

# ADVANCE UNEDITED VERSION

SECOND PERIODIC REPORT UNDER THE INTERNATIONAL  
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPUBLIC OF SLOVENIA

June 2011

# ADVANCE UNEDITED VERSION

CONTENTS	Paragraphs	Page
<u>INTRODUCTION</u>	<u>1-3</u>	<u>3</u>
<u>GENERAL PROVISIONS OF THE CONVENTION</u>		
<u>Article 1 - The right to self-determination</u>	<u>4</u>	<u>3</u>
<u>Article 2 - Realisation of achieved rights</u>	<u>5-22</u>	<u>3</u>
<u>Article 3 - The principle of equal opportunities for women and men</u>	<u>23-46</u>	<u>8</u>
<u>Article 4 - Restricting the enjoyment of rights</u>	<u>47</u>	<u>12</u>
<u>Article 5 -The principle of the primacy of more favourable rights</u>	<u>47</u>	<u>12</u>
<u>SPECIAL RIGHTS</u>		
<u>Article 6 - The right to work</u>	<u>48-78</u>	<u>12</u>
<u>Article 7 - The right to just and favourable condition of work</u>	<u>79-89</u>	<u>18</u>
<u>Article 8 - Free trade unions</u>	<u>90-92</u>	<u>21</u>
<u>Article 9 - The right to social security</u>	<u>93-106</u>	<u>21</u>
<u>Article 10 - Protection of the family, motherhood and children</u>	<u>107-145</u>	<u>24</u>
<u>Article 11 - The right to an adequate standard of living</u>	<u>146-164</u>	<u>31</u>
<u><i>The right to an adequate standard of living</i></u>	<u>146-153</u>	<u>31</u>
<u><i>The right to adequate food</i></u>	<u>154-158</u>	<u>32</u>
<u><i>The right to clean drinking water</i></u>	<u>159</u>	<u>33</u>
<u><i>The right to adequate housing</i></u>	<u>160-164</u>	<u>33</u>
<u>Article 12 - The right to health</u>	<u>165-173</u>	<u>34</u>
<u>Articles 13 and 14 - The right to education</u>	<u>174-182</u>	<u>35</u>
<u>Article 15 - The right to take part in cultural life</u>	<u>183-212</u>	<u>37</u>
<u>ANNEX 1</u>		
<u>ANNEX 2</u>		
<u>ANNEX 3</u>		

# ADVANCE UNEDITED VERSION

## **Introduction**

1. On the basis of Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, of which the Republic of Slovenia is a signatory on the basis of succession (Act on notification of succession in relation to UN conventions and conventions adopted in the International Atomic Energy Agency, Official Gazette, RS, no. 35/92), the Government of the Republic of Slovenia has prepared its Second Periodic Report on implementation of the International Covenant on Economic, Social and Cultural Rights.

2. The report has been drawn up in accordance with the guidelines (HRI/GEN/2/Rev. 6 of 3 June 2009), recommended by the United Nations General Assembly in resolutions no. 52/118 and 53/138 and covering the period from 2003 to 2010. It contains the measures of the Government of the Republic of Slovenia in the area of implementing the International Covenant on Economic, Social and Cultural Rights and answers to the recommendations of the Committee on Economic, Social and Cultural Rights (E/C.12/SVN/CO/1). It also takes into account the initial and second report under the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.62).

3. The preparation of the Second Periodic Report has been coordinated by the Ministry of Labour, Family and Social Affairs. The Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Justice, the Ministry of Education and Sport, the Ministry of Health, the Ministry of Higher Education, Science and Technology, the Ministry of Culture, the Ministry of the Environment and Spatial Planning, the Government Office for Local Self-government and Regional Policy, the Office for National Minorities and the Office for Equal Opportunities cooperated in its preparation. The report has been published on the website of the Ministry of Labour, Family and Social Affairs. In accordance with the recommendations of the Committee on Economic, Social and Cultural Rights, non-governmental organisations were informed about publication of the report on the website and asked for comments. The report was also discussed at the 200th session of the Economic and Social Council

## **General provision of the Convention**

### **Article 1**

#### **The right to self-determination**

4. The right to self-determination is guaranteed in the preamble and in the first paragraph of Article 3 of the Constitution of the Republic of Slovenia. It was explained in the initial and second report.

### **Article 2**

#### **Realization of recognized rights**

#### **B. Prohibition of discrimination**

**The Committee requests the State party to cite some cases in the next report that the Human Rights Ombudsman has submitted to the Constitutional Court of the Republic of Slovenia (recommendation number 21).**

5. On the basis of the fifth indent of the first paragraph of Article 23. a of the Constitutional Court Act<sup>1</sup> the Human Rights Ombudsman of the Republic of Slovenia (hereinafter: Ombudsman) submitted the following cases to the Constitutional Court of the Republic of Slovenia for a review of constitutionality:

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<sup>1</sup> Constitutional Court Act (ZUstS-UPB1) (Official Gazette RS, no. 64/07).

# ADVANCE UNEDITED VERSION

- 10. 6. 2008 demand for review of the constitutionality of the first paragraph of Article 30 of the Health Care and Health Insurance Act<sup>2</sup> and point 1 of the second paragraph of Article 138 of the Rules on compulsory health insurance<sup>3</sup>, which, in the opinion of the Ombudsman, are not in compliance with Articles 2, 14, 53, 54 and 56 of the Constitution of the Republic of Slovenia (hereinafter: Constitution), nor in accordance with the first paragraph of Article 18 of the United Nations Convention on the Rights of the Child<sup>4</sup>. At the same time as submitting the demand for review of constitutionality, the Ombudsman also submitted a motion for a temporary stay of implementation of the impugned provisions of the law. The Ombudsman proposed to the Constitutional Court of the Republic of Slovenia that the impugned provisions of Article 30, insofar as they refer to children, be annulled and that their implementation be stayed until the court's decision. With implementation of the arrangement by which it is required that a child and the insuree live in a common household, irreparable harmful consequences would be caused to parents and their children. Parents whose justified absence from work for care of a sick child has been rejected on the basis of the impugned provisions would no longer be able to exercise this right because, with the passage of time, it would no longer have sense or reason. Rejection would also violate a child's right to health care, which also include parental care during a child's illness.

The Constitutional Court of the Republic of Slovenia temporarily stayed the motion of the Ombudsman. The Government of the Republic of Slovenia also paid heed to the reasoning of the Ombudsman on the unconstitutionality of the valid arrangement and deleted the impugned provisions in proposed amendments to the Health Care and Health Insurance Act.

- 16.6.2008 a demand for review of the constitutionality of the fifth and sixth paragraphs of Article 39 of the Local Self-government Act<sup>5</sup> since the Ombudsman believes that the impugned provision of paragraph six of Article 39 ZLS-UPB2 is not in compliance with Articles 65 and 87 of the Constitution and Articles 2, 3 and 153 of the Constitution and that it seriously threatens realization and protection of the special rights of the Roma community, and the provision of the fifth paragraph of Article 39 ZLS-UPB2, in the opinion of the Ombudsman, gives effect to discrimination and is thus in conflict with Article 14 of the Constitution, the obligation to prevent racial discrimination under Article 26 of the International Covenant on Civil and Political Rights and Article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination and in conflict with Articles 15 and 65 of the Constitution because it treats individual members of the Roma community and individual local Roma communities less favourably in the granting and enjoyment of special rights. By decision no. U-I-176/08-10 of 7 October 2010, the Constitutional Court of the Republic of Slovenia decided that the fifth paragraph of Article 39 of the Local Self-government Act<sup>6</sup> is not in conflict with the Constitution, and the demand for review of the constitutionality of the sixth paragraph of Article 39 of the Local Self-government Act<sup>7</sup> is refused.

- 15. 1. 2010 a demand for review of the constitutionality of the first paragraph of Article 10 of the Roma Community in the Republic of Slovenia Act<sup>8</sup>, which determines the composition of the Council of the Roma Community of the Republic of Slovenia, because the Ombudsman believes that the impugned provision improperly discriminates parts of the Roma community, local Roma communities and civil law organisations of the Roma community in the possibility of participation in the Roma Community Council of the Republic of Slovenia. In the opinion of the Ombudsman, it is therefore in conflict with Article 14 of the Constitution, the obligation of the state to prevent racial discrimination under Article 26 of the International Covenant on Civil and Political Rights and under Article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination and in conflict with Articles 15 and 65 of the Constitution because it treats individual members of the Roma community and individual local Roma communities less favourably in the granting and enjoyment of special rights. The Constitutional Court of the Republic of Slovenia decided on the case on 16. 6.2010, decision no. U-I-15/10-13. It follows from the decision that the first paragraph of

<sup>2</sup> Health Care and Health Insurance Act (Official Gazette RS, no. 100/05 and 38/06, hereinafter: ZZZVZ).

<sup>3</sup> Rules on compulsory health insurance (Official Gazette RS, no. 30/03, 35/03, 78/03, 84/04 and 44/05).

<sup>4</sup> United Nations Convention on the Rights of the Child (Official Gazette RS - International Contracts, no. 35/92).

<sup>5</sup> Local Self-government Act ZLS-UPB2 (Official Gazette RS, no. 100/05).

<sup>6</sup> Local Self-government Act (Official Gazette RS, no. 94/07 – consolidated text, 76/08, 79/09 and 51/10).

<sup>7</sup> Local Self-government Act (Official Gazette RS, no. 94/07 – consolidated text and 76/08).

<sup>8</sup> Roma Community in the Republic of Slovenia Act (Official Gazette RS no. 33/07.; hereinafter: ZRomS-1).

# ADVANCE UNEDITED VERSION

Article 10 of the Roma Community of the Republic of Slovenia Act is not in conflict with the Constitution of the Republic of Slovenia.

## **International Development and Humanitarian Assistance**

6. In the area of international development cooperation, the Republic of Slovenia strives for gradual realisation of the internationally agreed aims of developed countries to increase funds for development assistance devoted to the least developed countries and reducing poverty throughout the world.

7. It is also the long-term aim of the Republic of Slovenia to achieve the recommended UN target of funds of 0.7 percent of GDP, which developed countries should devote to least developed countries for official development assistance. In accordance with international commitments to increase development assistance to 0.17 percent of GDP by 2010 and 0.33 percent of GDP by 2015, since 2004, when Slovenia officially became a State donor of assistance, it has gradually increased the share of GDP devoted to developing countries and in 2008 devoted 0.13 percent of GDP to development assistance. In accordance with the Resolution on international development cooperation of the Republic of Slovenia for the period to 2015<sup>9</sup> the Republic of Slovenia directs humanitarian and post-conflict assistance mainly to reducing poverty and hunger, anti-mine activity and as assistance to children in post-conflict situations. Slovenia realises the resolution with the help of international, governmental and non-governmental organisations that operate for this purpose.

## **National action plan for the area of human rights**

**The Committee recommends that the State party gives consideration to the adoption of a national action plan for the area of human rights in accordance with paragraph 71 of the Vienna Declaration of 1993 and action program (recommendation number 22)**

8. The Republic of Slovenia does not actually have a special action plan in the area of human rights but an Inter-ministerial Working Group for Human Rights operates within the Government of the Republic of Slovenia, which monitors questions of international law in the realisation and protection of human rights and freedoms on the basis of international documents binding on the Republic of Slovenia. The Inter-ministerial Working Group for Human Rights similarly discusses and adopts reports of the Republic of Slovenia in the area of human rights, and provides initiatives in this area. In recent years, the working group has operated within guidelines for reporting, which also specify the scope of its activity. On 24.6.2010, the Government of the Republic of Slovenia also founded an Interministerial Working Group for the preparation of an institutional arrangement of the field that relates to equality and protection from discrimination.

## **Slovene website on human rights**

9. A special website on human rights has been set up by the Ministry of Foreign Affairs, on which all international human rights conventions and reports of states and the recommendations of human rights committees are published. A special publication or collection of the Reports of Slovenia under international human rights treaties of the United Nations has also been published on the website: [http://www.mzz.gov.si/si/zunanja\\_politika/clovekove\\_pravice/60\\_let\\_splosne\\_deklaracije\\_o\\_clovekovih\\_pravicah/zbornik/](http://www.mzz.gov.si/si/zunanja_politika/clovekove_pravice/60_let_splosne_deklaracije_o_clovekovih_pravicah/zbornik/).

## **Situation of the Roma community in the Republic of Slovenia**

10. An important innovation in this area is the adoption of the Roma Community in the Republic of Slovenia Act - ZRomS-1<sup>10</sup>, which comprehensively regulates the situation of the Roma community in Slovenia, specifies the competences of state authorities and local community authorities in the realisation of the special rights of the Roma community, in particular in relation to living

<sup>9</sup> Resolution on international development cooperation of the Republic of Slovenia for the period to 2015 (Official Gazette RS, no. 73/08)

<sup>10</sup>Roma Community in the Republic of Slovenia Act (Official Gazette RS, no. 33/07)

# ADVANCE UNEDITED VERSION

conditions, care and education, employment and preserving the Roma language and culture, and regulates the organisation of the Roma community on state and local levels and financing. In accordance with the law, a Roma Community Council of the Republic of Slovenia was founded on 20.6.2007, which represents the interests of the Roma community in Slovenia in relation to state authorities and performs other important tasks relating to the interests, position and rights of the Roma community.

