



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 8, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL  
TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE  
INVOLVEMENT OF CHILDREN IN ARMED CONFLICT**

**Initial reports of States parties due in 2006**

**SLOVENIA\***

[16 November 2007]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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## I. INTRODUCTION<sup>1</sup>

1. On the basis of the first paragraph of article 8 of the Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict, the Republic of Slovenia, as a member of the United Nations, a State Party to the Convention on the Rights of the Child and a State Party to the Optional Protocol, submits its initial report on the implementation of the Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict.
2. The Republic of Slovenia has ratified the following important international instruments relating to the protection of children in armed conflict:
  - The Convention on the Rights of the Child (Ur. l. SFRJ (Official Gazette of the Socialist Federative Republic of Yugoslavia) - International Treaties No. 15/90) to which Slovenia succeeded with the Act notifying succession to United Nations Conventions and Conventions adopted by the International Atomic Energy Agency, (Ur. l. RS Nos. 9/92, 3/1993, 9/93, 5/99), which was deposited with the Secretary-General of the United Nations on 6 July 1992, who confirmed the succession as of 25 June 1991 (Notice of the Ministry of Foreign Affairs, Ur. l. RS (Official Gazette of the Republic of Slovenia) No. 7/93)
  - The ILO Minimum Age Convention, (1973) No. 138 (Ur. l. SFRJ - International Treaties No 14/82) to which Slovenia succeeded with the Act notifying succession to United Nations Educational, Scientific and Cultural Organization Conventions, international multilateral air traffic agreements, International Labour Organization Conventions, International Maritime Organization (IMO) Conventions, customs conventions and certain other international multilateral agreements (Ur. l. RS 54/92)
  - The Geneva Conventions of 1949 and the Additional Protocols of 1977 to which Slovenia succeeded with the Act notifying succession to the Council of Europe Conventions, the Geneva Conventions and the additional protocols on the protection of victims of international armed conflict, and International Arms Control Agreements which are deposited with the three major nuclear powers (Ur. l. RS No. 14/92)
  - The Rome Statute of the International Criminal Court (Ur. l. RS No. 1001/01), and the ILO Worst Forms of Child Labour Convention, (1999) No 182 (Ur. l. RS No. 21/01)
3. At its session of 15 July 2004, the National Assembly ratified the Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict. It was published in the Official Gazette of the Republic of Slovenia No. 85/2004 on 2 August 2004, MP [international treaties] No. 23-94/2004, and entered into force in the Republic of Slovenia on 17 August 2004. The Act ratifying the Protocol was adopted unanimously, and the National Assembly thus expressed its conviction that ratification meant an increase in the level of protection of the rights of the child from the point of view of armed conflict. The Republic of

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<sup>1</sup> The data in the report reflect the situation until 31.12.2006.

Slovenia lodged no objections to the Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict. Upon depositing the documents on the ratification of the Optional Protocol on the involvement of children in armed conflict on 23 September 2004, it made the following declaration: "In compliance with Article 3, Paragraph 2, of the Optional Protocol, the Republic of Slovenia declares that the minimum age at which it will permit voluntary recruitment into its national armed forces is 18 years. The minimum age shall apply equally to men and women. By phasing out the recruitment system and introducing professional military service, the contractual reserve forces and service in the national armed forces shall be voluntary and regulated by a contract between the two parties."

4. In relation to the legal status of the Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict in the domestic legal system of the Republic of Slovenia, we wish to explain that article 8 of the Constitution of the Republic of Slovenia (Ur. l. RS No. 33/91, 42/97, 66/00, 24/03, 69/04 and 68/06) provides that laws and regulations must comply with generally accepted principles of international law and with treaties that are binding on Slovenia, and that ratified and published international treaties shall be applied directly. The second paragraph of article 153 of the Republic of Slovenia further provides that laws must be in conformity with valid treaties ratified by the National Assembly and that executive regulations must also be in conformity with other ratified international treaties.

5. The initial report has been prepared in accordance with the guidelines of, and on the basis of the contributions of, the Ministry of Defence, the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Labour, Family and Social Affairs. It has been discussed by the Interdepartmental Working Commission for Human Rights, which is the expert advisory body of the Government of the Republic of Slovenia. It has also been sent to relevant non-governmental organizations.

