pupil, upper secondary student, apprentice or university student, but only until the child reaches the age of 26;
- the right to child care allowance is granted on the basis of the opinion of a medical commission.

Table: Child care allowance

Period	Payment amount	Payment amount
from 1 January 2018 to 30 June 2019	EUR 100	EUR 200 for children with severe mental developmental disorders or a severe motor impairment or children with particular diseases from the list of severe illnesses
From 1 July 2019 to 31 December 2021	EUR 102.40	EUR 204.80 for children with severe mental developmental disorders or a severe motor impairment or children with particular diseases from the list of severe illnesses

Source: Ministry of Labour, Family, Social Affairs and Equal Opportunities

In 2021, the average number of beneficiaries per month was 8,306.

Partial payment for loss of income

- Partial payment for loss of income is a personal benefit paid to a parent or another person when they leave the labour market or start to work part-time in order to care for a child with a severe mental development disorder or severe motor impairment or a child with an illness included in the list of severe illnesses;
- in this case, from 1 July 2021 one parent receives monthly wage compensation equal to the minimum wage (if the parent works part-time they are entitled to a proportionate part of partial payment for loss of income); from 1 January 2018 to 30 June 2019 the gross amount of the partial payment for loss of income was EUR 734.15, from 1 July 2019 to 30 June 2021 it was EUR 751.77.

In 2021, the average number of beneficiaries per month was 974.

e) Is there a length of residence requirement imposed on nationals of other States Parties lawfully resident in your country for eligibility to child/family benefits?

Eligibility for child benefit and all family benefits is not conditional on the length of residence in Slovenia.

f) What measures have been taken to ensure that vulnerable families can meet their energy needs, in order to ensure their right to adequate housing (which includes access to essential services)?

For individuals or families who have regular or extraordinary expenses related to the payment of heating or electricity costs and cannot cover them with their own income, Slovenia provides social assistance benefit in cash and its special form, i.e. extraordinary social assistance benefit in cash. Most extraordinary social assistance benefits for heating are granted in the autumn and winter months. In the application for extraordinary social assistance benefit the applicant must specify in detail the purpose for which they need assistance and indicate the amount of funds needed. The person entitled to extraordinary social assistance benefit must use the received assistance benefit for the purpose for which it was granted. Social work centres are also helping to inform their clients about the ECO Fund's activities throughout Slovenia.

The ECO Fund (the Slovenian Environmental Public Fund) has projects (ZERO, Ensvet) that provide instructions on how to rationalise consumption costs and use water and energy more efficiently (visit by an energy consultant to assess energy consumption and necessary measures, education on energy/water consumption and a package to reduce energy and water consumption).

Measures to reduce energy poverty among citizens (ZERO) are aimed at all socially disadvantaged citizens who are entitled to regular and/or extraordinary social assistance benefits and/or income support. Citizens register for a free home visit by an energy consultant from the Ensvet network with a case worker at a social work centre, where they fill in a registration form on the ZERO leaflet or register themselves via the ZERO leaflet, which is available on the ECO Fund website and from many humanitarian organisations and societies. In addition to the completed registration form they must also send to the ECO Fund a copy of the decision issued by the social work centre (by post or e-mail) proving that they are entitled to the visit and the package on the day the registration form is filled in. The Ensvet energy consultant who works within the ECO Fund, takes specific measurements in the households and checks the energy and water consumption using bills with costs going back one year, which provides the basis for a written report and information on the changes needed to use energy more efficiently. In addition to the cost of the Ensvet energy consultant's work, the Climate Change Fund also finances the purchase of the package of simple devices and materials to reduce energy and water consumption, such as LED-lamps, electrical extension cords with off-switches, tap and shower savers, window seals and reflective foils for radiators.

Due to the increase in energy prices, in March 2022 (beyond the reporting period, but with eligibility for payment related to 2020) the Act on Emergency Measures to Mitigate the Consequences of the Impact of High Energy Commodity Prices was adopted, which laid down the payment of the solidarity bonus to mitigate the effects of energy poverty for certain categories of beneficiaries who were entitled to specific rights in December 2021 (linking the measure to the reporting period):

The beneficiaries of the one-off solidarity bonus of 150 EUR in April 2022 were:

- persons defined as beneficiaries of the solidarity bonus pursuant to Article 67 of the Act Determining Additional Measures to Prevent the Spread of COVID-19 and to Mitigate, Control, Ensure Recovery from and Remedy its Impact (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 206/21) whose income in December 2021 was EUR 1,000 or less (these are: Pension and Disability Insurance Institute of Slovenia (ZPIZ): recipients of pensions and disability insurance benefits whose income in December 2021 was EUR 1,000 or less and recipients of disability benefits under the Act regulating social inclusion of disabled persons; Pension Fund Management (KAD): beneficiaries of occupational pensions);
- beneficiaries of disability benefits for December 2021 under the Act regulating social inclusion of disabled persons who are not entitled to the benefit referred to in the preceding indent;
- recipients of social assistance benefit in cash or income support for December 2021, who are not themselves or persons who are taken into account in addition to them when determining the material situation pursuant to the Act governing the exercise of rights to public funds, entitled to a benefit referred to in indents one and two of this paragraph;
- beneficiaries of child benefit from the first to the sixth income bracket inclusive for December 2021, who are not themselves or persons who are taken into account in addition to them in

- determining the material situation pursuant to the Act governing the exercise of rights to public funds, entitled to a benefit referred to in indents one, two or three of this paragraph;
- beneficiaries of the large family allowance for 2021, who are not entitled to the benefits referred to in indents one, two, three or four of this paragraph, or if the children in respect of whom they are entitled to the large family allowance are taken into account as related persons in the calculation of the child benefit on the basis of which they are entitled to the benefit referred to in indent four of this paragraph;
- foster carers who, in December 2021, concluded at least one foster care contract in accordance with the provisions of the Act regulating the provision of foster care and who are not themselves or the children in their care entitled to the benefits or allowances referred to in indents one, two, three, four or five of this paragraph.

The above-stated beneficiaries who are entitled to a large family benefit for four or more children for 2021 are in addition to the bonus referred to in paragraph one of Article 67 of the Act Determining Additional Measures to Prevent the Spread of COVID-19 and to Mitigate, Control, Ensure Recovery from and Eliminate Its Impact entitled to an additional benefit in the amount of EUR 50. The bonus is paid on one basis only (one family receives one solidarity bonus of 150 EUR). *Example 1:* if the father receives a one-off solidarity bonus as a recipient of social assistance benefit in cash, the family will not receive another one-off solidarity bonus under the child benefit or the large family allowance. *Example 1:* if the foster mother receives a one-off solidarity bonus as a recipient of child benefit for her child, she will not receive another one-off solidarity bonus under the foster care contract.

The bonus is not included in the income taken into account in the exercise of rights under the regulations governing rights to public funds, with the exception of special social assistance. The one-off solidarity bonus in the amount of EUR 50 for the beneficiaries from indents two to five and the additional amount of EUR 50 for large families with at least four children were paid on 14 April 2022 by the Ministry of Labour, Family, Social Affairs and Equal Opportunities, while for other beneficiaries it was paid on 12 April 2022 by ZPIZ and KAD.

g) If specific temporary measures were taken to financially support vulnerable families during the COVID-19 pandemic, will they be or are they expected to be maintained or withdrawn? If they have been withdrawn, what effect is this expected to have on vulnerable families?

In 2020 and 2021, the Slovenian Government adopted eight packages of measures to mitigate and eliminate the consequences of the COVID-19 epidemic for the population and the economy. Many of these measures were aimed at helping children and families during the epidemic and improving their financial situation.

The key measures adopted to help families and their children are presented below.

- In 2020 and 2021, the amount of the allowance for large families who met the eligibility conditions was increased by EUR 100 for a family with three children and by EUR 200 for a family with four or more children.
- During the first wave of the epidemic (spring 2020), deprived families also received a solidarity bonus of EUR 150, i.e.:
 - beneficiaries of a parental allowance in accordance with the Act governing parental protection and family benefits;

- beneficiaries of a childcare allowance in accordance with the Act governing parental protection and family benefits;
 - beneficiaries of a maternity or parental benefit in accordance with the Act governing parental protection and family benefits in the amount of the minimum wage or in the amount below the minimum wage;
 - beneficiaries of a partial payment for loss of income in accordance with the Act governing parental protection and family benefits;
 - foster carers;
 - a beneficiary of the one-off solidarity bonus of EUR 30 per child was also one of the parents or another person for each child for whom they were entitled to child benefit in the first to sixth income brackets; however, a parent or other person who was entitled to an increased amount of the large family allowance was not entitled to such bonus.
- In the second wave of the epidemic (winter 2020/2021) one of the parents or another person was entitled to a one-off solidarity bonus in the amount of EUR 50 for each child up to the age of 18 who had permanent or temporary residence in the Republic of Slovenia and actually resided in Slovenia.
 - At the time of the second wave of the epidemic, the amount of the child care allowance increased by EUR 100 (from October 2020 up to and including June 2020).
 - One of the parents or another person or a foster parent was entitled to a one-off new-born solidarity bonus in the amount of EUR 500 for each child who had permanent or temporary residence in the Republic of Slovenia and was born between 1 January 2020 and 30 June 2023, and for whom they were entitled to a birth grant pursuant to the Act governing parental protection and family benefits.

Most of the measures intended for families as a result of COVID-19 ceased to apply.

h) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from the Conclusions 2015):

1) The ECSR would like to receive additional clarifications which are listed below. In addition to the answers to the questions posed in the areas where conformity was pending, we provide some new information on the amendments to the Family Code (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 15/17, 21/18 – ZNOrg, 22/19, 67/19 – ZMatR-C, 200/20 – ZOOMTVI, 94/22 – Dec. of the CC, 94/22 – Dec. of the CC and 5/23), which was adopted in 2017 and fully entered into force in 2019.

In addition to family counselling services (already described in the last report of this thematic group) which are provided by social work centres under the Social Assistance Act, the Ministry of Labour, Family, Social Affairs and Equal Opportunities also provides services related to family support programmes within non-governmental organisations.

Family support programmes are:

- *Family centres* which are a place for intergenerational socialising, a place for quality strengthening of the individual's social roles, support for improving relationships and parental skills and a place

for exchanging good practices and positive experiences. The aim of the content is to provide children and young persons with a range of learning opportunities for their overall development, social skills, emotional management skills, positive self-image and constructive problem solving, and to empower parents for positive parenting, quality family life and constructive resolution of interpersonal conflict. The effects of prevention activities are visible in the long term. It should be emphasised that positive mental health and the creation of a healthy environment for children and young persons are important protective factors for the healthy development of children, young persons and society. Family centres provide an environment for informal gatherings, educational and practical workshops on developing positive parenting, and carry out holiday activities for children and workshops for children and young persons, counselling aimed at improving the ability to manage emotions, building a positive self-image, learning to solve various problems, etc.

- *Programmes of psychosocial workshops* are aimed at parents and other individuals who are directly involved in the care of children. They support parents in finding solutions to reduce the burden on the child in the process of the parents' separation/divorce, to strengthen parental skills in families at risk, and to meet the challenge of joint custody of children. In the workshops, participants acquire skills for identifying and resolving problems peacefully, creating a safe and compassionate parental relationship, coping with the consequences of divorce, and strengthening their abilities and skills to face new realities.

One of the important changes brought about by the Family Code is, inter alia, the establishment of the *Council of the Republic of Slovenia for Children and Families*, which is a permanent professional advisory body to the Slovenian Government. The Council has been established at a higher level than its predecessor, the Expert Council for the Family, which was an advisory body to the Minister responsible for the family.

The tasks of the Council of the Republic of Slovenia for Children and Families are:

- to monitor and assess the situation of children and families, with emphasis placed on the exercise of the rights of children;
- to propose the technical principles for the adoption of legislation and strategic documents in the area of children and families;
- to discuss proposed acts relating to children and families and prepare professional opinions on proposed acts;
- to prepare initiatives for the coordinated action of competent authorities in the area of children and families and for cooperation between competent authorities, professional institutions and non-governmental organisations;
- to monitor the implementation of legislation and measures adopted in the area of children and families.

The Council of the Republic of Slovenia for Children and Families reports on its work once a year to the Slovenian Government. The report contains an assessment of the situation in the area of children's rights. Members of the Council are representatives of non-governmental organisations and professional institutions in the area of children and families, and of the Slovenian Government.

The Family Code, which became fully applicable in 2019, also regulates the rights and obligations of spouses. In accordance with the provisions of the Family Code, spouses are equal in marriage and decide on joint matters by mutual agreement. Spouses manage and dispose of their joint property together and by mutual agreement.

The new dimension introduced by the Family Code is the possibility for spouses/cohabiting partners to conclude a marital property agreement. Spouses may conclude a marital property agreement (known abroad as a prenuptial agreement) by way of which they determine their property regime that differs from the legal regime. The agreement may, by their common accord, also regulate other property affairs during the marriage and in the event of divorce. The marital property agreement is concluded before a notary who is obliged to explain to the spouses the legal marital regime and advise them on property rights and obligations under the Family Code. *Before concluding a marital property agreement a notary must give the spouses unbiased advice and make sure that both have fully understood the meaning and legal consequences of the marital property agreement they wish to conclude; the notary must also ensure that the content of the agreement is not in contravention of the Constitution, mandatory regulations and moral principles. If the spouses do not conclude a marital property agreement, the so-called legal marital property regime applies, which regulates the joint property of the spouses and the separate property of each spouse.

Parents are obliged to care for the life and health of their children, providing safety, basic care, upbringing and supervision. Parents are obliged to provide their children with conditions for healthy growth, balanced personal development and independent life and work. Parents must provide, within their powers, for the schooling and professional education of their children according to their capacities, talents and wishes.

In matrimonial disputes and disputes concerning relations between parents and children, the court may issue, at the request of one party or ex officio, an interim order on the award of the custody of a minor (child), on contact arrangements and maintenance. In the event of divorce, the court always also decides on the maintenance of the joint children (in addition to deciding on the custody of the minor children). When divorce is reached by mutual agreement, a decision on maintenance is an integral part of the divorce agreement. Even in the cases of divorce on the basis of an action, the court always decides on the maintenance of the joint children, without being bound by any claim (the guiding principle for the decision is always the best interests of the child).

2) With regard to the ECSR's question on family mediation services, we provide an explanation below and present important innovations in this area introduced by the Family Code in 2019.

In the Republic of Slovenia, mediation in court proceedings has been successfully practised for many years, based on the adoption of the Act on Alternative Dispute Resolution in Judicial Matters (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 97/09 and 40/12 – ZUJF) in November 2009.

An important innovation in the field of mediation services introduced by the Family Code is mediation in family matters before and after court proceedings. The Family Code stipulates that mediation shall primarily be carried out before the commencement of court proceedings with the aim of drafting a motion for consensual divorce or a motion for court settlement for child custody, maintenance and

contact with parents and other persons, and issues pertaining to the exercise of parental responsibility which significantly affect the child's development.

Mediation services before and after court proceedings started to be carried out in June 2020 and are provided by mediators from the list of mediators held by the ministry responsible for family affairs, covering the whole country. The list is made up of mediators within social work centres and external mediators. Mediation relating to parental responsibility is free (paid for by the state) and is available to all families.

In 2020, 55 family mediations were conducted before and after court proceedings, of which 14 mediations were successful and three mediations were partially successful. In 2021, 226 family mediations were conducted before and after court proceedings, of which 63 mediations were successful and 12 mediations were partially successful.

3) Regarding the prevention of violence against women, the ECSR would like to receive clarification on how the legislation is implemented in practice.

In 2008, the Domestic Violence Prevention Act²¹ was adopted, which clearly defines domestic violence and the different types of violence, defines the role, tasks and cooperation of various state authorities and NGOs in dealing with domestic violence, and sets out measures to ensure the safety and protection of victims of domestic violence.

The Act provides special protection for the most vulnerable groups in society, i.e. persons with disabilities, the elderly, persons with various disabilities and children. The aim of the Act is to prevent domestic violence, to effectively protect victims from further violence and to provide quality treatment to victims.

Four implementing regulations have also been adopted, which lay down the procedures to be followed by the authorities and institutions in dealing with domestic violence at operational level.

- *Rules on procedures for dealing with domestic violence in the implementation of health activities (2011);*
- *Rules on cooperation between the police and other authorities in the detection and prevention of domestic violence (2010);*
- *Rules on the treatment of domestic violence for educational institutions (2009);*
- *Rules on the organisation and work of multidisciplinary teams and regional services and on the activities of social work centres in dealing with domestic violence (2009).*

The Domestic Violence Prevention Act (hereinafter: the ZPND) was amended in 2016 in order to better protect the victims of domestic violence. The amendments mainly concern the definition of family members, which are now more broadly defined. The definition of domestic violence has also been broadened and a new form of violence, namely stalking, has been added. The amendments also concern the prohibition of corporal punishment of children. The range of possible measures that courts can take, in particular child protection measures, has been broadened. All these regulatory measures have contributed to a better systemic regulation of domestic violence.

²¹ Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 16/08, 68/16, 54/17 – ZSV-H and 196/21 – ZDOsk

The ZPND places the victim at the centre of treatment and protection, and defines a range of measures to support and protect victims, with special protection for children (who are victims of violence even if they are only present when violence is perpetrated against another family member, or if they live in an environment where violence is perpetrated). It provides comprehensive support for victims, including through cooperation between various state authorities and NGOs.

In accordance with the ZPND, social work centres provide victims and perpetrators of violence with services under the act regulating social assistance, the aim of which is to eliminate the immediate threat and to ensure the victim's long-term security by eliminating the causes or circumstances in which the violence occurs and by addressing the victim's social and material living conditions. The social work centre assesses whether it is necessary to draw up an assistance plan for the victim, which it draws up together with the victim. The social work centre will draw up the assistance plan if long-term measures are required to establish a safe environment for the victim, or if several assistance measures are required, and in other cases where it deems it necessary. Social work centres may refer perpetrators of violence to the relevant social assistance, educational, psychosocial or health programmes provided by authorities, organisations and NGOs. Social work centres take particular care in cases of violence where the victim is a child, particularly in cases of suspected child sexual abuse.

In accordance with the ZPND, for the purposes of providing assistance to the victim, dealing with the perpetrator of violence, drawing up an assistance plan for the victim, its implementation and monitoring, as well as for scientific research and statistical purposes, social work centres process personal data and keep databases of persons who were treated as victims and perpetrators of violence. Information on the victim, the perpetrator of violence and the type of treatment of violence is recorded in existing databases as defined by the act governing social assistance.

The ZPND also provides that the professional staff of authorities and organisations who perform tasks concerning violence must be regularly trained, as part of their continuing education and training, in particular on the prevention and detection of acts of violence, the prosecution of and adjudication thereon, and the enforcement of sanctions for such acts of violence, equality between men and women, the needs and rights of victims and the prevention of secondary victimisation, to an extent to be determined by ministers. Judges and state prosecutors who, in the course of their work, deal with victims or perpetrators of violence must also be regularly trained on the aforementioned issues, as part of their continuing education and training.

Since 1993, the Ministry of Labour, Family, Social Affairs and Equal Opportunities has regularly co-financed various programmes (mostly NGO programmes) through annual calls for proposals. Networks of programmes have also been established in the field of violence prevention, assistance to victims of violence and work with perpetrators of violence (*prevention programmes, information and counselling programmes and telephone counselling programmes, coordination, support and assistance and self-help programmes, accommodation programmes and therapy programmes*).

Domestic violence is defined as a criminal offence in Article 191 of the Criminal Code (the KZ-1) (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 50/12 – official consolidated version, 6/16 – corr., 54/15, 38/16, 27/17, 23/20, 91/20, 95/21, 186/21 and 105/22 – ZZNŠPP) and as a minor offence in Article 6 of the Protection of Public Order Act (Official Gazette of the Republic of Slovenia [*Uradni*

list RS], Nos 70/06 and 139/20). The two provisions overlap in content, but the law refers to the application of Article 11a of the Minor Offences Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 29/11 – official consolidated version, 21/13, 111/13, 74/14 – Dec. of the CC, 92/14 – Dec. of the CC, 32/16, 15/17 – Dec. of the CC, 73/19 – Dec. of the CC, 175/20 – ZIUOPDVE and 5/21 – Dec. of the CC), which states that where an act has both the elements of a criminal offence and a minor offence, the prosecution of the criminal offence takes precedence. Police officers therefore investigate whether the perpetrator's acts are persistent (repeated) and disrupt interpersonal relations in the family in such a way that certain members of the family are in a subordinate position, without a sense of security and frightened. The first actions of the police are always aimed at taking measures to protect the victims. The police also cooperate with the competent social work centre, particularly in the context of the inter-institutional team, where they work together with the victim to find the best solutions for the victim.

The Slovenian police consider cases of domestic violence as a priority and respond immediately to calls for help. Article 10 of the ZPND provides that authorities, organisations and NGOs are obliged, within the scope of their tasks and powers laid down by laws and other regulations, to consider cases of violence as a matter of priority, to provide mutual information and assistance in order to prevent and detect violence, to eliminate its causes and to assist the victim in establishing safe living conditions. A victim of domestic violence is often brought by the police to a police station, where a police officer or a criminal investigator (if the victim prefers, this can also be a female, if this can be arranged at the time) trained to deal with domestic violence speaks to the victim in an office and makes a record of the acceptance of an oral criminal complaint. The victim is informed of their rights and is specifically reminded that a person they trust can be with them throughout the procedure.

When dealing with domestic violence, there is often a statutory element of the offence which allows for the imposition of a restraining order on a person prohibiting them from approaching a particular person, place or area, pursuant to Article 60 of the Police Tasks and Powers Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 15/13, 23/15 – corr., 10/17, 46/19 – Dec. of the CC, 47/19 and 153/21 – Dec. of the CC), the purpose of which is to ensure the victim's safety and protection. Police officers impose the measure on the offender, prohibiting them from going within 200 metres of the injured party (the victim), their place of residence or work; the prohibition also includes the prohibition of harassment by means of communication. The perpetrator must leave the dwelling immediately and must hand over to the police officer the keys to the dwelling where they live with the victim. A police officer immediately imposes the measure orally and issues a written order within 6 hours. The police impose the measure on the offender for 48 hours by means of the written order and immediately send the order for review to the investigating judge of the district court, who may uphold, amend or annul the measure. If the investigating judge upholds the measure, the measure may be imposed for a period of up to 15 days. Supervision of compliance with the measure is carried out by the police, who will immediately remove the offender if they are caught in the area covered by the restraining order, issue a fine to the offender and inform the investigating judge of the violation of the measure. If there are reasonable grounds for suspecting that the offender will continue to pose a threat after 15 days have elapsed, the victim may propose to the investigating judge that the restraining order be extended for up to 60 days.

Before police officers intervene or report domestic violence, the police officer on duty checks the system to see if the perpetrator has any previous convictions or a history of domestic violence. The officer also checks whether the perpetrator has a weapons licence, is currently or has previously been under a restraining order, and other specifics. Article 143č of the Criminal Procedure Act provides that in pre-trial and/or criminal proceedings and with a view to determining specific protection needs, the competent authorities shall, if possible at the time of their first contact with the injured party, assess the level of risk of their secondary and repeat victimisation, of intimidation and of retaliation (form – individual assessment). The extent of an individual assessment may be adapted to the severity of the criminal offence and the degree of apparent harm suffered by the injured party. Minors as injured parties are always deemed to have specific protection needs.

The police pay a great deal of attention to dealing with domestic violence, as it involves complex criminal offences that require a specific approach and treatment. Every year, special training is organised for police officers, criminal investigators, assistant commanders and others in the police who are involved in dealing with domestic violence crimes. The training is based on the "Train the Trainers" principle, where police officers, after completing a (specialised) training course, act as multipliers and then conduct training in dealing with violence for other police officers. The lecturers are police experts in the field of domestic violence, representatives of the prosecutor's office, representatives of NGOs working in the field of domestic violence, representatives of social work centres and other experts. It is very important to cover the issue of domestic violence as broadly as possible, as only a comprehensive understanding of this complex field will lead to crimes of domestic violence being dealt with appropriately.

Police officers and criminal investigators also regularly attend training courses organised by other institutions or NGOs, participate in round tables, workshops and the like. Every year, the police organise a consultation together with the Association of Centres for Social Work to discuss cooperation, potential problems and their solutions, good practices and future challenges.

On the Police's internal website, police officers can easily access an informative job aid on police procedures, powers, duties and legislation, which, among other things, describes the entire procedure for dealing with domestic violence. The police also place strong emphasis on preventive content. The police are also involved in the inter-ministerial working group for monitoring the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which monitors and ensures the implementation of the provisions of the Istanbul Convention.

The general public is made aware of the unacceptability of violence in various ways. One way is through lectures given by criminal investigators in schools, where they talk to children about "good touches" and "bad touches", how to react in cases of violence or domestic violence, how to report violence, who to talk to about it and why it is important. Training is also being developed for adults, especially those working in healthcare and education.

The police website and social media are being used to post content on the unacceptability of domestic violence and to encourage victims and witnesses to report it. During the COVID-19 epidemic, it was emphasised in statements and posts that the police respond to every call for help and work 24 hours a day, every day of the week. Potential witnesses have also been encouraged to report violence and not to remain silent witnesses to violence.

4) Regarding the equal treatment of foreign nationals and stateless persons with regard to the receipt of child benefit, the ECSR would like to receive confirmation that the right is not conditional on the length of residence; we would like to clarify that the right to child benefit (and all other family benefits) in the Republic of Slovenia is subject to the condition of permanent or temporary residence, and foreign residents are thus treated equally, without any requirement as to the length of residence. We would like to clarify that the condition of five years of continuous lawful residence in Slovenia for obtaining a permanent residence permit has remained unchanged. Certain rights to receive benefits from public funds (such as child benefit and all other family benefits) are not conditional on obtaining a permanent residence permit, and any child temporarily or permanently residing in the territory of the Republic of Slovenia is entitled to child benefit or family benefits.

5) Regarding the ECSR's question whether stateless persons and refugees are treated equally with regard to the receipt of child benefit, we confirm that these persons are treated equally.

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

17§1 Assistance, education and training

Information to be provided (from the Appendix with instructions):

a) Provide information on the measures taken by the country to:

i) reduce the number of stateless children (e.g. by ensuring that every stateless migrant child is identified, by simplifying procedures to ensure the acquisition of nationality and by taking measures to identify children who were not registered at birth).

With regard to the simplification of the procedures to ensure the acquisition of nationality, we would like to clarify that the citizenship of the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 24/07 – official consolidated version and No 40/17) contains a number of elements that prevent the emergence of statelessness, as recommended by the 1961 Convention on the Reduction of Statelessness. The most important elements are:

- the Act allows children born in the territory of the Republic of Slovenia to acquire Slovenian citizenship if the child's parents are stateless, of unknown nationality and if the child is found in the territory of the Republic of Slovenia;
- if the non-granting of citizenship to a child born in the territory of the Republic of Slovenia would result in the child becoming stateless, the child shall be granted Slovenian citizenship (direct application of the UN Convention on the Rights of the Child).

ii) simplify procedures to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular situation

With regard to the simplification of procedures to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular situation, we would like to clarify that every birth in the territory of the Republic of Slovenia is registered *ex officio* in the official register – the Register of Deaths, Births and Marriages in accordance with the Register of Deaths, Births and Marriages Act (ZMatR, Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 11/11 – official consolidated version and 67/19), regardless of whether the child belongs to one of the vulnerable groups. Maternity hospitals in Slovenia are included in the eBirths system, which means that children born in these hospitals already have a personal identification number (EMŠO) determined in the maternity hospital, and the birth registration and the subsequent entry of the birth in the Register of Deaths, Births and Marriages by the competent authority (the administrative unit covering the area in which the child was born) are carried out electronically (except in the case of births in the Nova Gorica Maternity Hospital, which is the only maternity hospital in Slovenia that is not included in the system, and where birth registration is carried out on paper). If the child is born outside healthcare institutions (e.g. at home) without the presence of a doctor, registered nurse or midwife, who are obliged under the Register of Deaths, Births and Marriages Act to register the birth they attended, the child's father or the person with whom the mother lives, or the mother when she is able to register, may register the birth. In such case, a certificate of birth must be attached to the birth registration, which may also be issued by a doctor who was not present at the time of the birth, provided that he or she can certify that the mother gave birth. After the birth has been registered in the Register of Deaths, Births and Marriages, which is done as soon as the registration officer has verified the information, the parents are issued free of charge with an extract of the birth entry in the Register of Deaths, Births and Marriages. We would like to further clarify that the birth of a child who is found in the territory of the Republic of Slovenia and whose parents are unknown is also entered in the Register of Deaths, Births and Marriages, with the information as derived from the decision issued by the competent social work centre.

b) Provide information on measures taken to:

i) prevent child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc.)

In 2015–2019, the risk of social exclusion rate in Slovenia gradually decreased and was low by international comparison. According to the survey of EU-SILC 2020, which was based on income in 2019 and only covered part of the first epidemic wave, 295,000 persons were at risk of social exclusion. The risk-of-poverty rate and the rate of severe material and social deprivation increased (by 0.4 p.p. each), while the rate of low work intensity decreased (by 0.4 p.p.) and remained the lowest in the EU for the fourth year in a row in that period, though above the EU average for persons close to retiring (aged 60–64 years). The risk of social exclusion rate has increased for all age groups but remained the lowest in the EU for children and young people and the second lowest for adults. (IMAD, Development Report, 2022).

For the 2013–2020 period, Slovenia adopted the Resolution on the National Social Protection Programme (ReNPSV13–20), which, as a strategic document, has outlined the guidelines for the development of social protection in that period. To this end, it defined the starting points for the

development of the system and the objectives and strategies of the development of social protection, determined the network of public social assistance services and programmes, and laid down the manner of their implementation and monitoring and the responsibilities of individual actors at different levels. In the context of social assistance policies, the state and local communities are obliged to ensure conditions in which individuals may, in cooperation with other persons in the family, working and living environment, creatively participate and realise their development potentials, thus achieving a quality of life that is comparable to the quality of life of other residents of the Republic of Slovenia and that meets the criteria of human dignity. When individuals and families cannot provide social security themselves, they are entitled to aid, which is assured as part of active social policy by the state and local community.