11. On the basis of ZRomS-1, in March 2010 the Government of the Republic of Slovenia adopted *the National Program of the Government of the Republic of Slovenia on Measures for the Roma, for the period 2010–2015*. The basic strategic aims of the program, which are shaped on the basis of the expressed needs of the Roma community and understanding of conditions in the field, are: to improve the living conditions and educational structure of members of the Roma community, to increase their employment, to improve their health care and to preserve and develop the cultural, informational and publishing activities of the Roma community and to increase the awareness of the majority population about the existence and culture of members of the Roma community.

12. In the autumn of 2008, within the framework of a joint program of the Council of Europe and the European Commission, the Republic of Slovenia, as the first State member of the EU, began to implement the campaign: Enough! Let's overcome prejudices, get to know the Roma; and the Council of Europe also recognises the implementation of the campaign in Slovenia as an example of good practice.

## Autochthonous and non-autochthonous Roma

**The Committee calls on the State party to adopt measures for the fight against discrimination between autochthonous and non-autochthonous Roma and to provide access to education without differentiation. (recommendation number 24)**

13. The concept of autochthony is legally and technically difficult to determine, so States use various criteria. In Slovenia, only the right to a representative of the Roma community on the municipal councils of municipalities in which Roma have lived historically derives from this standpoint. The Constitutional Court of the Republic of Slovenia has to date several times expressed its position on a number of aspects of the situation of the Roma community under constitutional law and has already several times reviewed the arrangement of the Local Self-government Act, which contains the obligation to guarantee representation of the Roma community on municipal councils of municipalities in regions in which an autochthonously settled Roma community lives (Article 39 ZLS). In October 2010, by decision no. U-1-176-08-10, the Constitutional Court again decided that the fifth paragraph of the aforementioned Article 39 of ZLS<sup>11</sup> is not inconsistent with the Constitution.

14. In education, in 2004 three expert councils in the field of education adopted the document *Strategy of education of Roma in the Republic of Slovenia* (hereinafter: Strategy), in which are recorded the starting points, aims and basic solutions for more successful inclusion of Roma in education on all levels. In 2005, the Minister of Education and Sport appointed a special group for monitoring the implementation of measures from the Strategy and for preparing annual action plans for implementing measures from the Strategy. The chairman of the group is a representative of the Roma community. In February 2009, the Minister of Education and Sport appointed a group to supplement the Strategy adopted in 2004. The supplements, which were adopted in 2011, cover among other things the continuation of activities in the area of pre-school education and individualisation and differentiation in primary school. In 2010, a call for tenders was held by the European Social Fund entitled Increasing the Social and Cultural Capital in Areas Inhabited by Representatives of the Roma Community, the aims of which among other things were directed precisely at the development of the aforementioned fields. To date, numerous activities from the Strategy have been carried out: an elective subject of Roma culture has been adopted; an occupational standard of Roma assistant has been adopted; each year programs of inter-cultural co-existence are prepared and carried out; a project of development of didactic and teaching aids for studying Slovene as a foreign language is being carried out; a network of schools in which Roma pupils are included has been established, so that they

<sup>11</sup> Local Self-government Act (Official Gazette RS, no. 94/07 –UPB2, 76/08,79/09 and 51/10).

# ADVANCE UNEDITED VERSION

can exchange experiences and examples of good practice; programs are being carried out for professional training of professional staff for successful work with Roma children; Roma assistants are being trained. The Ministry of Education and Sport also co-finances the education of adult Roma.

## **Education of migrant children**

15. In 2007, a *Strategy for the inclusion of migrant children, pupils and students in the education system in the Republic of Slovenia* was adopted. The most important measures are: adaptation of the implementation of curricula for faster and higher quality inclusion in education; preparation of strategies for work with migrant parents and their inclusion in school life; encouraging intercultural learning and positive attitude to understanding and accepting differences; introduction of Slovene as a second language; quality teaching of language to migrant children; quality education and training of professional staff. On the basis of the strategy, *Guidelines for the education of children of aliens* were also created, which state as a compulsory activity that educational institutes in contacts with parents of migrant children should respect their privacy, culture, language, world-view and values; among other things it should enable parents of migrant children to be included in the life and work of the educational institute, it can offer the possibility of learning the Slovene language for migrant pupils and parents together, organise various forms of work with alien parents in order to form links among them.

16. On the basis of this document, in 2008 the Ministry of Education and Sport published a public tender of the European Social Fund, the purpose of which is to ensure the possibility of realizing the measures from the strategy and to develop mechanisms that will contribute to more effective inclusion of migrant pupils in the school system and thus their better inclusion in society as well as improving their position on the labour market.

## **Persons, who, after the independence of Slovenia, were deleted from the register of permanent residents of the Republic of Slovenia**

**The Committee calls on the State party to adopt the necessary legislative and other measures for improving the situation of citizens from the territory of former Yugoslavia who were "erased", since their names were deleted from the register of the population in 1992 (recommendation number 32).**

17. The Republic of Slovenia is expediting the solution of the question of the erased. On the basis of a decision of the Constitutional Court of the Republic of Slovenia of 2003, the Ministry of the Interior of the Republic of Slovenia issued a supplementary decision to persons who, after erasure had already obtained a permit of permanent residence in the Republic of Slovenia, whereby it was recognised that they had a permanent residence permit in the Republic of Slovenia and also registered permanent residence retrospectively, i.e., also for the period from erasure to obtaining a permanent residence permit. In addition, it continued to issue permanent residence permits to the "erased" under alleviated conditions on the basis of a special Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia and prepared amendments to the aforementioned regulation by which the deficiencies found by the Constitutional Court of the Republic of Slovenia in 2003 were rectified.

18. On the proposal of the Government of the Republic of Slovenia, the National Assembly of the Republic of Slovenia, on 8.3.2010 by an abbreviated legislative procedure adopted the Act amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia<sup>12</sup> (ZUSDDD-B). Because the holding of a legislative referendum was demanded, on the initiative of the National Assembly the Constitutional Court of the Republic of Slovenia decided by decision no. U-II-1/10-19 of 10.6.2010 (Official Gazette RS, no. 50/10) that the demanded legislative referendum could result in anti-constitutional consequences.

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<sup>12</sup> Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia (ZUSDDD-UPB1) (Official Gazette RS, no. 76/10).

# ADVANCE UNEDITED VERSION

19. In decision no. U-II-1/10-19 of 10.6.2010, the Constitutional Court of the Republic of Slovenia<sup>13</sup> stated that ZUSDDD-B had rectified in a manner consistent with the Constitution, the anti-constitutionalities found by decision of the Constitutional Court of the Republic of Slovenia no. U-I-246/02-28 of 3.4.2003 and that other questions (regulating the status of children of the erased and retroactive regulation of the status of citizens of the Republic of Slovenia who, at the time of erasure, were citizens of other republics of former Yugoslavia and were subsequently granted citizenship of the Republic of Slovenia) are justly regulated, since they are indivisibly connected with rectifying the anti-constitutionality. It also believed that, on the basis of ZUSDDD-B, it will finally be possible to regulate the legal status of citizens of other republics of former Yugoslavia who were erased from the register of permanent inhabitants, if their status has not to date been regulated.

20. After the decision of the Constitutional Court of the Republic of Slovenia, the Act amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia (ZUSDDD-B) was published in the Official Gazette RS, no. 50 of 24.6.2010, which entered into force on 24.7.2010.

21. In connection with the right to education, we would clarify that the State must provide free primary school education to everyone. Since secondary schools in the Republic of Slovenia always act in the interests of students, all pupils who so wish may enrol. Aliens may enrol without fee if their parents are tax payers in the Republic of Slovenia.

22. Access to health care is guaranteed in the Republic of Slovenia by the Constitution of the Republic of Slovenia and the Health Care and Health Insurance Act<sup>14</sup> (hereinafter: ZZVZZ). On the basis of the fourteenth indent of the first paragraph of Article 7 ZZVZZ, the Republic of Slovenia provides funds from the budget for urgent treatment of persons of unknown residence, aliens from countries with which international treaties have not been concluded, and aliens and citizens of the Republic of Slovenia with permanent residence abroad who are residing temporarily in the Republic of Slovenia or are in transit through the state and payment of health services could not be provided for them, as well as other persons who, according to the provisions of this act, are not included in compulsory health insurance and are not insured with a foreign health insurance authority. The erased have the right to services of urgent treatment, which is paid by the Ministry of Health from the budget of the Republic of Slovenia. Outpatient clinics with consultancy facilities for persons without health insurance have also been opened in Ljubljana and Maribor, which are intended for persons without regulated health insurance, and they are financed by the municipalities. They are also financed from other funds, obtained by donations, and healthcare personnel work voluntarily.

## **Article 3 Equal opportunities for women and men**

23. In the reporting period, significant progress was achieved in the area of standards in guaranteeing the enjoyment of all civil and political rights (as the basic condition for exercising social rights) without any kind of distinction on the grounds of any personal circumstances.

24. In May 2004, the *Implementation of the Principle of Equal Treatment Act entered into force*<sup>15</sup> (hereinafter: ZUNEO), which is the *lex generalis* on the prohibition of discrimination on the grounds of any kind of personal circumstance. ZUNEO specifies the common foundations and starting points for guaranteeing equal treatment of everyone in exercising their rights and obligations and in realising human rights and fundamental freedoms. The act prohibits direct and indirect discrimination, including with instructions that lead to discriminatory behaviour or treatment and harassment, and victimisation of victims of discrimination and persons that assist them in exercising the ban on discrimination (prohibition of retaliatory measures). Discrimination is prohibited in all fields of social life and, in particular, in employment, working relations, education and training, inclusion in trade unions and interest groups, social protection, access to goods and services and their supply. ZUNEO

<sup>13</sup> Decision of the Constitutional Court of the Republic of Slovenia no. U-II-1/10-19 of 10.6.2010 (Official Gazette RS, no. 50/10).

<sup>14</sup> Health Care and Health Insurance Act (Official Gazette RS, no. 72/06–UPB3, 114/06–ZUTPG, 91/07, 71/08– Ref.CC: U-I-163/08-7, 76/08, 118/08 –Ref.CC: U-I-163/08-12, 47/10– Dec.CC: U-I-312/08-31 and 62/10–ZUPJS).

<sup>15</sup> Implementation of the Principle of Equal Treatment Act (Official Gazette RS, no. 50/04).



# ADVANCE UNEDITED VERSION

explicitly prohibits different treatment on the grounds of gender, nationality, race or ethnic origin, religion or conviction, disability, age, sexual orientation or other personal circumstance and, at the same time, allows deviation from the principle of equal treatment on the basis of specific personal circumstances, when different treatment is justified by legitimate goals and the measures for achieving these goals are proportionate and necessary. The act provides the basis for the implementation of temporary measures intended to ensure actual equality of members of social groups, who, because of their sex, nationality, race or ethnic origin, religion or conviction, disability, age or sexual orientation are in a less favourable position in comparison to the majority of the population or not proportionally represented in public, political or economic decision-making.

25. The National Assembly of the Republic of Slovenia, the Government of the Republic of Slovenia, ministries, offices or government services and other state authorities and bodies of local self-government communities are responsible for realisation of the goals of ZUNEO, and in the shaping of solutions and proposals for creating actual equality, the act binds the Government to strengthen cooperation with organisations of civil society and non-governmental professional institutions. This cooperation, in accordance with the act, is realised within the framework of a special *Council of the Government of Slovenia for realising the principle of equal treatment*, which has functioned as an expert advisory body to the Government of the Republic of Slovenia since 2005.

26. To deal with suspected violations of the prohibition of discrimination, ZUNEO introduced the institution of *advocate of the principle of equality* and determined the role of competent inspection services in further procedures.

27. In addition to the adoption of legal obligations, Slovenia has also reinforced the policy of gender equality with a national program for equal opportunities of women and men, or the *Resolution on a national program for equal opportunities of women and men, 2005–2013*<sup>16</sup>, which the National Assembly of the Republic of Slovenia adopted at a session held on 27 October 2005. The Resolution on the national program defines the strategy of the gender equality policy on a governmental level, which is based on horizontal cooperation among the Office of Equal Opportunities, ministries and other governmental services. To date, two periodic plans have been carried out, and this year the Government of the Republic of Slovenia has adopted a third, which specifies concrete activities and tasks for achieving the goals of gender equality for the period 2010-2011.

## **Equal enjoyment of all economic, social and cultural rights of women and men**

28. Progress achieved in guaranteeing the enjoyment of economic, social and cultural rights of women on the basis of equality with men and in realising actual gender equality is presented in detail in the Fourth Periodic Report of the Republic of Slovenia on implementing the Convention on the Elimination of All Forms of Discrimination against Women. The report was debated by the Committee for the Elimination of Discrimination against Women<sup>17</sup> at the 42nd session of the committee (24 October 2008).