## **II. PROVISIONS CONTAINED IN THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICTS**

### **Articles 1-3. Voluntary and compulsory recruitment into military service and education and training of personnel employed by the Slovenian Armed Forces**

#### **Minimum age set out for compulsory and voluntary recruitment into the Slovenian Armed Forces**

6. Article 123 of the Constitution of the Republic of Slovenia (Ur. l. RS No. 33/91, 42/97, 66/00, 24/03, 69/04 and 68/06) provides that participation in the national defence is compulsory for citizens within the limits and in the manner provided by law. Citizens, who because of their religious, philosophical or humanitarian convictions are not willing to perform military duties, must be given the opportunity to participate in the national defence in some other manner (conscientious objection).

7. National defence or obligations relating to this are regulated in more detail above all by the Defence Act (Ur. l. RS No. 103/04 - official consolidated text) and the Military Service Act (Ur. l. RS No. 108/02 - official consolidated text).

8. Article 47 of the Defence Act provides that military service is done by members of the permanent forces, military servicemen doing military service, and members of reserve units when called up.

9. The permanent force consists of professional members of the armed forces, i.e. soldiers, NCOs, officers and military employees (military personnel) and civilian personnel working in the armed forces but not doing military service. In accordance with the general and special conditions that must be met by candidates for professional military service, a contract of employment may only be signed by persons who have already reached the age of 18.

10. From the point of view of the performance of military service, in October 2003 the implementation of some individual elements of military service in peacetime was discontinued in the Republic of Slovenia, in accordance with the changed concept of complementing the Slovenian Armed Forces (gradual transition to professional armed forces), article 62a of the Military Service Act and the Resolution of the Government of the Republic of Slovenia of 11 September 2003. In this context, medical and other examinations and psychological tests of conscripts were abandoned, as were conscription and postings to military service or alternative service, although compulsory service in the reserve may still be implemented until 31 December 2010. Instead of these elements of compulsory military service, citizens were given the possibility of voluntary military service and contract-based (voluntary) military service in the reserve units of the Slovenian Armed Forces.

11. More detailed conditions relating to voluntary military service, including the conditions that must be met by candidates for such service, are set out by the Decree on voluntary military service (Ur. l. RS No. 81/03). From the point of view of the minimum age, the first paragraph of article 3 of the Decree states explicitly that candidates will only be eligible for voluntary military service from the age of 18 to the end of the calendar year in which they turn 27, if they are rated as capable or partially capable for military service in accordance with the regulations governing the assessment of medical aptitude for military service.

12. The same provision applies, *mutatis mutandis*, to contract-based military service in the reserve forces of the Slovenian Armed Forces. In this case too, the executive regulation, i.e. the Decree on contract-based military service in the reserve units of the Slovenian Armed Forces (Ur. l. RS No. 95/02 and 122/04) explicitly states (in the first paragraph of article 3) that men and women are eligible to serve in the reserve units of the Slovenian Armed Forces from their eighteenth birthday to the end of the calendar year in which they turn 40 in the case of women and 50 in the case of men (or 60 if they are officers). Currently, then, the legislation of the Republic of Slovenia in no case allows candidates to join the Slovenian Armed Forces before they reach the age of 18.

13. Article 62e of the Military Service Act provides that in the case of increased danger of attack on the country or immediate danger of war, or in the case of the proclamation of a state of war or state of emergency, the National Assembly of the Republic of Slovenia may decide to reintroduce compulsory medical and other checks and psychological tests, conscription, posting on military service or alternative service and compulsory service in reserve units. The currently dormant provisions of the Act with regard to the implementation of these duties provide, *inter alia*, that conscription shall take place as a rule in the calendar year in which the conscript turns 18, but may take place a year earlier if the conscript himself so requests. Conscripts are

usually sent to do military service in the calendar year in which they turn 19, but if they themselves so request they are sent to do military service in the first posting period following the lodging of such a request if they turn 18 in that year. This is the only case in which they could enlist in the Slovenian Armed Forces and, theoretically, take part in hostilities below the age limit stipulated by the optional protocol. For this reason the competent ministry will attempt to address this problem with the new Service in the Slovenian Armed Forces Act, which is already in the process of being adopted.

