

UN CRC	Succession Date	Care-Related Concluding Observations
<p>CRC/C/SVN/CO/3-4</p> <p>Concluding observations on the combined third and fourth periodic reports of Slovenia, adopted by the Committee at its sixty-third session (27 May–14 June 2013)</p>	<p>6 July 1992</p>	<p>8 July 2013</p> <p><a href="http://www2.ohchr.org/english/">http://www2.ohchr.org/english/</a></p> <p><b>II. Follow-up measures undertaken and progress achieved by the State party</b></p> <p>3. The Committee notes with appreciation the adoption of the following legislative measures:</p> <p>...</p> <p>(b) The Act Amending the Provision of Foster Care in 2012;</p> <p>...</p> <p>(f) The Family Violence Prevention Act in 2008;</p> <p><b>B. General principles (arts. 2, 3, 6 and 12 of the Convention)</b></p> <p><b>Best interests of the child</b></p> <p>28. The Committee takes note of the information provided on the incorporation of the right of the child to have his or her best interests taken into account as a primary consideration in national legislation as well as in the envisaged Family Code, and welcomes the entry into force of the Act Amending the Marriage and Family Relations Act in 2004 which shifted the authority to decide on visitation rights and child maintenance from the Social Work Centres to courts. However, the Committee is concerned about information received on the inadequate application of the right in courts and Social Work Centres in cases involving children deprived of a family environment. Moreover, the Committee is particularly concerned about the lack of understanding of the right of the child to have his or her best interests taken into account as a primary consideration in asylum-seeking, refugee and/or immigration detention situations. The Committee is further concerned about the lack of procedures and criteria for the determination of the best interests of the child.</p>

		<p>29. In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (CRC/C/GC/14), the Committee recommends that the State party introduce the right of the child to have his or her best interests taken into account as a primary consideration in its Constitution. The Committee further recommends that the State party strengthen its efforts to ensure that the right of the child to have his or her best interests taken into account as a primary consideration, is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects relevant to and with an impact on children, particularly those deprived of a family environment, or in asylum-seeking, refugee and/or in immigration situations, including detention. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance for determining the best interests of the child in every area related to children, and to disseminate this to the public, including Social Work Centres, courts of law, administrative authorities and legislative bodies.</p> <p><b>D.Violence against children (arts. 19, 37 (a) and 39 of the Convention)</b></p> <p><b>Corporal punishment</b></p> <p>37. The Committee reiterates its previous concern about the absence of a legal prohibition of corporal punishment within the home (CRC/C15/Add.230, para 40). While welcoming the enactment of the Family Violence Protection Act in 2008, the Committee regrets that the law prohibits only <i>physical</i> violence and only <i>within the family</i>. The Committee is also concerned that corporal punishment in penal institutions, although unlawful as a disciplinary measure under the Constitution and Criminal Code, is not explicitly prohibited. Similarly, the Committee notes with concern that, although corporal punishment is unlawful in educational day-care centres and residential school institutions, it is not explicitly prohibited in other forms of alternative care.</p> <p>38. <b>The Committee recommends that the State party explicitly prohibit in its national legislation corporal punishment in all settings including at home and amend the Criminal Code as well as the Foster Care Act. This should be undertaken with the objective of prohibiting corporal punishment in penal institutions as well as in all forms of alternative care. It is recommended that the State party strengthen its efforts to address corporal punishment, in particular within the family, by launching awareness-raising programmes,</b></p>
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		<p><b>including campaigns on positive, non-violent and participatory forms of child-rearing, and promote alternative non-violent forms of discipline to corporal punishment.</b></p> <p><b>Abuse and neglect</b></p> <p>39. The Committee commends the State party for adopting the 2008 Domestic Violence Prevention Act as well as amending the Provision of Foster Care Act that entered into force in 2013, and takes note of the information provided on decreasing incidents of violence against children within the family in recent years. However, the Committee expresses its concern about the following:</p> <p>(a) The narrow definition of violence provided within the Domestic Violence Prevention Act which protects children against violence only within families and not in all other settings, as other related regulations also mostly only speak of domestic violence;</p> <p><b>40. The Committee urges the State party to:</b></p> <p>(a) <b>Ban all forms of abuse and neglect of children in all settings;</b></p> <p>(b) <b>Keep records of all cases of child abuse or neglect and systematically share information among all Social Work Centres, and ensure follow-up of such cases in order to avoid situations where the said families are not being monitored and protection measures are not respected;</b></p> <p>(c) <b>Establish community protection mechanisms mandated to monitor and report cases of abuse and neglect; and</b></p> <p>(d) <b>Expediently issue basic rules on contact supervision between abused children and their alleged abusive parents. This should include improving training measures for all professionals working with and for children, in particular those working at the Social Work Centres, on child violence prevention in the family and proper implementation of the contact rules.</b></p>
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		<p>of the best interests of the child, while taking into account the views of the child in line with articles 3 and 12 of the Convention;</p> <ul style="list-style-type: none"><li>(e) Provide the social work services with adequate support, including sufficient space and professional staff to ensure that the contact between the child and the parent occurs in a child-friendly environment and is supervised by trained staff only when necessary;</li><li>(f) Expeditiously implement the Committee's previous recommendation on child maintenance (CRC/C/15/Add.230, para 33) and provide information in its next periodic report on all new measures taken in this respect and their effectiveness; and</li><li>(g) Consider ratifying the Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations, the Convention on the Law Applicable to Maintenance Obligations, and the European Convention on Contact concerning Children.</li></ul> <p><b>Foster care and adoption</b></p> <p>48. The Committee welcomes the positive amendments introduced in the Law on Foster Care in 2012 that is aimed at enhancing the mechanism of reviewing and monitoring the placement of fostered children. However, the Committee is concerned about the limited discretion foster-parents enjoy in the everyday life of the child, and about their inability to enjoy socioeconomic benefits, such as tax deductions and sick leave.</p> <p>49. The Committee recommends that the State party pursue its efforts to regularize fostering activities and take effective measures to regularize the status of foster-parents. In so doing, the State party is requested to ensure that foster-parents enjoy wider discretion on daily life decisions concerning the child in foster care, as well as economic benefits related to the foster-care arrangement, based on the right of the child to have his or her best interests taken into account as a primary consideration. To this end, the Committee recommends that the State party take into account the Guidelines for the Alternative Care of Children annexed to General Assembly resolution 64/142 of 18 December 2009.</p> <p><b>H. Other special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)</b></p>
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<b>OPSC to CRC</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
	23 Sept 2004	
<b>OPAC to CRC</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
	23 Sept 2004	
<b>ICCPR</b>	<b>Succession Date</b>	<b>Care-Related Concluding Observations</b>
	6 July 1992	
<b>ICESCR</b>	<b>Succession Date</b>	<b>Care-Related Concluding Observations</b>
	6 July 1992	
<b>CEDAW</b>	<b>Succession Date</b>	<b>Care-Related Concluding Observations</b>
	6 July 1992	
<b>CRPD</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
<b>CRPD/C/SVN/CO/1</b>	24 April 2008	16 April 2018  <a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSVN%2fCO%2f1&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSVN%2fCO%2f1&amp;Lang=en</a>  <b>III. Principal areas of concern and recommendations</b>