As part of support and assistance services for social integration and independent living in the community, residential care services are provided:

- **Home help for children and young persons;** the target group is children and minors or children and minors with a severe physical disorder or a serious or severe mental disorder who are not included in organised forms of care.
- **Accommodation, care and education and short-term institutional placements of children and minors; the target group is children and minors** who do not have a family of their own or who, for various reasons, are unable to live with their parents or who need training due to physical and mental disabilities, and children and minors with emotional and behavioural disorders who need specialised short-term placement for the purpose of defining the forms of assistance needed; and
- **Half-day (up to 10 hours) and full-day (24 hours) institutional care for children and minors** with mental disorders; the target group is children and minors with moderate, serious and severe mental disorders.

Important measures to alleviate child poverty or to improve the situation 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 kindergarten fees, rent subsidies, snack subsidies for pupils and upper secondary students, lunch subsidies for pupils, the right to have the difference to the full value of healthcare services covered, and the right to the payment of the contribution for compulsory health insurance.

Child benefit (see Article 16, question d. for details) provides parents with an income supplement to help them provide for the maintenance, upbringing and education of the child. A parent or other person is entitled to child benefit for a child who has permanent or temporary residence in the Republic of Slovenia and who actually lives in Slovenia until the child reaches 18 years of age. The amount depends on the family's material situation, i.e. on the family's income and assets.

Social assistance benefit in cash provides the funds necessary to meet the minimum subsistence needs in the amount allowing the individual to survive. A special form of social assistance benefit in cash is **extraordinary social assistance benefit** in cash, which makes it possible to cover the extraordinary costs of subsistence which a single person or a family cannot cover from their own income or from the family's own income. **Income support** provides the funds necessary to cover the costs of living which are incurred over a long period of time (costs of maintaining a home, replacing durable goods, etc.) and which are not costs of meeting minimum subsistence needs. The amount of these entitlements depends on the eligibility threshold (set in relation to the basic amount of the minimum income), the

level of income, the number of family members, assets, the assistance provided and the possible existence of fault-based grounds.

State scholarship is intended for upper secondary students and university students who come from materially deprived families. It is a cash benefit that also enables upper secondary students and university students on low incomes to continue their education. With the introduction of **subsidised meals** (snacks and lunches for primary pupils and snacks for upper secondary students, in accordance with the School Meals Act and the Exercise of Rights from Public Funds Act), cheaper or free meals are provided to pupils and students, improving the accessibility of school meals for individuals from less socially advantaged backgrounds. The purpose of the **reduced kindergarten fee** is to relieve parents of the costs of paying for kindergarten and to increase the participation of all children in kindergartens. The right to a **rent subsidy** is intended for those who do not have sufficient resources to pay the rent and who meet the income and property requirements. A number of measures and support mechanisms in education include **the free borrowing of textbooks, co-financing of outdoor learning and the provision of adapted transport for persons with serious or severe mobility impairment**. In accordance with the Organisation and Financing of Education Act, schools may set up a textbook fund to ensure that textbooks are accessible to all learners. Pupils in primary schools borrow textbooks free of charge, while textbook funds are not compulsory in secondary schools, but most schools have them. The state provides the funds for pupils, apprentices and upper secondary students who are unable to pay the lending fee for textbooks due to their social status. In accordance with the Basic School Act, pupils are entitled to **free transport in the first grade**, and in the other grades if their home is more than four kilometres from the primary school. In accordance with the Road Transport Act, upper secondary students and university students are entitled to **financial assistance for the purchase of public passenger transport tickets** if the place where they study is at least two kilometres from their home. Pupils and upper secondary students with serious or severe mobility impairment are also entitled to **free adapted transport to school**.

Some of the measures that have a direct or indirect impact on child poverty prevention are presented in detail below.

On 1 January 2019, all austerity measures related to the family were abolished after six years. Paternity and parental benefits are now 100% of an individual's average salary in the last 12 months (previously 90%); the large family allowance is once again a universal entitlement and can be received by all large families regardless of their income status (previously limited to a threshold); maternity benefits are unlimited and parental benefits are capped at 2.5 times the average earnings (previously 2 times); and maternity and parental benefits are capped at 2.5 times the average salary (previously 2 times).

In accordance with the Exercise of Rights to Public Funds Act, the level of state scholarships has significantly increased for university and upper secondary students with the lowest incomes, who are also most in need of additional financial support for their education.

On 1 February 2019, the income thresholds for determining eligibility for child benefit, state scholarship, reduced kindergarten fees, snack subsidies for pupils and upper secondary students and lunch subsidies for pupils were raised.

On 1 July 2019, the amounts of child benefit, state scholarships, child care allowance, large family allowance, birth grant and parental allowance increased.

On 1 February 2020, the income thresholds for determining eligibility for child benefit, state scholarship, reduced kindergarten fees, snack subsidies for pupils and upper secondary students and lunch subsidies for pupils were again raised.

On 1 July 2021, in accordance with the amendment to the Housing Act, the non-profit rent subsidy increased from 80% to a maximum of 85% of the non-profit rent and the threshold and the non-profit rent subsidy were raised by 0.1 of the basic amount of the minimum income for single persons (individuals living alone in a dwelling).

As of 1 September 2021, in accordance with the amendment to the Kindergartens Act, parents with two children enrolled in a kindergarten at the same time are exempt from paying for the younger child. Parents are also exempt from the payment of kindergarten fees for the third and each subsequent child in the same family, regardless of whether the child is enrolled in kindergarten at the same time as their sibling.

Since 2014, Slovenia has also been implementing the Operational programme for material assistance to the most deprived (OP MPO), which is co-financed by EU funds. Under the programme, the Ministry of Labour, Family, Social Affairs and Equal Opportunities purchases large quantities of food products, which are then distributed to the most needy by partner organisations, the Slovenian Red Cross and Caritas Slovenia, selected through public tender. Both partner organisations also carry out a variety of accompanying measures (providing information, individual counselling, training, workshops, camps, social gatherings, learning support, etc.) to facilitate the beneficiaries' social integration and empowerment. In order to mitigate the effects of the COVID-19 epidemic, Slovenia increased by almost a quarter the initial funds earmarked for the purchase of food products (milk, rice, flour, oil, canned vegetables, pasta) and thus the quantity of food products delivered from the originally planned 3,250 tonnes to approximately 4,000 tonnes throughout 2020. The food parcels are available to people in need at more than 370 distribution points of the two humanitarian organisations. The OP MPO measure in Slovenia is one of the most important measures for alleviating the material and social hardship of people, as it provides more than 70% of all the food distributed by the two partner organisations to the most deprived people. The partner organisations establish the eligibility of persons from the recommendations or the documentation provided or additionally requested from the user (proof of income, relevant documents showing that they belong to vulnerable groups, e.g. a decision on social assistance benefit in cash, proof of entitlement to income support, recommendation from a social work centre). Special circumstances such as indebtedness, unsettled living conditions, illness, disability and other exceptional circumstances for which no formal proof is required are also taken into account when granting material assistance. **Particular attention is paid to families with young children when granting assistance.** In 2019, just over 150,000 of the most materially deprived persons, including around 32,000 children aged 15 years or younger, received assistance under the OP MPO. The total number of food parcels distributed in 2019, partly or fully financed under the OP MPO, was around 760,000. In 2020 (based on data from the first half of the year), around 120,000 people received food aid, of whom 25,000 were children under 15 years of age. Around 520,000 food parcels were distributed.

During the COVID-19 epidemic, deprived families also received a solidarity bonus of EUR 150. The one-off family solidarity bonus was aimed at improving the social situation of the most vulnerable families with children, families with children in need of special care and protection, and foster parents.

The beneficiary of the one-off solidarity bonus of EUR 30 per child was a parent or other person for each child for whom they were entitled to child benefit in the first to sixth income brackets; however,

a parent or other person who was entitled to an increased amount of the large family allowance was not entitled to such bonus.

By the end of the epidemic, the amount of the allowance for large families that met the eligibility conditions was increased by EUR 100 for a family with three children and by EUR 200 for a family with four or more children.

It is worth mentioning that, since June 2021, the Housing Fund of the Republic of Slovenia has been conducting a special public tender for public rental apartments for young people aged between 18 and 29²² and a public tender for public rental apartments for young people²³, which has been a permanent feature of the Housing Fund since 24 March 2017 and is regularly renewed. Children are taken into account in the priority categories of the public tender for cost-rental apartments from 1 August 2017 onwards.

ii) 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.

Various measures are in place to promote equal opportunities for children from particularly vulnerable groups (many of which are already covered in the answer to question i). Below we describe measures that are most relevant for the most vulnerable groups.

Child care allowance is a monetary allowance for a child in need of special care and protection (additional information, including the level of payments, is provided in answer d, Article 16) and is intended to cover the increased costs of living incurred by a family in supporting and caring for such a child. The allowance is intended for children with a severe or functionally severe mental disorder (a child may only be trained to participate in activities; needs constant care, protection, help and guidance; has limited physical ability and suffers from other severe disorders, illnesses and diseases; a child's understanding and following of instructions is severely limited; a child's IQ score in an orientation intelligence test is below 20 and mental age below 2 years of age) or for children with a severe or functionally severe mobility impairment (a child may only perform a few useful movements; cannot move independently; is fully dependent on others for care; may have severe impairment in communication; communicates by using non-verbal or substitute communication), or for children with particular diseases from the severe diseases list laid down by the Minister on the proposal of the paediatric clinic who are in need of special care and protection. The right to child care allowance is granted to one of the parents or another person if the child has permanent residence in the Republic of Slovenia and actually resides in Slovenia. The right to child care allowance is granted for the period during which the child is provided with special care for medical reasons, but only until the child reaches 18 years of age, or beyond 18 years of age if the child has the status of a pupil, upper secondary student, apprentice or university student, but only until the child reaches the age of 26.

Partial payment for loss of income (additional information, including the level of payments, is provided in answer d, Article 16) is a personal benefit granted to one of the parents or another person when leaving the labour market or starting to work part-time in order to take care of a child referred to in paragraph three of Article 79 of the Act (higher child care allowance). Partial payment for loss of income is also granted to a spouse or cohabiting partner who actually takes care of the spouse's or

²² <http://www.skupnost-za-mlade-gerbiceva.ssrs.si/>

²³ <https://ssrs.si/oddaja/najem-za-mlade/>

cohabiting partner's child if the right is not exercised by the mother or father and fulfils other conditions prescribed by the Act. This right may be granted to one of the parents or another person who takes care of two or more children with a moderate or serious mental disorder or moderate or serious mobility impairment. The amount of the partial payment for loss of income equals the gross minimum wage per month (after the amendment, outside the reporting period, it will be 1.2 times the minimum wage from 1 April 2023). If one parent or another person takes care of two or more children referred to in paragraph one of this Article, the amount of the partial payment for loss of income is increased by 30%. If one of the parents works part-time, they are entitled to the proportional part of partial payment for loss of income. Beneficiaries of the partial payment for loss of income are covered by compulsory pension and disability insurance, unemployment insurance and parental protection insurance. The insured person's contribution is paid by the beneficiary, whereas the employer's contribution is paid by the Republic of Slovenia. Beneficiaries of the partial payment for loss of income are covered by compulsory health insurance for illness and non-occupational injury to receive healthcare services and the reimbursement of travel expenses. The contribution is paid by the beneficiary. Both parents, other persons or one of the parents and their spouse or cohabiting partner may also be entitled to partial payment for lost income when they start working part-time, with the total use of the right not exceeding 40 hours weekly. The right to partial payment for loss of income is granted to one of the parents or another person if the child and one of the parents or other person have permanent or temporary residence in the Republic of Slovenia and actually reside in Slovenia. The right to partial payment for loss of income is granted to one of the parents or another person for as long as the conditions set out in this Act are fulfilled, or until the child reaches 18 years of age at the latest.

In addition to the aforementioned rights for children in need of special care, parents may also claim additional days of annual leave under the Employment Relationships Act, a higher amount of tax relief, a refund of motor vehicle tax for the purchase of a motor vehicle for the transport of disabled persons, or an exemption from the payment of the annual charge for vehicles for the transport of disabled persons. The Ministry of Education, Science and Sport also provides educational assistance to children and young persons in need of special care.

At the end of December 2020, the Slovenian National Assembly adopted the Act on the Intervention for Children and Youth with Emotional and Behavioural Disorders in Education.²⁴ The Act establishes a new systemic framework for the operation of residential treatment institutions, which will now operate as centres of expertise in four geographical areas and will provide comprehensive assistance to children and young persons with emotional and behavioural disorders, either alone or in cooperation with other centres of expertise. The Act offers several possibilities for flexible forms of assistance, ensures the necessary inter-ministerial cooperation, and also introduces mechanisms to better protect the rights and safety of children, young persons and professionals. The main goal of the Act is to establish a single systemic solution for the integrated treatment of children with emotional and behavioural disorders in educational institutions that are involved in the work of various ministries, and to enable the creation of centres of expertise that can offer preventive activities to children in kindergartens and schools; this will contribute to the earliest possible assistance and thus, possibly,

²⁴ Act on the Intervention for Children and Youth with Emotional and Behavioural Disorders in Education (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 200/20)

later

placements.

As part of social protection programmes, the Ministry of Labour, Family, Social Affairs and Equal Opportunities financially supports or co-finances programmes intended for children and young persons who are deprived of a normal family life and young persons experiencing difficulties while growing up. The programmes include day centres for children and young persons with field work and day centres for children and young persons with field work, which also include counselling and community-based counselling.

The financial support also includes a network of programmes on migration, promotion of volunteering and social inclusion of Roma. Support is provided to individuals and groups of migrants, such as applicants for and beneficiaries of international protection (asylum), unaccompanied children, undocumented migrants and other migrants, in the form of counselling, information, psychosocial and psychotherapeutic support and advocacy. Various activities were organised to facilitate the integration of migrants and refugees into their new environment.

The purpose of the activities carried out in multi-purpose Roma centres was to reduce the risk of poverty, raise social competences of people, empower people and bring them closer to the labour market, and facilitate their active inclusion in society. Programmes in this area are actively implemented by the following providers or NGOs: Slovene Philanthropy – Association for the Promotion of Volunteering, the Association for Developing Voluntary Work, Novo mesto, the Mozaik Association – Children’s Association, the Association for the Help and Self-help of Homeless People Kralji ulice, the Research and Educational Centre Rakičan Mansion.

The main objectives of such programmes are to strengthen the social inclusion and the social network of children and young persons, to provide support in actively resolving different kinds of distress and problems, to strengthen social competences, to improve the quality of leisure time, and to improve learning habits and one’s attitude towards school responsibilities; psychosocial counselling was also provided to children and young persons as part of some of the programmes.

In the field of social protection, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, in cooperation with other ministries (e.g. Ministry of Health, Ministry of Education and Sport), has always worked to strengthen programmes for children and young persons, to provide training for staff to acquire new skills, and to implement programmes aimed at all vulnerable groups. The Ministry of Labour, Family, Social Affairs and Equal Opportunities has also been actively involved in the implementation of strategic documents such as the Resolution on the National Social Protection Programme, the Resolution on the National Mental Health Programme and in the preparation of proposals for the action plan for each area.

We stress that cases of incitement to discrimination or incitement to hatred and intolerance are dealt with strictly and immediately referred to the competent authorities for consideration. We have also worked to promote open dialogue and public debate on the harmful effects and unacceptability of such behaviour.

Below we provide more detailed information on **the measures implemented during the COVID 19 epidemic**, when the Ministry of Education, Science and Sport, in the context of distance education, paid particular attention to preventing significant learning gaps among pupils during this period, particularly for children from vulnerable groups. Particular attention was paid to support for Roma children and their parents, immigrant pupils and upper secondary students, and upper secondary students with learning difficulties and special needs. Emphasis was placed on registering pupils and upper secondary students who were not enrolled in distance education and on contacting all pupils, taking into account the different technical capacities for distance education. Educational institutions received numerous circulars that included recommendations and instructions for distance learning. One of the key concerns was providing access and equipment for children from socially disadvantaged families and those living in rural areas with poor conditions for distance learning (schools rented out equipment such as computers).

When the COVID-19 epidemic was declared, the Curricular and Extracurricular Activities Centre became particularly involved; the Centre is also the authority responsible for the Together for Knowledge project, which aims to provide support for Roma children and their parents and help them integrate into the education system and learn new skills outside school. As part of this project, 26 Roma assistants worked in various primary schools and kindergartens, serving as a link between the school, Roma children and their parents; in addition, as part of the project, the Centre for School and Extracurricular Activities has established a network of multipurpose centres in Roma settlements in the south-east and north-east of the country within which activity providers in multipurpose centres and extracurricular activity providers operate.

During this period, all these project staff – Roma assistants, activity providers in multipurpose centres and extracurricular activity providers – focused on providing assistance and support to two key target groups, i.e. Roma parents and children who most needed the help of the project staff during this time. The project staff also helped primary schools and their staff to organise distance learning in such a way as to enable Roma children to participate in this form of education.

During the period of distance learning, all activity providers in multipurpose centres and extracurricular activity providers helped the teaching staff and management of the participating primary schools to establish and maintain regular communication with Roma children and their parents, and they were also actively involved in providing the material and technical conditions for distance learning (in cooperation with local communities, the National Education Institute and the Ministry of Education, Science and Sport, they conducted a campaign for the donation of technical equipment). Once these conditions were in place, all providers then became very actively involved in various forms of support and assistance in the delivery of the learning process, such as providing additional explanations to help pupils understand the instructions given for working at home, giving feedback on the work done at home and explaining specific teaching material in certain subjects; in this process, they used various forms of digital communication to communicate with each other on a daily basis. They also paid attention to preschool children, as they made various efforts to maintain contact with parents and preschool children and encouraged them to carry out certain activities in the home environment.

During the distance learning period, Roma assistants succeeded in maintaining contact with as many as 89% of pupils with whom they worked at school, demonstrating that activities under the Together for Knowledge project were a success. The main reason for the lack of contact with the remaining pupils was the lack of IT equipment or a very poor internet connection. Teaching staff in primary schools also confirmed the positive contribution of the project staff to distance learning, as in an

internal online survey 77% of teachers (out of 176 participants) positively rated the project's activities and contribution to improving the participation and performance of Roma pupils in distance learning.

In 2021, the Ministry of Education, Science and Sport designed additional measures to improve Roma children's circumstances in the area of education:

- Systemic conditions were created for the employment of Roma assistants in kindergartens, primary schools and primary schools with adapted programmes.
- The Rules amending the Rules on the organisation, operation and financing of state-funded short programme kindergarten groups (Official Gazette of the Republic of Slovenia [*Uradni list RS*], 27 November 2020) were published. New incentives were prepared for greater inclusion of children in preschool education programmes.
- Five virtual meetings were organised in February and March 2021 with representatives of kindergartens, primary schools and municipalities where Roma issues are most prevalent and present the most challenges.

An important document in relation to the Roma community is the Government's programme of measures for Roma – the *National Programme of Measures of the Government of the Republic of Slovenia for Roma* (hereinafter: the NPUR).²⁵ Through this programme document, the Republic of Slovenia aims to address the challenges of social exclusion and poverty of members of the Roma community and contribute to the prevention of antigypsyism and discrimination against Roma through the implementation of measures. The adoption of the programme is provided for in the Roma Community in the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 33/07).

The 2021–2030 NPUR includes measures in all those areas where needs have been identified in cooperation with the Roma community and institutions and organisations working in the field; the programme places a strong emphasis on education, social protection and social inclusion (particularly in terms of the protection of children, women and young persons), health, housing conditions and access to housing, integration into cultural life, improving security and coexistence in Roma settlements and their surroundings where conditions are poor, combating antigypsyism and discrimination, and strengthening the implementation of measures at the local level. Accordingly, 18 strategic objectives have been developed. The competent ministries and government offices are the promoters of the measures, each in its own field of work. In implementing the measures, particular attention is paid to different target groups within the Roma community, such as children and women.

iii) States should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

Children from different parts of Slovenia participated in the process of drafting of the *National Action Plan for the European Child Guarantee*, which is the operationalisation of the 11th objective of the *European Pillar of Social Rights Action Plan*²⁶ (EU document), through their suggestions and evaluation of the proposed measures.

²⁵ Prior to the most recently adopted 2021–2030 NPUR, the 2017–2021 NPUR and the 2010–2015 NPUR were adopted (and implemented) on the basis of that Act.

²⁶ European Pillar of Social Rights Action Plan (europa.eu)

The National Action Plan also defines the way in which children will participate in the monitoring and evaluation of the implementation of the National Action Plan for the European Child Guarantee for Children in Slovenia. Until 2030, children will be regularly involved in the preparation, implementation and evaluation of the measures of the Action Plan, which are primarily targeted at vulnerable groups of children.

Children also actively participated in an international conference held during the Slovenian Presidency of the EU Council, entitled *The Child Guarantee – Equal Opportunities for Every Child*. The purpose of the conference, which took place on 7 November 2021 under the patronage of the Minister of Labour, Family, Social Affairs and Equal Opportunities, was to raise awareness of the importance of implementing the recommendation for the future of children and of establishing a "Child Guarantee – Equal Opportunities for Every Child" scheme in all EU Member States. At the conference, a good practice example from Slovenia was presented – the Child Wellbeing Index, which facilitates the identification of groups of children at risk in different areas of life. The conference was moderated in part by 14-year-old Bilal and 15-year-old Arja Ela, and a video prepared by children on the theme of the conference was screened.

Slovenia is participating in the *CP4Europe* project together with four Council of Europe member states and the Steering Committee on the Rights of the Child (CDENF).²⁷

The aim of the project *CP4EUROPE – Strengthening National Child Participation Frameworks and Action in Europe* is to contribute to the promotion of children's rights to participation at national and pan-European levels in accordance with Council of Europe standards and tools in this area. One of Slovenia's specific objectives within this project is to adopt guidelines for policy makers to enable children's participation in political procedures and processes. Another specific objective of the Slovenian partnership is to develop ways of including and facilitating the participation of children from different vulnerable groups.

c) Please provide information on any measures adopted to protect and assist children in crisis situations and emergencies.

Children and young persons between the ages of 6 and 18 who find themselves in acute distress (e.g. an unbearable situation at home in the form of psychological/physical violence, sexual abuse, parental alcoholism, parental rejection, emotional distress, adolescent crisis, school-related problems), which necessitates their removal from the environment in which they are living, may be referred to a **youth crisis centre**. The Palčica crisis centre for children in Grosuplje is intended for the youngest children, aged up to 6 years. Staying in a youth crisis centre is voluntary and the centres operate 24 hours a day. The duration of the stay is up to three weeks and may be extended in exceptional cases.

In 2020, there were a total of 24 newly admitted children and 2 children accommodated from 2019 (13 of whom were unaccompanied minors). In 2020, a total of 807 days in residence were recorded (on average, a child was accommodated for 6 days). A total of 14 minor girls, 9 minor boys and 3 adults were accommodated. Compared to previous years, fewer children of Roma origin were accommodated in 2020. In 2020, a trend started to emerge: children from foster families started to be placed in the youth crisis centre. Currently 3 persons are placed in the youth crisis centre.

²⁷ <https://www.coe.int/en/web/children/cp4europe>

Most of the placements of foreign children occur before the weekend, before holidays, vacations, when there is an increase in the number of foreigners travelling to their relatives. In 2020, children from Bulgaria, France, Germany, Czech Republic and for the first time from Ireland were placed in the youth crisis centre. In 2020, the placement of foreigners was the result of cooperation with various embassies in Slovenia.

Table: Number of children and young persons admitted in a given month to youth crisis centres/crisis centres for children, 2020

MONTH	Number of children and young persons admitted in a given month to youth crisis centres					
	1 day	From 2 to 7 days	From 8 to 14 days	From 15 to 21 days	More than 21 days	Number of children and young persons newly admitted in a given month to youth crisis centres
JAN		3			1	4
FEB		2	1		1	4
MAR						0
APR					1	1
MAY	1		1		1	3
JUNE						0
JUL		2				2
AUG		1	1		1	3
SEPT		1	1			2
OCT			1		1	2
NOV			2			2
DEC		1				1
TOTAL	1	10	7	0	6	24

Table: Number of children and young persons with or without accommodation in a given month, with an emphasis on the number of services provided and the number of users in youth crisis centres, 2020

MONTH	WITHOUT ACCOMMODATION		WITH ACCOMMODATION				Total number of first social aid services provided	Average number of children or young persons staying at the youth crisis centre
	No. of first social aid services provided	No. of first social aid users	No. of first social aid services provided	No. of total days of stay per month	No. of children or young persons staying at the youth crisis centre	Average number of days of stay		
JAN	7	10	4	63	6	11	11	2,03
FEB	4	4	4	59	6	10	8	2,11
MAR	4	4	0	77	4	19	4	2,48
APR	5	5	1	100	4	25	6	3,33
MAY	1	1	3	124	7	18	4	4,00
JUNE	1	1	0	113	5	23	1	3,77
JUL	1	1	2	48	4	12	3	1,55
AVG	2	3	3	22	3	7	5	0,71
SEPT	2	2	2	49	4	12	4	1,63
OCT	0	0	2	69	3	23	2	2,23
NOV	1	1	2	50	4	13	3	1,61
DEC	1	1	1	33	3	11	2	1,10
TOTAL	29	33	24	807	23	35	53	26,03

Youth crisis centres during the COVID-19 epidemic. During the first wave of the epidemic, a number of children stayed in youth crisis centres for a longer period of time due to the unexpected and uncertain situation. They struggled with how to provide different treatment or living zones for the children in centres. They repeatedly pointed out that under the given conditions, they could not provide different zones (e.g. red zones). They pointed out another problem that they faced in 2020, namely that no one had examined and tested a child who was newly placed with them to determine whether the child was infected with coronavirus or not. They now have an isolation room for this purpose, where the person is placed for a period of 5 days on admission.

Foster care is a special form of care and upbringing for children who are temporarily unable to live with their birth family. The purpose of fostering is to allow children healthy growth, education, schooling, balanced personal development and training for independent life and work with persons

other than their parents. The court decides on the placement of a child in foster care and on the appointment of a foster parent.

Foster care is terminated by a decision of the court:

- if the reasons for which placement of a child in foster care was necessary cease to exist;
- before the child reaches the age of majority if the foster child is capable of independent life, if the foster child becomes a parent or if the foster child is granted full capacity to contract by a court decision.

Foster care also ceases when the child reaches the age of majority, but the placement in a foster family may continue after the child reaches the age of majority, although no longer than until the child reaches the age of 26, if:

- the person placed in foster care is incapable of living and working independently due to a physical or mental disability and the person or their guardian consents thereto;
- the person placed in foster care consents to remain in the foster family in order to be able to continue their schooling;
- the person has no other alternative accommodation immediately after completing upper secondary education and proves that they are registered as unemployed (extension is possible for a maximum of 12 months).

Table: Number of children in foster care by age, as at the end of December of a given year

Month and year	Number of children in foster care aged 0–17 years	Number of children in foster care aged 18–26 years
January 2018	684	213
December 2018	671	189
December 2019	657	181
December 2020	652	170
December 2021	621	147

SOURCE: Information System of Social Work Centres (IS CSD)

d) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Non-conformity was found in the latest Conclusions and therefore further clarifications are provided below as requested by the ECSR.

Additional clarifications (from Conclusions 2015):

1) In Conclusions 2015, the ECSR found non-conformity with Article 17§1, noting that not all forms of corporal punishment (in the family) were prohibited.

In 2016, the Act Amending the Domestic Violence Prevention Act – ZPND-A (Official Gazette of the Republic of Slovenia [Uradni list RS], No 68/16 of 4 November 2016) was adopted in Slovenia. Article 3 of the Act clearly defines that corporal punishment of children is one of the forms of domestic violence,

which is prohibited, and therefore **any corporal punishment of children** has been prohibited in Slovenia since 2016.

2) The ECSR would like to receive information on whether the financial situation of a family (financial poverty) can constitute grounds for removing a child and placing them in care. When addressing this issue, it should be noted that poverty in the Slovenia never constitutes grounds for removing a child from the family and placing them in another care. Financial poverty is addressed through measures to improve the financial situation of the family in which the child lives. The grounds for removal of a child are, in each individual case, neglect or other form of abuse and ill-treatment of the child established under existing legislation (the Domestic Violence Prevention Act, the Family Code).

3) The ECSR would like to receive information on the number of children in institutional care in relation to the number of children placed in foster care or other forms of family care.

We provide data on the number of children in institutional care between 2018–2022. Data on the number of children in foster care are included under answer c.