### **Education and training of personnel employed by the Slovenian Armed Forces**

14. Slovenia has no military academies. Personnel who are later employed in the Slovenian Armed Forces are educated in the ordinary education system. Many of those who are later employed at the Ministry of Defence attend the Faculty of Social Sciences at Ljubljana University, where defence studies are taught. Some faculties, such as the Faculty of Mechanical Engineering, also offer special courses adapted to the needs of the Slovenian Armed Forces. Scholarships are offered for some forms of education. After completing their regular education, candidates go on to attend a school for NCOs or a school for officers, run within the context of the education programmes of the Military Schools Centre, which operates within the framework of the General Staff of the Slovenian Armed Forces. Through agreements with other countries on cooperation in the defence and military spheres, other forms of education are also available.

15. Slovenia is currently participating in two UN peacekeeping operations: the temporary United Nations Mission in Kosovo (UNMIK) and the United Nations Truce Supervision Organization (UNTSO) in the Middle East. Under a United Nations mandate, Slovenia is also taking part in the EU-led operation EUFOR (European Force), ALTHEA in Bosnia and Herzegovina, and in two NATO-led operations KFOR (Kosovo Force) Enterprise in Kosovo and ISAF (International Security Assistance Force) in Afghanistan.

16. At the Ministry of Defence and the General Staff of the Slovenian Armed Forces, special emphasis is also placed on the education and training of members of the Slovenian Armed Forces in the sphere of international humanitarian law. This takes place in several ways. A 30-hour programme is taught within the Officers' School and the NCOs' School, while an additional subject (20 hours) is available as part of courses for promotion. Education is also available within the context of specialized courses abroad and similar. Members of the Slovenian Armed Forces who are posted abroad are given special briefings on international humanitarian law immediately before departure.

17. In the sphere of operations of security forces and the police, the emphasis is placed on training police officers who are included in international peacekeeping missions. All these police officers are obliged to attend a special seminar on international humanitarian law (IHL). All other members of the police force are familiarized with the fundamental principles of IHL and provided with a brochure on international humanitarian standards governing the use of force, which also includes the topic of human rights and the rights of the child.

18. In the sphere of education, IHL issues are included in the syllabuses of secondary medical schools, law faculties and the Faculty of Social Sciences in Ljubljana. On the basis of analysis of inclusion of IHL contents in the programmes of primary schools and general secondary schools, a pilot programme has been prepared for the inclusion of IHL in the curriculum (compulsory

subjects) of *gimnazije* [general secondary schools preparing students for further studies] and secondary medical schools on the basis of a project of the International Committee of the Red Cross entitled “Exploring Humanitarian Law”. This will be realised during the next academic year.

#### **Article 4. Armed groups which are not the national armed forces**

19. In the Republic of Slovenia there are no armed groups which are not the national armed forces. With the 2004 Act Amending the Penal Code (KZ-B; Ur. l. *RS* No. 40/04) article 378 of the Penal Code, which in the text in force defines the criminal offence of enlisting persons under the age of 18, was amended as follows: “Whoever, in time of war, armed conflict or occupation, or in the implementation of or in support of the policy of a State or organization as part of a major systematic aggression orders or commits the act of recruitment of persons under 18 years old into the national or other armed forces and makes uses of them for active participation in hostilities, shall be sentenced to imprisonment for not less than ten years.” It follows from the above that the enlisting of children under the age of 18 years by both the national armed forces and all armed forces is defined as a criminal offence.

#### **Article 5. National legislation, international instruments and international humanitarian law**

20. At the national level in the Republic of Slovenia, the Constitution of the Republic of Slovenia and numerous laws and executive regulations help ensure the exercise of the rights of the child. All laws and executive regulations are cited in the first and second reports of the Republic of Slovenia on the exercise of the rights of the child that were submitted to the Committee on Human Rights in 1996 and 2003.

21. While in the period immediately following independence the focus of attention was the notification of succession with regard to acts from the sphere of human rights and the rights of the child and international humanitarian law previously ratified by the Socialist Federal Republic of Yugoslavia (SFRY), the key endeavour in the subsequent period was to keep pace as much as possible with the preparation and adoption of international instruments in this sphere and to ratify all important treaties as they are adopted.