		<p><b>B. Specific rights (arts. 5–30)</b></p> <p><b>Women with disabilities (art. 6)</b></p> <p>8.The Committee is concerned about:</p> <p>...</p> <p>(b)The lack of specific measures to protect women and girls with disabilities, especially those with psychosocial and/or intellectual disabilities and those living in institutions, from gender-based violence;</p> <p><b>Children with disabilities (art. 7)</b></p> <p>10.The Committee is concerned about:</p> <p>(a)The lack of an explicit and comprehensive prohibition of corporal punishment of children in all settings in the State party and the absence of specific measures to address violence against children with disabilities;</p> <p>(b)The insufficient coordination of the provision of the necessary services for children with disabilities, among all persons in positions of responsibility;</p> <p>(c)The lack of early assistance and the placement of children with disabilities in residential treatment institutions;</p> <p>(d)The absence of mechanisms to ensure the participation of children with disabilities in decision-making processes affecting their lives, in particular the lack of mechanisms to ensure the right of</p>
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		<p>children with disabilities to have their views taken into account on matters pertaining to them and their families, including their participation in all protection mechanisms.</p> <p><b>11. Recalling the concluding observations adopted by the Committee on the Rights of the Child (CRC/C/SVN/CO/3-4, para. 38), the Committee recommends that the State party:</b></p> <p><b>(a) Explicitly prohibit any kind of corporal punishment of children in all settings, including alternative care institutions, and adopt a strategy to monitor the situation of children with disabilities in alternative care, with a view to identifying all instances of violence against children with disabilities. The State party should ensure non-violent and participatory forms of child-rearing that include families with children with disabilities;</b></p> <p><b>(b) Ensure effective coordination among the various parties involved in child protection;</b></p> <p><b>(c) Adopt a national strategy, with benchmarks and with human, technical and financial resources, aimed at ensuring the full inclusion of children with disabilities in society, paying attention to the development of inclusive settings in early assistance, education, housing, health and all community services. The State party should ensure high-quality, independent monitoring of the living conditions of children with disabilities;</b></p> <p><b>(d) Adopt measures to fulfil the right of children with disabilities to express their opinion on all matters that affect them, and to guarantee that they have disability- and age-appropriate support to realize that right, including in judicial, administrative and policy making procedures.</b></p> <p><b>Liberty and security of the person (art. 14)</b></p> <p>22. The Committee is concerned about:</p> <p>(a) Provisions in the State party's Mental Health Act allowing for the detention of persons with psychosocial disabilities on the basis of their impairment and their treatment without consent in psychiatric hospitals;</p>
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		<p>(b)The placement without consent in secure wards, including overcrowded wards, in care institutions and psychiatric hospitals;</p> <p>(c)The lack of reasonable accommodation, such as hygiene and medical care accommodation, in the penal system and in places of detention.</p> <p><b>23. The Committee recommends that the State party:</b></p> <p><b>(a) Conduct a review and repeal all legislation providing for the involuntary commitment and non-consensual psychiatric treatment of persons with disabilities on the grounds of their actual or perceived impairment in any circumstances, including alleged risk and dangerousness, taking into account the Committee ' s guidelines on the right to liberty and security of persons with disabilities (see A/72/55, annex I);</b></p> <p><b>(b) Ensure the integrity and security of persons with disabilities residing in institutions and hospitals, with full respect for their dignity and consent;</b></p> <p><b>(c) Provide reasonable accommodation in the penal system and in places of detention, including in the form of suitable health care.</b></p> <p><b>24. Furthermore, the Committee calls upon the State party to be guided by its obligations under article 14 of the Convention and by the above-mentioned guidelines throughout the regional discussions concerning the Additional Protocol to the Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (the Oviedo Convention).</b></p> <p><b>Freedom from torture and cruel, inhuman or degrading treatment or punishment(art. 15)</b></p> <p>25.The Committee is concerned at the reported cases of excessive use of force against persons in psychiatric institutions by judicial police officers and medical staff. It is also concerned about the use of electroconvulsive therapy on persons with disabilities. It is further concerned about the limited capacity of</p>