## **Prevention of violence against women**

29. In order to establish what are the needs of victims of violence (Tables in Annex 1), what forms are appearing, the frequency and thresholds of violence, who belongs in the most vulnerable groups, to assess the suitability and effectiveness of competent institutions and thus set up a system of collecting data, the Office for Equal Opportunities and the Police, on the basis of a focused research program, have co-financed a research project "The phenomenon of violence and response to violence in the private sphere and in partner relations", which will be completed in 2011.

30. Among activities that the Office for Equal Opportunities carries out in the area of violence against women, each year on the International Day for the Elimination of Violence against Women, it draws attention to one of the forms of violence against women, which does not otherwise receive a great deal of attention. A few years ago, particular attention was devoted to violence against older

<sup>16</sup> Resolution on a national program for equal opportunities of women and men, 2005–2013 (Official Gazette RS, no. 100/05).

<sup>17</sup> CEDAW/C/SVN/4

# ADVANCE UNEDITED VERSION

women and in 2009 to violence during dating. In order to raise awareness, primarily of girls, who are the most frequent victims of violence during dating, it prepared a leaflet in which it highlighted that some acts are acts of violence and provided information on where to seek help. The leaflet is also meant for boys. The Office also carried out trial research among the student population and a questionnaire on experiences of violence during dating and a questionnaire among advisory staff and staff of secondary schools on recognising and dealing with violence during dating. In May 2010, in order to enable early recognition and discovery of signs of violence in partner relations among the young, a consultative meeting was also organised, intended for advisory and other staff of primary and secondary schools, staff of centres for social work, the police, prosecutor's offices, non-governmental organisations and other interested publics. Among innovations in the campaign against domestic violence, the possibility was introduced in June 2010 of anonymous reporting of violence on the internet portal of public administration electronic services (tables on the number of cases in Annex 1).

## **The protection of workers against sexual and other harassment or ill-treatment in the workplace**

31. In order to strengthen protection against sexual and other harassment and ill-treatment in the workplace, to which employers are bound by the Employment Relationships Act<sup>18</sup> (hereinafter: ZDR), the Office for Equal Opportunities prepared a draft *Decree on measures for protecting the dignity of employees in state administrative bodies*<sup>19</sup>.

32. The Government of the Republic of Slovenia adopted the Decree in May 2009 and thus became an example for other employers and it should encourage them, on the basis of Article 45 of the Employment Relationships Act, to adopt measures for protecting the dignity of employees at work. The results of an analysis carried out by the Office for Equal Opportunities, namely, indicate that the majority of employers have not yet done this. For the sake of easier implementation of this decree, the Office for Equal Opportunities also prepared *Guidelines for the protection of employees from sexual and other harassment or ill-treatment in the workplace*.

## **Education, labour market and employment**

33. At the secondary school level of education, girls still more often decide in favour of general education programs and programs that provide education for so-called "female" professions, and boys for technical professions. At the tertiary level, female students are more often educated for social, healthcare, pedagogic and social science fields, and male students predominantly in technical fields (tables in Annex 1)

34. Some educational institutions have carried out various activities for reducing gender segregation in the field of education.

## **Equal pay for equal work**

**The Committee calls on the State party to step up measures to promote equality between men and women, as required by paragraph 2 of Article 2 and Article 3 of the Covenant, including by application of the principle of equal pay for equal work and the inclusion of women in decision-making (recommendation number 25).**

35. Because of inequalities on the labour market (although some of them tend to derive from the personal choice of women and men), difference in the pay of women and men is also maintained in Slovenia, although this difference is among the lowest among Member States of the European Union. In 2007, the difference in pay between women and men was 8.3 percentage points, in 2008 8.5 percentage points, and the average pay gap in Member States of the European Union was 17.6 percentage points in 2007.

<sup>18</sup> Employment Relationships Act Official Gazette RS, no. 42/02, no. 79/2006 –ZZZPB-F, 46/07 –Dec.CC: U-I-45/07, Up-249/06-22, 103/07, 45/08 –ZArbit, 83/09 –Dec.CC: U-I-284/06-26).

<sup>19</sup> Decree on measures for protecting the dignity of employees in state administrative bodies (Official Gazette RS, no. 36/09).

# ADVANCE UNEDITED VERSION

36. In addition, it must be noted that the Employment Relationships Act<sup>20</sup> explicitly imposes on an employer the obligation to provide equal pay for equal work or work of equal value to workers, irrespective of gender. Differentiation is illegal in connection with the accessibility of employment, it should further be added that the Employment Relationships Act explicitly states that an employer may not advertise a free working post only for men or only for women nor may an advertisement of a free working position indicate that the employer gives priority in employment to a particular gender, unless this is an essential and decisive condition for the work and such a requirement is proportionate and justified by a legitimate goal. By the Act amending the Employment Relationships Act<sup>21</sup> an exception is more exactly and strictly specified (previously the exception read "unless a particular gender is necessary for performing the work")

## Representation of women in politics

37. In June 2004, the National Assembly of the Republic of Slovenia adopted the *Constitutional Act on Amending Article 43 of the Constitution of the Republic of Slovenia*, by which a new fourth paragraph was added to the article that guarantees universal and equal right to vote, which authorises the legislator to specify by law, measures for encouraging equal opportunities for women and men in standing at elections to state bodies and bodies of local communities (tables in Annex 1).

38. The legislator realised this obligation by adopting amendments to all laws governing elections in Slovenia. In the previous report, amendments to the *Election of Slovenian Members to the European Parliament Act* were presented, which already applied for the first elections of members of the European Parliament in 2004. At that time, there were 42.8 percent women among those elected but, at the last elections to the European Parliament, despite almost 50 percent representation of women on the lists of candidates, the share of those elected fell to 37.5 percent.

39. In July 2005, the *Local Elections Act* was amended<sup>22</sup>. By the provisions of Article 70.b, it was specified that the proposers of lists of candidates at local elections must take into account the legal requirement for the equal representation of both genders on lists of candidates, such that they guarantee at least 40 percent of each gender, whereby candidates must be entered in the first half of the candidate list alternately.

40. This is the same solution that the legislator had introduced for elections to the European Parliament. However, this solution will only be applied in full at regular local elections in 2014, since the Act determines a transitional period. Proposers had thus to guarantee at least 20 percent of candidates of each gender at the first elections following amendments to the act in autumn 2006 and at local elections in autumn 2010 at least 30 percent, whereby candidates in the first half of the list will have to be allocated alternately, so that at least every third candidate is of the other gender.

41. In July 2006, the National Assembly of the Republic of Slovenia also adopted the *Act amending the Elections to the National Assembly Act*<sup>23</sup>. It provided (paragraphs six and seven of Article 43) that on lists of candidates on which there are at least four candidates, neither gender may be represented by less than 35 percent of the total actual number of candidates on the list. The amending act also determines (Article 56) that the electoral commission shall reject lists of candidates that are not in compliance with the law. Similarly as the *Act amending the Local Elections Act*, the new *Elections to the National Assembly of the Republic of Slovenia Act* also has a transitional provision whereby for the first elections to the National Assembly of the Republic of Slovenia held after entry into force of the Act, a lower share of representation of the genders on lists of candidates is determined, to wit, at least a 25 percent representation of both women and men. At the elections to the National Assembly (2008), despite the introduction of the statutory gender quota, the number of elected female members did not increase in comparison with their number for the previous term of office. There is still only 13.3 percent of women in the National Assembly of the Republic of Slovenia.

<sup>20</sup> Employment Relationships Act (Official Gazette RS, no. 42/02, 79/2006 - ZZZPB-F, 46/07 - Dec.CC: U-I-45/07, Up-249/06-22, 103/07, 45/08-ZArbit, 83/09 - Dec.CC: U-I-284/06-26).

<sup>21</sup> Act amending the Employment Relationships Act (Official Gazette RS, no. 103/07).

<sup>22</sup> Act amending the Local Elections Act (ZLV-E) (Official Gazette RS, no. 72/05).

<sup>23</sup> Act amending the Elections to the National Assembly Act (Official Gazette RS, no. 78/2006).

# ADVANCE UNEDITED VERSION

## **Representation of women in Government, government bodies and bodies of public administration, working bodies and advisory bodies of the Government and in the diplomatic service**

42. The representation of women in the Government of the Republic of Slovenia established after the elections in 2008 appreciably increased in comparison with the previous term of office of the Government, by 5.9 percent (one minister) to 26.7 percent (four ministers).

43. In governmental bodies and bodies of public administration, the representation of women and men in positions of authority on average exceeded the 40 percent share specified by the Equal Opportunities of Women and Men Act as balanced gender representation (tables in Annex 1)

44. In order to fulfil more effectively its obligations under the Equal Opportunities of Women and Men Act in relation to the representation of women in working and advisory bodies of the Government, in 2004 the Government adopted the *Decree on criteria for respecting the principle of balanced gender representation* and, with its implementation, the representation of women in working bodies and public institutes in 2008 exceeded the threshold of 40 percent, which is legally defined as balanced gender representation. The representation of women who represent the Government in agencies and funds is also over 30 percent.

45. In terms of quantitative indicators, which are one of the criteria of gender equality in the diplomatic service, there, as in other professional organisations in which women predominate, the pattern is confirmed that the share of women is inversely proportional to the level of seniority on the career ladder.

## **Representation of women in the economy**

46. In 2009, there was 10 percent of women in the highest decision-making positions of the ten largest business enterprise, which means that their share had more than doubled in comparison with 2003 (in 2003 it was 4 percent). Women are appreciably better represented in leadership and managerial positions of companies, although their representation has been reduced in this part of management, namely from 34 percent in 2005 to 25 percent in 2008.

## **Articles 4 and 5**

### **Restricting the enjoyment of rights and the prohibition of abuse of rights and the principle of primacy of more favourable rights**

47. Answers are contained in the initial and second report of the Republic of Slovenia and presentational document of the Republic of Slovenia.

## **Special Rights**

### **Article 6 The right to work**

48. In order to ensure the more effective implementation of the fundamental right to work, various aspects of the field of employment have gradually been changed in recent years, including the mediation of employment, mediation of work, measures for stimulating employment and opening new and preserving productive jobs and all activities that guarantee opportunities for productive and freely chosen employment, professional and vocational development, as well as the use of the working capacities of individuals.

49. Since 2007, the Employment Service of Slovenia (hereinafter ESS) as provider of the public service of mediating work, has gone over to a new information system, which enables greater

# ADVANCE UNEDITED VERSION

transparency, faster and more efficient transfer of information to advisors that cooperate with individual unemployed persons and, at the same time, offers better methodological monitoring of exits to employment, because of which programs of active employment policy (hereinafter AEP) have also been adapted in order to be more effective. On the state level, in 2010 legislation has been amended, which will enable first job seekers and those younger than 26 greater legal security and more opportunities for obtaining work and, at the same time, the Strategy of measures for stimulating active ageing was elaborated, since the age structure of the labour market in the Republic of Slovenia is asymmetrical. The state will thus more effectively protect groups that potentially create unemployment and, at the same time, increase their social security. This will support medium-term reduction primarily of structural unemployment in the country.

## **More important changes to the legal framework of the labour market and employment**

50. Laws modernising the regulation of the labour market were submitted to public debate in 2010, to wit, changes to the *Employment Relationships Act*, the *Regulation of the Labour Market Act* and the *Mini Jobs Act*, and later also the draft of a new *Pension and Disability Insurance Act*. The main reason for the changes in the legal sphere of regulating the labour market is the ever greater number of fixed term employees. Because of the increasingly uncertain economic conditions, it is not possible to prevent this but the impact is reduced with the establishment of statutory leverages of social security and active inclusion in the labour market.

51. The *Pension and Disability Insurance Act* was adopted by the National Assembly of the Republic of Slovenia on 14 December 2010. The National Council of the Republic of Slovenia demanded that the National Assembly decide on the aforementioned act again prior to its promulgation. The National Assembly, in a procedure of re-deciding, adopted ZPIZ-2 at a session on 23 December 2010. The Alliance of Free Trade Unions of Slovenia, on Friday 31 December 2010 submitted an initiative to the electorate for lodging a demand for the holding of a legislative referendum on ZPIZ-2. The President of the National Assembly decided that the first day of the time limit for collecting signatures from voters in support of the demand for the holding of a referendum would be Thursday, 6 January 2011, and the last, 35th day for collecting signatures Wednesday 9 February 2011. The Government of the Republic of Slovenia adopted an opinion on the request of the National Assembly, that the Constitutional Court of the Republic of Slovenia should review whether anti-constitutional consequences could result from a deferment of entry into force of the Pension and Disability Insurance Act (ZPIZ-2) or because of its rejection at a referendum, and sent it to the National Assembly. The National Assembly adopted the opinion and submitted the Act to the Constitutional Court of the Republic of Slovenia. The *Mini Jobs Act*, was adopted by the National Assembly on 26.10.2010. A referendum on it was called. The *Regulation of the Labour Market Act* was adopted by the National Assembly and published in the Official Gazette of the Republic of Slovenia (Official Gazette RS, no. 80/10) and entered into force on 1.1.2011.