The Republic of Slovenia has ratified the following conventions and international instruments in the field of international humanitarian law:

- European Convention for the Peaceful Settlement of Disputes (Ur. l. *RS* No. 126/03)
- Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (Ur. l. *RS* No. 62/04)
- Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Ur. l. *RS* No. 94/02)
- Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices ((Protocol II as amended on 3 May 1996) to the Convention on Prohibitions or

Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Ur. I. *RS* No. 94/02)

- Protocol on Explosive Remnants of War (Protocol V) to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Ur. I. *RS* No. 129/06)
- Protocol on Blinding Laser Weapons (Protocol IV) to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Ur. I. *RS* No. 94/02)
- Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (Ur. I. *RS* No. 102/03)
- Agreement on the Privileges and Immunities of the International Criminal Court (Ur. I. *RS* No. 71/04)

#### **Article 6. Legal and other measures to ensure the implementation of the provisions of the protocol**

22. In reviewing Slovenian legislation, before ratification of the Optional Protocol with the 2004 Act Amending the Penal Code (KZ-B; Ur. I. *RS* No. 40/04), the Republic of Slovenia amended article 378 of the Penal Code, which in the text in force defines the criminal offence of enlisting persons under the age of 18, as follows: "Recruitment of persons under the age of 18. Article 378 - 'Whoever, in time of war, armed conflict or occupation, or in the implementation of or in support of the policy of a State or organization as part of a major systematic aggression orders or commits the act of recruitment of persons under the age of 18 into the national or other armed forces and makes uses of them for active participation in hostilities, shall be sentenced to imprisonment for not less than ten years.'"

23. The body established at the national level to monitor the exercising and protection of human rights and freedoms on the basis of international acts that are binding on the Republic of Slovenia is the Interdepartmental Working Commission for Human Rights. It is made up of representatives of the competent ministries and NGOs. The Interdepartmental Commission for International Humanitarian Law, which is charged with formulating activities for the implementation of international humanitarian law, above all the 1949 Geneva Conventions and the Additional Protocols of 1977, as well as activities for the dissemination of international humanitarian law, also monitors the sphere of children in armed conflict.

24. The text of the Optional Protocol is published on the website of the Ministry of Foreign Affairs and the Ministry of Labour, Family and Social Affairs and in the Official Gazette of the Republic of Slovenia No. 85/2004, MP [international treaties] No. 23-94/2004.

#### **Social integration and psychological assistance for children who are victims of armed conflict**

25. Within the framework of the United Nations, the Republic of Slovenia supports efforts to prevent conflicts and concerns itself with the situation of civilians in time of war. It supports the



principal of the universality, indivisibility and reciprocal connection of human rights and humanitarian intervention in the case of serious, large-scale and systematic violations of human rights, paying special attention to the protection of the rights of the child. It participates in the United Nations Human Rights Council, where all conventions in the sphere of human rights and humanitarian law are deliberated, and in other United Nations bodies, such as the Security Council and UNICEF.

26. The Republic of Slovenia also welcomed and supported the initiative of the Italian Presidency to formulate EU Guidelines on Children in Armed Conflict, which have already been adopted by the Working Party on Human Rights (COHOM). The Republic of Slovenia especially welcomed the fact that, in the guidelines, attention is also devoted to the psychosocial rehabilitation of children in a post-conflict society, thereby helping to address comprehensively the issue of children in armed conflict. Also emphasized is the importance of regional organizations for the realization of these objectives.

27. An important role is played in the sphere of the protection of children and humanitarian law by the Slovenian Red Cross (SRC), which operates in accordance with the 1949 Geneva Conventions and the 1977 Additional Protocols on the protection of victims of conflicts. In accordance with the Slovenian Red Cross Act, the SRC helps the authorities in the prevention and alleviation of suffering, the protection of life and health and the ensuring of respect for human rights, particularly during armed conflicts and other states of emergency, in addition to performing other functions. The Slovenian Red Cross familiarizes the public with international humanitarian law, disseminates and implements the principles of the world humanitarian movement, and cooperates with the health service and the medical service of the Armed Forces of the Republic of Slovenia and the civil protection service of the Republic of Slovenia in making provision for the injured and sick in the case of armed conflict. The tasks it performs as a public authority include the role of an investigation service which is charged with all measures relating to the identification of child victims, the maintenance of databases, the provision of data to affected individuals, competent bodies and organizations in the country and abroad, and the establishment of contacts between family members separated by war or other states of emergency. In the performance of its duties, the investigation service also collects data on children separated from their parents as a result of military conflicts, children evacuated to other countries, missing persons and victims of natural and other disasters. In collecting this data, the investigation service takes into account the wishes of immediate relatives while observing the provisions of the Slovenian Red Cross Act, the Protection of Personal Data Act and the Geneva Conventions.