Table: Number of children with special needs in institutional care, 2018–2019

	2018				2019			
	Number of institutions	total	Children full-day care	half-day care	Number of institutions	total	Children full-day care	half-day care
Centre for Training, Work and Care (social care institution)	5	386	195	191	5	393	195	198
Residence halls as part of institutions for children with special needs	11	390	390	0	11	400	400	0
Institutions for children with mobility impairment	2	135	135	0	2	125	125	0
Institutions for the blind and partially sighted	1	13	13	0	1	14	14	0
Institutions for the deaf and hard of hearing	1	72	72	0	1	77	77	0
Residence halls for children with mild and moderate mental disorders in primary schools for children with special needs	7	170	170	0	7	184	184	0
Residential treatment institutions, youth centres and correctional facilities	9	435	435	0	9	465	465	0
Youth centres	3	192	192	0	3	210	210	0
Correctional facility and residential treatment institutions	6	243	243	0	6	255	255	0
Total in institutional care		1211				1258		

Source: Ministry of Education, Science and Sport, Ministry of Labour, Family, Social Affairs and Equal Opportunities

Table: Number of children with special needs in institutional care, 2020–2021

	2020				2021			
	Number of institutions	Total	Children full-day care	Children half-day care	Number of institutions	Total	Children full-day care	Children half-day care
Centre for Training, Work and Care (social care institutions)	5	377	177	200	5	386	181	205
Residence halls as part of institutions for children with special needs	11	391	391	0	10	392	392	0
Institutions for children with mobility impairment	2	116	116	0	2	111	111	0
Institutions for the blind and partially sighted	1	10	10	0	1	14	14	0
Institutions for the deaf and hard of hearing	1	71	71	0	1	87	87	0
Residence halls for children with mild and moderate mental disorders in primary schools for children with special needs	7	194	194	0	6	180	180	0
Residential treatment institutions, youth centres and correctional facilities	9	468	368	0	9	466	466	0
Youth centres	3	224	224	0	3	207	207	0
Correctional facility and residential treatment institutions	6	244	144	0	6	259	259	0
Total in institutional care		1236				1244		

Source: Ministry of Education, Science and Sport, Ministry of Labour, Family, Social Affairs and Equal Opportunities

4) The ECSR would like receive information on forms of assistance for children in an irregular situation that protect them from neglect, violence or exploitation.

We would like to clarify that in our work with children and young persons we respect all rights and fundamental freedoms and comply with all obligations as set out in the international treaties to which the Republic of Slovenia is a signatory.

In accordance with the International Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 16/17 – official consolidated version and No 54/21), the principle of the child's best interests is the primary concern in the treatment of minors, in accordance with which minors are provided with a standard of living appropriate to their psychological, mental, moral and social development.

In assessing the best interests of the child, due account is therefore taken, in particular, of the following factors: the possibility of reunification with the family; the minor's well-being and social development, taking into account in particular the environment from which the minor comes; safety and security issues, in particular where the minor is at risk of being a victim of trafficking in human beings; and the views of the minor in accordance with their age and maturity.

Minors under international protection are given access to leisure activities, including play and recreational activities appropriate to their age within the premises and accommodation centres, as well as to open-air activities. Minors identified as victims of abuse of any kind, neglect, exploitation, torture or cruelty, inhuman or degrading treatment or who have suffered from armed conflict are provided access to rehabilitation and, where necessary, appropriate psychological treatment and qualified counselling.

In cases of unaccompanied minors, a statutory representative is appointed for the unaccompanied minor before the initiation of the procedure to represent them in the procedure for granting international protection, and in the areas of health protection, education, protection of property rights and benefits, and in relation to the exercise of reception rights.

Under the International Protection Act, both children and unaccompanied minors fall under the category of vulnerable persons with special needs, and as such, they are provided with additional special care and treatment. This is identified already in the preliminary procedure or at any later stage in the international protection procedure. Material reception conditions, medical and psychological counselling and care, or appropriate support in the international protection procedure are adapted to the vulnerable person in accordance with the identified needs. If a child or a minor is identified as a victim of trafficking in human beings, assistance is provided under the programmes Assistance to victims of trafficking in human beings – crisis accommodation and safe accommodation, which is financed by the Slovenian Government.

17§2 Free primary and secondary education – regular school attendance

Information to be provided (from the Appendix with instructions):

a) What measures have been taken to introduce anti-bullying policies in schools (measures relating to awareness raising, prevention and intervention)?

In accordance with Slovenian legislation, providing a safe and supportive learning environment is one of the fundamental aims of education, and includes strengthening social skills, tolerance and respect for difference, as well as facilitating development and achieving the highest possible level of creativity. In order to protect children from violence, in 2016 the Ministry of Education, Science and Sport drew up the Act Amending the Organisation and Financing of Education Act. A clearer definition of Article 2a of the Act refers to a safe and stimulating learning environment and prescribes that in kindergartens, schools and other educational institutions for children and young persons with special needs, a safe and stimulating learning environment shall be provided in accordance with the aims provided in the preceding Article, where corporal punishment of children and any other form of violence against and among children and non-equal treatment based on gender, sexual orientation, social and cultural background, religion, racial, ethnic and national affiliation, and specific characteristics in physical and mental development are prohibited.

In 2016, the National Education Institute, with the support of external experts, issued *the Instructions with a manual for dealing with peer violence in educational institutions*, based on *the Guidelines for the analysis, prevention and treatment/management of violence in the school environment* (2004). The

instructions are an inventory of procedures for dealing with the occurrence of violence and for preventive action in the area of educational strategies and the overall functioning of schools – in their efforts to foster, in the long-term and systematically, relationships and dialogue, build a safe climate and a culture of good community, provide systematic teacher training in classroom management, equip pupils with communication skills and conflict resolution strategies, sensitise everyone – pupils and teachers – to the occurrences of violence, and pursue a clear policy of zero tolerance of violence.

From 2016 to 2021, in the context of the project *Only (with) others are we*²⁸, a total 10,000 education professionals and managers were trained in awareness raising about the importance of respect for diversity, intercultural cooperation, respectful communication and zero tolerance of violence, and constructive conflict resolution.

As part of the HAND in HAND project²⁹, an EU project for the joint implementation of policies in the field of education, a publicly available systemic tool, the universal programme for the promotion of social, emotional and intercultural (SEI) competences, was developed, tested and evaluated in the form of a public-policy experiment, based on multiculturalism and diversity awareness that fosters inclusion and develops more tolerant and non-discriminatory learning environments for all students (including migrants and refugees) to prevent discriminatory bullying, segregation and early school leaving.

b) 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 implementation of the curriculum renewal, which started in 2021, involves key stakeholders, including students. Their representative is a member of the Curriculum Council for Monitoring and Guiding the Curriculum Renewal through the renewal of key curriculum documents, appointed by the Minister of Education, Science and Sport to guide and monitor the process.

The Association of Friends of Youth – Children's Parliament is a programme aimed at educating children for active citizenship and democracy. Every year, approximately 3,000 primary school children from more than 200 primary schools in Slovenia participate in the programme. Children are encouraged to participate in social life and are educated about human and civil rights. In the form of democratic dialogue, it is implemented in most primary schools in Slovenia, and is further developed at the municipal and regional levels, culminating in a National Children's Parliament. The programme has been running since 1990 and is one of the original forms of encouraging children to express their own opinions on issues of their choice.³⁰

The School Student Organisation of Slovenia³¹ is a democratically organised union of upper secondary students, which represents the interests of upper secondary students in Slovenia and works to protect their rights. It is active in consolidating and extending the influence of upper

²⁸More information on the project is available at: <https://lezdrugimismo.si/si/spostljiva-komunikacija-in-resevanje-konfliktov> in <https://lezdrugimismo.si/>.

²⁹ More information on the project is available at: <https://2017-20.handinhand.si/about-the-project/>

³⁰ More information is available at: <https://www.zpms.si/en/programmes-and-projects/>

³¹ More information is available at: <https://dijaska.org/>

secondary students on the development of the curriculum, the learning process and the way knowledge is tested in upper secondary schools.

c) What measures have been taken to address the effects of the COVID-19 pandemic on the education of children (particularly for children with disabilities, Roma children, children with health problems and other vulnerable groups of children)?

Protecting public health was a major focus of both the Ministry of Education, Science and Sport and the Slovenian Government throughout the epidemic. The problems faced by groups of pupils, such as immigrants, Roma children and pupils with special needs, are in many ways similar to those faced by pupils in general during the COVID-19 epidemic and distance education.

The circumstances in which schools closed their doors in March 2020 and introduced distance education posed a major challenge for pupils, upper secondary students, teachers, the school management and parents alike. Despite the changed learning environment, after initial problems with overburdened systems, the educational process continued uninterrupted in all primary and upper secondary schools and institutions for the education of children and young persons with special needs. Particular emphasis was placed on registering the attendance of pupils and upper secondary students who were not involved in the distance education process and on establishing contact with all pupils, taking into account the differing technical capacities. The Ministry's objectives concerning the implementation of distance education were: to ensure a continuous educational process that is adequately adapted to the specific situation; to prevent significant learning gaps among pupils and to pay special attention to vulnerable groups; to provide teachers with appropriate technical support tools for the implementation of distance education; and to monitor the analyses of distance education.

During the period of distance education, the Ministry paid special attention to pupils and upper secondary students with special needs enrolled in mainstream schools, providing them with additional professional support and helping them to achieve maximum success in accordance with an individualised programme.

For the planning and implementation of educational activities and distance learning in primary schools with adapted programmes and institutions for the education of children and young persons, the National Education Institute has made specific recommendations and invited schools to prepare adapted teaching materials for children with special needs and individualised instructions tailored to the child's deficits. Schools were invited to connect with parents to learn about the child's needs, difficulties and other possible distresses.

In October 2020, a provision was added to the Act Determining the Intervention Measures to Mitigate and Remedy the Consequences of the COVID-19 epidemic, according to which the parents of a child entitled to an assistant on the basis of a guidance decision had the right to absence from work due to force majeure resulting from childcare obligations.

Despite the poor epidemiological situation, the Ministry followed the decision of the Constitutional Court and, as of 4 January 2021, allowed children with special needs to return to schools with adapted programmes and institutions for the education of children and young persons with special needs, and it also allowed schools to continue their activities on school premises, regardless of the epidemic situation.

On 1 September 2021, *the Rules amending the Rules on norms and standards for the implementation of educational programmes for children with special needs* came into force, under which the following

posts in primary schools with adapted programmes and institutions for the education of children and young persons with special needs were included in the job classification: computer technician-organiser of IT activities; professional worker for work with Roma pupils; and Roma assistant.

Particular emphasis was placed on empowering teachers who lack ICT skills and on improving the situation of Roma pupils. Evaluations show that the participation of Roma children in educational institutions has increased and its quality has improved following the introduction of Roma assistants. For more information on the measures implemented during the COVID-19 epidemic, when the Ministry of Education, Science and Sport, during the implementation of distance education, paid particular attention to preventing significant learning gaps among pupils in that period, especially for children from vulnerable groups, including Roma, see the answer under Article 17(b)(ii).

d) Please provide information on the measures taken to ensure that state allocation of resources to private education does not negatively impact on the right of all children to access free, quality public education.

Private schools with officially recognised programmes enrich the school environment and provide more choice for parents, contribute to the flexibility of the public system and complement the public school network.

For the purposes of providing a public service in the field of education, a public network of public kindergartens and schools, private kindergartens and schools, and private entities holding a concession is organised in accordance with Article 11 of the Organisation and Financing of Education Act (hereinafter: the ZOFVI). Private primary schools and *gimnazija* schools are co-financed from public funds to the extent of 85% of the funds provided by the state or the 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 programme. Pupils and upper secondary students in schools financed entirely from public funds may not be charged tuition fees.

The equivalent educational standard of the educational programmes of private primary schools and private general upper secondary schools, as well as the official recognition of the educational programmes of private schools, is determined by the Council of Experts of the Republic of Slovenia for General Education in accordance with Article 25 of the ZOFVI.

The public network of primary schools must ensure that all children have the opportunity to attend primary education, and the public network of short-term vocational and vocational secondary schools, upper secondary technical schools, and *gimnazija* schools must ensure that all those who have fulfilled the primary education obligation have the opportunity to continue education, at least to acquire the first vocational qualification or take the *matura* examination.

e) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from Conclusions 2015):

1) The ECSR would like to receive clarification on the right to education of children who are in the country unlawfully. Pursuant to Article 10 of the Basic School Act (Official Gazette of the Republic of

Slovenia [*Uradni list RS*], No 81/06 – official consolidated version, 102/07, 107/10, 87/11, 40/12 – ZUJF, 63/13 and 46/16 – ZOFVI-K), children who are foreign citizens or stateless persons residing in the Republic of Slovenia have the right to compulsory primary education under the same conditions as citizens of the Republic of Slovenia.

Persons with international protection status who are applicants for international protection or with temporary protection are entitled to education in Slovenian upper secondary schools under the same conditions as Slovenian citizens, which means, among other things, that their education is free of charge. However, they must meet the statutory conditions for enrolment, just like Slovenian citizens. To be admitted to the first year of upper secondary school, a candidate must have completed compulsory primary education in their country of origin, which they prove with the relevant documents or certificates.

If the candidate is a person with international protection status and cannot prove their previous education with the relevant documents or certificates, there is a legal basis for them to take a free examination at the National Education Institute. If the candidate passes this test at the primary education level, the document issued to them is appropriate evidence for enrolment in the initial year of upper secondary education.

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 with the candidate who wishes to enrol. However, they may enrol on a regular basis, i.e. free of charge, in upper secondary education programmes, provided that they are under 18 years of age.

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

19§1 Assistance and information

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from Conclusions 2015):

1) The ECSR would like to receive information on possible progress in the area of equality advocacy (in relation to the 2010 report forwarded by the Advocate of the Principle of Equality to the Government of the Republic of Slovenia, which highlighted inefficiencies in the system, incompatibility with various international obligations, funding issues and staffing shortages).

Significant progress has been made in the area of equality advocacy (for more detailed information, see answer No 1, Article 19§4). We would like to further explain that, in 2010, the Implementation of the Principle of Equal Treatment Act (ZUNEO) was still in force in Slovenia. Under this Act, the institution of the Advocate of the Principle of Equality was established for the protection of persons against discrimination, acting as a single public employee within another state authority.

In 2016, the ZUNEO was replaced by a new act, the Protection Against Discrimination Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 33/16 and 21/18 – ZNOrg; hereinafter: ZVarD), which also established the legal basis for the establishment of an independent state authority for equality, i.e. the Advocate of the Principle of Equality (hereinafter: the Advocate). With the adoption of the ZVarD, the Republic of Slovenia fulfilled its obligation under the European directives on equality. 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 authority carries out all the tasks provided for under the ZVarD and, as part of the Equinet network, operates in a way comparable to equality authorities in other EU Member States: provides advice via a free telephone helpline, by post, email and in person; conducts procedures for establishing discrimination on the basis of reports and ex officio; accompanies and represents clients who have been discriminated against in court in selected cases as part of its role as the Advocate; carries out assessments of the discriminatory nature of regulations and, if it finds that a particular regulation is discriminatory, has the right to file a request to initiate the procedure for the review of constitutionality and legality with the Constitutional Court of the Republic of Slovenia; monitors the situation concerning discrimination in Slovenia by means of research and inquiries, and prepares special reports on this and exchanges information with foreign equality authorities; issues recommendations for the elimination or prevention of discrimination; informs the public about its work and protection against discrimination by appearing in the media and by preparing various awareness-raising materials.

The development of the authority is evident, inter alia, from its regular annual reports, which are also available in English on the Advocate's website³², and in its articles, which are also published on the website. In the 2021 financial year, the Advocate spent EUR 1,298,124 of budget funds to carry out its statutory tasks. Of this, EUR 905,863 was allocated for staff, EUR 371,289 for material costs and EUR 20,971 for investments and investment maintenance. As at 31 December 2021, the Advocate employed 19 public employees in addition to the head.

2) The ECSR would like to receive information on the measures taken to monitor and address misleading propaganda and hate speech.

Hate speech is covered by Article 297 of the Criminal Code (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 50/12 – official consolidated version, 6/16 – corr., 54/15, 38/16, 27/17, 23/20, 91/20, 95/21, 186/21, 105/22 – ZZNŠPP and 16/23), under which it is considered as a criminal offence. Whoever publicly incites or stirs up hatred, violence or intolerance in respect of nationality, race, religion, ethnicity, gender, skin colour, origin, financial situation, education, social position, political or other beliefs, disability, sexual orientation, or any other personal circumstance, and commits an offence in a manner that can jeopardise or disturb public law and order, or uses force or threat, verbal abuse or insult shall be sentenced to up to two years in prison.

The same punishment is imposed on a person who publicly disseminates ideas on the supremacy of one race over another, or provides aid in any manner for racist activities or denies, diminishes the significance of, approves, justifies, derides, or advocates genocide, holocaust, crimes against humanity,

³² Available at: <https://zagovornik.si/en/what-we-do/annual-reports/>.

war crimes, aggression, or other criminal offences against humanity, as they are defined in the legal order of the Republic of Slovenia.

If the described offence has been committed by publication in the mass media or on websites, the punishment referred to in paragraph one or two of Article 297 is also imposed on the editor or person acting as editor, unless the offence was committed in the context of a live broadcast of a show which they could not prevent or by publication on a website that enables users to publish content in real time or without prior review.

With regard to protection or legal protection in the area of hate speech, it is also necessary to mention the interpretation of paragraph one of Article 297 of the Criminal Code, which the Supreme Court, in an important judgment on hate speech against Roma of 2019, interpreted as meaning that in cases where the offence was committed with the use of threats, verbal abuse or insult, if other statutory elements of the offence exist, it is not necessary that the perpetrator's conduct results in a potential threat to public law and order. According to the Supreme Court, it is therefore not necessary that the perpetrator's conduct actually results in an imminent threat to public law and order, but it is sufficient that the act is capable of posing a concrete risk which manifests itself in a threat to the protected good. The judgment thus marks an important step towards protection against this type of threat.

In Article 49 of the Criminal Code, the Slovenian legislation follows the concept of hate crime. When sentencing perpetrators of criminal offences that are motivated by the personal circumstances of the victim, the courts must take this into account as an aggravating circumstance. Paragraph three of the Article provides that: "If the motive for committing the criminal offence was the injured party's nationality, race, religion or ethnicity, sex, skin colour, descent, material standing, education, social status, political or other conviction, disability, sexual orientation or any other personal circumstance, this shall always be taken into account as an aggravating circumstance."

The issue of hate speech in the media is addressed in Article 8 of the Mass Media Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 110/06 – official consolidated version, 36/08 – ZPOMK-1, 77/10 – ZSFCJA, 90/10 – Dec. of the CC, 87/11 – ZAVMS, 47/12, 47/15 – ZZSDT, 22/16, 39/16, 45/19 – Dec. of the CC, 67/19 – Dec. of the CC, and 82/21), which lays down the prohibition of incitement to unequal treatment and intolerance.

Article 20 of the Protection of Public Order Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 70/06 and 139/20) stipulates that if acts of violent and reckless behaviour (Article 6), indecent behaviour (Article 7), damaging an official sign, mark or decision (Article 12), writing on buildings (Article 13) and destroying national symbols (Article 15) are committed with the intention of inciting national, racial, sexual, ethnic, religious, political, or sexual-orientation based intolerance, the perpetrator shall be fined.

Discrimination in the public and private sectors can also be established by the Advocate of the Principle of Equality. Article 10 of the ZVarD defines incitement to discrimination as a form of discrimination. Thus, in its practice, the Advocate has also dealt with cases of such discrimination and hate speech in the media, which are briefly summarised below.

As a result of comments under a news item on a news portal which incited discrimination on the grounds of personal circumstances of nationality or ethnic origin, the Advocate asked the editors of the media outlet to delete them and to ensure that comments which are likely to be discriminatory are quickly removed in the future. As it did not receive a response from the editors, it initiated a procedure to establish discrimination and found discrimination.³³In accordance with its obligation under Article 145 of the Criminal Procedure Act, it reported the author of the comments to the competent District State Prosecutor's Office on suspicion of committing the criminal offence of public incitement to hatred, violence or intolerance. The Advocate also found discrimination in the media in a commercial television channel,³⁴ where the presenter of the programme made claims classifying people on the basis of their personal circumstances of race, and divided them up by value, thus sending a clear message about the inferiority of black people. The article in one of the magazines was also discriminatory as, according to the Advocate, it contained a justification of the idea of the superiority of one group of people compared to others on the basis of their personal circumstances of skin colour, nationality and religious belief.³⁵

3) The ECSR would like to receive information on the activities carried out concerning access to information and the prevention of misleading propaganda relating to immigration and emigration.

The website <https://infotujci.si> (*infoforeigners.si*) provides information on arrival, residence, health, social protection, education, working and living conditions in Slovenia and integration into society. The website is aimed at third-country nationals and persons under international protection. It is available in two languages, Slovenian and English. In addition, information on temporary and international protection is also provided on the website of the Ministry of the Interior and the Government Office for the Support and Integration of Migrants (hereinafter: the Office).

In accordance with Article 90 of the International Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 16/17 – official consolidated version and No 54/21; hereinafter: the ZMZ-1), a person granted international protection has the right, inter alia, to receive information about the status, rights and obligations of persons under international protection in the Republic of Slovenia. This provision is supplemented by Article 91 of the ZMZ-1, which provides that the Office shall inform a person under international protection, in a language they understand, as soon as possible after the granting of status, of the rights and obligations that facilitate their integration into society, in particular of accommodation options, access to financial assistance, social assistance and healthcare, education, employment and free legal aid. Article 2 of the Decree on the methods and conditions for ensuring the rights of persons with international protection (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 173/21) further stipulates that the Office shall provide the above-mentioned information in electronic form and through individual counselling. It also provides information to the authorities dealing with these persons, other state authorities and international and non-governmental organisations, as appropriate.

In accordance with the ZMZ-1, prior to having their application processed, a foreigner who has expressed their intention to lodge an application for international protection before the official

³³ More information about the case: <https://zagovornik.si/pozivanje-k-diskriminaciji-na-spletnem-portalu/>

³⁴ More information about the case: <https://zagovornik.si/televizija-tv3-s-predvajanjem-oddaje-faktor-21-januarja-2021-krsila-prepoved-diskriminacije/>

³⁵ More information about the case: <https://zagovornik.si/podjetje-nova-obzorja-zaloznistvo-je-z-objavo-presezki-5-v-reviji-demokracija-krsilo-prepoved-diskriminacije/>

authorities (the intending applicant) should be appropriately informed of the procedures under the ZMZ-1, the rights and obligations of applicants, possible consequences of not complying with their obligations and not cooperating with the competent authority, and the time limits for the exercise of legal remedies, and should be provided with information on refugee counsellors and non-governmental organisations working in the field of international protection. This provision is in accordance with Article 12 of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (hereinafter: Directive 2013/32/EU), which provides for guarantees for applicants. Article 12(1)(a) of Directive 2013/32/EU provides that applicants should be informed of the procedure to be followed and of their rights and obligations during the procedure and the possible consequences of not complying with their obligations and not cooperating with the authorities.

The provision of information is regulated in more detail by the Rules on the procedure for foreigners who would like to apply for international protection in the Republic of Slovenia and on the procedure for the acceptance of applications for international protection (hereinafter: the Rules on the procedure for foreigners, Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 173/21 and 131/22), which, in Article 7, provides that, after the sanitary and disinfection and preventive health checks have been carried out and before the start of the procedure for accepting the application, the official of the Ministry shall provide the applicant, in a language which they understand, with information on the further course of the preliminary procedure, the prohibition of removal from the Republic of Slovenia, the procedures under the law, the rights and obligations of applicants for international protection in the Republic of Slovenia, the possible consequences of not complying with their obligations and not cooperating with the competent authority, the rules of the procedures governed by Regulation (EU) No 604/2013, and the transmission of fingerprints to the EURODAC database in accordance with Regulation (EU) No 603/2013, the time limits for the exercise of legal remedies, the right to legal assistance and representation at all stages of the procedure at the applicant's own expense, and information on refugee counsellors and NGOs working in the field of international protection. Information may also be provided by means of information films and brochures and, if the intending applicant is illiterate or does not understand the content of the information, it will be read to them and explained to them in a language they understand with the assistance of an interpreter. In addition to the above, paragraph three of Article 5 of the ZMZ-1 provides that, upon request, applicants are to be provided, free of charge, with all information concerning their procedure for granting international protection.

Workers seeking employment in another EU Member State are provided with relevant information on working and living conditions, employment procedures, job vacancies, etc. by advisers operating within the European Employment Services – EURES at the Employment Service of Slovenia. Information is provided through all channels, namely in person, by telephone, and via websites and e-mail. If the person concerned needs further information, the advisers can obtain it through their participation in this network.

For assistance with employment in countries with which the Republic of Slovenia has concluded employment agreements (such as Bosnia and Herzegovina and the Republic of Serbia), information is provided by the information point for foreigners, which operates at the Employment Service of Slovenia, in person, by telephone and through electronic channels.

4) In response to the ECSR's question on the activities carried out to combat trafficking in human beings and the abuse of potentially vulnerable migrants, we would like to inform you that during the reporting period the Slovenian Government adopted two action plans to combat trafficking in human beings. The first action plan was adopted for the 2019–2020 period and the second for the 2021–2022 period. 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. Among vulnerable groups, special attention was paid to children and young persons, migrant workers, applicants for international protection and refugees. To this end, the Slovenian Government funded various projects implemented by NGOs and humanitarian organisations. In addition, in 2021, the Ministry of the Interior introduced systematic awareness-raising on trafficking in human beings for children and minors in primary and secondary schools in all regions of Slovenia. Public awareness-raising on the current issue is carried out through the central website gov.si³⁶ and the website and social networks of the Ministry of the Interior.

The PATS project (also referred to in Article 7.10, under the answer to question a), which aims to identify, assist and protect victims of trafficking in human beings in asylum procedures in Slovenia, should also be highlighted. That project was aimed at informing applicants for international protection about trafficking in human beings. It provided intensive individual awareness-raising of applicants on the dangers and pitfalls of trafficking in human beings, information on this issue and information on how to identify oneself as a victim of trafficking in human beings, where to seek help and how to protect oneself. The interviews were conducted in a language that the applicant could understand. In the case of children and young persons, the information was provided in a way that was appropriate and adapted to their age and level of development. The project ran from December 2020 to November 2021 and was implemented by an external contractor, the Institute for African Studies, in the premises of the Asylum Centre and its branches, in the accommodation facilities for minors and in the Centre for Foreigners.

19§2 Departure, journey and reception

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from Conclusions 2017):

In January 2018, the ECSR adopted Conclusions 2017 relating to the 16th National Report on the implementation of the European Social Charter. In addition to information on the follow-up activities of the Republic of Slovenia to remedy the violations of the RESC identified in the collective complaints procedures against Slovenia, this report **contained information on the four conclusions on non-conformities** (Conclusions 2015) due to the repeated lack of the required information, including in relation to Article 19§2 (*Rights of migrant workers – departure, journey and reception*). In Conclusions 2017, the ECSR concluded that the situation in Slovenia is **in conformity with Article 19§2 – The right**

³⁶ <https://www.gov.si/zbirke/projekti-in-programi/boj-proti-trgovini-z-ljudmi/>

of migrant workers and their families to protection and assistance – departure, journey, reception, in that adequate provision is made for the health and social protection of migrant workers, and that the measures taken adequately ensure the health and other rights of asylum seekers and persons under international protection. In the light of the conclusions reached, the ECSR would like to receive further information, which is provided below.

1) The ECSR (Conclusions 2017) would like to receive further information on the conditions for access to integration programmes (Slovenian language exam) and its implementation. In this respect, we provide information below according to the specific target group (persons with international protection status, foreigners and applicants for international protection)

- *Persons with international protection status.* In accordance with the International Protection Act, a person under international protection who, within one month of acquiring the status, has concluded a contract on integration activities, has the right to attend a Slovenian language course, a course on Slovenian society, monthly interviews with an integration counsellor and other integration activities agreed with the person under international protection. When the person signs the contract, they undertake to attend both courses. They are also obliged, in accordance with the contract, to complete both courses within one year of signing the contract. A monthly visit to the counsellor is obligatory. Both courses are financed by the Office.
After signing the contract on integration activities, the person under international protection is referred to the language school where the course is being delivered. The duration of the course is 400 hours. The course takes place several times a week and is scheduled to suit the person under international protection (afternoon/afternoons). The person is entitled to a free-of-charge first attempt at the Slovenian language exam, for which a certificate is issued. An application for the issue of a certificate of eligibility to take the first basic-level Slovenian language exam is submitted to the Office. Candidates apply for the exam separately (it is not part of the course). A total of 94 persons attended the Slovenian language course in 2020, and 94 persons also attended the course in 2021.
- *Foreigners.* In accordance with the Decree on the methods and scope of assistance programmes for the integration of foreigners who are not nationals of the European Union, these persons are provided with the opportunity to attend a course on Slovenian society and the Slovenian language. The course is financed by the Office. The procedure for approval to participate in the aforementioned programmes is initiated at the request of the foreigner at the administrative unit (where they have registered their permanent or temporary residence). The foreigner is also entitled to a free-of-charge first attempt at the Slovenian language exam, for which a certificate is issued. The course on Slovenian society and the Slovenian language is known as the Initial Integration of Immigrants Programme, which is designed so that, through learning Slovenian, foreigners are also introduced to Slovenian history, culture and the constitutional order of the Republic of Slovenia. The programme is carried out in places across Slovenia where sufficient interest is expressed to form groups to participate in the programme.
Third-country nationals residing in Slovenia on the basis of a permanent residence permit and their family members, if they have a temporary residence permit issued in Slovenia for the purpose of family reunification, regardless of the length of residence in Slovenia and the validity of the permit; third-country nationals residing in Slovenia on the basis of a temporary residence permit issued for a validity of at least one year; and family members of Slovenian or EU citizens residing in Slovenia on the basis of a family member's residence permit, regardless of the length of residence

and the validity of the permit, are all eligible for participation in the Initial Integration of Immigrants Programme.

The programme is carried out by programme providers selected on the basis of a call for tenders. The groups consist of 8 to 15 students. In 2018, 643 persons participated in the single programme, in 2019 1,599 persons, in 2020 1,036 persons, and in 2021 1,278 persons. Candidates apply separately for the exam, as it is not part of the course.

- *Applicants for international protection.* Applicants for international protection have the possibility to attend a Slovenian language course in accommodation facilities or asylum centres. The course is not compulsory for applicants. The course can be held several times a week; one session lasts one and a half hours. It can be held in one or two groups, depending on interest and the number of applicants. The course provider is a language school.

2) The ECSR (Conclusions 2017) would like to receive up-to-date information on the implementation of the project described in the 2016 Report, under which the Ministry of the Interior, in cooperation with other competent institutions, is compiling a dictionary in six languages in order to facilitate communication for foreigners receiving health services or treatment in healthcare institutions.