## **Mini Jobs Act**

52. Mini jobs are defined in the proposed act as paid, temporary, occasional jobs or limited work of longer duration of students, pensioners, unemployed and other persons not actively on the labour market, to a maximum extent of 672 hours (i.e., 14 hours/week)<sup>24</sup> in a calendar year. Earnings obtained from such work are also restricted, to wit, payment for performing it may not in a calendar year exceed the level of the minimum annual pay in the Republic of Slovenia from the previous year. In accordance with the principle of "all work counts", suitable pension and health contributions will be paid from mini jobs. Dues and contributions from mini jobs will together amount to 29.5 percent. Mediating mini jobs will be carried out as a non-profit activity.

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<sup>24</sup>The proposed restriction of hours (672 hours in a calendar year) is derived from the definition of forms of work in relation to weekly working time as defined by the OECD, to wit: 0 - 14 hours/week = mini jobs, 15-29 hours/week = part-time work, 30-48 hours/week = full-time work, above 48 hours a week = overtime work.

# ADVANCE UNEDITED VERSION

## **Labour Market Regulation Act**

53. The Labour Market Regulation Act replaces the Employment and Insurance against Unemployment Act<sup>25</sup> (hereinafter: ZZZPB). The key goal of the new Act is the introduction of the flexibility concept in the Republic of Slovenia. This goal will be achieved in connection with changes to systemic laws that regulate working relationships and the social system, on the one hand, and an increased role of active employment policy and greater security for the unemployed, on the other.

## **Trends on the labour market**

54. The number of inhabitants actively working, despite the closure of jobs in individual labour intensive branches, has increased since 2004. According to data for June 2007, there were 856,151 and on average for the first half of 2007, 847,227 persons actively working (data from the register of the actively working population of Slovenia), of which 4.9 percent were employed in the agricultural sector, 37.8 percent in the non-agricultural sector and 57.3 percent in the service sector (table in Annex 1).

55. After a period of a number of years of growth, because of the effect of the international financial crisis the Slovenian economy entered recession at the end of 2008, which was also strongly marked in 2009. A worsening of economic conditions began to appear gradually on the labour market. The size of the actively working population fell and people for the most part moved from the status of actively working to the status of unemployed. According to register sources, there were on average 2.4 percent fewer actively working inhabitants in 2009 than in 2008 and 36.6 percent more unemployed persons. The employment level of persons aged from 15 to 64<sup>26</sup> fell to 68.3 percent, men to 71.9 percent and women to 64.6 percent. Because of the fast growth of employment until 2008, the employment rate was still 4.9 percent higher than in 2002, for both men and women. Comparison of employment levels by age classes shows that the employment level of young people (15-24 years) increased in the last seven years to 41.4 percent and, as a consequence of the implementation of measures of pension reform, the employment level of older persons (50-64) also increased, while the employment level of persons in the age bracket 25-49 fell to 85.7 percent because of the dismissal of workers and less new employment during the economic crisis.

56. The unemployment trend reversed in the last quarter of 2008, since because of the closure of jobs the number of unemployed persons started to increase quickly. Unemployment, measured using the international ILO standards by a labour force survey, increased from 4.1 percent, which was the survey-based unemployment level in the third quarter of 2008, to 6.2 percent in the third quarter of 2009. Male unemployment grew faster (tables in Annex 1).

### **a) Active employment policy**

57. The legal foundations and conceptual framework of active employment policy measures are explained in more detail in the initial and second periodic report<sup>27</sup>. In 2007, the Government of the Republic of Slovenia adopted an active employment policy programme prepared for the extended period from 2007 to 2013, enabling more efficient planning and financing of measures on the labour market.

## **Education and training programmes**

58. Particular attention is devoted to the young unemployed, those without education and the long-term unemployed. Although the aim is not direct employment, the employability of participants increases, as is shown by monitoring of exits to employment. In 2007, according to data from ESS, 13,608 persons were included in these programmes and in 2009, 20,530 persons.

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<sup>25</sup> Employment and Insurance against Unemployment Act (Official Gazette RS. no. 5/1991 and amendments).

<sup>26</sup> Source: Statistical Office of the Republic of Slovenia (SORS): Labour Force Survey, third quarter.

<sup>27</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), UN Committee on Economic, Social and Cultural Rights: Addendum to the Initial Reports Submitted by States Parties, Slovenia, 26 May 2004, E/1990/5/Add.62.

# ADVANCE UNEDITED VERSION

## **Institutional training and national vocational qualifications**

59. In 2009, 8,953 persons were included in programmes of institutional training and national vocational qualifications, of which 8,484 persons in programmes of institutional training and 469 persons in programmes of national vocational qualifications. Because these forms of education or training are shorter, people prefer to enrol in them rather than be included in formal education.

### **Programmes of practical training**

60. Primarily practical programs of training are carried out with the measure, e.g., on-the-job training and teaching workshops, which enable practical experience to be gained at a number of working posts, and a system of transfer of knowledge, improving skills and capacities. Projects for training persons with disabilities are also being carried out. There were 7,946 persons included in practical training programmes in 2009.

### **Programmes of education**

61. On the basis of participation in education programmes, mainly in formal education, it is clear that the number of unemployed persons who wish to be educated in various forms of formal education is increasing; 50 percent more were included in them in 2009 as in the previous year. There were a total of 3,371 persons included in programmes.

### **Programme of education for the unemployed**

62. The programme enables unemployed persons to obtain primary, secondary (professional, general and vocational), higher vocational technical and university education and inclusion in other general publicly recognised adult education programmes that contribute to renewed social inclusion of groups with special needs and encourage participants to seek subsequent opportunities for learning and inclusion in lifelong education.

### **Programmes of training and education of the employed**

63. In addition to programmes for the unemployed, in 2009 the ESS also provided programmes for employed persons and workers in the process of losing employment. In 2009, 52,056 persons were included in training for greater employability. The purpose of the programmes is to increase employability by raising the level of education, qualification and basic skills (key competences) for employees in micro and small companies and employees in companies that are entitled to subsidies in accordance with the Partial Subsidisation of Full Working Time Act. A programme, Knowledge Realises Dreams, was also carried out. On the basis of the programme, 271 contracts were concluded with persons.

### **Programmes aimed at stimulating employment and self-employment**

64. This measure aims at stimulating employment through subsidies for more difficult to employ groups (the young, elderly, first job seekers, larger employment projects that open up at least 10 new jobs and stimulation for part-time employment). According to the most recent data, after two years<sup>28</sup> some 78 percent of self-employed persons who received a subsidy in 2007 remained employed, and the percentage is comparable with previous years. The measure of self-employment is one of the most successful measures of active employment policy programmes in recent years.

#### **b) Programmes aimed at increasing social inclusion**

65. These programmes are organised to implement social security, educational, cultural, nature conservation, public utilities, agricultural and other programmes, whereby public works may

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<sup>28</sup> One of the conditions is to maintain self-employment for two years, so the situation is monitored statistically after two years from receipt of a subsidy.

# ADVANCE UNEDITED VERSION

not be organised for those activities the aim of which is to make a profit or when they would cause unfair competition on the market. The *development of social enterprise programme* is also important and, at the same time, relatively new, by which access of vulnerable groups to training and employment is stimulated. The aim of the programme is to support up to 10 trial projects, which, by extending activities to training, will include at least 150 persons from vulnerable target groups and guarantee full-time employment for at least one year for at least 25 percent of persons from the vulnerable target groups included in the training.

## **Situation of disadvantaged and marginalized groups**

**The Committee recommends the State party should continue to consolidate programmes for reducing unemployment among the most disadvantaged and marginalised groups, particularly young persons, members of minorities and persons with disabilities (recommendation number 28)**

## **Migrants**

66. The National Assembly of the Republic of Slovenia in 2010 debated a draft Employment and Work of Aliens Act (ZZDT-1)<sup>29</sup> The draft law primarily introduces harmonisation with EU legislation (transposition of EU directives<sup>30</sup>), rectifying deficiencies<sup>31</sup> and introducing specific improvements of the law in terms of ensuring more favourable opportunities for realising the rights of migrant workers. An aliens information point has also been established at the Employment Service of Slovenia.

## **Work permit quota**

67. In the period from 2004-2009, the quota of work permits was one of the key state regulatory mechanisms for satisfying the needs of the labour market. The state satisfied the needs of the economy for employing foreign labour by an annual increase in the quota of work permits and, in 2006, 2007 and 2008, had already to increase the quota of work permits during the current year.

68. In 2009, in view of the expectation that the level of activity would be reduced precisely in activities in which in past years there had been the most employment of aliens and in view of the forecast rise in unemployment, it was considered that demand for the employment of suitable labour from third countries would be reduced, so a total quota of 24,000 work permits was decided for 2009, or 25 percent fewer than in 2008.<sup>32</sup>

69. In 2009, an Inter-ministerial Working Group for Implementing the Resolution on the Migration Policy of the Republic of Slovenia, was formed for the preparation of possible measures for implementing the migration policy of the Republic of Slovenia.

## **Women**

70. The gender gap among the economically active population in Slovenia has remained above 10 percent in recent years, and even increased from 2005 to 2009 by a whole percentage point (from an 11.68 to 12.94 percent difference and in 2007 it was even 13.28 percent). The difference in gender ratios is particularly noticeable with self-employed persons, in which the difference is 43 percent, because extremely few women choose to be independent businesspersons or farmers,

<sup>29</sup> Employment and Work of Aliens Act (Official Gazette RS, no. 26/11).

<sup>30</sup> The amendments to the act relate primarily to the transposition of EU directives, namely, Directive of the Council 2009/50/EC of 25 May 2009 on conditions for the entry and residence of third-country nationals for the purpose of highly qualified employment (Official Gazette no. 155, 18.6.2009, p. 17) and Directive 2009/52/EC of the European Parliament and the Council of 18 June 2009 on minimum standards in relation to sanctions and measures against employers of illegally residing inhabitants of third-country nationals (Official Gazette RS, no. 168, 30. 6. 2009, p. 24).

<sup>31</sup> The amendments to the act rectify established deficiencies of the act, such as terminological harmonisation with the Employment Relations Act and the Aliens Act, and clearer and shorter definitions are created with the same meaning of content.

<sup>32</sup> In view of the greatly slowed growth of trade in goods, mainly exports, and a reduction in the extent of production of processing industries, as well as construction, it was expected that the fall in the extent of activity in activities in which the most aliens were employed would continue in 2010. Taking into account the limited movement in individual activities and the forecast rise in unemployment, the quota of work permits for 2010 was decided at a level of 12,000 work permits, or 50 percent fewer than in 2009.



# ADVANCE UNEDITED VERSION

although the difference with self-employed persons who perform professional activities is smaller and, in the last four years, has also appreciably reduced (from 15.25 percent in 2005 to 9.81 percent in 2009).

71. The labour participation rate did not change between 2004 and 2008<sup>33</sup> but the labour participation rate of women slightly increased, by 1.2 percent. In relation to different accessibility to employment and equal pay, the ministry responsible for labour carried out a programme in 2005 and 2006 entitled *Assistance in Employing Long-term Unemployed Women*. The percentage of registered unemployed women thus fell in 2008 and was even lower in 2009 than the percentage of registered unemployed men (in 2009 there were 50.97 percent unemployed men and 49.13 percent women); in the first two months of 2010 the difference further increased (52.73 men and 47.27 women). Unfortunately, a pay differential remains because jobs in branches in which mainly women are employed have lower added value, because of which pay is also lower.

## Persons with disabilities

72. The Republic of Slovenia wishes to achieve the same aims in the employment of persons with disabilities as other comparable EU Member States: to provide employment for persons with disabilities and thus their material or social security. The policies and goals of the employment of persons with disabilities derive from the *Vocational Rehabilitation and Employment of Persons with Disabilities Act*<sup>34</sup> (hereinafter: ZZRZI), adopted in 2004. Two further legislative proposals have been under public debate, to wit: the Equalising the Opportunities of Persons with Disabilities Act<sup>35</sup> and the Vocational Rehabilitation and Employment of Persons with Disabilities Act.

73. Approximately 34,000 persons with disabilities are now employed in Slovenia, which means 4 percent of all employed persons. It is important that we are using measures to preserve the employment of persons with disabilities - thus, for example, the number of all unemployed persons in Slovenia increased in 2009 by 37 percent, while the number of unemployed persons with disabilities by 16 percent.

## Older persons

74. Because of the relatively early withdrawal from the labour market in Slovenia, measures for encouraging active aging were adopted at the start of 2010. Their underlying goal is to raise the average employment rate of older persons in the 55 to 64 age group to 43.5 percent by 2013. Data are also important that the influx of unemployed persons above 50 years greatly increased from 2008 to 2009 precisely among those with lower education (from 1st to 4th educational levels): by 6,000 or 45 percent.