28. In accordance with its humanitarian role and the powers deriving from the Geneva Conventions and the nature of work in wartime, the Slovenian Red Cross assumed certain specific tasks in the provision of assistance to persons granted temporary asylum during the wars in Croatia and Bosnia and Herzegovina. Following the start of conflicts in Croatia and Bosnia and Herzegovina, Slovenia hosted more than 160,000 temporary refugees (persons granted temporary asylum), half of whom were children. They were provided with the basic essentials such as food, accommodation in assembly centres or host families, clothes, education and other services and forms of help, including psychosocial help. The Slovenian Red Cross took over the entire triage process relating to the accommodation or arrival of refugees in the Republic of Slovenia. In this connection, it ran a comprehensive register and organized the issuing of appropriate documents on the status of refugees. It also took on the role of coordinator for the

reception and distribution of international aid to the Republic of Slovenia for refugees. With the rapid growth in the number of refugees and the resulting burden on specialized and other services through the implementation of regular programmes, it became apparent that it was necessary for the Government of the Republic of Slovenia to set up a special Government service that would permanently implement refugee policy and also specific activities relating to care for refugees. This was the Office of the Government of the Republic of Slovenia for Immigration and Refugees. In 2004, in accordance with the Act on the transfer of tasks of certain Government services to ministries (Ur. l. RS No. 2/2004), the tasks of the Office were transferred to the Ministry of the Interior.

29. Under the Temporary Asylum Act (Ur. l. RS No. 20/1997, 94/2000, 67/2002, 21/2004), refugee children or children granted temporary asylum enjoy special care and protection such as the right to free basic health care, not only preventive but also curative, and free primary education in their mother tongue and the right to equal access to secondary and higher education, which is in accordance with the provisions of the Convention on the Rights of the Child and the World Declaration on Education for All. Children of compulsory school age granted temporary asylum were schooled in the Republic of Slovenia in accordance with the curriculum for children of compulsory school age children.

30. In the 1992/93 academic year, primary education was provided in the mother tongue of children from Bosnia and Herzegovina in 45 municipalities and at 55 locations with 362 teachers from Bosnia and Herzegovina. Between 1993 and 1995, the number of schools and locations gradually fell. The fall in the number of pupils caused difficulties as far as forming classes was concerned. Furthermore, teachers were leaving for third countries. For this reason, in the 1995/96 academic year the Ministry of Education and Sport prepared a project for the incorporation of temporary refugee children into Slovenian primary schools. Temporary refugees from Bosnia and Herzegovina of secondary school age who wished to be incorporated into secondary schools were in a more difficult position than primary school children. They did not have a mastery of the Slovenian language and the programmes of the schools they had attended in their own country did not correspond to the Slovenian programmes. The greatest problem, however, was the lack of places in the existing programmes of Slovenian schools. Interest in incorporation into Slovenian secondary schools among parents and youngsters ran very high, and therefore the Ministry of Education and Sport recommended to all secondary schools that they fill any free places with temporary refugees of secondary school age from Bosnia and Herzegovina. Thus, primary and secondary school pupils from Bosnia and Herzegovina were incorporated into Slovenia's education system under the same conditions as citizens of Slovenia (without paying fees). Between 1992 and 1999, some 10,000 temporary refugees were educated in primary schools, secondary schools and institutions of higher education. From the arrival of the first refugees up to the present day, the Republic of Slovenia has run a policy favouring foreign students. Until 1999, citizens of Bosnia and Herzegovina were able to enrol in higher education institutions without major difficulties, despite the fact that as foreign citizens they would have been liable for tuition fees.

31. Nursery schools operated in the majority of assembly centres, while preschool education was organized in conjunction with Slovenska Filantropija and the Office of the United Nations High Commissioner for Refugees.

32. Children granted temporary asylum were also entitled to psychosocial assistance services provided by various NGOs and individuals, in particular Slovenska Filantropija. Approximately 70 per cent of children granted temporary asylum were included in counselling and therapy programmes for emotional distress caused by the war.