The project "Publication of a dictionary to facilitate communication between migrants and healthcare professionals" ran from July 2016 to January 2018. The project involved the cooperation of the Faculty of Arts, the Faculty of Medicine, the Faculty of Health Sciences of the University of Ljubljana, the National Institute of Public Health, and the Medical Chamber of Slovenia. The project was co-funded by the European Union's Asylum, Migration and Integration Fund and the Ministry of the Interior.

The guide is intended for healthcare professionals of all profiles working in various healthcare institutions in Slovenia, as well as for persons who do not understand Slovenian and need healthcare in Slovenia. An 8-language guide has been developed for communication relating to less complex health issues. The guide covers the most commonly used questions and answers that arise in the normal course of treatment at the primary healthcare level.

In order to make the guide useful for as many users as possible, priority was given to the languages that function as the common language of communication or "lingua franca" in a given area: English (the world's lingua franca), Arabic (the official language of all the Arab League countries, spoken throughout the Sahara), French (the lingua franca of North Africa), Russian (the lingua franca of the countries that were part or under the influence of the Soviet Union), Mandarin (the language of communication in much of China), Farsi (the lingua franca of Iran, Afghanistan and Tajikistan, and also spoken in south-west Pakistan). To these languages Albanian was added, which is emerging as the biggest language problem in communication between healthcare professionals and users of healthcare services in Slovenia. Terms in the northern dialect of Kosovo were added to the terms in standard Albanian to make the guide more understandable for the many people who do not understand standard Albanian.

In 2022 (outside the reporting period), the Ministry of the Interior financed the translation of the guide into Ukrainian due to the Russian aggression against Ukraine.

The dictionary is designed in five variations, each of which includes, in addition to Slovenian, terms in two languages or language versions: Slovenian/English/French; Slovenian/Russian/Chinese; Slovenian/Arabic/Farsi; Slovenian/Albanian; and Slovenian/Russian/Ukrainian. In addition to the

written entries, visual representations (ideograms) have been added to further avoid possible linguistic and cultural misunderstandings.



In addition to the dictionary, multilingual "*Treatment and follow-up*" forms have been created to facilitate the provision of information on the prescribed treatment and its extent, frequency and possible follow-ups. At the time of the release of the Slovenian/Ukrainian/Russian language version, a form was also created to inform healthcare professionals about the patient's history of SARS COV2. In addition to the publication of the dictionary, the project also included 7 hours of lectures "*The patient does not speak Slovenian! A challenge for healthcare professionals in Slovenia*", which were held, without a participation fee, in various locations in Slovenia from March to November 2017. The training was supported by the Medical Chamber of Slovenia, the Nurses and Midwives Association of Slovenia and the Slovenian Association of Occupational Therapists. A total of 14 training sessions were held in 8 locations across Slovenia, which were attended by 708 persons.

During the course of the project, 250 physical copies of each of the language versions were printed and distributed by the providers to the participants during the training sessions. In the same year, the need was identified for an additional 1,600 copies. The copies of the guide that were not used in the delivery of the original programme and the additional 1000 copies provided by the Ministry of the Interior, as the copyright holder, in 2019 were included in the delivery of the module "*Ensuring the presence of an interpreter and/or cultural mediator in the delivery of preventive treatment*", which was implemented as part of the project "*Community approach model for promoting health and reducing health inequality in local communities*" (with the acronym MoST) at the National Institute of Public Health.

A website has also been created where all language versions of the dictionary and forms are still available³⁷.

3) The ECSR (Conclusions 2017) would like to receive up-to-date information on the 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.

³⁷ Available at: <http://multilingualhealth.ff.uni-lj.si/>.

Below we provide information on the measures relating to the specific target group (*persons with international protection status, foreigners and applicants for international protection*)

- *Applicants for international protection.* Under the International Protection Act, applicants for international protection are entitled to residence in the Republic of Slovenia, material support (food, footwear and clothing and hygiene products) in the case of accommodation in the asylum centre, emergency medical treatment, education, an allowance, humanitarian aid and, after a period of 9 months, access to the labour market and vocational training. With regard to healthcare, under the International Protection Act, applicants have the right to emergency treatment, which includes: a) emergency medical treatment and emergency ambulance transport as decided by a doctor, and the right to emergency dental treatment; b) emergency treatment upon a decision of the attending doctor (preservation of essential functions, stopping serious haemorrhaging and preventing blood loss; prevention of a sudden deterioration of the applicant's health condition that could cause permanent damage to individual organs or bodily functions; treatment of shock; services to address chronic diseases and conditions that, if not received, would lead directly and in a short period of time to disability, other permanent impairment of health or death; treatment of febrile conditions and prevention of the spread of an infection that could lead to a septic condition; treatment or prevention of poisoning; treatment of bone fractures or sprains and other injuries requiring immediate intervention by a doctor; medicinal products from the positive and intermediate lists in accordance with the list of mutually interchangeable medicinal products prescribed on prescription for the treatment of the diseases and conditions listed); c) women's healthcare: contraceptives, termination of pregnancy, medical care during pregnancy and childbirth.

Vulnerable persons with special needs, and in exceptional cases other applicants are also entitled to additional health services, including psychotherapy, which are approved and determined by a commission. Applicants who are minors and unaccompanied minors are entitled to healthcare to the same extent as children who are insured as family members under compulsory health insurance. Children attending school after the age of 18 are also entitled to the same level of healthcare until the end of their schooling, up to the age of 26.

- *Persons under international protection* In accordance with the International Protection Act, persons under international protection have the right to receive information about the status, rights and obligations of persons under international protection in the Republic of Slovenia, the right to reside in the Republic of Slovenia, the right to education, the right to healthcare (persons under international protection are compulsorily insured on the basis of international protection if they are not compulsorily insured on another basis), and the right to social assistance (persons under international protection are treated on an equal footing with Slovenian citizens when exercising their social assistance rights; funds for social assistance for persons under international protection are provided in accordance with national legislation); the right to employment and work, and the right to assistance in integrating into society.

Persons under international protection have the right to employment from the day they are granted international protection. In accordance with the Act, persons under international protection exercise rights related to employment and work in accordance with the regulations on the employment and work of foreigners. Persons under international protection exercise the right to unemployment benefits in accordance with the regulations on the labour market. The Office informs persons under international protection about the activities of trade unions, in particular by providing them with information on the Trade Union of Migrant Workers of Slovenia.

- *Foreigners*. In accordance with the Foreigners Act, the Republic of Slovenia ensures the conditions for the integration of foreigners into the cultural, economic and social life of the Republic of Slovenia. As already mentioned above (see answer under point 1), Slovenia implements the Initial Integration of Immigrants Programme, and the Ministry of Education, Science and Sport and the Ministry of Labour, Family, Social Affairs and Equal Opportunities, in accordance with their respective competences, provide support and assistance in integration (employment, education, information). Pursuant to Article 33 of the new Foreigners Act, one of the basic conditions a foreigner must meet to obtain a residence permit is adequate health insurance covering at least emergency healthcare services in the territory of the Republic of Slovenia. 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.

4) The ECSR (Conclusions 2017) would like to receive information on possible arrangements for collective recruitment of migrant workers and on how the national authorities ensure that health and safety guarantees apply to the journey of such collectively recruited migrants. In this respect, we would like to explain that no collective recruitment of migrant workers takes place in Slovenia.

19§3 Cooperation between social services of emigration and immigration countries

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from Conclusions 2015):

With regard to the ECSR's question on the situation regarding communication and cooperation between Slovenian authorities and bodies in other Member States charged with the provision of social services, we would like to clarify that we do not have a system of such cooperation and we provide an explanation below.

From the point of view of migrant workers, it should be stressed that this is daily migration, where the family of the worker remains in Slovenia and is entitled to all social rights and, in accordance with the law, the families of migrant workers are treated in the primary living environment and, in the case of special living situations, are entitled to cash benefits as well as to services, programmes and food aid. The same applies to migrant workers who work daily in Slovenia, as their families usually stay at home and are treated within the social system of their country.

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. There are few daily migrant workers in Slovenia, so there is no need to establish specific formal channels. If their number increases and there is an increase in hardship for people, it would make sense to establish more formal channels.

In Slovenia, however, any individual who finds themselves in social hardship or difficulty, regardless of their nationality, is entitled to first social aid at a social work centre, in accordance with the Social Assistance Act. First social aid includes assistance in identifying and defining social hardship and

problems, assessment of potential solutions and provision of information to beneficiaries on all the possible types of services and benefits which they can claim, and on the network and programmes of providers offering such services and benefits. Persons who are experiencing psychosocial distress or are in need of assistance to facilitate their integration into the local environment may be included in the activities carried out within the network of social protection programmes. Most social protection programmes do not require any eligibility conditions (with the exception of some programmes in the areas of violence and addiction), and anyone who is facing hardship addressed by a particular programme can join.

19§4 Equality regarding employment, right to organise and accommodation

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from Conclusions 2015 and Conclusions 2017):

In January 2018, the ECSR adopted Conclusions 2017 in relation to the 16th National Report on the implementation of the European Social Charter. This report contained information **on the four conclusions on non-conformities** due to the repeated lack of the required information (Conclusions 2015), including in relation to Article 19§4. In Conclusions 2017, the Committee concluded that the situation in Slovenia **is in conformity with Article 19§4 a. – Equality regarding employment, right to organise and accommodation**. Below we provide further information in relation to the questions raised (in Conclusions 2017) and answers to the questions raised in Conclusions 2015 in relation to the non-conformity (which was not considered by the ECSR in Conclusions 2017), namely the conclusion that equal treatment is not secured for migrant workers with respect to access to housing, and in particular to assisted rental schemes and subsidies.

1) The ECSR (Conclusions 2017) would like to receive information on the implementation of the Protection Against Discrimination Act.

In the implementation of the Protection Against Discrimination Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 33/16 and 21/18 – ZNOrg; hereinafter: the ZVarD), the role and position of the Advocate of the Principle of Equality is of particular importance (*further information on the development of the institution of the Advocate of the Principle of Equality is also provided under Article 19§1, answer No 1 – in response to the 2010 Report to the Government of the Republic of Slovenia*), as this Act established the Advocate of the Principle of Equality 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. In the event of established victimisation, the Advocate may request the offender to take appropriate measures to protect the discriminated person or the person assisting them from victimisation or to remedy the consequences of the victimisation.

Below we provide information on the development of the Advocate of the Principle of Equality, whose *first key function* as an independent state authority under the ZVarD is to provide information, counselling and advocacy. The Advocate provides independent assistance and support to persons who consider that they have been discriminated against, provides counselling services (basic legal advice) and may participate in selected court proceedings, either on behalf of the victim (representation) or

on its own initiative. In addition, the Advocate is competent to lodge requests to initiate the procedure for the review of constitutionality and legality before the Constitutional Court, i.e. to challenge discriminatory regulations. *The second function* is to receive complaints and investigate cases of discrimination. The Advocate investigates individual cases of discrimination and determines whether discrimination has occurred. This decision-making takes the form of an administrative procedure and ends with the issue of a declaratory decision. Such a decision can be challenged before a court by any of the parties (perpetrator, victim or person who filed the complaint). *The third function* of the Advocate is of a systemic nature – conducting research, monitoring, giving recommendations and taking initiatives for awareness-raising. The Advocate collects available data on equality, equal treatment and equal opportunities (equality data), conducts research and analysis, which is then reflected in independent regular or specific reports and recommendations. The Advocate also raises awareness and educates. The positive trend in the development of this authority (budget, staff, number of cases considered and complexity of the work, including in particular systemic and proactive work) can be seen in the regular annual reports, which are also available³⁸ in English on the authority's website.

Because of the lack of clarity in the legislation, the Advocate does not exercise inspection powers, but rather determines whether discrimination has occurred (declaratory administrative decision). Therefore, proceedings before the Advocate cannot overlap with those carried out by other inspectorates. If the Advocate determines that the issuing of a decision in a specific case would not be reasonable, the Advocate may immediately refer the case to the competent inspectorate to initiate minor offence proceedings (paragraph four of Article 42 of the ZVarD). The Advocate does not deal with cases where proceedings are already pending, e.g. before the Labour Inspectorate of the Republic of Slovenia, but two (different) decisions may be reached. The inspectorates are independent in their actions (either in the course of the inspection procedure or in relation to establishing an offence) and are not legally bound by the findings of the Advocate. In individual cases, the Advocate may refer the client to an inspectorate. If the Advocate's declaratory decision finding discrimination is not complied with by the offender, the Advocate sends a proposal to the competent inspectorate to initiate minor offence proceedings pursuant to Article 43 of the ZVarD. There are no obstacles in the law preventing the Advocate – regardless of the outcome of the inspection procedures or the minor offence proceedings before the Labour Inspectorate – from supporting the victim in court proceedings and representing them in accordance with the ZVarD by submitting claims for elimination of discrimination, payment of compensation or publication of an anonymised judgement in the media. The functions of counselling and supporting clients on the one hand, and deciding whether discrimination has occurred on the other, are separated in terms of organisation and personnel.

The Advocate does not have data on complaints considered and counselling cases collected in a way to allow it to track the gender or other personal circumstances of the clients (e.g. migrant status, ethnic origin), nor can it provide information on whether there is a precise correlation between specific areas (e.g. recruitment, dismissal, training at work and in relation to work, accommodation, etc.) and specific forms of discrimination or the personal circumstances that allegedly gave rise to such discrimination.

³⁸ Regular annual reports are available at: <https://zagovornik.si/en/what-we-do/annual-reports/>.

In the reporting period, i.e. from 1 January 2018 to 31 December 2021, in the areas covered by the RESC, the Advocate dealt with a number of cases that involved counselling, establishing discrimination, constitutional reviews, and requests to initiate the procedure for the review of constitutionality and legality. During this period, it brought an action for age discrimination at work on behalf of an injured party (the court of first instance partially upheld all claims under the ZVarD; the judgment remained the same after appeals by both parties and was final; it was ordered that the violation be remedied, compensation be paid, and an anonymised summary of the judgment be published in all major newspapers). Precise data on all cases relating to the RESC (scope of protection or relevant rights, forms of discrimination, personal circumstances, status of clients) are not available due to the need for further analysis; data on specific queries on individual articles of the RESC are also not available.

The Advocate also seeks to shed further light on the situation of different groups of people through research. For example, it co-financed *a Targeted Research Project: Reducing and eliminating discrimination based on ethnic origin, 'race' and/or religion*³⁹.

The Advocate of the Principle of Equality, within the scope of its legal powers, can provide support in protecting the rights of migrant workers and their family members against discrimination on grounds of any personal circumstance in all areas covered by the law, not only the rights protected by the RESC (employment and work, social security). In this context, it aims to make its services and information as accessible as possible to all people, including migrant workers, and to overcome language and other barriers. In this respect, the use of the official language (Slovenian, but also Hungarian and Italian in areas where these ethnic communities live) is limited to administrative proceedings (establishing discrimination), but even here the use of one's own language is guaranteed by the Constitution of the Republic of Slovenia, subject to legal conditions. Application forms are provided in the official languages and translated into English. When dealing with someone who does not understand Slovenian or the official language well enough, access to electronic documents (apart from the decision, which must be in the official language) is also provided, for example by machine translation of such texts. For other types of dealings, in particular counselling and support for protection against discrimination, translation of clients' submissions is provided in foreign languages and, in most cases, a written response is also provided in English, or at least in electronic form, allowing for machine translation. For those who do not understand the Slovenian language well (or who have reading difficulties, e.g. people with disabilities, children, etc.), the Advocate has provided basic information in the form of a special booklet in an easy-read format, and the forms for submitting a discrimination complaint to the Advocate and the instructions for filling in the forms are also available in the easy-read format. They are also available on the website. On the website, such information is available in the official languages and in English. The Advocate also issues its regular annual report on its work in the official languages and in English (in full or in summaries).

Having addressed several allegations that third-country nationals (including migrant workers) sometimes find it difficult to access banking and financial services (which could have a decisive impact on their ability to obtain employment and be paid wages), 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

³⁹ The summary is available in the Regular Annual Report 2021, Part I, pp. 132 ff., available at: <https://www.zagovornik.si/letno-porocilo/>

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. The Advocate cooperates with other contact points to facilitate the implementation of migrant workers' rights in the EU and beyond (e.g. the Employment Service of Slovenia, Eures, the contact point for equal treatment of workers in the EU, Slovit); it also participates in targeted thematic events, e.g. cooperates with NGOs in training migrant women, and with trade unions and employers (a manual on the prevention and elimination of discrimination and the promotion of equal opportunities in the field of employment and work is currently being prepared).

2) The ECSR (Conclusions 2017) would like to receive confirmation that foreign workers also enjoy equality of treatment in access to vocational training in the field of employment under the Protection Against Discrimination Act. The ZVarD lays down the protection of every individual against discrimination irrespective of their gender, nationality, race or ethnic origin, language, religion or belief, disability, age, sexual orientation, sexual identity or sexual expression, social status, financial situation, education, or any other personal circumstance in various areas of social life, in exercising human rights and fundamental freedoms, in exercising rights and obligations and in other legal relationships in political, economic, social, cultural, civil or other fields.

We further explain 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 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).

3) With regard to the acquisition of ownership of real estate by foreigners, the ECSR (Conclusions 2015) asks whether there are any European countries or Parties to the Charter with which no agreements in this regard exist.

Pursuant to Article 68 of the Constitution of the Republic of Slovenia, foreigners may acquire ownership of real estate under the conditions provided by law or a treaty. Below we describe in more detail the possibilities of acquiring ownership of real estate according to the groups into which foreign nationals (and legal persons established abroad) are classified.

Foreigners who do not need a decision on the existence of reciprocity to acquire ownership of real estate:

- citizens and legal persons of the EU Member States (EU),
- nationals and legal persons of Member countries of the Organisation for Economic Co-operation and Development (OECD),
- nationals and legal persons of the Member States of the European Economic Area (EFTA),
- persons with the status of a Slovenian without Slovenian citizenship,

- intestate heirs and foreign testamentary heirs who would also be heirs by intestate succession in the case of the acquisition of ownership of real estate by inheritance,
- foreigners from the former republics of the SFRY who fulfilled all the conditions for registration before 31 December 1990 (but the land registration was not effected or the registration procedure was not initiated), in the currently initiated procedures for registration of ownership of real estate.

Foreigners who need a positive decision on the existence of reciprocity to acquire ownership of real estate:

- citizens and legal persons of EU candidate countries (North Macedonia, Serbia, Montenegro, Albania, Ukraine, Moldova, Bosnia and Herzegovina).

Foreigners who cannot acquire ownership of real estate or can acquire it only by inheritance, subject to the condition of reciprocity:

- citizens and legal persons from all other countries not falling under any of the above categories (including, inter alia, the People's Republic of China and the Russian Federation).

When a procedure for establishing reciprocity is necessary, it is initiated at the request of a foreigner who wishes to acquire ownership of real estate in the Republic of Slovenia. Tables on reciprocity by country and all records by decision issued can be found on the Government's website.

4) Non-conformity was found in Conclusions 2015 and therefore additional clarifications are provided below as requested by the ECSR. The ECSR concluded that equal treatment is not secured for migrant workers with respect to access to housing, and in particular to assisted rental schemes and subsidies.

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. Article 160 of the Housing Act⁴⁰ stipulates that, subject to the condition of reciprocity, citizens of EU Member States that have a permanent residence permit in the Republic of Slovenia are entitled to a non-profit rental apartment, assistance with the payment of rent, a soft loan from the Slovenian Housing Fund, and to savings under the national housing savings scheme. 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.

Despite this regulation, the Slovenian Housing Fund, which is the main implementer of the Resolution on the National Housing Programme 2015–2025, has established a migrant worker-friendly practice, i.e. the Fund conducts a public tender for cost-rental apartments throughout Slovenia, where one of the conditions to be met by applicants and users is that the tenants of the apartments may only be natural persons with full capacity to contract who, at the time of submitting their application, hold Slovenian citizenship or a permanent residence permit in Slovenia. At the time of submitting the application, applicants must have at least a temporary residence permit in Slovenia. If this essential condition is not met, the application is formally inadequate. This means that migrant workers can also

⁴⁰ Housing Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 69/03, 18/04 – ZVKSES, 47/06 – ZEN, 45/08 – ZVEtL, 57/08, 62/10 – ZUPJS, 56/11 – Dec. of the CC, 87/11, 40/12 – ZUJF, 14/17 – Dec. of the CC, 27/17, 59/19, 189/20 – ZFRO, 90/21 and 18/23 – ZDU-10)

apply for a rental apartment if they have a permanent residence permit in Slovenia. The Slovenian Housing Fund therefore includes among the tenants of cost-rental apartments persons who have acquired their apartment under such conditions.

Housing units owned by the Slovenian Housing Fund and not rented out on a non-profit basis, but through special public tenders, are not subject to the non-profit rental restrictions. Therefore, if the Slovenian Housing Fund is renting out apartments or housing units referred to in indent two or four of Article 83 of the Housing Act (renting out market rental apartments or special purpose rental apartments), the conditions are determined according to internal procedures by means of a public call for applications. Below are some examples of such public calls:

- Public call for applications for young people (in addition to Slovenian citizens, citizens of EU Member States who have a permanent residence permit may also apply).
- Gerbičeva public call for applications (adolescents and young adults of both sexes are eligible to rent a bed in a housing unit; citizens of EU Member States who have a permanent residence permit in Slovenia may also apply).
- Public call for sheltered housing (applications for housing can be submitted by natural persons with full capacity to contract, provided they have a permanent residence permit in Slovenia, i.e. also from countries other than EU Member States).

In order to shed light on the issue of accommodation of migrant workers, it is important to note that the obligations of employers or hirers providing accommodation to foreigners in Slovenia are laid down in Article 10 of the Employment, Self-employment and Work of Foreigners Act⁴¹, which stipulates the obligation to comply with minimum housing and hygiene standards, and that employers and hirers providing accommodation to foreigners in Slovenia are obliged to ensure the minimum housing and hygiene standards in this respect. The minimum housing standards apply to the furnishings, maintenance, heating and lighting of premises, the maximum number of persons accommodated in one room and the minimum floor area per person. The minimum hygiene standards specify the maximum number of users relative to the furnishings of the sanitary facilities, the separation of such facilities from the living quarters, and their ventilation and lighting. The amount of rent for accommodation is specified in a contract. Disputes relating to the amount of rent for accommodation rented out in accordance with this Act are decided on by a competent court, whereby the provisions of the regulation defining the highest recognised market rents apply, *mutatis mutandis*. The Rules on minimum standards for accommodation of foreigners employed and working in the Republic of Slovenia define the minimum standards with respect to furnishings, maintenance, heating and lighting of rooms, minimum number of square metres per person, furnishings, ventilation and lighting of sanitary facilities, etc.⁴²The Labour Inspectorate of the Republic of Slovenia supervises compliance with the minimum standards, primarily on the basis of reported alleged irregularities. Data on the number of violations in the 2018–2021 period identified by the Labour Inspectorate are given in the table below.

⁴¹ Employment, Self-employment and Work of Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 91/21 – official consolidated version)

⁴² Rules on minimum standards for accommodation of foreigners employed and working in the Republic of Slovenia (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 62/15).

Table: Number of detected violations of the Rules^[4] on minimum standards for the accommodation of foreigners

Year	Number of violations
2018	2
2019	2
2020	0
2021	0

Source: Labour Inspectorate

19§5 Equality regarding taxes and contributions

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

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19§6 Family reunion

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from Conclusions 2015):

1) In response to the ECSR's question on the required length of lawful residence of a foreigner in the Republic of Slovenia before their family can join them, we provide the following information:

With the adoption of the Act Amending the Foreigners Act⁴³ in 2021, the required length of lawful residence of a foreigner in Slovenia before their family members can join them has been extended from one year to two years. The regulation follows the provisions of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (Article 8), under which Member States may require the sponsor to have stayed lawfully in their territory for a period not exceeding two years, before having their family members join them.

2) As regards the ECSR's questions about the possibility of exceptions to the requirement that a family member must be connected to a sponsor who is a migrant worker (e.g. because of domestic violence), the answer is in principle yes. In the case of domestic violence, if the foreigner (family member) justifies their residence in Slovenia as a victim of domestic violence (i.e. they decide to cooperate with the competent authorities in an investigation or as a witness in a criminal proceeding for domestic violence, or if the victim demonstrates the existence of personal circumstances justifying their residence in Slovenia), the means of subsistence are not a prerequisite for the issue of a permit

⁴³ Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 57/21 No (ZTuj-2F))

to the victim of domestic violence. A victim of domestic violence may be issued with a subsequent temporary residence permit for another purpose of residence in Slovenia if the conditions for the issue of this permit are fulfilled, provided that the application for the subsequent permit is submitted before the expiry of the validity of the permit issued to the victim of domestic violence.

3) With regard to the ECSR's question whether the deportation of a foreigner from the Republic of Slovenia would deprive the family member of their right of residence in the Republic of Slovenia, 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.

4) With regard to the question of the age limit of the partner for family reunification, we reply that the Foreigners Act does not specifically provide for an age requirement for the sponsor; in accordance with the provisions of Article 47 of the Foreigners Act, the right to reunification, preservation and reintegration is granted to a foreigner residing in on the basis of a permanent residence permit and to a foreigner who has resided in Slovenia for the last two years on the basis of a temporary residence permit and who has a temporary residence permit issued for a period of at least one year. In principle, the right to family reunification is granted to a foreigner who has reached the age of majority; however, the parents of a foreigner who is a minor and with whom the foreigner resided in a family community before their arrival in Slovenia may also be considered family members (i.e., the right to family reunification is granted to both a foreigner who has reached the age of majority and to a foreigner who is a minor, subject to the required period of lawful residence in Slovenia).

5) In response to the ECSR's question regarding social benefits, we reply that these are generally not recognised as means by which a foreigner can demonstrate sufficient means of subsistence (e.g. social assistance in cash). 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, which are beyond the foreigner's control (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. A payment for loss of income received by a foreigner who is unable to work full-time because they are caring for a child with a developmental disability is also partly considered a family benefit.

6) In response to the ECSR's question on possible restrictions on family reunification in order to provide adequate accommodation for the partner, we reply that, under the Foreigners Act, accommodation is not one of the conditions for the issue of a residence permit.

7) In response to the ECSR's question on the possibility of an appeal in family reunification procedures, we would like to explain 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; such appeal

is decided by the second instance authority, namely the ministry responsible for the interior (paragraph one of Article 87).

8) In response to the ECSR's request to report on the conditions and procedures for family reunification, we provide the following information:

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.

Immediate family members are deemed to be:

- a spouse, partner in a civil partnership or civil union, or partner with whom the person is in a long-term relationship;
- unmarried minors of the person;
- the minor unmarried children of the spouse, partner in a civil partnership or civil union or partner with whom the person is in a long-term relationship;
- the adult unmarried children and parents of the person, spouse, partner in a civil partnership or civil union or partner with whom the person is in a long-term relationship, if the person, spouse, partner in a civil partnership or civil union or partner with whom the refugee is in a long-term relationship is obliged to maintain them under the law of their country of citizenship; the parents of a person who is an unaccompanied minor.

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. Special circumstances exist where the relationship between the other relatives, due to the specific actual circumstances, is basically equivalent to a nuclear family and has the same function as a nuclear family, which primarily means genuine family ties between the family members, physical care, protection, emotional support and financial dependency.

In the verification of family ties and the identity of family members, a person who does not understand Slovenian has the right to free translation and interpretation into a language they understand.

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. If the refugee or the person granted subsidiary protection does not have documentary evidence proving the family ties or the identity of their family members and is unable to obtain this, they must indicate in the application all relevant facts regarding family members they wish to reunite with, in particular their personal names, dates and places of birth, and residence addresses and the address where they are staying at the time of submission of the application, and must also state the reason why they are unable to obtain documentary evidence proving the family ties or the identity of their family members. The application must also include written consent allowing the competent authority to forward the data on family members to international organisations dealing with migration in order to verify the family ties and the identity of family members. Before forwarding the data to an international

organisation dealing with migration, the competent authority must obtain a written statement from such organisation that it will protect the data from the authorities of the country of origin.

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.

If the application for a permit is not submitted within the time limit, a family member whose identity has been established may be granted a permit if they fulfil the conditions, provided that the means of subsistence used to prove the family members' maintenance may not be less than the level established for the entitlement to financial social assistance under the law governing social assistance payments on a monthly basis, and provided that there are no grounds for refusing to issue a residence permit.

In the event of doubt as to whether the reunification of an unaccompanied minor with a family member is in the minor's best interests, the competent authority also obtains the opinion of the competent social work centre. If it is established in the procedure that the reunification of the unaccompanied minor with a family member is not in the minor's best interests, the permit is not issued to the family member.

A permanent residence permit issued to a family member is served by a diplomatic mission or consular post of the Republic of Slovenia if the family member does not yet reside in Slovenia, and by the ministry responsible for the interior if the family member already resides in Slovenia. If the family member resides in a country in which the Republic of Slovenia has no diplomatic mission or consular post, the permit may be served on them by an international organisation dealing with migration, provided that the person granted subsidiary protection gives their consent to this and bears the costs of service. 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 responsible for the interior.

19§7 Equality regarding legal proceedings

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

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19§8 Guarantees concerning deportation

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Non-conformity was found in the latest Conclusions and therefore further clarifications are provided below as requested by the ECSR.

Additional clarifications (from Conclusions 2015):

1) The ECSR reached a conclusion of non-conformity with Article 19§8 regarding the expulsion of migrant workers, even in cases where they do not endanger national security or offend against public interest or morality, and on the fact that migrant workers do not have the right to appeal against expulsion. We provide clarifications on the identified non-conformity below. The general principle established in the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 91/21 – official consolidated version, 95/21 – corr. and 105/22 – ZZNŠPP; hereinafter: Ztuj-2) is that a foreigner who is unlawfully residing in Slovenia must leave Slovenia and the territory of the EU Member States and of the Schengen States, unless otherwise provided for in this Act. If the foreigner meets the conditions for residence in another EU Member State, they may also return to that other EU Member State. However, the Foreigners Act, through the provisions in the chapters on leaving the country, termination of residence and voluntary return of foreigners, at the same time provides adequate guarantees with regard to expulsion, including by strictly observing the principle of non-refoulement. Amendments in 2014 and in the following years have provided for all the necessary measures in this part to ensure that all foreigners (not only workers) receive appropriate treatment and that the procedure is transparent and fair.