## Young persons

75. In 2008, 6,669 unemployed young persons were included in programmes of active employment policy. The largest number of young persons were included in the following programmes: programmes of institutional education (955 young persons), formal education (916 young persons), on-the-job training (998 young persons); job-seeking clubs (321 young persons), project learning for the young (114 young persons), help in career planning and job seeking - workshops (1,544 young persons), public works (342 young persons), assistance with self-employment (271 young persons), self-employment subsidies (144 young persons), work experience (737 young persons).

## Roma

76. Special measures for increasing the employability of members of the Roma community are envisaged in the National Programme of the Government of the Republic of Slovenia of Measures

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<sup>33</sup> Not all data for 2009 are yet available

<sup>34</sup> Vocational Rehabilitation and Employment of Persons with Disabilities Act (Official Gazette RS, no. 63/04 and amendments)

<sup>35</sup> Act on Equal Opportunities for People with Disabilities (Official Gazette RS, no. 94/2010) – the act was adopted by the Parliament of the Republic of Slovenia at the of 2010

# ADVANCE UNEDITED VERSION

for the Roma for the period 2010-2015. Operationalisation of the programme in the sphere of employment and social inclusion is defined in the Programme of Detailed Measures of the Ministry of Labour, Family and Social Affairs. Special concern is also devoted to the Roma as a vulnerable group in the *Resolution on the National Programme of Social Protection 2006-2010*<sup>36</sup>. In addition, the Ministry of Labour, Family and Social Affairs is preparing public calls for applications for co-financing programmes in the area of social assistance and support for families.

## Unfair dismissal of workers

77. The Employment Relationships Act<sup>37</sup> (the aforementioned provisions were already explained in the initial and second report of the Republic of Slovenia) protects workers from unfair dismissal, with a strict restriction that an employer may only normally revoke an employment contract if a well-founded reason for dismissal exists and only in cases or for reasons specified by law.

78. In addition, Article 196 of the Criminal Code<sup>38</sup> protects workers from unfair dismissal and determines that anyone who deliberately acts in conflict with regulations on concluding an employment contract and on termination of employment relations, on pay and other receipts from employment, working time, breaks, rests, annual leave or absence from work, protection of women, young persons and persons with disabilities, protection of workers because of pregnancy and parenthood, protection of older workers, prohibitions on overtime or night work or payment of prescribed contributions and thus deprives a worker or job-seeker of rights to which she or he is entitled, or restricts such rights, shall be punishable by a fine or a prison sentence of up to one year.

**In connection with unfair dismissal of a worker and recommendation number 23, see judgement of the Supreme Court, ref. number VDS, judgement Pdp 1227/2006, in Annex 3.**

## Article 7

### Right to fair and favourable working conditions

#### Minimum pay

79. Minimum pay is determined by the Minimum Pay Act<sup>39</sup>. Minimum pay for work performed has been 734.15 euros since March 2010, which means 562.07 euros net. The law thus increases minimum pay by 102 euros, insofar as established minimum costs of living amount to this. In addition, the amount of minimum pay may be additionally increased after consultation with the social partners, also taking into account other indicators. The solution derives from the guidelines of Convention of the International Labour Organisation No. 131 on minimum pay<sup>40</sup> and recommendations on its implementation. Simultaneously, the Act amending the Income Tax Act entered into force, which raises the general tax relief and the threshold of income for its enforcement, and thus also enables a rise in minimum pay. At the beginning of 2010, approximately 16,000 persons received minimum pay (table in Annex 1).

#### Working conditions of workers

80. Since the last report, the Employment Relationships Act (hereinafter ZDR) has only been more significantly amended in relation to working conditions in connection with overtime work (amendments were included in the act relating to an annual restriction on

<sup>36</sup> Resolution on the National Program of Social Protection for the period 2006-2010 (ReNPSV06-10) (Official Gazette RS, no. 39/06)

<sup>37</sup> Employment Relationships Act (ZDR) (Official Gazette RS, no. 42/02, 79/06 - ZZZPB-F, 46/2007 - Dec.CC: U-I-45/07, Up-249/06-22, 103/07, 45/08-ZArbit, 83/09 - Dec.CC: U-I-284/06-26).

<sup>38</sup> Criminal Code (KZ-1; Official Gazette RS, no. 55/08 (66/08 corr.), 89/08 Dec.CC: U-I-25/07-43, 5/09 Dec.CC: U-I-88/07-17).

<sup>39</sup> Minimum Pay Act (Official Gazette RS, no. 13/10).

<sup>40</sup> Act on the Ratification of International Labour Organisation Convention No. 131 on minimum personal income, with particular regard to developing countries (Official Gazette SFRY-MP, no. 14/82)

# ADVANCE UNEDITED VERSION

overtime work, which reduced the previous 180 hours to 170 hours with the permitted exception that, with the written consent of the worker, it is possible to order up to 230 hours overtime annually), equal treatment (changes to ZDR of 2007 add that less favourable treatment of workers connected with pregnancy or parental leave shall be considered discrimination and that discriminated persons and persons who help victims of discrimination may not be subjected to adverse consequences because of action that has as a goal the enforcement of the prohibition on discrimination) and unpaid absence (changes to ZDR of 2007 specify that a worker and employer may agree in the employment contract on temporary unpaid absence from work. During this time, contractual and other rights and duties from employment that are directly connected with the performance of work are considered to be in abeyance but the worker has the right and duty to return to work not later than five days after the cessation of the reasons for the temporary cancellation of the contract).

## **Short-term employment of workers**

**The Committee encourages the State party to strengthen the measures to reduce the percentage of workers employed on short-term contracts and to encourage employers to provide their workers with a permanent employment contract (recommendation number 30).**

81. In internal legislation (Employment Relationships Act<sup>41</sup>), a permanent employment contract is prescribed as a rule, whereby only limited exceptions are permitted, enumerated in the act (only in the act, not in other regulations) or in collective contracts - but only on the highest level - when the social partners on the level of an industrial branch agree on exceptions. If an employer concludes a short-term employment contract without regard to the enumerated cases, he is punishable for a violation and, in addition, on the basis of ZDR it is considered that a permanent employment relation has been concluded.

82. The same sanction and legal consequences are prescribed if an employer does not respect the time limits on concluding a short-term employment contract: an employer may conclude a short-term employment contract with the same worker, or several successive short-term contracts for the same work, for a maximum of two years. Until 2007, and for small employers until 2010, the duration of a short-term contract or successive short-term employment contracts was allowed for 3 years and thus the legislation relating to short-term employment contracts has become even more restrictive since the last reporting. It is extremely important that, according to ZDR, an interruption of up to three months does not signify an interruption of the two-year period. A further important stress is that, in concluding successive short-term employment contracts, there must be reason at the time of concluding each contract that justifies the conclusion of a new contract.

83. In our opinion, one difficulty is insufficient familiarity with the law. A guide to rights under employment has therefore been published on the website of the Ministry of Labour, Family and Social Affairs and the standpoints of the Ministry of Labour, Family and Social Affairs in relation to the application of ZDR are also published.

## **Sexual harassment at the workplace**

**The Committee urges the State party to undertake measures to combat sexual harassment at the workplace including by adopting specific legislation rendering it a criminal offence in order to combat this practice and better protect victims (recommendation number 29).**

84. Amendments to the Employment Relationships Act<sup>42</sup> explicitly prohibit sexual harassment and deem it to be discrimination, which is punishable as an offence because of which a labour inspector may impose a fine and because of which an employer is held to have

<sup>41</sup> Employment Relationships Act (Official Gazette RS, no. 42/2002, amendments Official Gazette RS, no. 79/06-ZZZPB-F, 46/07 Dec.CC: U-I-45/07, Up-249/06-22, 103/07, 45/08-ZArbit, 83/09 Dec.CC: U-I-284/06-26).

<sup>42</sup> Employment Relationships Act (ZDR) (Official Gazette RS, no. 42/02, 79/06-ZZZPB-F, 46/07 - Dec.CC: U-I-45/07, Up-249/06-22, 103/07, 45/08-ZArbit, 83/09 - Dec.CC: U-I-284/06-26)

# ADVANCE UNEDITED VERSION

damages liability to the worker under the general rules of civil law. ZDR also prohibits a worker from being penalised by the employer for rejecting sexual harassment. The presented provisions of ZDR are supplemented by Article 45, similarly changed with amendments to ZDR from 2007, which binds an employer to preventive behaviour, specifically by guaranteeing a working environment in which no worker will be exposed to sexual or other harassment or ill-treatment on the part of the employer, superior or fellow worker; the employer must thus for that purpose adopt suitable measures for the protection of workers, otherwise he is liable to the worker for damages.

85. The provisions of Article 174 of the Criminal Code<sup>43</sup> (KZ-1), which specify the criminal offence of violation of sexual inviolability by abuse of position, also provide sanctions against sexual harassment at the workplace. In accordance with the aforementioned articles, anyone who abuses his or her position and thus incites persons of the other or the same gender who are subordinate to them or dependent on them, to have sexual intercourse or to commit or tolerate any other sexual act, is liable to a prison sentence of up to five years.

## **Health and safety at work**

**The Committee requests the State party to include in its second periodic report information and data on occupational accidents, particularly in hazardous sectors such as the mining and nuclear sectors (recommendation number 31).**

86. In accordance with the legislation in force, the Labour Inspectorate received reports on 15,011 accidents in 2009, which is 12 percent fewer than in 2008. The number of fatalities among workers in connection with accidents at work was fewer for the second year in succession, with 25 in the year in question. In addition to accidents at work with a fatal outcome, in 2009 inspectors also investigated 216 accidents at work in which serious injuries to workers occurred, which is slightly less than 40 percent of all reported serious accidents in connection with work, and similarly also 4 collective accidents and 4 hazardous events (table in Annex 1).

87. The Mining Inspectorate deals with accidents at work that occurs in hazardous branches, such as nuclear energy and mining.

## **Ratification of international conventions of the International Labour Organisation (ILO)**

**The Committee recommends that the State party should ratify the ILO Conventions bearing on rights enshrined in the Covenant, such as the Equality of Treatment (Social Security) Convention, 1962 (No.118) and the Prevention of Major Industrial Accidents Convention, 1993 (No. 174) 21 (recommendation number 27).**

88. The Slovene Government accepts the recommendation of ratification of the Convention on the Prevention of Major Industrial Accidents of 1993 (no. 174)<sup>44</sup>. It therefore adopted an act on ratification of the convention on 23 December 2009. Slovenia cannot at this time give a final answer concerning ratification of the Convention on Equal Treatment (social security) of 1962 (no. 118).

## **Reconciliation of family and professional life**

89. Changes to the Employment Relationships Act<sup>45</sup> in 2007 are also related to enabling easier reconciliation of family and professional life, specifically with a provision that if, while employment relations exist, a worker proposes a different disposition of working time, the employer, taking into account the working process, must give grounds in writing for his or her decision (third paragraph of Article 147 ZDR) and with a provision that parents of school-age children have the right to use at least

<sup>43</sup> Criminal Code (KZ-1) (Official Gazette RS, no. 55/08, 66/08 –corr., 39/09 and 55/09 – Dec.CC: U-I-73/09-19).

<sup>44</sup> Act ratifying the Convention Concerning the Prevention of Major Industrial Accidents (ILO Convention 174) (Official Gazette RS-MP, no. 18/2009).

<sup>45</sup> Employment Relationships Act (ZDR) (Official Gazette RS, no. 42/02, 79/06-ZZZPB-F, 46/2007 – Dec.CC: U-I-45/07, Up-249/06-22, 103/07, 45/08 – ZArbit, 83/09 – Dec.CC: U-I-284/06-26).

# ADVANCE UNEDITED VERSION

one week of annual leave during school holidays (second paragraph of Article 165 ZDR). A project of awarding certificates to family friendly companies was started in Slovenia in autumn 2006. The Ministry of Labour, Family and Social Affairs thus awarded the basic certificate to the first 32 Slovene companies on 15 May 2007, for a period of three years. The Ministry of Labour, Family and Social Affairs also received the certificate.

## Article 8 Trade unions rights

90. The provision was already explained in the initial and second report (paragraphs 299 to 361)

### Collective agreements

91. Collective agreements in the Republic of Slovenia are regulated by the Collective Agreements Act<sup>46</sup> (hereinafter: ZKOlP), which entered into force in May 2006 and introduced essential changes into this system, including for the purpose of harmonisation with international documents, above all ratified conventions of the International Labour Organisation and the European Social Charter. ZKOlP, which derives from the basic principle that concluding collective agreements should be free and voluntary, does not therefore prescribe the compulsory conclusion of collective agreements, does not prescribe a compulsory content of collective agreements and, similarly, does not specify types of collective agreements and the level at which they should be concluded.