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		<p>the national preventive mechanism of the Human Rights Ombudsman to effectively address allegations of torture and ill-treatment against persons with disabilities in institutions.</p> <p><b>26. The Committee recommends that the State party eliminate the use of seclusion, physical, chemical or mechanical restraint or any other non-consensual medical treatment in all medical facilities, in particular psychiatric hospitals, that may amount to torture or cruel, inhuman or degrading treatment or punishment. It also recommends that the State party ensure that independent authorities and organizations of persons with disabilities have access, for monitoring purposes, to all facilities, including the Forensic Psychiatric Unit, and develop criteria for gender-sensitive and age-appropriate monitoring activities. It further recommends that the State party investigate all allegations of torture and ill-treatment in psychiatric institutions and prosecute perpetrators. The State party should provide fair and adequate compensation, reparation and rehabilitation measures for persons with disabilities who have been subjected to acts of torture and ill-treatment. The Committee recommends that the State party strengthen the capacity of the national preventive mechanism of the Human Rights Ombudsman and provide it with adequate human, technical and financial resources to effectively address allegations of torture and ill-treatment of persons with disabilities in institutions.</b></p> <p><b>Freedom from exploitation, violence and abuse (art. 16)</b></p> <p>27. The Committee is concerned at:</p> <ul style="list-style-type: none"><li>(a) Allegations of physical, psychological and sexual violence and abuse of persons with disabilities, especially women with disabilities, in the family and in institutional settings;</li><li>(b) The reported lack of measures of protection and redress for victims of violence and the absence of sanctions against perpetrators;</li><li>(c) The reported lack of monitoring and investigations to determine the causes of death of persons with disabilities in institutions and the absence of information on prosecutions for criminal offences or for abandonment.</li></ul>
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		<p>(a) Adopt and implement a strategy and action plan, within a time frame, aimed at deinstitutionalization;</p> <p>(b) Prevent any form of reinstitutionalization and provide sufficient funding for developing community-based independent living schemes;</p> <p>(c) Allocate sufficient resources to ensure that services in the community are available, accessible, affordable, acceptable and accommodating of persons with disabilities, so that such persons may exercise their right to live independently and be included in their communities, in both urban and rural areas;</p> <p>(d) Strengthen the national and municipal capacity to implement deinstitutionalization, in close cooperation with organizations of persons with disabilities.</p> <p><b>Respect for home and the family (art. 23)</b></p> <p>37. The Committee is concerned about:</p> <p>(a) The lack of support and services for families, especially single female-headed families, that have members with disabilities, including children, as a result of which their risk of poverty and social exclusion is increased;</p> <p>(b) The obstacles to marriage and the raising of children placed before persons with psychosocial and/or intellectual disabilities when their capacity for the exercise of their rights is assessed.</p> <p><b>38. The Committee recommends that the State party:</b></p> <p>(a) Adopt and develop support measures for families, including single female-headed families, that have a member with a disability, with a view to assuring them of a decent standard of living and social inclusion;</p>
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		(b) Repeal all discriminatory provisions and practices preventing the right to marriage and parental responsibilities of persons with psychosocial and/or intellectual disabilities and ensure support for them in the exercise of their responsibilities.
<b>UPR</b>	<b>Date of Consideration</b>	<b>Link to Page</b>
	16 Feb 2010	<a href="http://www.ohchr.org/EN/HRBodies/UPR/Pages/SISession7.aspx">http://www.ohchr.org/EN/HRBodies/UPR/Pages/SISession7.aspx</a>
<b>Hague Inter-country Adoption</b>	<b>Ratification Date</b>	<b>Link to Country Profile</b>
	24 Jan 2002	<a href="http://www.hcch.net/index_en.php?act=states.details&amp;sid=67">http://www.hcch.net/index_en.php?act=states.details&amp;sid=67</a>

**Acronyms and Abbreviations:**

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
UN	United Nations
UPR	Universal Periodic Review