Article 55 of the Ztuj-2 specifies 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, it should be noted 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.

In accordance with Article 56 of the Ztuj-2, a residence permit may be annulled if it is subsequently established that the foreigner no longer meets the conditions for the issue of a residence permit. Paragraph three of the aforementioned Article stipulates that a 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 labour market, as long as they are entitled to such rights.

Article 61 of the Ztuj-2a determines that a foreigner's residence may be terminated if they no longer have sufficient means of subsistence and does not have any other guarantees that their means of subsistence will be provided for. In such cases, 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 decision by which the competent authority refuses to issue a temporary residence permit must state the grounds on which the temporary residence permit is refused, and any decision refusing a residence permit must also contain an instruction on available legal remedies⁴⁴, specifying the authority with which an appeal against the decision of the first-instance authority may be lodged and the time limit for lodging such an appeal. As a rule, appeals against the decisions to refuse the issue of a residence permit are decided by the Ministry of the Interior of the Republic of Slovenia; there is no

⁴⁴The right of appeal is regulated by the General Administrative Procedure Act, which is the basic regulation governing the protection of individuals in relation to the state. The right to appeal is regulated in Article 229.

appeal against the decision of the Ministry; however, an administrative dispute is allowed so the case may be decided by a court. 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 and the case be directly decided by a court.

A decision of the competent authority refusing to issue a residence permit or annulling a residence permit must specify a time limit by which a foreigner must leave the country, except when refusing to issue the first temporary residence permit, which the foreigner must obtain prior to entering the country. The foreigner must leave the country within the set time limit. An appeal is also allowed against a decision to terminate residence, which, in addition to the grounds for termination of residence, also contains a time limit within which the foreigner is prohibited from re-entering the country. When taking such decision, the authority concerned must take into account the type and gravity of the circumstances which make the foreigner's stay in the country undesirable.

The Ztuj-2 also contains a number of safeguards to ensure that the foreigner will be able to understand the decision and the reasons for it, and to react accordingly. At the request of the foreigner, the operative part of the decision, the essential grounds for the decision as regards the time limit for voluntary departure, the measure of removal of a foreigner, the entry ban and the instruction on available legal remedies against the decision are translated in writing or orally into a language which the foreigner understands. The costs of translation are borne by the authority conducting the proceedings. A foreigner who has been issued with the decision has the right to free legal counselling provided by independent contractors selected on the basis of a public call carried out by the ministry responsible for the interior. In proceedings before the courts relating to the decision referred to in paragraphs three and four of this Article, the foreigner has the right to free legal aid under the conditions provided by the Act governing free legal aid, without prejudice to the condition of reciprocity. No fee is payable for the lodging of an appeal or for the proceedings in an administrative dispute against the decision or order referred to in paragraphs three or four of this Article.

The competent authority that issues a decision annulling a residence permit, a decision terminating residence, a decision issued on the basis of a foreigner's statement renouncing a residence permit, a decision or order refusing or rejecting an application for the renewal or issue of a subsequent temporary residence permit or suspending the procedure, or a decision or order refusing or rejecting an application for a first temporary residence permit or suspending the procedure in cases where a foreigner is allowed to reside in Slovenia pending a decision on the application for a first temporary residence permit sets a ten-day time limit for voluntary departure. This time limit may be extended to 30 days in the event of justified circumstances, or, in the event of particularly justified circumstances as set out in Article 66, the time limit for voluntary departure may be extended by decision for the duration of the circumstances which justify the extended time limit for voluntary departure.

These circumstances include in particular:

- where a foreigner does not have and is unable to obtain in due time a valid travel document necessary for voluntary departure;
- where the foreigner's health condition does not allow their voluntary departure within the prescribed deadline, as certified by a doctor;
- death or illness of a family member;

- natural and other disasters preventing voluntary departure;
- the foreigner's urgent participation in proceedings before a state authority of the Republic of Slovenia;
- the completion of the grade or year of schooling attended by a foreign minor in Slovenia, but no longer than until the end of the school year in which the foreigner is placed at the time the return decision is issued;
- the entire family's departure;
- reasons relating to family and social ties that a foreigner has established during the period of long-term stay in Slovenia;
- other circumstances that justify an extension of the time limit for voluntary departure of minors, unaccompanied minors, persons with disabilities, older people, pregnant women, single parents with minor children, and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence or victims of trafficking in human beings.

The police issue a return decision to a foreigner who fails to depart the country by the specified time limit. The foreigner may lodge an appeal against the return decision; the appeal is decided on by the Ministry of the Interior. In the procedure for issuing a return decision, a foreigner has the right to free legal counselling provided by other national authorities and international and non-governmental organisations and, where necessary, to translation assistance.

The foreigner may only be removed from the country if the return decision is enforceable (Article 69), as the principle of non-refoulement must be established and respected in any removal of a foreigner (Article 72 of the Ztuj-2A).

The expulsion of a foreigner from the country may also be ordered in minor offence and criminal proceedings. In minor offence proceedings, the expulsion of the foreigner is imposed as a secondary sanction where this is permitted by the Minor Offences Act and the Foreigners Act. In all cases, the foreigner is issued with a decision on the minor offence, which also specifies the secondary sanction and the time limit within which the foreigner must leave the country. The decision also contains a legal instruction allowing judicial protection.

In accordance with the Criminal Code, in criminal proceedings, a secondary sanction of expulsion from the country may be imposed on the foreigner by a court judgment, which includes a legal instruction allowing an appeal or further judicial protection.

19§9 Transfer of earnings and savings

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

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19§10 Equal treatment of self-employed migrants

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from Conclusions 2015):

In view of the fact that in Conclusions 2015 the ECSR adopted a conclusion of **non-conformity** with Article 19§10 on the same grounds as the conclusions concerning paragraphs 2, 4 and 8 of Article 19, the Republic of Slovenia relies on the answers given in relation to the aforementioned paragraphs of Article 19, taking into consideration additional clarifications of questions raised in **Conclusions 2017** where Articles 19§2 and 19§4 were found to be in conformity. As regards non-conformity with Article 19§8 established in Conclusions 2015 (and not subject to Conclusions 2017), answers are provided under Article 19§8 (see above).

As regards the equal treatment of self-employed migrants, we are providing an additional clarification. Article 15 of the Employment, Self-Employment and Work of Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 91/21 – official consolidated version; hereinafter: the ZZSDT) and Article 37b of the Ztuj-2 stipulate that foreigners may take up self-employment after a one-year period of uninterrupted legal residence in Slovenia.

In accordance with paragraph one of Article 35 of the Foreigners Act, foreigners are issued their first residence permit for, inter alia, the purpose of employment or work.

Third country nationals who are free to access the Slovenian labour market are exempt from the above-mentioned self-employment rule. Article 6 of the ZZSDT regulates free access to the Slovenian labour market as follows:

- The right of free access to the labour market means the right of a foreigner to take up employment, self-employment or work in Slovenia without consent for a single permit or an EU Blue Card or a seasonal worker permit.
- The right of free access to the labour market applies to:
 - foreigners residing in on the basis of a temporary residence permit for family reunification with a Slovenian citizen;
 - foreigners residing in Slovenia on the basis of a permanent residence permit;
 - foreigners residing in Slovenia on the basis of a temporary residence permit issued to foreigners of Slovenian origin;
 - foreigners residing in Slovenia on the basis of a temporary residence permit issued to victims of trafficking in human beings;
 - foreigners residing in Slovenia on the basis of a temporary residence permit issued to victims of illegal employment;
 - foreigners granted the right to international protection in Slovenia and their family members residing in Slovenia on the basis of a residence permit for family reunification;

- foreigners granted temporary protection status demonstrated by the identity card of a person granted temporary protection;
- foreigners whose identity has been established beyond doubt and who have been granted the status of an applicant for international protection in Slovenia; such foreigners are granted this right nine months after filing an application for international protection, provided that no decision of the competent authority has been served thereon in that period and the delay cannot be attributed to the foreigner. Foreigners demonstrate fulfilment of the aforementioned conditions by means of a certificate from the ministry responsible for internal affairs.

The foreigners referred to in the preceding paragraph also have the right to free access to the labour market during their residence in Slovenia on the basis of a certificate demonstrating that the application for extension of a residence permit or status was submitted in due time.

Foreigners employed by Slovenian employers enjoy the same rights and have the same obligations arising from employment as Slovenian workers. We emphasise that **the same applies to self-employed foreigners**, who have the same rights and obligations arising from their self-employment status as self-employed Slovenians.

19§11 Teaching of the national language of the receiving state

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from Conclusions 2015):

1) The ECSR would like to receive information on further measures available for upper secondary 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.

The most recent amendments to acts governing secondary education (Vocational and Technical Education Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 79/06, 68/17 and 46/19) and the Gimnazija Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 1/07 – official consolidates version, 68/17, 6/18 – ZIO-1 and 46/19), 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. 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. While the students attend this course, they may not be given a negative mark in Slovenian in their first school year (with the exception of those in the final year) but instead get no mark, can enrol in the next grade subject to the head teacher's decision and at the proposal of the assembly of teachers of a class.

As regards an updated description of measures, including relevant information on learning Slovenian, we provide the necessary information below.

In exercising the rights of immigrant children, pupils and upper secondary students to education and for their effective integration into society, Slovenia adopted an inclusive approach to integration of immigrants. The amendment to the Rules on norms and standards for the implementation of the primary school programme (Article 43c) entered into force in the 2020/2021 school year and provides more additional hours of Slovenian for immigrant pupils:

- more hours, even if the number of participating pupils is small (up to 4 pupils: 120 hours; 5-8 pupils: 160 hours; 9-17 pupils: 180 hours);
- pupils who enrol in the Slovenian education system in the second semester have in their first year a smaller number of hours (35 hours) but they continue learning Slovenian in the next school year.
- the possibility of classifying a share of a teaching post for Slovenian language to teach pupils whose mother tongue is not Slovenian when nine more pupils enrol at the beginning of the school year;
- additional hours of Slovenian are also provided to pupils whose mother tongue is Slovenian but who have previously been educated in schools abroad.

During the school year, pupils are provided various forms of support in learning Slovenian and other subjects such as remedial lessons, assistance to individuals and groups, and a support network for morning care, after-school classes, extra-curricular activities in the programme of the school and other institutions (e.g. music school) and the activities of the local setting (youth centres, various associations, people's universities, and other governmental and non-governmental organisations, etc.).

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 implement conditions for learning a new language to improve the linguistic and social integration of immigrant pupils into the education system.

Table: Number of immigrant pupils who were provided additional hours of Slovenian in their first and second school years – (First school year – number of pupils)

school year	number of pupils
2014/15	1,186
2015/16	1,296
2016/17	1,297
2017/18	1,532
2018/19	1,874
2019/20	2,134
2020/21	1,678

Source: Ministry of Education, Science and Sport

Table: Number of immigrant pupils who were provided additional hours of Slovenian in their first and second school years – (Second school year – number of pupils)

school year	number of pupils
2014/15	810
2015/16	1,152
2016/17	1,218
2017/18	1,201
2018/19	1,412
2019/20	1,770
2020/21	3

Source: Ministry of Education, Science and Sport

Table: Number of additional hours of Slovenian provided to immigrant pupils

school year	hours – year 1	hours – year 2	total
2014/15	13,358	5,017	18,375
2015/16	13,396	7,090	20,486
2016/17	14,059	7,335	21,394
2017/18	16,127	6,946	23,073
2018/19	21,071	8,375	29,446
2019/20	36,390	7,490	43,880
2020/21	26,462	110	26,572

Source: Ministry of Education, Science and Sport

Table: Number of immigrant upper secondary students enrolled in Slovenian courses at secondary schools.

school year	number of schools	number of upper secondary students
2018/19	43	608
2019/20	66	614
2020/21	71	473

NOTE: The Ministry of Education, Science and Sport has data from the school year 2018/2019 when the Rules on Slovenian language courses for upper secondary students entered into force

Between the school years 2018/2019 and 2020/2021, 1,695 upper secondary students were enrolled in Slovenian courses organised free of charge by schools for all students whose mother tongue is not Slovenian or who did not complete compulsory primary education in Slovenia.

2) The ECSR asks 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 of 60 hours of integration classes.

The Slovenian language learning programme and the Introduction to Slovenian society programme and/or the single programme are carried out as state-approved adult education programmes, as provided in the regulations on the organisation and financing of education. In accordance with Article 4 of the Decree on the methods and scope of assistance programmes for the integration of foreigners who are not nationals of the European Union (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 70/12, 58/16 and 70/21) the following 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, whereby the one-year period starts to run at the time of submission of the application for the permit. 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 in Slovenia granted for the purpose of family reunion. They are entitled to 180 hours of the Slovenian language-learning programme or the single programme. The 24-month validity of temporary residence permits includes the period of residence of a third-country national on the basis of a certificate of a submitted application for an extension or issuance of a subsequent temporary residence permit, which is considered a temporary residence permit under the Foreigners Act.
- 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.

When the Slovenian language-learning programme and the Introduction to Slovenian society programme are carried out separately, the Introduction to Slovenian society programme is carried out as a 30-hour programme for all beneficiaries referred to in this Article.

19§12 Teaching the mother tongue of migrant

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from Conclusions 2015):

1) The ECSR would like to receive information on the implementation of guidelines on teaching mother tongue and culture to immigrants and members of other language and cultural groups in Slovenia prepared by the Ministry of Education, Science and Sport, and the National Education Institute.

In 2012, the National Education Institute drafted a *Plan/guidelines for remedial lessons in mother tongues and cultures for members of other language and cultural communities in Slovenia* 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. 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 under: Languages in education, section Mother tongues of children, pupils and upper secondary students whose first language is not Slovenian. Teachers of remedial lessons without significant support from their countries of origin find this document especially useful.

2) The ECSR would like to receive information on the organisation of these lessons and why so few pupils attend remedial lessons in their mother tongues.

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 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. 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. The number of languages and the number of children attending these lessons varies from year to year (see the table below). In recent years, there has been an increase in the number of pupils attending remedial lessons in mother tongues and cultures 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.

Table: remedial lessons in mother tongues and cultures for children of other nationalities in the period from 2010 to 2022

School year	Number of children	Number of languages	Funds of the Ministry of Education, Science and Sport
2010/11	140	5	6,300.00
2011/12	244	5	7,740.00
2012/13	370	9	13,410.00
2013/14	305	10	10,755.00
2014/15	385	10	12,285.00

2015/16	420	8	14,850.00
2016/17	446	11	16,290.00
2017/18	422	8	15,570.00
2018/19	422	7	15,435.00
2019/20	419	8	15,750.00
2020/21	511	7	21,420.00
2021/22	564	8	29,835.00

Source: Ministry of Education, Science and Sport

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.

3) The ECSR would like to receive information whether remedial lessons in mother tongue are encouraged and organised also outside formal education for children of migrant workers.

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.

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

27§1 Participation in working life

Information to be provided (from the Appendix with instructions):

a) Please provide information on whether the COVID-19 crisis had an impact in particular on the possibilities for and the consequences of remote work on the right of workers with family responsibilities to equal opportunities and treatment.

Numerous intervention measures were adopted during the COVID-19 crisis to preserve jobs, which also facilitated the reconciliation of work and family. The option of teleworking from home was provided to the greatest extent possible, and the basis for absence from work in cases of force majeure resulting from childcare obligations due to the closure of schools and kindergartens was specifically regulated. In these cases, workers were granted a higher compensation than would otherwise have been payable in cases of force majeure. A worker who was unable to work due to force majeure as a result of a childcare obligation was entitled to wage compensation at the rate provided for under the ZDR-1 in the case of temporary inability to provide work for a business reason (i.e. 80% of the base), while the employer was entitled to claim reimbursement of the wage compensation paid.

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

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27§2 Parental leave

Information to be provided (from the Appendix with instructions):

a) Please provide information on whether the COVID-19 crisis had an impact on the right to parental leave.

The COVID-19 crisis did not affect the right to either the duration of parental leave or the amount of parental benefit. Parental leave is intended for the care of a child. Mothers and fathers are entitled to 130 days of parental leave each in the form of full or partial absence from work. The father may transfer all 130 days of parental leave to the mother, and the mother 100 days to the father. Parental leave is extended in the event of the birth of twins or more children at the same time, a prematurely born child or a child who needs special care. Adoptive parents and persons in whose care the child was entrusted for the purpose of adoption, other persons or a child's grandparent are also entitled to parental leave. The amount of parental benefit is equal to 100% of the base but may not be more than 2.5 times the amount of the average monthly salary in Slovenia.

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised. /

27§3 Prohibition of dismissal on the ground of family responsibilities

Information to be provided (from the Appendix with instructions):

a) Please 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.

General rules prohibiting dismissal on the ground of family responsibilities and allowing no exceptions remained in force also during the epidemic.

b) Please explain whether a ceiling on compensation for unlawful dismissals was applied on the ground of family responsibilities during the COVID-19 crisis.

The legislation governing this area was not amended or supplemented.

c) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from Conclusions 2015):

1) The ECSR asks if its understanding is correct that while there is a ceiling to compensation for pecuniary damage of 18 months wage, for non-pecuniary damage the legislation does not establish such a ceiling. The ECSR's conclusion on compensation is correct (see also explanation in paragraph 2 of Article 8 "Compensation for unlawful dismissal" where this subject matter is explained in detail).

Article 31 – THE RIGHT TO HOUSING

31§1 Adequate housing

Information to be provided (from the Appendix with instructions):

a) Please provide full, up-to-date information on the percentage of the population living in inadequate housing, including overcrowded housing, and the practical measures taken to improve the situation.

Severe housing deprivation in Slovenia (3.1%; EU: 4.2%) reflects primarily the share of the population living in poor housing conditions. The quality of occupied housing has been gradually improving, but energy-efficiency and functional, and in some cases seismic, renovations still need to be carried out (Urban Planning Institute of the Republic of Slovenia – UIRS, 2021). The housing overcrowding rate is not high in Slovenia (10.9% in 2020) and is still falling. It is highest in housing rented at market prices (38.1%) and in households below the at-risk-of-poverty threshold (18.1%). It is also higher in urban areas (15.8%). The housing cost overburden rate is relatively low in Slovenia due to the high share of owner-occupied housing. However, it is above the EU average in households below the at-risk-of-poverty threshold. In the current economic situation, the rise in housing costs, in particular in economically weaker households, is mostly due to the rising costs of fuels. Housing affordability is poor in Slovenia due to the low supply of public rental housing and housing on the market (in 2018, the share of rented housing was only 7.7%) (Statistical Office of the Republic of Slovenia – SURS, 2022) and the resulting high housing prices. Housing is less affordable to households with low income and young people, who leave their parents' household at the average age of 27.5 years (EU: 26.4 years of age) (Eurostat, 2022). (Development Report, Institute of Macroeconomic Analysis and Development of the Republic of Slovenia – IMAD, 2022)

The *housing deprivation rate* is relatively high in Slovenia while the percentage of the population faced with the *severe housing deprivation rate* is relatively low compared to other EU Member States. Compared to 2014, the housing deprivation rate decreased (by 9.1 pp.) significantly more than in the EU (1.6 pp.) but it remains 6.8 pp. above the EU average. This is mainly due to the old and poorly maintained housing stock in Slovenia, as more than 80% of housing was built before 1990 and only 4,000 apartments between 2016 and 2020. However, the severe housing deprivation rate (3.1%) is decreasing and is lower than the EU average (4.2%), also for households below the at-risk-of-poverty threshold (6.5%, EU: 9.2%). (Development Report, IMAD, 2022)

Table: Severe housing deprivation rate and housing deprivation, in %

	Slovenia							EU						
	2014	2015	2016	2017	2018	2019	2020	2014	2015	2016	2017	2018	2019	2020
Severe housing deprivation	6.5	5.6	4.5	4.4	4.8	3.9	3.1	5.4	5.3	5.2	4.5	4.3	4.0	4.2
Housing deprivation rate	29.9	26.9	23.8	22.0	22.7	20.6	20.8	15.6	15.4	15.2	13.1	13.6	12.7	14.0

Source: Eurostat, 2022 (Development Report, IMAD, 2022)

In Slovenia, the housing costs in 2020 were not high compared to the EU average. They were lower than in the EU also for households below the at-risk-of-poverty threshold. The housing cost overburden rate decreased from 2014 to 2020 when it slightly increased (to 4.4%) but remained more than a half lower than the EU average (10%). In households below the at-risk-of-poverty threshold, 23.1% of persons were overburdened with housing costs (EU: 38.4%). (Development Report, IMAD, 2022)

Below we provide more detailed information on the percentage of the population affected by housing deprivation according to the different elements of deprivation (*poor condition of the dwelling, bathtub or shower in the dwelling, flush toilet for own use, the dwelling is too dark*), and data on overcrowding according to the percentage of the population.

TABLE: Housing deprivation rate according to respective elements of deprivation, 2018–2021, SURS

Elements of deprivation:	Percentage of the population 2018	Percentage of the population 2019	Percentage of the population 2020	Percentage of the population 2021
Poor condition of the dwelling <i>(percentage of persons with problems in their dwellings such as leaking roof, damp walls/foundations/floors or rotten window frames/floors)</i>	22.7%	20.6%	20.8%	19.0%
Bathtub or shower in the dwelling <i>(percentage of persons without a bathtub or shower in their dwelling)</i>	0.2%	0.1%	0.1%	0.1%
Flush lavatory for own use <i>(percentage of persons without a flush lavatory for own use)</i>	0.2%	0.1%	0.1%	0.1%
Dwelling is too dark <i>(percentage of persons who believe that their dwelling is too dark or lacks daylight)</i>	5.2%	4.2%	4.3%	5.0%

Source: SURS

Data on the **overcrowding rate** is provided below. The overcrowding rate is defined as the percentage of persons living in dwellings without a minimum number of rooms relative to the number of household members.

TABLE: Overcrowding rate, 2018–2021

	2018	2019	2020	2021
Overcrowding rate (% of persons)	12.5%	11.6%	10.9%	10.9%
Number of persons in overcrowded dwellings	252,000	235,000	225,000	227,000

Source: SURS

As regards measures which restrict overcrowding, the SZ-1 stipulates in indent three of paragraph one and in paragraph two of Article 91 and in paragraph three of⁴⁵ Article 91, where an exception is defined in connection with Article 83 (employment-based rental apartment), that the essential elements of a lease agreement should contain the first and family name of the tenant and the persons who will use the apartment together with the tenant, and that the owner must conclude an annex to the lease agreement at the request of the tenant if the number of persons increases by one or more persons, whom the tenant is required to maintain by law and for all other persons only if the size of the apartment as regards the number of persons is still appropriate. With this guidance and restriction, the state imposes restrictions on private and public owners. The Rules on the allocation of non-profit rental apartments (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 14/04, 34/04, 62/06, 11/09, 81/11, 47/14 and 153/21) are binding on public landlords, more specifically Articles 14 and 15 applied by landlords from Article 1 of the Rules stipulate the exact spatial standards and the taking into account of additional living or sleeping rooms, if the family or social and health conditions so require. The Housing Fund of the Republic of Slovenia applies these two Articles also to all other leases on the basis of public calls for applications (market-cost rental apartments for all generations, rental apartments for young people, sheltered housing for the elderly, rental of beds for young people in residential units), thus helping curb overcrowding. Social work centres are involved pursuant to Article 15, stipulating that landlords decide on deviations from the spatial standards by taking into account the opinion of the social work centre submitted by eligible persons.

Projects such as the Housing Fund's pilot project Housing Community for Young People also contribute to reducing overcrowding and relieving the burden borne by families. The project was completed in 2021 and since June 2021 housing units have been leased to young people on the basis of a public call for applications. This is the first project of its kind in Slovenia. The loan was granted to the Fund by the

⁴⁵ Housing Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 69/03, 18/04 – ZVKSES, 47/06 – ZEN, 45/08 – ZVEtL, 57/08, 62/10 – ZUPJS, 56/11 – Dec. of the CC, 87/11, 40/12 – ZUJF, 14/17 – Dec. of the CC, 27/17, 59/19, 189/20 – ZFRO, 90/21 and 18/23 – ZDU-10)

Council of Europe Development Bank (CEB) in 2019 and is being successfully implemented. With this project, we help young people aged between 18 and 29 years who would like to move out from their family homes, which in turn reduces overcrowding and relieves the burden borne by families.

A special measure in calls for applications for rental housing published by the Housing Fund of the Republic of Slovenia is the priority given to applicants who are resolving their housing needs for the first time and submit proof thereof. We thus help individuals, couples and families to live on their own, and we give them priority if they provide relevant proof.

b) Please provide relevant and updated figures relating to the adequacy of housing (e.g. number of substandard dwellings; overcrowding, water, heating, sanitary facilities, electricity).

The data on overcrowding, poor condition of dwellings and the sanitary facilities are provided in our response to the question under a) (see information above).

Heating:

The data provided by SURS show the percentage of households which could not afford adequately heated housing between 2017 and 2021.

Table: Share of households which cannot afford adequately heated housing (%)

Share of households that cannot afford adequately heated housing (%)	2017	2018	2019	2020	2021
	5%	4%	3%	4%	2%

Source: SURS (2022)

Energy poverty:

A comparison over a longer period of time shows a declining trend in energy poverty in Slovenia, with the lowest figure recorded in 2021. Between 2014 and 2022, the share of energy-poor households decreased by approximately one third or 26,000 households. Households below the at-risk-of-poverty threshold were classified as energy-poor primarily due to inadequate living conditions, such as problems with leaking roofs, damp walls/floors/foundations or rotten window frames/floors. This was followed by late payment of housing costs (water, electricity, heating, etc.), while the inability to provide adequately heated housing contributed least to household energy poverty.

Between 2014 and 2022, fewer households were exposed to all four elements used in the calculations of energy poverty: the share of households in arrears with housing costs due to financial hardship decreased by approximately two thirds, the share of households which could not afford adequate heating decreased almost by half, the share of households living in inadequate housing conditions decreased by 41%, and the share of households below the at-risk-of-poverty threshold decreased by 2%.

Table: Share of energy-poor households, 2017–2021

Share of energy-poor households (%)	2017	2018	2019	2020	2021
	9.3%	9.3%	7.7%	7.5%	6.5%

Source: SURS

Water supply:

The Operational Programme for Drinking Water Supply for the period 2022–2027 shows that in 2018: 92.6% (1,895,294) of inhabitants were supplied by the public water supply, 137,750 inhabitants had their own drinking water supply, 7,784 inhabitants harvested rainwater, and for 5,986 inhabitants the municipalities were unable to determine the method of supply for the following reasons: drinking water was supplied to them in tanks, they were registered at an address but did not actually live there, they used their own water source for which no water permit was obtained, or they were supplied from the consumption point of an adjacent building.

Urban wastewater discharge and treatment:

As regards the percentage of connections according to inhabitants with registered permanent residence and type of wastewater discharge and treatment, we provide data from the Information system for monitoring obligatory municipal public services for environmental protection. The data is for 2020.

TABLE: Percentage of connections by inhabitants with registered permanent residence and type of wastewater discharge and treatment, 2020

	2020
Building connected to public sewerage network	37.16%
Building with cesspool	2.46%
Building with an existing septic tank	51.91%
Building with small urban wastewater treatment plant not part of public sewerage network	3.21%
Wastewater released directly into water	0.56%
Method of treatment of wastewater from the building not known	4.70%

Source: Ministry of the Environment and Spatial Planning

c) Please provide information on the measures taken, in particular also during the COVID-19 crisis, to ensure adequate housing for vulnerable groups, including refugees, asylum seekers and Roma.

We provide information on the measures taken, particularly in relation to accommodation facilities, and the measures taken to support the Roma community. In order to temporarily meet the housing needs of socially deprived households in an adequate manner, the allocation of housing units is foreseen, as described below.

In the accommodation facilities of the Government Office for the Support and Integration of Migrants (the asylum centre and its branches), where intending applicants and applicants for international protection are accommodated, all necessary preventive measures were put in place and detailed instructions were given on what to do in the event of infection with COVID-19. Quarantine facilities were provided and detailed procedures adopted to deal with COVID-19 cases. Information on COVID-

19 in different languages was provided to persons in the accommodation facilities (all current information was posted on notice boards in different languages). Testing was also carried out, the number of medical staff was increased, activities and meals were adapted to the situation, and additional disinfection, face masks and disinfectants were provided. In the accommodation facilities where persons with international protection status were accommodated, the following measures were taken: disinfectants were available in every corridor and at the entrance door, face masks were worn, chairs for clients in offices were placed at an appropriate safety distance, door handles and handrails in staircases were disinfected, socialising in common areas was prohibited, and staff explained procedures and gave instructions to residents in case of suspected infection.

The Housing Act provides for housing units to temporarily resolve acute situations where an individual or a household has no access to or loses access to adequate housing. During the COVID-19 epidemic, no changes were made to the procedures for allocating housing units, nor was there an increase in the number of requests for housing units. The state does not centrally collect and maintain data on the allocation of housing units, as this is the responsibility of local authorities, respective housing funds and other non-profit housing organisations. Housing units as temporary solutions to the housing needs of socially deprived persons are allocated by municipalities, the state, public housing funds or non-profit housing organizations. They are leased on the basis of a list of persons eligible for such housing units. Once the housing unit is provided, and upon re-verification of eligibility for the allocation, it is leased to the person whose social problems are the most serious and for whom the floor area is adequate as regards the number of family members, by concluding a lease agreement for a fixed-term period.