92. ZKOlP introduced a number of innovations in comparison with the previous system of regulating the field of collective agreements, to wit:

- introduction of the principle of voluntary conclusion of collective agreements;
- as an innovation, ZKOlP specifies exceptions from the general principle that a collective agreement on the narrower level may only determine more favourable rights for workers than a collective agreement on the wider level. It regulates the possibility, namely, that a collective agreement on the wider level shall determine conditions under which rights and working conditions that are different or less favourable for workers may be determined by a collective agreement on the narrower level, whereby the intention is to achieve a more transparent method of resolving crisis situations;
- the possibility of later accession to a concluded collective agreement;
- the validity of a collective agreement only for the parties that have concluded it, or for their members, whereby, on the fulfilment of certain conditions, it also envisages the general and widespread validity of concluded collective agreements.

**In connection with recommendation number 23, in which the Committee recommends that the State party should provide in its next report some examples of case law in connection with implementation of the Covenant, Annex 3 contains judgements of the Supreme Court in relation to the right to strike ( Reference number: VDS Judgement Pdp 379/99)**

## Article 9 The right to social security

93. In 2008, the Republic of Slovenia devoted 5.3 billion euros to cash benefits, which is 14.48 percent of GDP. In terms of the structure and share of gross domestic product, most funds in 2008 were devoted to pensioners. In the second half of 2009, an additional 103,638 inhabitants at social risk received one-off social assistance.

<sup>46</sup> Collective Agreements Act (ZKOlP) (Official Gazette RS, no. 42/06).

# ADVANCE UNEDITED VERSION

94. *For programmes of social protection*, slightly over 8 percent more funds were devoted in Slovenia in 2008 than in 2007; in real terms that meant a little less than 3 percent more. Since 1996, expenditures on programmes of social protection have grown in real terms on average by slightly more than 3 percent annually. In 2008, we devoted slightly more than a fifth of GDP to social assistance, or 0.2 percentage points more than in the previous year. The largest share (a little over 18 percent) was devoted to the following fields: old age, illness and health care, the family and children and disability. Social contributions provide slightly over two thirds of resources for financing programmes of social protection. Employers' contributions provided slightly over a quarter in 2008 and contributions of insured persons slightly over two fifths of all financial resources for social protection. The contributions of the state and other sources provided slightly less than a third.

## **Health insurance**

95. Amendments to the Health Care and Health Insurance Act<sup>47</sup>, which entered into force on 24 August 2008, bring the following key innovations to compulsory health insurance:

1. more precise criteria for inclusion in insurance under point 21 of the first paragraph of Article 15 of the Health Care and Health Insurance Act. The more detailed criteria are specified in the Rules on criteria for establishing income, savings and assets of citizens for registration in compulsory health insurance<sup>48</sup>;
2. a special arrangement of compulsory health insurance for convicted persons and prisoners. Among other things, ZZVZZ-K also defines convicted persons and some prisoners as a new category of insured person;
3. changes in the inclusion of family members - children - in compulsory health insurance. ZZVZZ-K sets an age limit of 26 years for school-age children. After this age, they are included in compulsory health insurance as independent insurees;
4. the basis for setting up a system of medicines with the highest recognised values and criteria for classifying medicines on the list;
5. a new arrangement of supplementary payment for the difference to the full value of health services for insured persons who are recipients of cash social assistance or fulfil the criteria for entitlement to it. The supplement for them will be covered by the budget RS;
6. mitigation of criteria for obtaining the right to wage compensation for the time of caring for an immediate family member. The right is no longer bound to a common household;
7. the basis for concluding a special agreement with suppliers of medical-technical devices;
8. new competences for ZZS appointed physicians, who are also responsible under the new arrangement for providing a written opinion on entitlement to the issue of a medical certificate, which is issued by a chosen personal physician.

## **Compensation for temporary absence from work because of illness**

96. Compensation for temporary absence from work was calculated in 2009 for 173,658 insured persons and, on average in 2009, calculated compensation chargeable to compulsory health insurance amounted to 27.27 working days per insured person. Calculated average monthly compensation per insured person amounted to 827.45 euros (gross salary).

## **Pension and disability insurance**

97. Legislation on pension and disability insurance did not change during the reporting period.

## **Insurance against unemployment**

98. The new Regulation of the Labour Market Act<sup>49</sup> (ZZZPB) regulates insurance against unemployment and rights deriving from insurance. The most important right from insurance against unemployment is the right to unemployment benefit. Unemployment benefit is paid to insurees for the

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<sup>47</sup> Health Care and Health Insurance Act (Official Gazette RS no. 76/08 hereinafter ZZVZZ-K).

<sup>48</sup> Rules on criteria for establishing income, savings and assets of citizens for registration in compulsory health insurance (Official Gazette RS no. 126/08).

<sup>49</sup> Regulation of the Labour Market Act (Official Gazette RS, no. 80/10)

# ADVANCE UNEDITED VERSION

first three months at a level of 80 percent of the basis (the basis for calculating unemployment benefit is the average monthly pay of the insuree received in the period of eight months prior to the month of the start of unemployment). Unemployment benefit for further months is paid at a level of 60 percent of the basis. The lowest amount of unemployment benefit may not be lower than 350 euros. The highest amount of unemployment benefit may not be higher than three times the lowest amount. The right to social assistance, which was part of the Employment and Insurance against Unemployment Act<sup>50</sup>, was abolished in 2007 and, for the sake of transparency and clarity of the extensive legal material, was included in an independent law.

99. The number of recipients of unemployment benefit and cash assistance in the period 2000-2008, when unemployment was gradually falling, fell by half. The number of recipients of unemployment benefit began to rise quickly towards the end of 2008. The numbers increased in all regions in 2009.

## **Insurance for parental care**

100. Rights were already explained in the initial and second report of the Republic of Slovenia (paragraphs 474 to 484)

101. Since 2003, the Parental Care and Family Receipts Act<sup>51</sup> (hereinafter: ZSDP) has been twice amended: in 2006 and 2008. In 2008, ZSDP was amended in the section on child benefits (we provide an explanation in section two). In 2006, with amendments to ZSDP:

1. the right to part-time working because of parenthood was also extended to parents who are not in dependent employment relations (self-employed, farmers etc.) and, additionally, to one of the parents that cares for and protects two children, up to six years of age of the younger child;
2. the right to part payment for lost income was also extended to one of the parents that cares for and protects two or more children with moderate or serious mental disorder or moderate or serious motor impediment;
3. the right to payment of contributions for parents with four or more children was also specified; one of the parents that leaves the labour market in order to care for and protect four or more children has the right to payment of contributions for social security based on minimum pay, until the youngest child reaches the age of ten years.

102. Some changes in the exercise of already valid rights are also introduced with amendments to ZSDP:

1. the act introduces a slightly different method of use of paid paternal leave; a father may use unpaid paternal leave lasting 75 days, no longer than until the child is three years old and not to eight years of age of the child, as the act specified prior to the changes;
2. the arrangement of leave for care and protection of a child remains as before. With the amendments to ZSDP of 2006, the possibility of starting leave 45 days before the envisaged date of birth was abolished;
3. with the amendments to ZSDP of 2006, the text was added that an adopter shall start adoption leave not later than 30 days after placement of the child in the family for adoption. The length of adoption leave is 150 days for a child aged from 1 to 4 years or 120 days for a child aged from 4 to 10 years.

103. The average number of recipients of parental allowance increased between 2003 and 2009, mainly because of an increased number of births. Expenditures for parental protection also increased accordingly. The average number of live births per woman in 2000 in the Republic of Slovenia amounted to 1.26 and to 1.53 in 2008. There was a larger increase in the number of recipients in 2008 and 2009 (see tables in Annex 1).

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<sup>50</sup>Employment and Insurance against Unemployment Act (Official Gazette RS no. 5/1991 and amendments)

<sup>51</sup>Parental Care and Family Receipts Act (Official Gazette RS, no. 110/06 – UPB and 10/08).

# ADVANCE UNEDITED VERSION

## **The right to cash social assistance**

104. In the period from 1 January 2004 to the present, the Social Assistance and Social Services Act<sup>52</sup> has been amended twice: at the beginning of 2004, when there were no essential changes to cash social assistance and in 2006, when some additional safeguards were introduced, whereby we wished to increase the efficiency of the goals of cash social assistance. These are that an individual is responsible within her or his capacities to ensure proper subsistence for her or himself and those that she or he must maintain, and the principle that cash social assistance is the last in line of cash benefits provided by the state. It increased the extent of culpable grounds because of which an individual may not receive cash social assistance, guaranteed care because of living with other persons is taken into account, in the case of extraordinary cash social assistance, the purpose and level of assistance must be stated in the application and proved after receipt, and the reimbursement of unjustifiably received cash social assistance is also specified. Since 1 July 2009, the basic amount of minimum income has been 226.80 euros and the average value of cash social assistance 229, 15 euros. Because of deflation, minimum income in 2010 remained the same and amounted to 226.80 euros.

105. Extraordinary social assistance can be awarded in exceptional circumstances. It can also be awarded when a claimant exceeds the "census" for granting cash social assistance but, for reasons over which she or he has no control, she or he has found themselves in a position of material risk.

106. In March 2010, there were almost 55,000 recipients of cash social assistance of a value of 230 euros, which means that the average monthly number of recipients had increased by almost 10,000 (see tables in Annex 1).

## **Article 10**

### **Protection of the family, motherhood and children**

#### **Marriage**

107. Since 2003, there has been no change in the legislative sphere regulating marriage (equality of spouses, conclusion and termination of a marriage, property relations between spouses)<sup>53</sup>.

#### **Protection of the family**

##### **(a) Preschool education**

108. The system of preschool education was already explained in the initial and second report of the Republic of Slovenia (paragraphs 766 to 776).

109. Since 1 September 2008, the State has provided funds for co-financing parental contributions in cases in which parents have two or more children enrolled in kindergarten at the same time. The State provides funds, to an amount determined by decision, for parental contributions for the kindergarten programme in which the younger child or younger children are enrolled. In this case, parents only pay for the older child and the parental contribution is reduced by one payment class, while all other children are exempted from payment. On 1 January 2013, the State plans to commence co-financing parental contributions to the amount of 50% for all children over 4 and 5 years of age. From 1 January 2014, all children who have reached the age of 3 will be eligible for co-financing of parental contributions to the amount of 50%.

110. Enrolment of children in kindergarten is increasing but an increased need for kindergarten capacities can be expected in future years. In the school year 2008/09, 845 kindergartens operated in the Republic of Slovenia, of which 24 were private. The number of children enrolled in kindergarten

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<sup>52</sup> Social Assistance and Social Services Act (Official Gazette RS, no. 3/07, 23/07– corr., and 41/07 – ZSV-UPB2).

<sup>53</sup> The Draft Family Code, is currently being deliberated upon by the National Assembly of the Republic of Slovenia



# ADVANCE UNEDITED VERSION

in the 2008/09 school year was 7.5% higher than in the previous year. According to data from the Statistical Office of the Republic of Slovenia, almost 74 percent of children of appropriate age were enrolled in kindergarten in the 2009/10 school year.

111. Among children who attend kindergarten, there are also 850 children with special needs; three quarters of these children are included in ordinary departments, in which additional professional help is provided for them, and one quarter attend departments with adapted programmes (development departments).

## **(b) Social services and programs**

### **Foster care**

112. At the start of 2003, a new *Implementation of Fostering Activities Act* entered into force<sup>54</sup>, which systemically regulates the implementation of fostering activities and operationalises the content of work and tasks of participants in foster care. The act does not intervene in terms of content in the institution of foster care as a form of protection of minors under family law, since this is regulated in the Marriage and Family Relations Act, but it sets out conditions that a person must fulfil who wishes to perform foster care activities, the procedure of obtaining a permit for performing these activities, the method of performing foster care activities and their financing and also regulates other questions connected with these activities.

### **Social service network for the elderly**

**The Committee recommends that the State party extend the network of integrated health and social care services for older persons with physical and mental disabilities, including with assistance at home. It requests the State party to include in its next report detailed information on the implementation of the overall strategy for older person which is currently under consideration (recommendation number 35).**

113. On 21 September 2006, the Government of the Republic of Slovenia adopted a *Strategy of Care of the Elderly to 2010 – Solidarity, Coexistence and Quality Aging of the Population* (hereinafter: Strategy). In order to realise the goals of the Strategy and monitoring activities by individual ministries, the Government of the Republic of Slovenia appointed a Council for solidarity coexistence of generations and for quality aging of the population in Slovenia. The goal in Slovenia of the adoption of the *Strategy of Care for the Elderly to 2010*<sup>55</sup> was to harmonise the work of the responsible government ministries with the economy and civil society in providing conditions for maintaining solidarity and the quality of human coexistence among older, middle and young generations and for quality aging and care of the fast growing share of the third generation.

114. Our goal with social protection remains to provide equal representation and availability of social services and programmes and to ensure diversity of provision and the quality of services.

### **Institutional care of older persons (homes for the elderly)**

115. Eighty-nine homes for the elderly already operate in Slovenia, of which 55 are public institutes and 34 private individuals who have obtained a concession for performing this social service. There are 16,677 places available in the home, which means that the aim of 5 percent inclusion of older persons over 65 in homes has been achieved. In addition to these homes, there are a further 5 special social care institutes. Institutional care of adults with special needs is intended for adults with impaired mental development, mental health problems, sensory disorders and motor disorders.