33. Today, the Temporary Protection of Displaced Persons Act (Ur. l. RS No. 65/2005) is in force, regulating the introduction, duration and termination of temporary protection for displaced persons, conditions and procedures for the granting and withdrawing of temporary protection and the rights and obligations of persons with temporary protection in accordance with Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

34. Unaccompanied children represent a special category of children who, in accordance with the Geneva Conventions and its Additional Protocols and the Convention on the Rights of Child, require special care and assistance. As part of the REUNite campaign (for the reuniting of children and parents separated during the war in Bosnia and Herzegovina), 472 children with temporary asylum were registered in the Republic of Slovenia in 1993. Around 100 of them had neither parent with them. The principle of reuniting families has been consistently observed in conditions for entry to the Republic of Slovenia and their registering. In Slovenia, we have been noting a downwards trend in the number of unaccompanied children and adolescents since 1999. According to figures from the Asylum Section of the Ministry of the Interior, there were 24 unaccompanied children and adolescents in Slovenia seeking asylum in 2002; in 2003, the figure was 34, in 2004, 105, in 2005, 83 and in 2006, 20. To date, asylum has been granted to six children, in the years 2003, 2004 and 2005. The vast majority of children (almost 85 per cent) leave Slovenia of their own will and continue their journey to Western Europe. Some are returned by the police to their native country or the country from which they entered Slovenia, in accordance with the Aliens Act. Those who do not request asylum are categorized as illegal immigrants and accommodated in the Aliens Centre, where they still have the possibility of expressing at any time their intention to submit a request for asylum, in which case they are taken to the Asylum Centre where they are accommodated and where they submit requests for asylum. To date, unaccompanied children have for the most part come from Albania, Serbia, Montenegro, Turkey and Moldavia.

#### **Unaccompanied children and adolescents. Statistical account of the Asylum Section**

Year	Requests made	Requests dealt with	Status granted
2002	24	21	0
2003	34	25	1 (asylum on humanitarian grounds)
2004	105	107	3 (1 under the Geneva Convention and 2 on humanitarian grounds)
2005	83	89	2 (both on humanitarian grounds)
2006	20	26	0

*Source:* Asylum Section, Directorate for Administrative Internal Affairs, Ministry of the Interior.

Unaccompanied children and adolescents who request asylum in the Republic of Slovenia are covered by the regulations governing procedures for the granting and withdrawing of refugee status or subsidiary form of protection in the Republic of Slovenia. This sphere is regulated by the Asylum Act (Ur. l. RS No. 51/06 - consolidated text and No. 134/06 - decision of the Constitutional Court of the Republic of Slovenia). Owing to the establishment of a common European asylum system, a new law is being prepared which will regulate the sphere of international protection and, indirectly, the sphere of unaccompanied minors who are in the procedure for international protection. Consequently, those requesting asylum will also be entitled to vocational education and the continuation of schooling at the secondary level.

In accordance with article 15a of the above act, unaccompanied children and adolescents are treated as a vulnerable group. Vulnerable groups are guaranteed special attention and care. Above all, this means measures of positive discrimination in the spheres of accommodation, health care and maintenance. When accommodating vulnerable groups of asylum-seekers, refugees and persons granted subsidiary protection, the specific position of unaccompanied children and adolescents is taken into account and the material conditions of acceptance, medical and psychological counselling and care are adapted to their needs. The extent of health care for asylum-seekers is precisely defined by law, as is the extent of urgent medical assistance and urgent treatment. The new Rules on methods and conditions for guaranteeing the rights of asylum applicants (Ur. l. RS No. 121/06) also guarantee them with additional health-care services in special cases, where an opinion must be given by the Interdepartmental Expert Working Group.

Special care for unaccompanied minors is guaranteed in accordance with Council Directive 2003/9/EC and Council Directive 2004/83/EC, which have been transposed into the existing Asylum Act.

The new regulation of unaccompanied minors who apply for protection in the Republic of Slovenia will additionally regulate the protection of the rights of this vulnerable group, for which additional procedural guarantees also apply. In accordance with the 1989 Convention on the Rights of the Child, the principle of the child's best interests must also be taken into account. In this sense the procedure for international protection must be given priority treatment and the minor must be appointed a legal representative who temporarily assumes the role of guardian and supervises the lawful implementation of the procedure. The legal representative is appointed by the local Social Services Centre. The competent body, by agreement with the legal representative, ensures that living conditions, accommodation and care are adapted to the special needs of the unaccompanied minor. At the same time, intensive activities must be carried out to ensure that contact is established with the child's parents or other relatives as soon as possible. The search for parents and relatives requires the active participation of intergovernmental organizations (above all the UNHCR) and diplomatic/consular representations. The method of conducting the proceeding must be adapted to the age and stage of mental development of the person concerned.