In line with the regular co-financing and implementation of social protection programmes in other areas aimed at alleviating social hardship of people such as applicants for international protection, refugees, migrants and their family members, persons being evicted, children and young persons, the Ministry of Labour, Family, Social Affairs and Equal Opportunities supported counselling and information programmes, programmes for persons in debt and being evicted, counselling and psychosocial assistance programmes, social inclusion, empowerment and advocacy for migrants, and day centres for persons who are applicants for or have been granted international protection.

In 2020, the Ministry of Labour, Family, Social Affairs and Equal Opportunities published a Public tender for co-financing projects to help the most vulnerable groups deal with the COVID-19 epidemic and to mitigate its consequences. The purpose of the public tender was to co-finance projects that provide innovative approaches to addressing and tackling social hardship of vulnerable groups caused by the COVID-19 pandemic. The target groups were victims of violence, older persons, persons with disabilities, persons with mental health problems, children, young persons and others who face high levels of social exclusion. The projects introduced various approaches to fulfilling new needs associated with the COVID-19 epidemic in the following areas: psychosocial counselling and support, awareness-raising, provision of information, field work, provision of practical support to users, establishment of new safe spaces, digital solutions for relieving hardship, and **provision of emergency accommodation for target groups**. The key objective of all projects was the promotion of social inclusion, empowerment of vulnerable groups and the fight against poverty and discrimination.

The selected projects paid particular attention to the specific needs of children, young and older persons, as well as victims of violence, persons with disabilities and persons with mental disorders. Two projects also targeted the Roma population as a specific group, namely the project of the Association for Homeless People's Help and Self-Help "*Kralji ulice*" (Kings of the Street) and the Association "*SOS telefon*" (SOS Telephone for Women and Children Victims of Violence).

The objectives of the programmes under the selected projects included the provision of crisis accommodation for isolation in the case of COVID-19 infection for homeless persons, persons from accommodation programmes or housing units, victims of violence or perpetrators of violent acts, and large (Roma) families who had no other option for isolation.

As regards measures related to the Roma community and their living conditions, the activities of the Government Office for National Minorities were very important during both waves of the COVID-19 epidemic. The Office liaised with institutions and organisations that, according to their powers, could contribute the most and take most effective actions to mitigate the impact of the epidemic on members of the Roma community, especially those who live in poor living conditions. A positive fact was the timely involvement of all competent institutions, especially at the local level, which mainly took preventive measures and provided all the necessary support both through activities to prevent infections and through the implementation of the epidemiological measures adopted by the Government in various areas. The Council of the Roma Community of the Republic of Slovenia, various organisations founded by members of the Roma community (e.g. societies and associations), and other non-governmental organisations working in the Roma community or with its members cooperated. From the information collected in the field by various stakeholders, we were able to establish that there was a considerable awareness of the importance of providing conditions, raising awareness and ensuring adequate communication about COVID-19 and its consequences. Cooperation previously established at the local level for regular or project activities was key to preventing the spread of infection as successfully as possible, e.g. in Roma settlements.

As regards access to drinking water in Roma settlements and the spread of the novel coronavirus, and consequently the possibility of following expert instructions for preventing the spread of the novel coronavirus in Roma settlements, especially in south-eastern Slovenia, the Government Office for National Minorities was in constant contact with representatives of the Roma community and the municipalities where Roma live. The Government Office for National Minorities was also in constant contact with representatives of the Roma community and various institutions and organisations operating at the local level and, in cooperation with the Administration of the Republic of Slovenia for Civil Protection and Disaster Relief, did its utmost to at least provisionally supply municipalities or areas without ready access to drinking water with water from water tank trucks. In March 2020, the Office sent an appeal to all municipalities where Roma live to take into account the vulnerable position of Roma community members in certain areas when taking all measures and implementing activities related to the containment and prevention of COVID-19. The appeal referred, among other things, to the immediate provision of ready access to clean drinking water in Roma settlements.

In order to prevent the spread of the SARS-CoV-2 virus, municipalities with Roma settlements where living conditions were poor and the Administration of the Republic of Slovenia for Civil Protection and Disaster Relief jointly ensured the supply of drinking water, provided every household in those municipalities (including all households in Roma settlements) with face masks, gloves and

disinfectants, and carried out various awareness-raising activities (distribution of leaflets, provision of information by telephone or by visiting settlements), and, in cooperation with schools and various organisations working with Roma community members, created conditions for distance learning and supported Roma pupils whose parents had not been able to support them. Some municipalities provided transport of inhabitants to doctors when such assistance was needed and most municipalities also provided hot meals to families in need through kindergartens, schools or homes for the elderly. Some associations established by Roma community members were also involved in activities aimed at informing and raising awareness among members of the Roma community in Romani or for exchanging information between competent institutions and organisations regarding the current situation on the ground in the Roma community and municipalities where Roma live. The competent institutions and organisations and representatives of the Roma community exchanged information through video conferencing and agreed that Roma were well informed and that the water supply in times of crisis was satisfactory.

d) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from Conclusions 2015 and Conclusions 2017):

In January 2018, the ECSR adopted Conclusions 2017 in relation to the 16th National Report on the implementation of the European Social Charter. In addition to information on the follow-up action taken by the Slovenia in response to the Charter violations established in the collective complaints procedures against Slovenia (FEANTSA and APPROACH), the Report included information on the four conclusions on non-conformities with the Charter under the thematic group children, families and migrants, considered already in Conclusions 2015, specifically **31§1 and 31§2 (the right to housing)**. In this Report we respond to Conclusions 2017 (and reply to questions raised in Conclusions 2015) in the part in which the ECSR established that it cannot adopt a conclusion on Article 31§1. The ECSR **deferred** its conclusion due to lack of information on the basis of which it could establish that supervision of housing standards for the exercise of the right to adequate housing was adequate.

1) In relation to the right to adequate housing and effective legal protection of tenants, the ECSR in Conclusions 2017 asked to provide any relevant information, including case-law or statistical data, concerning the implementation of the procedures in practice, in particular in case of non-compliance by the landlords of their obligations.

As regards the question about the right to adequate housing, we provide, by way of an introduction, an interpretation of the relevant legislation on access to adequate housing in Slovenia. According to Article 78 of the Constitution, the state should create opportunities for citizens to obtain adequate housing. In Article 10 of the Housing Act, adequate housing is defined as an apartment in a one- or multi-apartment building constructed in accordance with minimum technical standards for the construction of residential buildings and apartments and for which a certificate of occupancy has been issued in compliance with the regulations on the construction of buildings. The apartment must have separate sleeping and living parts (except in the case of a studio apartment) and meet the accommodation needs of the owner or tenant and their immediate family members living with them in a common household, and must comply with the floor area standard per number of household members.

The Constitution does not provide for a direct right which would guarantee adequate housing to every citizen but instead imposes on the state the obligation to create conditions enabling citizens' access to adequate housing. The state fulfils its obligation through housing legislation which, inter alia, regulates the provision of and procedure for the allocation of non-profit apartments, a non-profit rent subsidy, a market rent subsidy for applicants who are eligible for a non-profit apartment but were not provided one due to high demand at the last public call for applications, performance of public rental service, protection of rights of tenants and landlords, and through other legislative instruments.

As regards the rights of tenants, the Housing Act stipulates that owners of dwellings must:

- hand over the apartment as the object of the rental under the lease agreement in a condition which enables the tenant normal use of the apartment, in accordance with the applicable norms and standards;
- maintain the apartment and common parts in a one- or multi-apartment building in a condition which guarantees the tenant normal use of the apartment and common parts;
- throughout the rental term be liable for legal and material defects of the leased apartment.

Where the condition of the apartment does not guarantee the tenant normal use of the apartment, the tenant may propose that the housing inspection order the owner to carry out the works necessary to ensure the normal use of the apartments or common parts. Where the owner does not complete the works imposed within the deadline determined by the decision, the tenant may carry out these works on their own and at the expense of the owner. The tenant may offset the costs of carrying out the works, together with interest, with the rent receivables of the owner. If the owner does not comply with the decision referred to in the preceding paragraph, the tenant may require the owner to provide other suitable housing.

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

2) The ECSR concluded (in Conclusions 2015) that the situation in Slovenia is not in conformity with Article 31§1 on the grounds that measures to improve the substandard housing conditions of a considerable number of Roma are not sufficient, and asked to continue to provide information on the measures taken to improve the housing conditions of Roma. The ECSR also asked the next report to comment the 4th report of the European Commission against Racism and Intolerance (ECRI) adopted on 17 June 2014 that there is still a lack of access to a safe water supply in some Roma settlements, and the conclusion that most Roma continue to live in settlements isolated from the rest of society in conditions that are well below the minimum standard of living.

Through the implementation of the Promotion of Balanced Regional Development Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 20/11, 57/12 and 46/16; ZSRR-2) and the activities of the Ministry of Economic Development and Technology, financial incentives from the state budget were consistently provided to municipalities to accelerate the development of settlements where members of the Roma community live. In previous periods, over the 18 years of implementation, the Ministry of Economic Development and Technology, through calls for tenders for co-financing basic

utility infrastructure projects in Roma settlements, allocated around EUR 16 million to municipalities in which compact Roma settlements lacked utility infrastructure and which had a representative of the Roma community in the municipal council during the current term of the municipal council or which, on the date of the publication of the call for tenders, had a special working body of the municipal council tasked with monitoring the status of the Roma community and whose members were also members of the Roma community.

The following projects in Roma settlements were co-financed through these calls for tenders:

- water supply systems, including reservoirs and pipelines to a customer's connection;
- sewerage network, if needed to protect water resources or to meet other ecological requirements;
- electrification of compact Roma settlements;
- new or reconstructed local roads and public paths;
- purchase of land to develop and consolidate settlements.

The measure for the co-financing of construction of basic utility infrastructure in Roma settlements was included in the *National Programme of Measures of the Government of the Republic of Slovenia for Roma* (NPUR) for both periods, namely ⁴⁶2010–2015 and 2017–2021, and the current NPUR for the 2021–2030 period. In the 2017–2021 period, the Ministry of Economic Development and Technology did not issue any public tenders as the activities were carried out under the regional project "Spatial and utility development of the Žabjak-Brezje Roma settlement" in the Municipality of Novo mesto. The project was implemented and financed by the Municipality of Novo mesto, and co-financed by several competent ministries. The project ended at the end of 2020. The project activities were planned over four budget years, from 2017 to 2020. The total value of the project was approximately EUR 3.65 million, of which the state provided approximately EUR 3.1 million. As part of the implementation of the 2021–2030 NPUR, a public call for tenders for co-financing of infrastructure projects for basic utilities in Roma settlements in 2023 and 2024 (outside the reporting period) is planned by the Ministry of Economic Development and Technology.

As regards the tackling of housing problems of the Roma community, we would like to highlight the activities of the Housing Fund of the Republic of Slovenia, public fund. The following two measures were included in the 2017–2021 NPUR: *a Public call for tenders for co-financing of the construction of housing units, and Provision of information and expert support to self-governing local communities where Roma live in the field of the existing opportunities for designing and developing integration approaches and measures in the context of a local housing policy*. In the reporting period, the Housing Fund of the Republic of Slovenia promoted co-financing of municipalities based on the Co-financing programme for public rental housing for the 2016–2020 period (also) for temporary housing (housing units) to resolve housing problems of members of the Roma community in environments with poor conditions. This was a general integration measure which included Roma as one of the target groups. It was aimed at acquiring public rental housing and housing units throughout Slovenia for all population groups, by providing co-financing opportunities for eligible tenderers, including self-governing local communities and public real estate funds of local communities where Roma live. The tenderers

⁴⁶The National Programme of Measures of the Government of the Republic of Slovenia for Roma for the abovementioned periods. For more information on the purpose of these programmes, see our answer to question b (i), Article 17§1.

submitted their projects – filed applications for co-financing of projects for the provision of housing in municipalities where Roma live. In cooperation with the Government Office for National Minorities, the Housing Fund of the Republic of Slovenia presented the programme to municipalities where Roma live, highlighting the co-financing opportunities for the provision of housing for Roma, including housing units, under the available models of the programme.

Within the framework of the 2017–2021 NPUR, the Government Office for National Minorities in cooperation with the Housing Fund carried out activities to make better use of the opportunities available for the construction of non-profit housing and the provision of housing units under the Fund's co-financing programmes. The Housing Fund and the Government Office for National Minorities held events for municipalities where Roma live and sent notices to the municipalities, thus better informing the municipalities of the available opportunities, and interested local inhabitants in the Roma community of the opportunities to rent housing under the Fund's public calls.

The 2021–2030 NPUR includes the following two measures: (1) *informing municipalities where Roma live of available co-financing for the construction of non-profit housing and the provision of housing units under the Fund's programmes, and offering expert support to municipalities; and (2) informing the interested Roma population of the opportunities to rent housing under the Fund's open public calls.* On 22 June 2022 (outside the reporting period), programmes and public calls of the Housing Fund of the Republic of Slovenia were presented in Ljubljana to municipalities with a Roma population, along with a presentation of preventive programmes supporting Roma families in their efforts to coexist and integrate into new living environments. It was the first event of this kind intended primarily for representatives of municipalities where Roma live, thus implementing the measure from the 2021–2030 NPUR. At the event, two representatives of the Housing Fund presented the co-financing programmes and the available public calls to municipalities. In addition, representatives of two non-governmental organisations, namely the Mozaik Association – society for children (*Društvo Mozaik*) and the Kings of the Street Association (*Društvo Kralji ulice*) presented some successful support programmes in Ljubljana and Maribor that help Roma families coexist and integrate into new living environments. The Kings of the Street Association runs the anti-eviction programme in response to the need for accommodation support, along with preventive activities and work with families and individuals in the Roma community in a specific residential area. Other events will follow to inform municipalities and members of the Roma community about the possibilities of rental housing under the Housing Fund's public calls.

With respect to tackling the living conditions of members of the Roma community, the Ministry of the Environment and Spatial Planning strives to ensure that all solutions comply with the Constitution and respect the equality of citizens. The existing legislation governing spatial planning, construction and the environment, along with the Roma Community in the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 33/07), provide an adequate framework for all interested parties to contribute to improving the conditions for the Roma community. The Ministry of the Environment and Spatial Planning estimates that all Roma settlements and parts of settlements to which no potential land registry, legal or environmental restrictions apply, can be defined, named and delimited, and their function in a network of settlements determined, subject to the same criteria. This process can only be initiated on the initiative of a municipality and on equal terms in the context of

the drawing up of a new or amended municipal spatial plan. Municipalities have to a large extent already launched the procedures for settlements where (also) Roma live and for other settlements.

Since 2021, the Government Office for National Minorities has provided additional funding to municipalities with registered Roma settlements.⁴⁷In December 2020, the Slovenian National Assembly adopted the Municipal Costs Reduction Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 189/20; ZFRO) which introduced a new Article 20a. According to this new Article, municipalities with registered Roma settlements are provided with funds from the state budget to co-finance the exercise of the constitutional rights of the permanently settled Roma community. For each budget year, these 25 municipalities receive funds in the amount of 3.5% of the municipality's appropriate expenditure. To achieve the full amount of financing, a transitional period was established, during which municipalities receive the funds gradually over the four years: in 2021 a quarter of the amount due.⁴⁸The last amendments to the Financing of Municipalities Act were adopted by the Slovenian National Assembly in December 2021 with the Act Amending the Financing of Municipalities Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 207/21), which in part amended Article 20a: for municipalities in the statistical region where the NUTS3 development risk index, as determined by the Act governing the promotion of balanced regional development, exceeds 125, the amount of funding is increased by 100% every year during the programming period. This change has also led to an increase in the annual amount of funds earmarked for municipalities. Thus, in 2021, more than EUR 1.5 million was paid to 25 municipalities with registered Roma settlements (and in 2022 more than EUR 3.8 million).

A public works programme "Support for the improvement of Roma settlements" which was developed on the basis of the Roma population's needs is being implemented as part of the active employment policy. The programme may include works such as assistance with the cleaning and maintenance of settlements, common public areas (kindergartens, playgrounds, sports and cultural facilities and areas, village or community centres, etc.) and other tasks associated with utilities in Roma settlements, assistance with education on the correct way to collect waste, and with rainwater collection, etc.

31§2 Reduction of homelessness

Information to be provided (from the Appendix with instructions):

a) Please provide information on measures and actions, undertaken, in particular also during the COVID-19 crisis, to prevent categories of vulnerable people from becoming homeless.

To help the most vulnerable groups of the population in the context of the COVID-19 epidemic and mitigation of its consequences, a public call was issued for co-financing projects that provide innovative approaches to addressing and tackling social hardship of vulnerable groups caused by the COVID-19 pandemic. The target groups were victims of violence, older persons, persons with disabilities, people with mental health problems, children and young persons and others who face high levels of social exclusion (e.g. homeless persons). A total of 17 projects received co-financing and were implemented

⁴⁷The Government in its resolution of January 2021 defined 25 such municipalities: Beltinci, Cankova, Črenšovci, Črnomelj, Dobrovnik, Grosuplje, Kočevje, Krško, Kuzma, Lendava, Metlika, Murska Sobota, Novo mesto, Puconci, Rogašovci, Semič, Šentjernej, Tišina, Trebnje, Turnišče, Brežice, Ivančna Gorica, Ribnica, Škocjan and Šalovci.

⁴⁸These municipalities received half of the amount due in 2022, will receive three-quarters in 2023 and from 2024 onwards each year the full amount.

by humanitarian and non-governmental organisations. Around EUR 2 million was earmarked for the implementation of projects. The projects introduced various approaches to fulfilling new needs associated with the COVID-19 epidemic in the following areas: psychosocial counselling and support, awareness-raising, provision of information, field work, provision of practical support to users, establishment of new safe spaces, digital solutions for relieving hardship, and provision of emergency accommodation for target groups.

The key objective of all projects was the promotion of social inclusion, empowerment of vulnerable groups and the fight against poverty and discrimination. The projects under this public call for tenders provided a wide range of assistance to the most vulnerable during the epidemic, especially in terms of psychosocial support, but as such they were clearly not able to meet all the needs and demands associated with the epidemic. Their contribution is important because it developed multiple approaches to assistance and addressed the most acute needs of the most vulnerable groups.

b) Please provide information whether the COVID-19 crisis had an impact on the prevention of homelessness. In particular address whether measures have been taken:

i) to provide safe accommodation for persons in situation of homelessness. If so, how many persons were housed, in what form, where and for how long?

In 2021, the Kings of the Street Association acquired an apartment on the market to provide crisis accommodation and quarantine premises for individuals and families. In the said period, 10 persons used crisis accommodation. They provided assistance and support to all the users in the process of regulating their status and social transfers, integrated and individualised support aimed at empowering the users, assistance in finding long-term accommodation, cooperation and involvement of all the actors in a community who are relevant to the user, information on current measures, distribution of donated food, and (occasionally) purchases in a shop. Out of all the users, seven users, after having successfully resolved their crisis situation, joined other programmes implemented by the Kings of the Street Association. Of these, four users acquired long-term accommodation and three were included in the Association's accommodation programme due to the nature of their specific problems (the possibility of their minor being taken away from them, homelessness, parents' intellectual barriers, support in managing finances, etc.).

The Slovenian Red Cross in Novo mesto provided mainly short-term accommodation and the possibility of maintaining personal hygiene, which was used by those who at home did not have a bathroom, a washing machine, etc. Users could also change clothes. In total, nine persons were taken care of in the crisis accommodation.

The Housing Act (SZ-1) also makes a systemic contribution to the prevention of homelessness by providing for exceptional circumstances in which a tenant of a non-profit apartment is unable to pay the rent and other costs payable in addition to the rent. In accordance with Article 104 of the SZ-1, a tenant of a non-profit rental apartment may not be subject to termination of a lease agreement, provided that due to exceptional circumstances in which the tenant and the persons who use the apartment in addition to the tenant find themselves, and which the tenant could not foresee and/or could not and cannot influence, including loss of employment, serious illness, natural disasters and similar issues, the tenant failed to pay in full the rent and other costs payable in addition to the rent.

The municipal authority competent for housing matters may grant temporary exceptional assistance with the use of the apartment to a tenant referred to in the preceding paragraph who is not entitled to a rent subsidy, or who, despite the subsidy, is unable to pay the rent and other costs payable in addition to the rent. A lease agreement also cannot be terminated if the tenant of a market rental apartment proves that the just cause did not arise by their fault or that they could not remedy it within the given deadline though no fault of their own (paragraph six of Article 112 of the SZ-1).

ii) to ensure that persons provided with temporary accommodation will have access to housing after the crisis.

As regards measures in connection with homelessness and its prevention, answers are provided under points (c)(i) and (c)(ii).

c) Please provide:

i) information on measures in place to reduce the number of homeless (e.g., measures aiming at raising the employment rate, increasing the stock of social and non-profit housing, allocating social benefits to those in urgent needs, developing social security programmes and supporting NGOs' activities).

As elsewhere in the world, homeless persons in Slovenia are one of the most marginalised groups in society. There is no precise data on the number of homeless persons in our country. Homelessness is a constant phenomenon typical of major urban centres such as Ljubljana, Maribor, Murska Sobota, Celje, Koper, Jesenice, Kranj, Nova Gorica, Velenje and other major cities in Slovenia.

In accordance with international standards and treaties, national legislation and democratic and humanist values, the individual urban centres of the country's major local communities are supportive of and committed to working towards the exercise of the following rights of homeless persons: (1) the right to adequate accommodation for all homeless persons (provision of sufficient accommodation capacities) and access to decent emergency/crisis accommodation; (2) the equal right to use public spaces; (3) equal treatment for all – non-discrimination; (4) the guarantee of legal residence; (5) the right to emergency services (social, health, police, fire, etc.); (6) the right to participate in elections; and (7) the right to data protection and privacy.

In addition, homeless persons and other vulnerable groups have the right to claim their rights from public funds at the competent social work centres. The basic and most important immediate assistance is cash social assistance and extraordinary cash social assistance, supplementary allowance and other forms of financial assistance, such as exemption from payment for social assistance services, the right to payment of compulsory health insurance contributions, funeral payment and bereavement payment, etc.

With the public tender for co-financing projects to help the most vulnerable groups deal with the COVID-19 epidemic and mitigate its consequences, financial support was provided to NGOs to help (temporarily) homeless persons within the framework of these organisations' projects. In response to the hardship of the most vulnerable population, whose hardship was exacerbated by the consequences of the epidemic, the Ministry of Labour, Family, Social Affairs and Equal Opportunities prepared and implemented a call for tenders (in 2020) aimed at implementing projects that provide innovative approaches to address and tackle the social hardship faced by vulnerable groups as a result

of the COVID-19 pandemic. Within the scope of the public tender, co-financing was provided for projects developing various approaches to address the newly arising needs related to the COVID-19 epidemic in the following areas: 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 providing emergency accommodation for target groups.

The key objectives were to promote social inclusion and empowerment, using various approaches that were developed together with vulnerable groups, enabling them to better address their needs arising from the COVID-19 epidemic and to reduce its consequences. Another objective of the public tender was the promotion of social inclusion of persons from the target group, and the fight against poverty and discrimination.

In relation to the work with homeless persons, the selected tenderer was the Kings of the Street Association, which provided crisis accommodation for homeless people and carried out field work.

ii) figures on the overall number/rate of homeless persons.

The Statistical Office of the Republic of Slovenia does not collect data on homeless persons, but the number of homeless persons can be estimated on the basis of the number of users of social protection programmes in the field of homelessness. This is only a rough estimate, as not all homeless persons are included in these programmes, and some users are simultaneously included in several programmes.

In 2019, around 4,000 users were included in social protection programmes (1,100 in accommodation programmes, 2,200 in day programmes and 700 in eviction programmes), of which 300 were minors. The gender breakdown of users is 70% male and 30% female. The Ministry of Labour, Family, Social Affairs and Equal Opportunities co-finances 12 accommodation programmes, seven day programmes and two eviction prevention programmes. Around EUR 1.6 million is annually earmarked for these programmes. Approximately 330 beds are available.

In 2020, a total of 3,340 users were included in programmes for homeless persons, of which 2,616 were men and 724 women. There were 997 users of accommodation programmes (831 men, 166 women), 2,069 users of day programmes (1,638 men, 431 women) and 274 users of eviction programmes (147 men, 127 women). There were 378 formally recognised capacities for overnight stays, of which 72 were reserve capacities for overnight stays.

In 2021, the Ministry of Labour, Family, Social Affairs and Equal Opportunities co-financed 20 social assistance programmes in the field of homelessness for a total amount of EUR 2.1 million. In total 3,590 users/homeless persons (of which 350 from self-help groups and regional intergenerational centres) were included in these programmes in 2021.

The age structure of homeless persons for 2021 is presented in the table. Those aged between 35 and 50 years represent the majority of homeless persons. The same applies to homeless men and homeless women. Women account for 26.7% of homeless persons and men 73.3%. In general, there are more men than women among the homeless.

Table: Users and capacities of social assistance programmes for homeless persons in 2021

Programme	Number of all users	Number of women	Number of men	Number of minors
Accommodation programmes	1,239	823 (26.7%)	2,258 (73.3%)	164 (5.3%)
Day programmes	1,886			
Eviction programmes	465			
Total		3,590		

Source: Ministry of Labour, Family, Social Affairs and Equal Opportunities, 2021

d) Has your country declared a moratorium/prohibition on evictions during the pandemic?

As regards enforcement of decisions and evictions, several measures were taken during the pandemic. On 12 March 2020, the Supreme Court of the Republic of Slovenia, on the proposal of the Minister of Justice, activated measures provided for in Article 83a of the Courts Act ⁴⁹(ZS). In accordance with Article 83 of the ZS, all courts held hearings and decide only on urgent cases as of 16 March 2020. In cases under the Claim Enforcement and Security Act ⁵⁰(ZIZ), only matters relating to bringing up children and to maintenance obligations arising under the law are considered urgent enforcement cases; except in urgent cases, procedural time limits do not run during the duration of special measures, nor are court documents served.

Pursuant to the Act on Provisional Measures for Judicial, Administrative and Other Public Matters to Cope with the Spread of SARS-CoV-2 (COVID-19) (ZZUSUDJZ) published in the Official Gazette of the Republic of Slovenia, No 36/2020, on 28 March 2020, the time limits set by law for the exercise of rights by parties to court proceedings and time limits in court proceedings in general do not run, except in urgent cases (Article 3), which means that the time limits for direct acts of enforcement, including the vacation and surrender of immovable property (eviction), performed by a bailiff did not run.

Thus, except in urgent cases, courts were not allowed to issue new enforcement orders against immovable property or decisions on eviction of debtors from apartments, and bailiffs were not allowed to perform any direct acts of eviction. Furthermore, the Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy (ZIUZEOP) addressed the issue of execution of enforcement orders issued prior to the entry into force of the epidemic measures and the issue of how debtors in distress during the epidemic would obtain a stay of execution. Article 93 of the ZIUZEOP provided that in enforcement procedures under the ZIZ, enforcement is suspended as of the date of entry into force of the ZIUZEOP and that in tax enforcement procedures under the ZdavP-2⁵¹, tax enforcement is also suspended as of the date of entry into force

⁴⁹ Courts Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 94/07 – official consolidated version, 45/08, 96/09, 86/10 – ZINepS, 33/11, 75/12 – ZSPDLS-A, 63/13, 17/15, 23/17 – ZSSve, 22/18 – ZSICT, 16/19 – ZNP-1, 104/20, 203/20 – ZIUPOPDVE and 18/23 – ZDU-10)

⁵⁰ Claim Enforcement and Security Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 3/07 – official consolidated version, 93/07, 37/08 – ZST-1, 45/08 – ZArbit, 28/09, 51/10, 26/11, 17/13 – Dec. of the CC, 45/14 – Dec. of the CC, 53/14, 58/14 – Dec. of the CC, 54/15, 76/15 – Dec. of the CC, 11/18, 53/19 – Dec. of the CC, 66/19 – ZDavP-2M, 23/20 – SPZ-B, 36/21, 81/22 – Dec. of the CC and 81/22 – Dec. of the CC)

⁵¹ Tax Procedure Act (Official Gazette of the Republic of Slovenia [Uradni list RS], No 13/11 – official consolidated version, 32/12, 94/12, 101/13 – ZDavNepr, 111/13, 22/14 – Dec. of the CC, 25/14 – ZFU, 40/14 –

of the ZIUZEOP. Enforcement was not stayed only in urgent cases adjudicated by courts also during the epidemic, or where enforcement was ordered for the recovery of legal maintenance and compensation for lost maintenance due to the death of the person who provided it.

The ZIUZEOP thus provided for the suspension of all judicial enforcement procedures, even enforcement against immovable property or eviction, with the exception of enforcement of claims for legal maintenance and compensation for lost maintenance due to the death of the person who provided maintenance, since the purpose of the enforcement of these claims is to provide subsistence and the right and duty of parents to maintain, educate and bring up their children is expressly enshrined in the Constitution (Article 54).

As regards suspension of evictions due to a terminated lease agreement on the grounds of unpaid rent, we would like to explain that the Housing Act (SZ-1) envisages exceptional circumstances in which a tenant of a non-profit apartment is unable to pay the rent and other costs payable in addition to the rent. In accordance with Article 104 of the SZ-1, a tenant of a non-profit rental apartment may not be subject to termination of a lease agreement, provided that due to exceptional circumstances in which the tenant and the persons who use the apartment in addition to the tenant find themselves, and which the tenant could not foresee and/or could not and cannot influence, including loss of employment, serious illness, natural disasters and similar issues, the tenant failed to pay in full the rent and other costs payable in addition to the rent. The municipal authority competent for housing matters may grant temporary exceptional assistance in the use of an apartment to a tenant referred to in the preceding paragraph who is not entitled to a rent subsidy, or who, despite the subsidy, is unable to pay the rent and other costs payable in addition to the rent.