<sup>54</sup>Implementation of Fostering Activities Act (Official Gazette RS, no. 110/02, 56/06 – dec. CC 114/06 – ZUTPG, 71/08 – ZUTPG-A hereinafter: ZIRD).

<sup>55</sup>Strategy of Care for the Elderly to 2010 (adopted by the Government RS 21.9.2006).

# ADVANCE UNEDITED VERSION

## Home help

116. The goal of policy is to increase the number of recipients of these services to 10,000 users older than 65 (currently the number of users is approximately 5,600). Every year, there are fewer municipalities that do not have home help organised - currently nine smaller municipalities do not have this organised. The long-term goal is to rationalise home help and to combine social and health aspects of the service by means of a system of insurance for long-term care. A *Long-term Care and Insurance for Long-term Care Act* has already been prepared.

## Sheltered housing

117. According to the most recent data, which is from 2010, there are 600 sheltered housing units in Slovenia and approximately 200 more are under construction.

## Day care

118. According to data, there are 230 places in day centres. In addition to homes for the elderly, day centre programmes are also provided by non-governmental organisations, for example, Mestna zveza upokojencev Ljubljana (Municipal Alliance of Pensioners Ljubljana), which carries out a programme, Day Centre Activities for the Elderly

## Distance assistance

119. A 24-hour duty service of home help centres as a duty service is provided with the aid of special telecommunication equipment for users and providers. On receiving a user's call, the distance provider either provides help with its own providers or the user's social network provides directly organised assistance. Because the demand is greater than current capacities for providing this service, we are preparing a trial project of the republican call centre, which will enable the availability of services throughout Slovenia and, at the same time, will also be more affordable to users.

## Social protection programmes

120. The network of programmes devoted to intergenerational cooperation and the social inclusion of older persons has greatly enlarged in recent years. By means of public calls for applications for co-financing programmes of social assistance, we are encouraging the development of various forms of organised intergenerational voluntary activity and intergenerational socialising in self-help groups, as well as programmes of assistance to older persons at social risk, programmes of telephone advisory services to older people and programmes for including the elderly in activities of assistance to the elderly at home. It must be stressed that older persons are also included in other programmes of social protection, depending on the difficulties that they have (e.g., in programmes of assistance to persons with long-term mental health difficulties and their close families, programmes of alleviating social pressures connected with alcohol use, programmes of enabling independent life for persons with disabilities etc.).

121. Two key strategic documents will expire at the end of 2010: the National Social Protection Programme 2006-2010<sup>56</sup> and the Strategy of Care of the Elderly 2006-2010<sup>57</sup>. We are already preparing both documents in cooperation with the professional public and non-governmental organisations, in particular the Alliance of Societies of Pensioners of Slovenia, with which the ministry has also signed an agreement on cooperation in all more important decisions for the older population.

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<sup>56</sup> Resolution on the National Social Assistance Programme 2006-2010 (Official Gazette RS, no. 39/06).

<sup>57</sup> Strategy of Care of the Elderly to 2010 - Solidarity, Coexistence and Quality of Aging of the Population (adopted by the Government RS on 21.9.2006).

# ADVANCE UNEDITED VERSION

## c) Protection of motherhood

122. Since the last report, the Employment Relationships Act of 2007 has been amended to the extent that it extends protection from dismissal or termination of employment relations to a female worker during pregnancy and throughout the time in which she is breast feeding the child, and parents during the time of using parental leave in the form of full absence from work, and for an additional month after use of the leave. The Employment Relationships Act imposes on an employer the duty to guarantee the right to absence from work or part-time working for a worker for the use of parental leave, set out in the Parental Protection and Family Receipts Act.

## Family benefits

123. Insurance for parental protection was explained in the section on social security and family benefits in the initial report of the Republic of Slovenia (paragraphs from 545 to 570).

124. Family benefits are specified in the Parental Protection and Family Benefits Act<sup>58</sup> (hereinafter: ZSDP) and are: parental allowance, childbirth allowance, child allowance, large family allowance, child care allowance, part payment for lost income. ZSDP was amended in 2006 and 2008. The changes to the law of 2008 relate to child allowance and the changes of 2006 to large family allowance. With the changes of 2008, the nominal amounts of child allowance were raised by 8.4 percent (January 2008), in addition to the existing regular revaluation by 3.6 percent. The Government of the Republic of Slovenia devoted 246,382,555 euros to child allowance in 2007 and 278,663,498 euros in 2008, which means an increase of 32,280,943 euros. In 2009, an average of 225,495 beneficiaries received child allowance monthly. In comparison with the previous year, the number of recipients increased by 238 and in comparison with 2007 fell by 2,036 recipients (tables in Annex 1). In recent years, an average of 70 percent of children thus received child allowance.

125. *Large family allowance* has been at two levels since 2007: a lower amount for families with three children and a higher amount for families with four or more children. The average number of recipients is increasing annually and, similarly, funds expended for this family benefit (tables in Annex 1).

## d) Protection of children and minors in the area of family relations

126. *The Marriage and Family Relations Act*<sup>59</sup> was last amended in 2004. By means of this amending act, we wished to ensure more effective protection of the child's interests and, above all, also to rectify an element of discordance of the Marriage and Family Relations Act with the Constitution of the Republic of Slovenia, which was established in a procedure of review of constitutionality by decision of the Constitutional Court of the Republic of Slovenia no. U-I-312/00-40. The essential new elements of the law are:

- a transfer of competence for deciding on a child's contacts, from social work centres to the courts and changes in the arrangement of contacts between a child and its parents and other persons;
- the opportunity for children to express their opinion;
- introduction of the institution of joint care and protection of a child;
- exercise of parental rights.

## e) Protection of children and minors in the labour law area

127. The protection of children in the sphere of labour law was already explained in the initial and second report of the Republic of Slovenia (paragraphs 629 to 639).

128. The Criminal Code<sup>60</sup> (KZ -1) does not regulate directly the institution of forced labour of children but it introduces provisions on the neglect of children and brutal treatment of them. Article

<sup>58</sup> Parental Protection and Family Benefits Act (Official Gazette RS, no. 110/06 – UPB, and 10/08: hereinafter: ZSDP).

<sup>59</sup> Marriage and Family Relations Act (Official Gazette RS, no. 69/04–UPB1).

<sup>60</sup> Criminal Code (Official Gazette RS, no. 55/08, with amendments).

# ADVANCE UNEDITED VERSION

192 of the Penal Code thus determines that parents, guardians, foster parents or other persons who force a child to perform excessive work or work that is unsuitable for its age or out of self-interest induce a child to beg or carry out other acts that are harmful for its development or treat a child brutally or ill-treat it, shall be punishable by a prison sentence of up to five years.

129. In 2009, the Labour Inspectorate found a relatively small number of violations in connection with the work of children younger than 15 years, apprentices, school pupils and students, to wit three violations. In connection with night work of school pupils and students, one violation was found in 2009.

## f) Protection of applicants for international protection

130. The rights of applicants for international protection are set out in the International Protection Act<sup>61</sup> (hereinafter: the Act), which entered into force in 2008.

131. Applicants for international protection (hereinafter: Applicants) have the right to residence in the Republic of Slovenia until the procedure for international protection is *res judicata*, to follow the procedure in a language that they understand, to information, to basic care if they are accommodated in an asylum home (the state provides Applicants with accommodation, food, clothing and footwear and hygiene accessories), to financial assistance if they are accommodated at a private address, to free legal aid, to compulsory primary education and education in vocational and secondary schools and higher education and university under the conditions that apply for citizens of the Republic of Slovenia, to urgent medical assistance and emergency ambulance transport on the basis of the decision of a physician and to urgent dental treatment, to urgent treatment based on the decision of the chosen physician, to health care for women (young Applicants are entitled to health care under the same conditions as Slovenian citizens), to work and employment (one year after lodging the application) and to humanitarian assistance.

132. In the procedure of recognising international protection, particular attention is paid to the care of unaccompanied children and minors with the status of Applicants for international protection.

133. In July 2009, the National Assembly of the Republic of Slovenia adopted amendments to the International Protection Act. The most important change relates to the conditions for settlement outside an asylum home. In December 2010, the National Assembly adopted the Law Amending the Law on International Protection, which raises the standard of rights of Applicants for international protection (the right to pocket money, young Applicants are entitled to health care under the same conditions as nationals of the Republic of Slovenia, the concept of guardianship is defined more precisely, Applicants are entitled to free legal aid in proceedings in the Administrative and Supreme Court of the Republic of Slovenia, Applicants have the right to work after nine months of the application).

## g) Domestic violence

**The Committee encourages the State party to consider adopting specific legislation rendering domestic violence a criminal offence, and also offering to judges training, as presently provided for police officers, to raise awareness of the criminal nature of domestic violence (recommendation number 34).**

134. In 2008, the Family Violence Prevention Act<sup>62</sup> was adopted, providing a definition of family violence. The Act served as a basis for the Ministry of Labour, Family and Social Affairs, the Ministry of the Interior and the Ministry of Education and Sport to issue the *Rules on the cooperation of authorities and operation of social work centres, multidisciplinary teams, and regional services in dealing with domestic violence*,<sup>63</sup> *Rules governing the cooperation of the Police and other authorities*

<sup>61</sup> International Protection Act (Official Gazette RS, no. 111/07, 111/2008–Dec.CC:U-I-95/08-14,Up-1462/06-39, 30/2009–Dec.CC:U-I-50/08-16–Up-2177/08-16,58/2009,37/2010–Dec.CC:–Up-958/09-18,–U-I199/096, 99/2010, 11/2011-UPB2).

<sup>62</sup> Domestic Violence Prevention Act (Official Gazette of the RS, No. 16/08).

<sup>63</sup> Rules on the cooperation of authorities and operation of social work centres, multidisciplinary teams and regional services in dealing with domestic violence (Official Gazette of the RS, No. 31/09).

# ADVANCE UNEDITED VERSION

*in detecting and preventing domestic violence,*<sup>64</sup> and *Rules governing the manner of dealing with domestic violence in educational institutions,*<sup>65</sup> respectively.

135. In 2008, a new Criminal Code<sup>66</sup> was adopted, which newly regulates certain criminal offences in relation to marriage, the family and children. Family violence was classified as a completely new criminal offence in Article 191, Chapter 5 of the Criminal Code (KZ-1).<sup>67</sup> Explicit sanctions are now provided for domestic violence.

136. In the earlier version of the Criminal Code<sup>68</sup>, family violence was covered only indirectly within violent conduct (Article 299 of the KZ). Spousal rape used to fall within the general definition of rape under Article 170 of the KZ-1 (the same text was repeated in Article 180 of the KZ). The Criminal Code makes no distinction in the definition of the criminal offence of spousal rape and rape committed outside marriage. The only distinction between the two is special grounds for prosecution. If the offender is the victim's spouse, the criminal offence can be prosecuted on the proposal of the aggrieved party.<sup>69</sup>

## **Resolution on the National Programme on Prevention of Family Violence**

137. In 2009, the National Assembly of the Republic of Slovenia adopted the Resolution on the National Programme on Prevention of Family Violence 2009–2014<sup>70</sup> in order to reduce the incompatibilities in acts and their implementation. The National Programme defines the objectives, measures, and key policy operators for the prevention and reduction of domestic violence, focusing primarily on connecting policies of various ministries and guaranteeing effective activities for the reduction of domestic violence. Concrete targets and strategies for their implementation are defined in biannual action plans. The Government of the Republic of Slovenia adopted the first Action Plan in May 2010. One of the chapters deals with activities for changing societal and cultural attitudes of both sexes to overcome prejudice and eliminate patterns and practices based on the idea of the superiority or the inferiority of one of the sexes, or stereotypical roles of men and women.

## **Training judges in domestic violence issues**

138. In 2008 and 2009, the Judicial Training Centre operating under the Ministry of Justice organised the following training in family violence issues:

- Seminar for family court judges held on 28 May 2008 in Ljubljana
- Workshop for judges with a special focus on family law issues, three sessions held in February and March 2009 in the town of Čatež
- Seminar on family violence prevention, held on 3 June 2008 in Ljubljana
- Seminar on violence, organised jointly with the State Prosecutors' Association from 17 to 18 April 2008 at Brdo pri Kranju
- Criminal justice workshop focusing on amendments of penal legislation, organised three times in September and October 2009 in Ptuj.

139. The organisation of such seminars is foreseen in the Family Violence Prevention Act; some seminars were held to introduce amendments to criminal law legislation. The Centre is also planning to implement training in domestic violence issues in 2010. Training is mainly organised for state prosecutors and judges.

## **h) Trafficking in human beings**

**The Committee calls on the State party to take effective measures to combat trafficking in persons, particularly trafficking in women and children, including by ensuring that those**

<sup>64</sup>Rules governing the cooperation of the Police and other authorities in detecting and preventing domestic violence (Official Gazette of the RS, No. 26/10).