We would like to emphasize that unaccompanied children and adolescents are accommodated in a special section of the Asylum Centre run by a suitably trained public employee (a psychologist or a social worker). The official conducting the proceeding is in constant contact with the guardians assigned to unaccompanied minors by the Vič Social Services Centre. These guardians are volunteers from Slovenska Filantropija.

Through the work of the KLJUČ society and as part of the project against trafficking and sex- and gender-based violence (PATS), all unaccompanied minors are included in information regarding the trafficking of persons and the prevention of sexual violence. Moreover, they regularly take part in activities run by the psychosocial service and NGOs at the Asylum Centre.

The psychosocial service of the Asylum Centre, together with Slovenska Filantropija, has also come up with a project for including unaccompanied minors in a formal form of education called PUM (project learning for young people). In this way unaccompanied minors, as a vulnerable group of asylum-seekers, are included in an organized form of activity.

The Asylum Section also includes a security service which is present 24 hours a day every day and devotes special care to the protection of those asylum-seekers housed in the section for unaccompanied minors. To date, we have noted no dangers of any kind or potential exposure to human trafficking.

Whenever an asylum-seeker (including unaccompanied minors) has expressed a wish for vocational education or any other form of education (including *gimnazija* or other secondary school), the Asylum Sector has realized this wish through cooperation with the Ministry of Education and Sport.

#### **Article 7. International development assistance and humanitarian aid**

35. Until recently, Slovenia was the recipient of official aid. On becoming a member of the European Union, Slovenia joined the formulators and implementers of European development policy. As an active member of the international community, Slovenia has committed itself to joint efforts aimed at creating a world where the principles of global peace and security, social and human rights, fair economy and trade and balanced development will be put into effect.

36. In 2002 and 2003, Slovenia devoted between 0.07 per cent and 0.08 per cent of gross national income (GNI) to international development cooperation. In 2004, the figure was 0.1 per cent of GNI (including child victims of armed conflict). At present, it earmarks 0.11 per cent of GDP to this end. At the session of the Council of the European Union in June 2005, the Republic of Slovenia pledged to devote at least 0.17 per cent of GDP to official development assistance (ODA) by 2010 and 0.33 per cent of GDP by 2015. In this way, it will achieve the set goal and gradually increase the percentage of GDP devoted to ODA.

37. Slovenia provides development assistance bilaterally and through the mechanisms and frameworks of the European Union or other international organizations. It is building its bilateral cooperation above all in those spheres where it has already proved its capabilities and advantages. Beside the geographical sphere, the sphere of social services and protection, including assistance for children affected by military conflicts, has proved to be a priority sphere of activity. It is worth emphasizing that Slovenia is active in the rehabilitation of victims of armed conflict in the region (Together Foundation - Regional Centre for the Psychosocial Well-being of Children), in the sphere of demining (International Trust Fund for Demining and Mine Victims Assistance - ITF), in building capabilities in the sphere of public finances (Centre of Excellence in Finance - CEF), and in training and education for entrepreneurs (International Centre for the Promotion of Enterprises - ICPE).

38. In 2002, the Government of the Republic of Slovenia, the City of Ljubljana and the NGO Slovenska Filantropija founded the Together Foundation - Regional Centre for the Psychosocial Wellbeing of Children. Its purpose is to protect children and improve their psychosocial well-being in areas affected by armed conflicts, terrorist attacks, natural or technical disasters and unfavourable social circumstances. The Together Foundation is active in SE Europe, Iraq and the North Caucasus:

- Psychosocial training for teachers aimed at strengthening their capacities to help children with special needs, traumatized children and other emotionally affected children, and improving the psychosocial atmosphere of the whole school
- Education of health workers to help them in the provision of psychosocial assistance for children and parents in basic health-care services
- Development of voluntary work as a community source of psychosocial help for children and adolescents who need help
- Development of voluntary work by children and adolescents, the aim of which is to strengthen these groups, develop a sense of social responsibility in them and prevent psychosocial disorders
- Development and support for institutions dedicated to protecting the mental health of children
- Organization of conferences and seminars to exchange experiences and models of good practice between countries and the development of joint projects
- Publication of specialized literature