Tenants in rental market apartments are legally protected against failure to pay rent, due to exceptional circumstances which the tenant could not influence, by the provisions of paragraph six of Article 112 (SZ-1), stipulating that landlords cannot terminate lease agreements if tenants prove that the just cause did not arise by their fault or that they could not remedy it within the given deadline due to no fault of their own. While it is generally accepted that debtors cannot claim a reduction or termination of their pecuniary obligation on the grounds of a poor financial situation, this is an exception under the abovementioned provision of the SZ-1, where, in the case of the duration of the emergency measures, such a situation can also be taken into account, as tenants were in a particular situation which was beyond their control and resulted in a loss of income. While the obligation to pay remains in force, the landlord does not have the right to terminate the lease agreement due to unpaid rent.

j) If so, indicate its legal basis and how long it will last.

The Ordinance on the revocation of the epidemic was adopted on 14 May 2020, and consequently the validity of measures under the ZIUZEOP expired on 31 May 2020 in accordance with Article 20 of the ZIUZEOP.

ZIN-B, 90/14, 91/15, 63/16, 69/17, 13/18 – ZJF-H, 36/19, 66/19, 145/20 – Dec. of the CC, 203/20 – ZIUPOPDVE, 39/22 – ZFU-A, 52/22 – Dec. of the CC, 87/22 – Dec. of the CC and 163/22)

ii) Please specify if it is a general prohibition. Is the prohibition of evictions restricted to tenants or mortgage payers who have been unable to pay their rent or serve their mortgages, or broader?

The Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy (ZIUZEOP) provided for a general suspension of all judicial enforcement procedures, which meant that the prohibition on evictions was not limited to tenants or borrowers, the only exception provided for by the Act being for the enforcement of claims for legal maintenance and compensation for lost maintenance due to the death of the provider of maintenance.

iii) If no general prohibition on evictions was declared, please provide information on procedures in place to limit the risk of evictions and to ensure that when these do take place, they are carried out under conditions which respect the dignity of the persons concerned.

The Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy (ZIUZEOP) thus provided for the general suspension of all judicial enforcement procedures, even enforcement against immovable property or evictions, with the exception of enforcement of claims for legal maintenance and compensation for lost maintenance due to the death of the person who provided maintenance, since the purpose of the enforcement of these claims is to provide subsistence, and the right and duty of parents to maintain their children is also expressly enshrined in the Constitution (Article 54).

iv) Have any measures been taken to ensure that households are not cut-off from water, heat or other utility provision when they are unable to pay their bills? Please provide figures on the number of evictions carried out (tenant evictions, evictions from illegal camps or shanty towns, including those affecting camps in which Roma are installed) and the cases brought for lack of alternative accommodation offered or compensation awarded.

The ZIUZEOP thus provided for the suspension of all judicial enforcement procedures, even enforcement against immovable property or evictions, with the exception of enforcement of claims for legal maintenance and compensation for lost maintenance due to the death of the person who provided maintenance, since the purpose of the enforcement of these claims is to provide subsistence; and the right and duty of parents to maintain their children is also expressly enshrined in the Constitution (Article 54).

e) Please provide any information about:

i) legal or financial measures taken aimed to ensure that households do not lose their home if they cannot pay their rent or mortgage payments

As regards the moratorium on repayment of housing loans, we would like to explain that the Act Determining the Intervention Measure of Deferred Payment of Borrowers' Liabilities (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 36/20, 49/20 – ZIUZEOP and 203/20 – ZIUPOPĐVE) adopted by the Slovenian National Assembly on 20 March 2020 enabled deferred payment of borrowers' liabilities, including housing loans, and the specific conditions of deferred payment were regulated by the Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy (ZIUZEOP). The law allowed borrowers to defer payment under credit agreements subject to certain conditions, thus alleviating the effects of the economic situation created by the epidemic.

ii) other tenant protection measures that have been adopted in response to the pandemic

As regards the freezing, reduction or deferral of rent payments, we would like to explain that we are aware of the importance of a properly resolved housing issue in ensuring the conditions for a citizen's self-isolation. When preparing measures to mitigate the consequences of the COVID-19 epidemic, measures in the field of housing were included in proportion to the other measures adopted. The ZIUZEOP, adopted by the Slovenian National Assembly on 2 April 2020, addressed the improvement of the social situation of vulnerable groups who might otherwise also be at risk of being unable to pay their rent, through solidarity benefits for students and pensioners, exceptional assistance in the form of a monthly basic income for the self-employed, and reimbursement to employers of wage compensation paid to workers who are unable to work due to force majeure.

As regards the ability to pay rent, we would like to explain that Articles 121, 121a and 121b of the Housing Act (SZ-1) provide for a subsidised non-profit rent and a subsidised market rent. If the tenants' financial situation and monthly income were to deteriorate to the statutory threshold as a result of the consequences of the COVID-19 epidemic, in spite of the above-mentioned financial measures of the ZIUZEOP to improve the social situation of citizens, these tenants may be entitled to a subsidised rent.

The system of subsidies is based on minimum income determined by the regulations on social assistance benefits. This means that if, due to justified circumstances, the minimum income level were to increase, the threshold for eligibility to a subsidised rent would automatically increase as well, thus widening the circle of persons eligible for the subsidised non-profit or market rent.

The Housing Act protects tenants who find themselves in social distress. As already pointed out, a lease agreement cannot be terminated if the tenant proves that the just cause – the inability to pay the rent and the costs related to the use of the apartment – was not his fault or could not be remedied (paragraph six of Article 112 of the SZ-1). The Act protects in particular tenants of non-profit apartments. Tenants of non-profit rental apartments may not be subject to termination of a lease agreement, provided that due to exceptional circumstances in which they find themselves and which they could not foresee or could not influence (death in the family, loss of employment, serious illness, natural disasters, etc.) they failed to pay the rent and other costs payable in addition to the rent, and within 30 days of the occurrence of the circumstances they initiated the procedure for claiming a rent subsidy and the procedure for claiming extraordinary assistance with use of an apartment (Article 104 of the SZ-1).

To adequately protect socially disadvantaged tenants, the amendment to the Housing Act adopted on 26 May 2021 introduced changes to the subsidy system. The rent subsidy was increased to a maximum of 85% of the recognised non-profit rent, which guarantees that the most socially vulnerable who are entitled to a full rent subsidy are not affected by the indexation of the non-profit rent. For low-income single-person households (young and older persons, the widowed, etc.), which are the most vulnerable group in terms of their ability to cover housing costs, a weighting of 1.1 was assigned to the eligibility threshold for subsidised rent in the calculation of the minimum income for a family of one when the amount of the non-profit rent was indexed. A special allowance was introduced in the calculation of the non-profit rent for apartments whose tenants or users are persons with disabilities who are permanently confined to a wheelchair.

f) Please provide any other information on whether the Covid-19 crisis had an impact on the right to shelter.

The right to shelter was not affected by the COVID-19 crisis. Those implementing social protection programmes (NGOs) together with the Ministry of Labour, Family, Social Affairs and Equal Opportunities anticipated that hardship during the COVID-19 epidemic would increase among members of certain vulnerable target groups. Hence, all actors worked hard to keep the shelter and day centre programmes open and to keep, under adapted circumstances, the staff and users safe from infection. The volume of field work increased and certain activities, such as food distribution, were performed outside.

g) Please explain whether emergency accommodation satisfied security requirements and health and hygiene standards and whether it was provided without the requirement for a residence permit and whether the applicable regulations provided for a prohibition on forced eviction. Does your country have sufficient quarantine facilities in place so that inadequate housing, such as overcrowding, does not increase the risk of infection?

In response to the COVID-19 epidemic, Slovenia set up isolation or quarantine facilities within existing accommodation facilities. The construction of new units for this purpose was not necessary as the assessed needs did not require such a measure.

Accommodation facilities were provided on the basis of contracts for the rental of such facilities and for the provision of services associated with quarantine or isolation due to COVID-19. The Ministry of Health provided and coordinated accommodation from July until October 2020 on the basis of the Order on the temporary measure of relinquishing accommodation facilities to contain and control COVID-19 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 95/20 and 152/20 – ZZUOOP) and from October 2020 onwards coordinated accommodation pursuant to Article 43 of the Act on Temporary Measures for the Mitigation and Containment of the Consequences of COVID-19 (Official Gazette of the RS, Nos 152/20, 175/20 – ZIUOPDVE, 82/21 – ZNB-C, 112/21 – ZNUPZ, 167/21 – Dec. of the CC, 206/21 – ZDUPŠOP and 18/23 – ZDU-10). Accommodation was also provided to foreigners who did not have permanent or temporary residence in Slovenia. They were allowed to spend their home quarantine at the address where they were staying, arranging their own transport in transit in agreement with the country of their residence and at their own liability. If they stayed in Slovenia for the duration of the quarantine, they paid for their own costs of accommodation. The accommodation costs of foreigners who did not have permanent or temporary residence in Slovenia and were ordered to isolate and were not allowed to return to their country of residence were covered by the budget of the Republic of Slovenia or by funds obtained from the budget of the European Union (paragraph eight of Article 43 of the ZZUOOP and paragraph five of Article 3 of the Order on the temporary measure of relinquishing accommodation facilities to contain and control COVID-19).

From July 2020 until the end of 2021, the Ministry of Health had at its disposal the following facilities:

- Dom Lenart, d. o. o. Dom starostnikov Svete Agate (St Agatha's Home for the Elderly), in Lenart v Slovenskih Goricah:
 - 19 rooms for quarantine (until 31 March 2021),
 - 18 rooms for isolation (from 19 September 2020 to 31 March 2021),

- Izobraževalni center za zaščito in reševanje Republike Slovenije (Training Centre for Civil Protection and Disaster Relief of the Republic of Slovenia) in Logatec:
 - 2 apartments with 4 rooms for isolation;
- Hotel Erasmus in Postojna (from 29 September 2020):
 - 38 rooms for isolation (until 30 June 2021),
 - 10 rooms for isolation (from 1 July 2021 to 26 November 2021).

From July 2020 until the end of 2021, 102 persons were accommodated in these facilities, of which 9 for the purpose of isolation or quarantine and 93 for the purpose of isolation.

The accommodation facilities were intended for persons who at the address of their permanent or temporary residence or any other suitable place could not comply with the measure of isolation in accordance with Article 18 of the Communicable Diseases Act (Official Journal of the Republic of Slovenia [*Uradni list RS*], Nos 33/06 – official consolidated version, 49/20 – ZIUZEOP, 142/20, 175/20 – ZIUOPDVE, 15/21 – ZDUOP, 82/21, 178/21 – Dec. of the CC and 125/22) or with the measure of home quarantine in accordance with Article 19 of this Act. They were available to persons who were not dependent on the assistance of others, whose health condition was stable and whose stay at their permanent or temporary residence would pose a high risk of transmission to other vulnerable groups of the population (older persons, persons with associated chronic non-communicable diseases or immunocompromised persons), and who were unable to arrange to stay in another suitable place. Whether the need to use the accommodation facilities was justified, was assessed by the selected personal physician, attending physician, epidemiologist or, in the case of crossing the state border, by the police in cooperation with and with the consent of the person who was ordered to quarantine or isolate. Quarantine was imposed by the Health Inspectorate of the Republic of Slovenia or by the Ministry of Health, and the police issued a Quarantine Referral Certificate. The person concerned had to agree to stay in the accommodation facility.

In accordance with the implementation of the applicable Ordinances on temporary measures for the prevention and containment of the COVID-19 communicable disease (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 22/22), NGOs and other providers of social assistance services and programmes offering accommodation during the COVID-19 epidemic received on a regular basis recommendations and guidelines (including publications) of the Ministry of Health in cooperation with the National Institute of Public Health – NIJZ and the Nurses and Midwives Association of Slovenia.

Recommendations mainly referred to the premises, the epidemiological status of users (setting up of white, red and grey zones) within the existing buildings and accommodation facilities, compliance with the recovered/vaccinated/tested rule, hygiene measures in the case of infection with SARS-CoV-2 (hand and cough hygiene, use of disinfectants, use of protective masks, isolation, cleaning and disinfection of premises, regular ventilation, aseptic non-touch technique, vaccination, etc.). Personal protective equipment (protective overcoats, masks, hair covers, gloves, goggles, visors) was provided on a regular basis as were recommendations on visitor protocols, exits for users, admission of new users, and equally importantly, record keeping on infections and waste management.

Additional information, primarily on adequate hygiene standards for refugees, asylum seekers and Roma, is provided in our answer under Article 31§1(c).

h) Please provide detailed information:

i) on how the right to shelter of unaccompanied foreign minors is guaranteed in law and in practice

The right of unaccompanied foreign minors to shelter is guaranteed in Article 16 of the International Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 16/17 – official consolidated version and 54/21). Unaccompanied minors are accommodated in a special institution for minors where they are provided with appropriate care. Prior to that, a social work centre with territorial jurisdiction gives an opinion on the adequacy of accommodation. The Government Office for the Support and Integration of Migrants cooperates with the statutory representative in the provision of accommodation and care. Depending on their age (child/adolescent), unaccompanied minors are accommodated in a crisis centre for children (10 units are available throughout Slovenia) or in a residence hall for upper secondary students in Postojna (for adolescents). In these institutions, they are cared for by professionally qualified staff 24 hours a day. An unaccompanied child or adolescent in Slovenia is under guardianship and has a statutory representative who is appointed before the procedure starts.

ii) whether adequate shelter is guaranteed to children irregularly present for as long as they are within the jurisdiction.

The answer about the accommodation of unaccompanied minors is provided under (i); this issue is regulated by Article 16 of the International Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 16/17 – official consolidated version and 54/21). Children with parents are accommodated together with their parents. Unaccompanied minors are accommodated in a residential hall for upper secondary students in Postojna or in the aforementioned crisis centres. Accommodation is provided for these children and they are cared for by professionally qualified staff. An unaccompanied child (minor) in Slovenia is under guardianship and has a statutory representative.

i) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Additional clarifications (from Conclusions 2015 and Conclusions 2017):

In January 2018, the ECSR adopted Conclusions 2017 in relation to the 16th National Report on the implementation of the European Social Charter. In addition to information on the follow-up action taken by Slovenia in response to the Charter violations established in the collective complaints procedures against Slovenia (FEANTSA and APPROACH), the Report included information on the four conclusions on non-conformities with the Charter under the thematic group children, families and migrants, considered already in Conclusions 2015, namely 31§1 and 31§2 (the right to housing). In its Conclusions 2017, the ECSR concluded that the situation in Slovenia is **not in conformity** with Article 31§2 on the grounds that it has 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, and asked for answers to its questions.

1) The ECSR asks for information (Conclusions 2017) whether assistance is provided by social work centres (counsellors) on a systematic basis and free of charge to tenants in need prior to any expulsion. It also wishes to receive more information on the non-profit dwelling provided by the municipalities and their allocation procedure.

In order to deal with their material deprivation, persons subject to eviction (if they meet the conditions laid down by law) are eligible for cash social assistance, extraordinary cash social assistance, free-of-charge social assistance services aimed at overcoming social hardship and problems (social first aid, personal assistance, family counselling) on the basis of an agreement on the provision of a social protection service which they enter into voluntarily.

In order to prevent social enforcement against real estate, when the debt is small and it would be realistic for the debtor to repay the debt with the help of relatives, neighbours and humanitarian organisations, the social enforcement procedure (in accordance with the amendment to the Claim Enforcement and Security Act, Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 11/2018; ZIZ-L) provides for the obligation for courts to notify a social work centre during the enforcement procedure against real estate, namely the debtor's apartment or house where the debtor lives, if the debt to be paid is manifestly disproportionate to the established value of the real estate. On receipt of such notification, the social work centre must start performing tasks for which it is authorised by law as a public authority, i.e. the provision of social assistance services to alleviate social hardship and problems (for example first social aid, personal assistance or family counselling). This means that, already in the enforcement procedure, the social work centre can help persons identify their social hardship or problems, together with them assess potential solutions, and inform them about available social assistance services or a network of providers that could help them.

In cases where the debtor would not be able to propose or the court would not be able to levy enforcement against the debtor's other means, leaving possible only enforcement against real estate which is the debtor's home, the court may, on the basis of a reasoned opinion of the social work centre (on whether the enforcement itself may endanger the livelihood of the debtor or their family members), postpone the enforcement for six months if the debt is relatively small and it is expected that the debtor, with the help of relatives, neighbours and humanitarian organisations, would be able to repay it. The opinion of the social work centre justifies the postponement of enforcement, if it is evident from it that an immediate enforcement would endanger the livelihood of the debtor or their family members.

All persons subject to eviction may seek assistance from the competent social work centre whose counsellors provide:

- *first social aid* that includes assistance in identifying and defining social hardship and problems, assessment of potential solutions and provision of information to eligible persons on all types of services and benefits which they can claim, on the obligations arising from the type of service or benefit chosen, and on the network and programmes of providers offering such services and benefits;
- *personal assistance* that includes counselling, personal organisation and guidance aimed at enabling individuals to develop, supplement, maintain and improve their social capacities. Beneficiaries of the services are persons who suffer from social hardship and social problems;
- *family counselling* that includes professional counselling and help in re-establishing family relationships and caring for children, and enabling the family to perform its role in daily life.

The eligibility criteria for *cash social assistance* are the number of family members, family income (e.g. pension), the possible existence of fault-based grounds, property and savings. The purpose of cash social assistance is to meet the minimum cost of living requirements sufficient for subsistence. It can be claimed if the income per person is below the statutory income threshold and other conditions laid down by law are met. Cash social assistance is granted for a fixed period of time, considering the circumstances forming the basis for granting and determining the amount of cash social assistance.

Persons who are currently materially deprived may submit claims for *extraordinary social assistance in cash*. It should be stressed that cash social assistance provides a beneficiary with subsistence. The extraordinary cash social assistance is therefore intended only for extraordinary subsistence costs which, owing to low income, cannot be met by the individual or their family and which are beyond the control of a person submitting the claim. As the law does not define what constitutes current material deprivation, the decision is left to the discretion of the social work centre. This means that the social work centre determines on a case-by-case basis whether an individual or a family is currently faced with material deprivation and, if it finds that this is the case, decides whether to grant cash social assistance and in what amount (according to needs). We would also like to stress that the person making a claim must submit proof of material deprivation and the reasons for which they need extraordinary cash social assistance with a detailed explanation.

The competent social work centre or a municipality may grant *municipal cash assistance*. Certain municipalities provide one-off cash assistance to inhabitants with permanent residence in the municipality who do not currently have sufficient means to support themselves, have exhausted all statutory possibilities to tackle their social hardship, and who, through no fault of their own and due to a combination of unfavourable circumstances, find themselves in a situation where they are unable to meet their most pressing obligations.

Vulnerable individuals can therefore always turn to the social work centre and the centre will assess whether there is still a minimum chance of avoiding eviction or whether it is still possible to repay debts with various types of financial assistance. The social work centre provides support and advice to its clients in the event of eviction. We would like to further clarify that this service is free of charge and is entered into voluntarily by the individual.

In such cases, temporary accommodation within the social network, allocation of an emergency non-profit apartment or a housing unit or accommodation within the network of social assistance programmes are possible. As part of our efforts to find solutions, we are examining the possibility of renting apartments on the market (in such cases, a social work centre considers the possibility of a subsidised rent) and additional assistance from humanitarian organisations.

As regards information on the allocation of non-profit apartments provided by municipalities, local housing funds, the Housing Fund of the Republic of Slovenia and non-profit housing organisations (registered with the Ministry of the Environment and Spatial Planning under Article 152 of the SZ-19) and on the procedures for allocation, we would like to explain that the entire procedure for the allocation of non-profit rental apartments is laid down in the Rules on the allocation of non-profit

rental apartments (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 14/04, 34/04, 62/06, 11/09,81/11, 47/14 and 153/21).

The right to *subsidised rent* is intended for those who do not have sufficient resources to pay the rent and who meet the income and property requirements. Tenants in non-profit apartments, special purpose rental apartments, housing units, market rental apartments and janitorial apartments are eligible for rent subsidy.

The subsidy for a non-profit rent is determined in the amount of the difference between the non-profit rent defined by the regulations and the established income, reduced by the minimum income and by 30% of the established income. The subsidy must not exceed 85% of the non-profit rent.

For tenants who live alone, the minimum income for a single person is taken into account, increased by 0.1 of the basic amount of the minimum income under the regulation governing social assistance benefits.

A subsidy for the payment of a market rent is granted if:

- applicants were placed on the priority list in the most recent public call for the allocation of non-profit rental apartments in the municipality of permanent residence but were not provided a non-profit apartment;
- the public call for the allocation of non-profit rental apartments was last published more than a year ago and the applicants fulfil the requirements of the last published call for the allocation of non-profit rental apartments;
- the public call for the allocation of non-profit rental apartments was not published in the municipality of the permanent residence of the applicant who meets the regulatory requirements and criteria for the allocation of a non-profit apartment.

The subsidy for the payment of a market rent is a monthly amount calculated in the same manner as the subsidy for a non-profit rent, taking into account the recognized non-profit rent (the non-profit part) and increased by the difference between the recognized market rent and the recognized non-profit rent (the market part).

2) The ECSR (Conclusions 2015 and 2017) 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 are entitled to legal aid.

Persons eligible for free legal aid (hereinafter: FLA) are: citizens of the Republic of Slovenia, foreigners in accordance with legislative requirements and non-governmental organisations (hereinafter: NGOs) and non-profit associations operating in the public interest (or for the purpose for which they were founded).

FLA is regulated by the Free Legal Aid Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 96/04 – official consolidated version, 23/08, 15/14 – Dec. of the CC and 19/15).

In the exercise of the right to FLA, the financial situation of an NGO operating in the public interest is not determined.

The right to FLA includes:

- provision of the funds necessary to cover the costs of legal assistance (legal advice, representation, etc.),
- exemption from the payment of the costs of judicial proceedings (security deposit, the costs of experts, witnesses, interpreters and public documents, etc.).

The right covers judicial proceedings and out-of-court settlements. Persons eligible for FLA may be exempt from the payment of court fees but they must file a motion with the court to this end at the latest when they receive the first request or order for the payment of a court fee. The ruling granting FLA must be enclosed with the motion.

NGOs operating in the public interest are not eligible for FLA in cases of:

- criminal offences involving insult, libel, defamation or slander (unless the injured party plausibly proves that they suffered damage due to these offences);
- damages disputes involving compensation for non-property and property damage caused by defamation or false claims (unless the injured party plausibly proves that this affected their material, financial or social position).

NGOs operating in the public interest may apply for FLA at any stage of the proceedings. FLA covers only the costs of judicial proceedings incurred after the date of lodging the application for FLA and costs of legal assistance that was provided after the date of lodging the application for FLA. If persons eligible for FLA are not successful in the proceedings, they are not obliged to reimburse the costs covered by FLA. If persons eligible for FLA are, in whole or in part, successful in the judicial proceedings and acquire property or income, they are obliged to reimburse the difference between the effectively paid amount of aid and the amount repaid by the opposing party.

3) The ECSR (Conclusions 2017) asked for further information on the implementation of the project of the Ministry of Labour, Family, Social Affairs and Equal Opportunities and NGOs which provides aid in the event of eviction and to clarify whether it also concerns the Roma population.

The pilot project to support and assist families who were forcibly evicted in the territory of the Republic of Slovenia was implemented from the beginning of 2016 until July 2019, when the free-of-charge use of 11 apartments provided by the Housing Fund of the Republic of Slovenia expired. All those in need of assistance were included in the project but, in accordance with the Act, data broken down by ethnic origin is not kept.

The project was implemented as part of the activities to help the most vulnerable and was managed by the Ministry of Labour, Family, Social Affairs and Equal Opportunities in cooperation with the Ministry of the Environment and Spatial Planning, the Housing Fund of the Republic of Slovenia, the Association of Centres for Social Work and humanitarian organisations: the Slovenian Red Cross, Caritas Slovenia and Slovenian Association of Friends of Youth. The project had two main goals: to provide temporary accommodation with comprehensive assistance to families and individuals who were forcibly evicted, and to prepare a set of systemic solutions for the prevention and tackling of eviction.

In the project's first phase, the activities focused on preparing the groundwork for the implementation of the project, furnishing of apartments, securing donor funds to assist the families and individuals

thus accommodated, and informing and strengthening the participation of stakeholders in the local environments.

In May 2016, the second phase of the project was launched – the consideration of proposals for temporary accommodation and the accommodation of families and individuals in apartments within the framework of the pilot project. As part of this project, social work centres and humanitarian organisations provided support and professional assistance to alleviate hardship and implement the Agreement on action to resolve social problems. The adopted agreements included activities to find long-term solutions to the housing problem. The project council examined applications and other content concerning the accommodated families at 14 regular and 28 correspondence meetings, actively cooperating with social work centres which, in cooperation with the local communities, resolved a large part of the announced evictions. In cases where local communities and other stakeholders were not able to provide adequate solutions, social work centres drew up a proposal for temporary accommodation under the pilot project. All apartments available for temporary accommodation were used during the project period when temporary accommodation was provided to 14 families and individuals.

The last phase of the project focused on the evaluation of the project and the preparation of a protocol for the participation of the competent stakeholders, and on the preparation of the proposals resulting from the information, perceptions and experiences gained during the pilot project. A leaflet "*How to prevent evictions*" was published. On 10 April 2020, the Social Protection Institute of the Republic of Slovenia produced a final report entitled "Implementation, experiences and proposals of the pilot project for support and assistance to forcibly evicted families in the territory of the Republic of Slovenia".

4) The ECSR (Conclusions 2017) noted that the last report did not provide information on the suspensive effect of an eviction in case a tenant has no possibility to access alternative accommodation, and in this connection took note of the judgment in the case of Vaskrsić v. Slovenia, in which a disproportionate interference in the enforcement procedure was established.

In almost all modern countries, the primary objective of both enforcement and insolvency procedures is to maximise the repayment of creditors. In these procedures, the rights of creditors are also limited by certain fundamental rights of the debtor, which derive in particular from fundamental human rights. Such rights include the debtor's right to his home and the requirement to weigh the proportionality between the debt and the interference with the debtor's home.

The second Paragraph of Article 71 of the Claim Enforcement and Security Act ⁵² (hereinafter: the ZIZ) provides for special reasons on the basis of which a court may, at the request of the debtor or ex officio, suspend enforcement: a court may, inter alia, defer an enforcement request for eviction if there are particularly justifiable reasons for doing so, namely, indent two of paragraph two of Article 71 stipulates that in the case of enforcement for vacating and surrendering an apartment or a house which is the debtor's home, forcible eviction may be stayed at the request of the debtor or ex officio

⁵² Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 3/07 – official consolidated version, 93/07, 37/08 – ZST-1, 45/08 – ZArbit, 28/09, 51/10, 26/11, 17/13 – Dec. of the CC, 45/14 – Dec. of the CC, 53/14, 58/14 – Dec. of the CC, 54/15, 76/15 – Dec. of the CC, 11/18, 53/19 – Dec. of the CC, 66/19 – ZDavP-2M, 23/20 – SPZ-B, 36/21, 81/22 – Dec. of the CC and 81/22 – Dec. of the CC

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.

Two important amendments to the ZIZ were adopted in recent years. The two amendments to the Act, i.e. the ZIZ-L and ZIZ-M, are the most pertinent from the standpoint of the issue under consideration. The ZIZ-L provides for the possibility of a stay of enforcement against the debtor's home, and the sale of real estate which is the debtor's home, for the recovery of a pecuniary claim. The ZIZ-M further modified the possibilities of stay of enforcement against the debtor's home.

The legislator therefore deleted paragraph two of Article 71 of the ZIZ-M, which allowed the court to stay enforcement for particularly justified reasons for a maximum period of three months and only once. As regards enforcement against real estate which is the debtor's home, the ZIZ-M provides for the possibility of a stay of enforcement (without a specific time limit):

- in the case of enforcement against an apartment or a house which is the debtor's home, if a pecuniary claim to be recovered is manifestly disproportionate to the established value of the real estate; or
- in the case of enforcement for vacating and surrender of an apartment or a house which is the debtor's home, if the debtor proves that they could not resolve their housing problem in any other manner and that the continuation of enforcement would jeopardise the debtor's situation and interests to a larger extent than a stay of enforcement would jeopardise the creditor's situation and interests. Enforcement may be stayed until a sale order is issued and the court must inform the debtor thereof in its enforcement order.

In view of the above, we are of the opinion that the issue of the suspensive effect of eviction when the tenant is unable to access alternative accommodation is adequately regulated by legislation.

In the case of *Vaskrsić v. Slovenia* (Application no. 31371/12, Judgment of 25 April 2017, Final Judgment of 25 July 2017), the ECHR found a violation of the principle of proportionality in an enforcement procedure. The Ministry of Justice proposed an amendment to the Act amending the Claim Enforcement and Security Act (ZIZ-L) adopted by the Slovenian National Assembly at its session on 13 February 2018. Slovenia reported on the legislative amendment to the Committee of Ministers of the Council of Europe in its action report.⁵³ On 4 July 2018, the Council of Europe's Committee of Ministers adopted a resolution⁵⁴ on the conclusion of the supervision of the enforcement of the relevant judgment of the ECHR, whereby Slovenia complied with the relevant judgment.

5) Non-conformity was found in Conclusions 2017 and therefore additional clarifications are provided below as requested by the ECSR. As regards evictions of Roma, the ECSR emphasised that it still has not received sufficient information to assess the situation, in particular whether Roma at risk of eviction are, in practice, informed about such an eviction, receive effective aid and assistance and whether evictions are carried out in conditions respecting the dignity of the persons concerned.

⁵³ 1318th meeting (June 2018) (DH) - Action report (28/03/2018) – Communication from Slovenia concerning *Vaskrsic v. Slovenia* (Application No. 31371/12) [Anglais uniquement] (coe.int)

⁵⁴ <https://hudoc.exec.coe.int/eng#%7B%22EXECLidentifier%22:%5B%22001-185097%22%7D>

The Republic of Slovenia emphasises that, in terms of legislation governing spatial planning, construction and housing, Roma are treated equally to all Slovenian citizens. Data and statistics are also not segregated by ethnic community, but aggregated for all Slovenian citizens (see explanation below). More information on the assistance provided by social work centres to persons at risk of eviction is provided in our answers under numbers 1 and 6. Below we provide information on the anti-eviction programme and activities associated with the implementation of support programmes for the Roma community.

As regards the collection and processing of disaggregated personal data on the personal circumstances of individuals (aspect of equality or facilitation of statistical analyses of discrimination, particularly regarding personal data on ethnic and national affiliation/definition), we would like to clarify that, at least from the viewpoint of free expression of national affiliation (Article 61 of the Constitution) and freedom of conscience and belief (paragraph one of Article 41 of the Constitution), such a solution can be constitutionally quite controversial (an example would be the Population Census 2002 – Dec. of the CC No U-I-92/01, 28 February 2002, published: in the Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 22/02 and OdlUS XI, 25, especially points 34 and 21), and that, even in the case of a population census, such personal data should be processed separately and anonymised as soon as possible. In Slovenia, personal data on ethnicity is only exceptionally processed pursuant to special statutory provisions, for example due to the special suffrage of members of the autochthonous Italian and Hungarian national communities for elections to the Slovenian National Assembly and for municipal elections and regarding the suffrage of members of the Roma community for municipal elections, and in deciding on international protection – persecution for reasons of nationality discrimination. Data on national affiliation or self-identification are indispensable for deciding on the rights or on the granting of status in these procedures.

We would like to add that the Personal Data Protection Act (ZVOP-2, Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 163/22.), adopted in December 2022 (outside the reporting period), in paragraph five of Article 6, taking into account the constitutional guarantees mentioned in the preceding paragraph and the controversial nature of the processing of such data, provides as an exception the possibility of processing nationality or ethnic data in the public sector if this would be stipulated by a law that also requires the consent of a person to whom the data refer or if a law would provide for the processing of such data in respect of which a person freely expresses their preference. The law would provide for such processing only in cases where it is necessary for the purpose of deciding on the personal situation, rights, incentives and benefits of a person to whom the data refer, or for ensuring and promoting equal treatment, equal opportunities and guaranteed special rights of members of a national or ethnic community in the Republic of Slovenia.

As regards the anti-eviction programme and activities associated with the implementation of support programmes for the Roma community offering advice and support, we are providing information and a description of activities carried out by the Kings of the Street Association (*Društvo Kralji ulice*) and the Mozaik Association – society for children (*Društvo Mozaik*).

The Kings of the Street Association performs support activities in the Roma community in Maribor and implements the programme Common space – daily assistance and support for Roma children and adolescents (*Skupni prostor – dnevna (po)moč in podpore za romske otroke in mladostnike*). In 2012, the Association developed an anti-eviction programme in response to the need for housing support

and, in 2015, upgraded it to a social assistance programme entitled Prevention of eviction and empowerment to keep existing housing (*Preprečevanje deložacij in krepitev moči za ohranjanje obstoječih nastanitev*). Examples of good practice, in particular the implementation of two types of activities, i.e. preventive community work and individual support before and during crisis situations, were transferred from Ljubljana to Maribor, where cooperation was also established with the Public Inter-Municipal Housing Fund of Maribor and the Housing Fund of the Republic of Slovenia.

In Maribor, the Association carries out preventive work with the Roma community at the address Preradovičeva ulica 17a, where it has been present since December 2016 and where it implements the programme Prevention of evictions and empowerment to keep existing housing – Maribor. Part of this programme is also preventive community work, which is carried out in community premises. Activities in community premises are targeting residents of apartment blocks in the streets Preradovičeva ulica and Murkova ulica (these are non-profit apartments mostly housing Roma families). In addition to these activities, the Kings of the Street Association implements the programme Common space – daily assistance and support for Roma children and adolescents (*Skupni prostor – dnevna (po)moč in podpore za romske otroke in mladostnike*). The day centre has been operational since 2021, providing assistance and support to Roma children and adolescents. The purpose of the programme is to organise various activities, which are mainly focused on support, empowerment and increasing human, social and cultural capital, and to contribute through non-formal learning to a greater inclusion of Roma children in the education system. Hence, the programme aims to reduce the vulnerability of Roma children, their risk of poverty, dependency and social exclusion. The programme is committed to reducing discrimination, stigmatisation and exclusion of Roma through advocacy and stronger dialogue between Roma and local institutions and among Roma themselves. They also perform support activities with Roma women; a women's group was established in 2017 on the initiative of Roma women to address various issues of particular relevance to Roma women.

The Mozaik Association – society for children implements the programme Hand in Hand (*Z roko v roki*) that was launched in 2004. This is a social assistance programme with social inclusion as its key objective. The programme reaches out to all generations of Roma men and women, responding to their needs, problems and hardship in the community together with them and in the most accessible manner possible. Using various approaches, the programme, together with Roma men and women, also meets the objective of social inclusion in the wider local community. The problems of users stem from their social exclusion, illiteracy and frequent experience of discrimination. The programme is therefore based on the principles of inclusion, ethnic sensitivity and anti-racist work, taking into account people's experiences. A large part of the programme is targeting children, but in the adult group, particular attention is paid to women, who are recognised as more vulnerable because they are often victims of violence and have very little social power, both within their families and community and outside their community. The programme provides the following services in response to needs: advocacy, help with reading and organizing personal documentation, emotional support, escort, information, assistance to potential tenants for renting cost-rental apartments of the Housing Fund of the Republic of Slovenia, encouragement to join various systems (health, social, school), help with problem-solving, empowerment, encouragement, etc. The staff of the programme does everything to help meet the users' needs. They also implement programmes supporting coexistence and inclusion of Roma families in new living environments. Part of the programme is dedicated to cooperation with various institutions and organisations (the Public Housing Fund of the City of Ljubljana, Municipality of

Ljubljana, social work centres, schools, kindergartens, the Police, the Faculty of Social Work, the Employment Service of Slovenia, community health centres, and NGOs working in the field of prevention of human trafficking, sexual abuse and violence, etc.), as this is the only way to achieve the goals of social integration.

6) In conclusions 2015, the ECSR issued an opinion of non-conformity as Slovenian legislation does not explicitly prohibit eviction from shelters and crisis centres. We would like to clarify that, according to the Ministry of Labour, Family, Social Affairs and Equal Opportunities, in practice there are no such evictions, with the exception of cases in which a user of a shelter or a crisis centre does not respect the rules about which they were informed upon their arrival, e.g. behaves violently towards others and/or intentionally destroys equipment.

In order to address their material deprivation, persons subject to eviction (if they meet the conditions laid down by law) are eligible for cash social assistance, extraordinary cash social assistance, and social assistance services aimed at overcoming social hardship and problems (social first aid, personal assistance, family counselling). They can always turn to the social work centre that will assess whether there is still a minimum chance of avoiding eviction or it is still possible to repay debts with various types of financial assistance. In the event of an eviction, a social work centre provides support and counselling, and helps people find new accommodation: it checks whether there is a possibility of being granted emergency non-profit housing or a housing unit, whether they can be placed with relatives or within a network of social protection programmes (e.g. shelters, maternity homes), connects them with humanitarian organisations, and introduces them to the network and the programmes of providers who can help them. Together with users, we examine the possibility and financial aspect of renting apartments on the market (in such cases, a social work centre examines the possibility of obtaining a rent subsidy) and the possibility of obtaining additional assistance from humanitarian organisations. It is important that an individual who is in difficulty and cannot pay the rent contacts the competent social work centre as soon as possible. The social work centre provides all the necessary information and advice on possible measures and forms of assistance. It is also important that the individual in such a situation does not wait, but seeks help as soon as possible and takes action to ensure that the debt does not increase significantly.

Crisis centres, safe houses and maternity homes provide accommodation in cases of domestic violence. Crisis centres are open 24/7 and provide crisis accommodation, support in deciding on next steps and information on available support services. In Slovenia, there are three crisis centres for adult victims of violence, one each in Ljubljana, Maribor and Piran. The centres in Maribor and Piran are managed by social work centres.

Safe houses provide accommodation, support and assistance to women victims of violence and their children. After an initial interview, victims are admitted to a shelter where they can stay for up to one year. Some safe houses have apartments where women can move to when their stay in the safe house ends. They stay in these apartments for up to one year.

Maternity homes are mainly designed to accommodate pregnant women and mothers with children under the age of 14 years who are faced with social and economic difficulties. They also accept women victims of violence, but only if they consider themselves to be in no danger or if they have difficulties finding accommodation after a stay in a shelter/safe house, as the locations of maternity homes are not secret and they do not have any special security measures in place.

Safe houses and maternity homes are mainly financed from the budget through public calls for tenders. Not all shelters are free of charge; if women accommodated in shelters are employed and are not entitled to social benefits, they are required to pay a contribution according to their means. In addition to safe accommodation, shelters offer counselling and advocacy services and provide escort to residents on their visits to institutions where they apply for assistance.

31§3 Affordable housing

Information to be provided (from the Appendix with instructions):

a) Please provide information on measures taken to ensure that there is an adequate supply of affordable housing (e.g. through regulation of the property market).

As regards access to adequate housing, the state's primary task is to provide the conditions for increasing the stock of public rental apartments in order to facilitate access to adequate housing.

To this end, the Act Amending the Housing Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 90/21; hereinafter: the SZ-1E) was adopted on 26 May 2021. In line with the guidelines of the Resolution on the National Housing Programme 2015–2025 (ReNSP15–25), the SZ-1E establishes the conditions for increasing the stock of public rental apartments.

The main changes introduced by the SZ-1E include:

- indexation of the amount of non-profit rent;
- adjustment of the subsidy system to protect socially vulnerable persons;
- housing funds are allowed to increase borrowing;
- establishment of a public rental service;
- the Housing Fund of the Republic of Slovenia has the right of pre-emption in the sale of building land owned by municipalities and intended for the construction of multi-apartment buildings.

For years, the non-profit rent was too low due to the non-revaluation of the value point and did not reach a level that would allow the housing funds to at least keep the stock of public rental apartments. The indexation of the non-profit rent allows housing funds to manage economically both the existing stock of public rental apartments and new investments in public rental housing.

The statutory rent subsidy ensures that the difference between the previous and current non-profit rent is not borne by socially disadvantaged tenants, and that the amount of rent is indexed gradually by 2023.

The increase in the borrowing rate to 50% of the appropriations of housing funds allows the Housing Fund of the Republic of Slovenia (previously able to borrow up to 30% of appropriated assets) and the municipal housing funds (previously able to borrow up to 20% of appropriated assets) to borrow additional amounts for the construction or purchase of new housing.

The amendment also establishes the basis for the implementation of public rental of apartments. The purpose of this instrument is to make available vacant private apartments and provide eligible persons with non-profit rental apartments. The provider of public rental apartments is the Housing Fund of the Republic of Slovenia, which rents apartments on the market and sublets them to eligible persons. The

role of the Housing Fund of the Republic of Slovenia is to act as an intermediary, manage and maintain rental apartments, relieving the owners of all the transactions and risks associated with leasing apartments, and ensuring that they receive a regular income in the long term.

By assuming all the responsibilities and risks, owners having reservations, such as concerns about unpaid rent, uneconomical use of the apartment and bureaucracy were encouraged to lease their apartments. We are also reaching out to those owners, especially older ones, who live in oversized apartments. In the long term these owners may lease their apartments in a safe and simple manner, and hence receive regular income with which they can afford to rent a sheltered apartment for the elderly or cover the costs of living in a home for the elderly.

The amendment gave the Housing Fund of the Republic of Slovenia the right of pre-emption in the sale of building land owned by municipalities and intended for the construction of multi-apartment buildings. For efficient implementation of the housing policy, municipalities must therefore first offer land designated in spatial plans for the construction of multi-apartment buildings to the Housing Fund of the Republic of Slovenia as the potential buyer. If the Housing Fund of the Republic of Slovenia does not accept the offer, a municipality may offer land to other buyers.

In addition to the SZ-1E, the Municipal Cost Reduction Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 189/20; hereinafter: the ZFRO) provided municipalities with additional funding to tackle the housing issue. An analysis of the available data shows that, if the full value of the point for the calculation of a non-profit rent is used, municipalities will receive EUR 14,898,649 more in non-profit rent. Taking into account the higher expenditure of municipalities on subsidies for non-profit rents and the fact that, in accordance with the ZFRO, the subsidies for market rents are fully covered from the state budget, the total net revenue of municipalities will increase by EUR 15,870,109 when the full value of the point for calculating a non-profit rent is applied.

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 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 206/21), the minimum amount of assets to be appropriated by municipalities for the establishment of a public fund decreased from EUR 10 million to EUR 2.5 million. This facilitates the establishment of municipal housing funds, through which local authorities can more efficiently implement the housing programme in their territories and provide a sufficient number of public rental apartments, especially in the light of the above-mentioned amendment allowing municipal housing funds to borrow an amount equal to the maximum 50% of their appropriated assets. Within the framework of the implementation of the Recovery and Resilience Plan, the Ministry of the Environment and Spatial Planning issued decisions approving the co-financing of projects for the provision of public rental apartments. The Ministry of the Environment and Spatial Planning thus issued decisions for 34 projects, providing in total 1,036 public rental apartments. Grants from the Recovery and Resilience Fund total EUR 60 million and investments will be co-financed at 50% of the eligible costs.

These measures establish a sound basis for the development of a housing policy that encourages investment in rental housing and increases the stock of rental apartments.

b) Please provide information whether and to what extent the COVID-19 crisis had an impact on adequate supply of affordable housing for persons with limited resources.

We do not have any information that the COVID-19 epidemic had an impact on the supply of affordable housing.

c) With regard to social housing, please provide:

i) information on the number of applications for social housing introduced, granted and refused, as well as the main reasons for refusals;

Data on the number of received, granted or refused applications for non-profit apartments in Slovenia is not kept centrally at the national level, as calls for applications are managed by respective municipalities and housing funds for their territories.

When examining applications for the allocation of non-profit apartments, priority is given to families with several children, families with fewer employed members, young people and young families, persons with disabilities, families with a member that has disabilities, citizens with a longer period of employment who do not have an apartment or are subtenants, victims of domestic violence, persons with the status of a victim of war violence, and applicants who, in view of their profession and activity, are important for a municipality, which the municipality must specify in its public call for applications.

To lease a non-profit apartment, a landlord must publish a call for applications in the public media, with the exception of landlords established especially for the purpose of resolving housing issues of a specific population group, who may publish internal calls for applications for non-profit rental apartments.

In a public call for applications, a landlord may decide to establish two priority lists: one for apartments to be leased to applicants who, owing to their social situation, are not liable to pay their own share and the deposit, and another one for apartments to be leased to applicants who, based on their income, are potentially liable to pay their own share and the deposit.

Apartments for applicants who, owing to their social situation, are not liable to pay their own share and the deposit, must account for at least half of the total number of apartments in each call for applications, but in practice most municipalities reserve almost all the available apartments for this group of eligible applicants.

Households whose income in the calendar year preceding the call for applications does not exceed the percentages of income indicated below are not liable to pay their own share and the deposit.

TABLE: Income as a % of the average net salary in the country – according to household size

Household size	Income as a % of the average net salary in the country
One-member	90%
Two-member	135%
Three-member	165%
Four-member	195%
Five-member	225%
Six-member	255%

Source: Rules on the allocation of non-profit rental apartments (Article 9)

Eligible applicants who were placed on the priority list in the most recent public call for the allocation of non-profit rental apartments in the municipality of permanent residence but were not provided a non-profit apartment are entitled to a rent subsidy if they are paying a market rent.

ii) data on the average waiting time for the attribution of social housing. In this context, also explain whether judicial or other remedies were available in case of excessive waiting periods for the allocation of social housing;

Data on the average waiting period for the allocation of a non-profit apartment in Slovenia is not kept centrally, as calls for applications are managed by the respective municipalities and housing funds for their territories. Compensation for excessive waiting periods is not envisaged by law.

iii) information concerning remedies where there was a failure to provide social housing at an affordable price for the poorest people and in the event of an excessively long waiting time before being allocated housing.

Compensation for excessive waiting periods for the allocation of non-profit apartments is not envisaged. However, applicants who meet the criteria for the rental of non-profit apartments and were placed on the priority list but were not provided an apartment due to the shortage of available apartments or due to the fact that a call for applications for non-profit rental apartments was not published or was published more than a year ago, have the right to rent an apartment on the market by themselves and to receive a rent subsidy (if they meet the income criteria) from the state budget.

d) Please provide data concerning the housing benefits, whether in the framework of the housing benefit system or in the framework of social assistance (e.g., number and categories of beneficiaries, number of housing benefits requests granted, refused, appealed, impact of benefits on affordability of housing).

Eligibility is verified and subsidies are granted pursuant to the Exercise of Rights to Public Funds Act (ZUPJS). Below we provide data on the number of applications for a rent subsidy, the number of granted applications, the number of complaints in response to refused or dismissed applications, and the number of applicants eligible for a rent subsidy by household size.

Table: Data on the number of applications for a rent subsidy, the number of granted applications, the number of complaints in response to refused or dismissed applications by years:

	Number of applications for a rent subsidy*	Number of granted applications (% of all applications)	Number of complaints (% of applications not granted)
Year 2019	20,971	13,692 (65%)	404 (5.6%)
Year 2020	23,027	14,142 (61%)	537 (6.0%)
Year 2021	26,037	14,720 (56%)	706 (6.2%)

**The number of applications for a rent subsidy includes applications for both a non-profit rent subsidy and a market rent subsidy. Applications for a market rent subsidy account for 40% of all applications for a rent subsidy. A market rent subsidy may be granted if a person files an application for a public call for the allocation of non-profit apartments and is placed on a priority list (but is not provided an apartment due to the shortage of available apartments) or if the last call for the allocation of non-profit apartments was published more than a year ago and the person meets the criteria of the last published call for the allocation of non-profit apartments and is paying the market rent, assuming, of course, that the applicant also meets the income and property requirements.*

Table: Number of persons eligible for a rent subsidy by household size as at 31 December 2019

Number of household members	Number of persons eligible for rent
1	4,924
2*	2,472
3 or more	4,661
Total:	12,057

Table: Number of persons eligible for a rent subsidy according to household size as at 31 December 2021

Number of household members	Number of persons eligible for rent
1	5,611
2*	2,504
3 or more	4,658
	Total: 12,773

*a couple without a child or a single parent with a child

Rent subsidies are governed by the Housing Act, which falls within the competence of the Ministry of the Environment and Spatial Planning, as follows:

- *Non-profit rent subsidy*

The subsidy for a tenant who is entitled to a subsidized non-profit rent, is determined in the amount of the difference between the non-profit rent and the established income, reduced by the minimum income and by 30% of the established income. For tenants who live alone, the minimum income for a single person is taken into account, increased by 0.1 of the basic amount of the minimum income under the regulation governing social assistance benefits. The established income is established according to the method used for establishing eligibility for cash social assistance and determined by the regulations governing social assistance benefits. The subsidy must not exceed 85% of the non-profit rent specified

in paragraph two of Article 121 of the Housing Act. To determine the subsidized non-profit rent, the actual floor area of the apartment occupied by the tenant is taken into account when calculating the amount of non-profit rent, but the actual floor area must not exceed the adequate floor area per number of persons.

The owner of an apartment reduces the rent to be paid by a tenant by the calculated amount of the non-profit rent subsidy, and the competent municipal authority reimburses this amount to the owner. Tenants are eligible for non-profit rent subsidy for a maximum of one year. After the expiry of the period for which a tenant is granted a non-profit rent subsidy, they may again apply for a rent subsidy.

- *Market rent subsidy*

Applicants who pay market rent and were placed on the priority list in the last public call for the allocation of non-profit rental apartments in the municipality of permanent residence, with the exception of applicants who refused a non-profit rental apartment provided to them, are entitled to a subsidy for the payment of market rent. An eligible applicant is a tenant or a household member placed on the priority list together with the tenant. The competent authority of the municipality of permanent residence pays out the market rent subsidy, even if the applicant's market rental apartment and temporary residence are in another municipality.

If the public call for the allocation of non-profit rental apartments was last published over a year ago, the applicants may apply for a rent subsidy directly at a social work centre. In this case, the social work centre must also obtain from the competent local community an opinion on the meeting of criteria under the last published public call for the allocation of non-profit rental apartments, and the local community takes into account the circumstances at the time when the application for a rent subsidy was filed. An applicant who pays market rent and meets the criteria under the last published public call for the allocation of non-profit rental apartments is entitled to a market rent subsidy, taking into account the circumstances at the time when the application for a rent subsidy was filed.

If the public call for the allocation of non-profit rental apartments was not published in the municipality of the applicant's permanent residence, the applicant who pays market rent and meets the eligibility criteria and conditions for a non-profit rental apartment is entitled to a market rent subsidy.

- *Most recent amendments to the Housing Act*

To adequately protect socially disadvantaged tenants, the amendment to the Housing Act adopted on 26 May 2021 introduced changes to the subsidy system. The rent subsidy was increased to a maximum of 85% of the recognised non-profit rent, which guarantees that the most socially vulnerable who are entitled to a full rent subsidy are not affected by the indexation of the non-profit rent. For low-income one-person households (young and older persons, widowed, etc.), which are the most vulnerable group in terms of their ability to cover housing costs, a weighting of 1.1 was assigned to the eligibility threshold for a rent subsidy in the calculation of the minimum income for a family of one when the amount of the non-profit rent was indexed. A special allowance was introduced in the calculation of the non-profit rent for apartments whose tenants or users are persons with disabilities who are permanently confined to a wheelchair.

e) Please provide information on the measures taken throughout the country in relation to access for Roma to social housing.

As regards access to non-profit apartments, Roma are treated equally to other eligible persons. As regards tackling the housing problems of the Roma community, various activities and measures that

are being implemented to solve these problems should be taken into consideration. (For more information on the various measures to improve the housing conditions of Roma, see answer no 2 under Article 31§1).

f) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Non-conformity was found in Conclusions 2015 and hence additional clarifications are provided below as requested by the ECSR.

Additional clarifications (from Conclusions 2015):

1) As regards the ECSR's conclusion of non-conformity with Article 31§3 on the ground that nationals of other countries lawfully residing or working in Slovenia were not entitled to equal treatment regarding eligibility for non-profit housing, we would like to clarify that, in accordance with Article 160 of the Housing Act (SZ-1) regulating equal conditions for citizens of European Union Member States, 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 Housing Fund of the Republic of Slovenia, and to savings under the national housing savings scheme subject to the conditions of reciprocity and under the conditions laid down in the SZ-1 and the regulations issued on its basis. (For further clarifications of this issue see answer no 4 under Article 19§4)

2) As regards the ECSR's conclusion of non-conformity with Article 31§3 on the ground that the supply of non-profit rental housing was inadequate, we provide the following clarifications and data. (Our answer refers to the answer under a))

The Housing Fund of the Republic of Slovenia carried out a survey for the period 2020–2021, as its surveys for previous years proved helpful in planning business policies and implementing activities and measures for the development and execution of investment projects in the area of housing construction.

According to the data in the 2020-2021 Survey of the needs by type of housing stock in the municipalities, the needs are as follows:

- public rental apartments: 9,668
- housing units: 644
- other rental apartments: 1,896
- sheltered housing for the elderly: 1,459

As we explained in our answer under a), the Act Amending the Housing Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 90/21; hereinafter: the SZ-1E) was adopted on 26 May 2021. In line with the guidelines of the Resolution on the National Housing Programme 2015–2025 (ReNSP15–25), the SZ-1E establishes the conditions for increasing the stock of public rental apartments.

The main changes introduced by the SZ-1E include:

- indexation of the amount of non-profit rent;
- adjustment of the subsidy system to protect socially vulnerable persons;

- housing funds are allowed to increase borrowing;
- establishment of a public rental service;
- the Housing Fund of the Republic of Slovenia has the right of pre-emption in the sale of building land owned by municipalities and intended for the construction of multi-apartment buildings.

For years, the non-profit rent was too low due to the non-revaluation of the value point and did not reach a level that would allow the housing funds to at least keep the stock of public rental apartments. The indexation of the non-profit rent allows housing funds to manage economically both the existing stock of public rental apartments and new investments in public rental housing.

The statutory rent subsidy guarantees that the difference between the previous and the current non-profit rent is not borne by socially disadvantaged tenants, and that the amount of rent is indexed gradually until 2023.

The increase in the borrowing rate to 50% of the appropriations of housing funds allows the Housing Fund of the Republic of Slovenia (previously able to borrow up to 30% of appropriated assets) and the municipal housing funds (previously able to borrow up to 20% of appropriated assets) to borrow additional amounts for the construction or purchase of new housing.

The amendment also establishes the basis for the implementation of public rental of apartments. The purpose of this instrument is to make available vacant private apartments and provide eligible persons with non-profit rental apartments. The provider of public rental apartments is the Housing Fund of the Republic of Slovenia, which rents apartments on the market and sublets them to eligible persons. The role of the Housing Fund of the Republic of Slovenia is to act as an intermediary, manage and maintain rental apartments, relieving the owners of all the transactions and risks associated with leasing apartments, and ensuring that they receive a regular income in the long term.

By assuming all the responsibilities and risks, owners having reservations such as concerns about unpaid rent, uneconomical use of the apartment and bureaucracy, were encouraged to lease their apartments. We are also targeting those owners, especially older ones, who live in oversized apartments. In the long term, these owners may lease their apartments in a safe and simple manner, and hence receive regular income with which they can afford to rent a sheltered apartment for the elderly or cover the costs of living in a home for the elderly.

The amendment gave the Housing Fund of the Republic of Slovenia the right of pre-emption in the sale of building land owned by municipalities and intended for the construction of multi-apartment buildings. For efficient implementation of the housing policy, municipalities must therefore first offer land designated in spatial plans for the construction of multi-apartment buildings to the Housing Fund as the potential buyer. If the Housing Fund does not accept the offer, a municipality may offer land to other buyers.

In addition to the SZ-1E, the Municipal Cost Reduction Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 189/20; hereinafter: the ZFRO) provided municipalities with additional funding to tackle the housing issue. An analysis of the available data shows that, if the full value of the point for the calculation of a non-profit rent is used, municipalities will receive EUR 14,898,649 more in non-profit rent. Taking into account the higher expenditure of municipalities on subsidies for non-profit rents and the fact that, in accordance with the ZFRO, the subsidies for market rents are fully covered

from the state budget, the total net revenue of municipalities will increase by EUR 15,870,109 when the full value of the point for calculating a non-profit rent is applied.

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 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No 206/21), the minimum amount of assets to be appropriated by municipalities for the establishment of a public fund decreased from EUR 10 million to EUR 2.5 million. This facilitates the establishment of municipal housing funds, through which local authorities can more efficiently implement the housing programme in their territories and provide a sufficient number of public rental apartments, especially in the light of the above-mentioned amendment allowing municipal housing funds to borrow an amount equal to the maximum 50% of their appropriated assets.

Within the framework of the implementation of the Recovery and Resilience Plan, the Ministry of the Environment and Spatial Planning issued decisions approving the co-financing of projects for the provision of public rental apartments. The Ministry issued decisions on co-financing of 34 projects, providing in total 1,036 public rental apartments. Grants from the Recovery and Resilience Fund total EUR 60 million and investments will be co-financed at 50% of the eligible costs.

On 27 July 2022 (outside the reporting period), the Housing Fund of the Republic of Slovenia signed a loan agreement for EUR 70 million with the Council of Europe Development Bank (CEB). The funds will be used for 10 projects with which we plan to build 912 rental apartments in seven statistical regions. Of these, 58 will be sheltered housing for the elderly and 10% will be housing units for persons with functional impairments. The completion of all projects and the issuance of a certificate of occupancy are planned in 2025 and 2026.

These measures lay a sound foundation for the development of a housing policy that encourages investment in rental housing and increases the rental stock.

3) As regards the ECSR's conclusion of non-conformity with Article 31§3 on the grounds that the average waiting period for the allocation of non-profit rental housing is too long, we would like to clarify that the waiting period for the allocation of non-profit rental apartments depends on supply and demand. The measures for increasing the stock of public rental apartments described in the previous clarifications will reduce waiting times.

4) As regards the ECSR's conclusion of non-conformity with Article 31§3 on the grounds that the remedies in the case of excessive length of waiting period are not effective, we would like to clarify that the Housing Act does not provide for specific remedies in the case of excessive waiting times, and emphasise that the Housing Fund of the Republic of Slovenia does not impose the allocation criterion of permanent residence in the municipality where the public rental housing is located, which means that Slovenian citizens can apply for the allocation of public rental apartments of the Housing Fund of the Republic of Slovenia anywhere in Slovenia, in turn shortening the waiting period for the allocation of apartments.

Furthermore, the legal position of an applicant who is eligible for a non-profit apartment but is not provided one in the public call for applications due to higher demand than supply, is protected by the instrument of a subsidy for the payment of the market rent.

Applicants who pay market rent and were placed on the priority list in the last public call for the allocation of non-profit rental apartments in the municipality of permanent residence, with the exception of applicants who refused a non-profit rental apartment provided to them, are entitled to a subsidy for the payment of the market rent. An eligible applicant is a tenant or a household member placed on the priority list together with the tenant. The competent authority of the municipality of permanent residence pays out the market rent subsidy, even if the applicant's market rental apartment and temporary residence are in another municipality.

If the public call for the allocation of non-profit rental apartments was last published over a year ago, the applicants may apply for a rent subsidy directly at a social work centre. In this case, the social work centre must also obtain from the competent local community an opinion on the meeting of criteria under the last published public call for the allocation of non-profit rental apartments, and the local community takes into account the circumstances at the time when the application for a rent subsidy was filed. An applicant who pays market rent and meets the criteria under the last published public call for the allocation of non-profit rental apartments is entitled to a market rent subsidy, taking into account the circumstances at the time when the application for a rent subsidy was filed.

If the public call for the allocation of non-profit rental apartments was not published in the municipality of permanent residence of the applicant, an applicant who pays market rent and fulfils the eligibility conditions and criteria for a non-profit rental apartment is entitled to a market rent subsidy.