39. Following the commencement of conflict in Iraq, the activity of the Together Foundation was expanded to include this area. A Slovenian-Austrian humanitarian assistance initiative was developed, consisting of a programme of psychosocial assistance for children and families affected by armed conflict in Iraq, the aim of which is to train local experts, teachers, health workers, parents and other mentors involved with children to carry out various activities for the psychosocial rehabilitation of children by means of a special training programme. For the implementation of the Slovenian-Austrian project of assistance for children in Iraq, the Government of the Republic of Slovenia, in the context of Slovenia's humanitarian assistance, has contributed funds in the amount of SIT 31 million (129,360.71 EUR), while Austria has contributed SIT 48 million (200,300.45 EUR).

40. The Republic of Slovenia supports programmes which are designed to contribute to the long-term resolution of conflict situations and which require the establishment of reciprocal relations on the basis of understanding of different cultures and values, since this is the only thing which in the long term can contribute to reducing discord and enable the establishment of a normal society built on democratic principles. As those who in the future will be responsible for decisions in conflict societies, it is children who most easily reach agreements and develop tolerant attitudes. This was the reasoning behind the summer camp organized for Palestinian and Israeli children. The project Israeli and Palestinian Children in Slovenia is a project of the

Slovenian Government. The project was implemented by the Slovenian Red Cross (SRC) and the Kulturni Vikend society (KV) as subcontractor. For the implementation of the project, the SLC provided accommodation, food and basic health care for the children and their group leaders at the Debeli Rtič Youth Health and Holiday Centre. KV prepared and implemented a programme for the project that included the following activities: sports and art workshops, social games, discussions, planned socializing with their contemporaries in Slovenia, visit to primary schools and getting to know Slovenia. The group of 26 teenagers - 14 Israelis and 12 Palestinians - aged between 14 and 16 plus an Israeli group leader and a Palestinian group leader came to Slovenia in June 2004. The funds for the project amounted to just over SIT 8 million (over 33,383.41 EUR).

41. Slovenia also provides humanitarian aid via international organizations which have a wide network of branches, meaning that aid can reach most of an affected area and the majority of inhabitants. Slovenia contributes to the programmes of UNICEF, the International Federation of Red Cross and Red Crescent Societies, and Caritas, and also cooperates with organizations such as UNHCR, Médecins Sans Frontières, ITF and the Human Security Network.

42. The issue of children in armed conflict is also contained in the Plan of Activities of the Slovenian presidency of the Human Security Network (June 2006 to May 2007). The Together Foundation, the Ministry of Foreign Affairs and the Ministry of Labour, Family and Social Affairs held a conference on Prevention of Violence against Children and Human Security from 30 November 2006 to 2 December 2006 at Brdo pri Kranju in Slovenia. The purpose of the conference was to present a United Nations study on violence against children and the problem of child victims of armed conflicts and models of good practice in the development of assistance for children and their families in post-war situations.

43. In May 2003, the Republic of Slovenia became a member of the Advisory Council of WSP International and thus a full member of this organization. During the regular annual session of the Advisory Council (11 and 12 May 2004), the Republic of Slovenia signed a Memorandum of Agreement between the Government of the Republic of Slovenia and WSP International. The Memorandum envisages annual consultations between WSP International and the Republic of Slovenia and, as necessary, seminars to train personnel from Slovenia in the organization's approaches to post-conflict peace-building. Slovenia has been a WSP International donor since 2004. It donated US\$ 50,000 (36,153.29 EUR) for the activities of the organization in 2004 and US\$ 70,000 (50,614.61 EUR) in 2005.

44. We have not yet encountered in practice the problem of child soldiers in our educational and other activities, not even during the period when Slovenia was hosting refugees from Bosnia and Herzegovina. Two years ago, the Slovenian Red Cross prepared a very successful round-table discussion on this topic as part of the Student Arena project. Recently, teachers involved in the programmes of psychosocial assistance for children run by the Together Foundation (Regional Centre for the Psychosocial Well-being of Children and Families) have encountered this issue indirectly.

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