<sup>65</sup>Rules governing the manner of dealing with domestic violence for educational institutions (Official Gazette of the RS, No. 104/09).

<sup>66</sup>Criminal Code (KZ-1) (Official Gazette of the RS, No. 55/08 and 66/08).

<sup>67</sup>See App. I, Art. 191 (KZ-1).

<sup>68</sup>Criminal Code (KZ) (Official Gazette of the RS, No. 95/04—official consolidated text).

<sup>69</sup>See App. I, fourth paragraph of Article 170, KZ-1.

<sup>70</sup>2009–2014 Resolution on the National Programme on Prevention of Family Violence (Official Gazette of the RS, No. 41/09).

## ADVANCE UNEDITED VERSION

**responsible for such trafficking are prosecuted. The Committee recommends that the State party should ratify the Council of Europe Convention on Action against Trafficking in Human beings (No. 197). It also requests the State party to report to it, in its next periodic report, on progress in this regard (recommendation number 33)**

140. In 2001, an Interdepartmental Working Group for Countering Trafficking in Human Beings (IWG) consisting of representatives of ministries, offices and NGOs (Society *Kljuc*, Slovene Philanthropy, Slovene Association of Journalists and the charitable organisation Caritas Slovenia) was established. An Anti-trafficking National Coordinator was also appointed, who is also the head of the working group.

141. Since 2004, the IWG has prepared biennial action plans that foster good practice. The latest action plan, adopted in January 2010, covered the 2010–2011 period. One of the IWG's priorities is to provide a full range of services for trafficked victims in the Republic of Slovenia. Action plans also serve as a basis for the Government of the Republic of Slovenia to fund, through the Ministry of the Interior and the Ministry of Labour, Family and Social Affairs, projects for assistance to victims of trafficking implemented by NGOs and humanitarian organisations. The annual budget allocated for the purpose is approximately €100,000.

142. Through these various types of assistance, victims are supported in their physical, psychological and social recovery, in formalizing their legal status and during criminal proceedings. The IWG's key tasks for combating trafficking in persons are presented at [http://www.vlada.si/en/projects/fight\\_against\\_trafficking\\_in\\_persons/](http://www.vlada.si/en/projects/fight_against_trafficking_in_persons/)

143. Trafficking in human beings is now covered in Article 113<sup>71</sup> of the Criminal Code of the Republic of Slovenia (KZ–1) as a separate criminal offence. Trafficking in human beings has also been incorporated in the criminal offences of enslavement (Article 122) and exploitation through prostitution (Article 175). Indirectly related to trafficking in persons are the criminal offences of prohibited crossing of state border or state territory, and the presentation, manufacture, possession and distribution of pornographic material.

144. In 2009, the Republic of Slovenia ratified the Council of Europe Convention on Action against Trafficking in Human Beings,<sup>72</sup> which regulates the combating of trafficking in human beings in the region.

145. In 2010, state prosecutors received four criminal complaints against five persons who were suspected of committing crimes of trafficking in human beings under Article 113 of the Criminal Code (KZ-1). One criminal complaint against one suspect was dismissed; investigations were ordered for five suspects and charges were filed against six persons. Two suspects were convicted for the act of committing the criminal offences of trafficking in human beings and exploitation through prostitution, committed in complicity, and sentenced to imprisonment (one for a term of three years and the other for a term of one year and four months). The court passed a judgement recognising two defendants guilty as charged for enslavement under Article 112 KZ-1, and they were released on probation. State prosecutors also received nine criminal complaints against 12 persons for exploitation through prostitution under Article 175 of the Criminal Code (KZ-1). Five suspects were accused of committing the criminal offences of trafficking in human beings and exploitation through prostitution. Cases dating back several years were resolved and six defendants were sentenced to imprisonment by courts of first instance (i.e. terms of 16 months to 48 months in prison plus accessory sentences). In 2010, the police or non-governmental organizations identified 33 people (victims or injured parties) as potential victims of trafficking of human beings; they were provided with one of the forms of assistance. Most of the victims were female (21). Of those, five were minors.

<sup>71</sup>See App. 2, Art. 113 (KZ–1).

<sup>72</sup>Act ratifying the Council of Europe Convention on Action Against Trafficking of Human Beings (Official Gazette of RS/MP no 14/2009)

# ADVANCE UNEDITED VERSION

## Article 11

### The right to an adequate standard of living

#### A. The right to an adequate standard of living

##### Minimum income

146. All permanent residents who, for objective reasons, cannot provide minimum funds for subsistence are entitled to cash social assistance to the level of the minimum income (minimum income is the same as the minimum living costs)<sup>73</sup>.

147. In 2006, the *Adjustment of Social Transfers to Individuals and Households Act* was adopted<sup>74</sup>, which has been applied since January 2007 and by which we wish to preserve the level of income of the materially weakest, to unify the concept of harmonisation, to regulate a uniform period for harmonisation, to enable greater transparency of harmonisation of various social transfers and to rectify illogicalities of harmonisation from the past and to ensure a simpler planning of expenditures. Because of the consequences of the economic and financial crisis, which affect the position of some of the most vulnerable groups of the population, in particular, in June 2009 the Government of the Republic of Slovenia prepared an intervention law, to wit the *Special Allowance for the Socially at Risk Act*<sup>75</sup>, whereby it wishes to provide funds as soon as possible for the socially at risk, which will at least partially alleviate their existing social position.

148. In 2010, the Government of the Republic of Slovenia also adopted a *Draft Financial Social Assistance Act*<sup>76</sup> by which the current arrangement of the institution of cash social assistance is improved.

149. According to the Statistical Office of the Republic of Slovenia, the at-risk-of-poverty rate in 2004 amounted to 12.1 percent. This means that 12.1 percent of persons in Slovenia lived below the at-risk-of-poverty threshold; this amounted to 5,278 euros in 2004. The most recent data, which is from 2008, also shows that 12.3 percent of people in Slovenia live below the poverty threshold, and the average for the EU-27 is 17 percent (provisional data for 2009 indicates that the at-risk-of-poverty rate fell slightly in 2009 in relation to the previous year, from 12.3 to 11.3 percent).

##### *National Action Plan for Reducing Poverty and Social Exclusion*

150. Since 2003, when the Republic of Slovenia acceded to the European Union, Slovenia has participated in the Community Action Programme to Combat Social Exclusion 2002-2006, on the basis of a special memorandum on cooperation<sup>77</sup> and the Joint Memorandum on Social Inclusion, and adopted the following strategies:

- National Action Plan on Social Inclusion 2004-2006 (adopted by the Government of the Republic of Slovenia at a session held on 29.7.2004),
- First annual report on the implementation of the National Action Plan on Social Inclusion 2004-2006 (adopted by the Government of the Republic of Slovenia at a session held on 16.2.2006),
- National Report on Strategies of Social Protection and Social Inclusion 2006 - 2008 (adopted by the Government of the Republic of Slovenia at a session held on 21.9.2006) and

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<sup>73</sup> The basis for the calculation of minimum income was research by the Institute of Economic Research on minimum living standards in 1997 and 1998, on the basis of which minimum income was determined for various types of individual (with the use of a suitable equivalence scale) and households in Slovenia. Minimum income fulfilled two important requirements, namely that it satisfied basic needs and it did not cause a loss of motivation for work. The amount is re-valued twice yearly corresponding to the movement of inflation in the RS (see tables in annex).

<sup>74</sup> Adjustment of Social Transfers to Individuals and Households Act (ZUTPG) (Official Gazette, no. 114/06, 59/07–ZŠtip 63/07 corr., 10/08–ZVarDod, 71/08, 73/08 and 98/09–ZIUZGK).

<sup>75</sup> Special Allowance for the Socially at Risk Act (ZPDSO, Official Gazette RS, no. 57/09).

<sup>76</sup> Financial Social Assistance Act (Official Gazette RS, no. 61/10)

<sup>77</sup> Memorandum of Agreement between the European Community and the Republic of Slovenia on the Cooperation of Slovenia in the Community Action Programme to Combat Social Exclusion (Official Gazette RS, no. 9/04)

# ADVANCE UNEDITED VERSION

- Supplement to the National Report on Strategies of Social Protection and Social Inclusion 2006 - 2008 (adopted by the Government of the Republic of Slovenia at a session held on 20.9.2007) and
- National Report on Strategies of Social Protection and Social Inclusion 2008 - 2010 (adopted by the Government of the Republic of Slovenia at a session held on 4.9.2008).

151. All the aforementioned documents (hereinafter NAP) have also been translated into English and are available on the website of the Ministry of Labour, Family and Social Affairs. See link:

[http://www.mddsz.gov.si/en/areas\\_of\\_work/social\\_affairs/social\\_inclusion\\_strategy/](http://www.mddsz.gov.si/en/areas_of_work/social_affairs/social_inclusion_strategy/)

152. Similarly, preparations began in 2009 for marking European Year 2010, European Year of Combating Poverty and Social Exclusion. The Republic of Slovenia has already prepared a special national programme of activities by which it will try to realise the aims and guiding principles of the European Year, to reduce poverty and social exclusion, to alleviate pressure on people who find themselves in poverty and to make the wider public aware of these questions.

## a) Reducing regional differences

**The Committee calls on the State party to adopt effective measures for removing regional differences in programmes for development of the labour market and employment and encourage equal access to social benefits and services of social assistance in different regions (recommendation no 26)**

153. With the Development Support to the Pomurje Region 2010-2015 Act<sup>78</sup> the Government wishes to accelerate the development of this part of Slovenia and to help it to bridge the crisis. The Act contains measures for the development of entrepreneurship and economic competitiveness for the coming six years, whereby the wish is to alleviate the consequences of the financial and economic crisis and to create conditions in Pomurje for the region more quickly to catch up in development with other Slovene regions. The measures have been costed at 260 million euros, and a thousand new jobs should be created.

## B. The right to adequate food

154. State policies in these fields are entirely in accordance with the *aquis communautaire*

155. In 2005, the National Assembly of the Republic of Slovenia adopted the *Resolution on the National Nutrition Policy Programme 2005-2010*<sup>79</sup>.

156. Education on the principles of healthy nutrition and consumer protection rights are included in compulsory or elective teaching syllabuses in primary and secondary schools. In parallel with the school system, health education also takes place within the framework of primary health care, which is carried out within the framework of systematic health examinations of children and young people and within the framework of programmes of health education for future parents, which are provided by hospitals or health centres throughout the country. Raising the general awareness of the population of the Republic of Slovenia takes place through activities promoting a healthy diet, which are carried out by the Ministry of Health, the Institute of Public Health of the Republic of Slovenia and regional public health institutes. Adults and groups at risk are made more aware of the need for a healthy diet and healthy life style through the preventive health programme CINDI.

157. In 2010, Slovenia participated for the fifth successive year in measures of the European Community on food assistance for persons most at risk in the Community, for which the European Commission devoted 500 million euros in that year. The total value of the food assistance measure for Slovenia in 2010 was slightly more than 2.6 million euros, which is approximately 300,000 euros

<sup>78</sup> Development Support to the Pomurje Region 2010-2015 Act (Official Gazette RS, no. 87/09).

<sup>79</sup> Resolution on the National Nutrition Policy Programme 2005-2010 (Official Gazette RS, no. 39/05).



# ADVANCE UNEDITED VERSION

more than in 2009. Food assistance is distributed by Slovenian Red Cross and Slovenian Karitas, which were chosen on the basis of public tender, and assistance is received by between 150 and 180 thousand people.

158. The adoption of voluntary guidelines on a national level for support of gradual realisation of the right to adequate food within the framework of the national safe supply of food is not envisaged, since the guidelines of standards are used in entirety from the point of view of realising the right to adequate food within the framework of the national supply of safe food, as well as within the framework of humanitarian programmes and programmes of development assistance and projects of the Republic of Slovenia for official development assistance. Slovenia is one of the states that were present and voted for support for them at the 127th session of the United Nations Council for Food and Agriculture in November 2004.

## **c. The right to clean drinking water**

159. Drinking water is monitored in accordance with the *Rules on drinking water*<sup>80</sup>. The purpose of monitoring is to check the compliance of drinking water with the requirements that drinking water must fulfil in order to protect people's health against harmful effects of any kind of pollution of drinking water. Monitoring drinking water includes testing drinking water in pipes or places at which water is used as drinking water in supply areas. The Minister of Health adopts a proposed annual programme of monitoring drinking water.

## **d. The right to adequate housing**

160. Municipalities take care of the urgent and temporary solution of housing questions of citizens who find themselves without a roof over their head, by obtaining and leasing accommodation units. There is no public call for applications for the allocation of accommodation units. Municipalities allocate them in relation to available units, on the one hand, and demand (need) on the other. There are about 300 accommodation units and approximately another 200 are needed.

161. Municipalities obtain non-profit housing for the permanent housing solution of citizens with low incomes, which they then provide on a permanent lease at a non-profit rent. To obtain municipal non-profit accommodation, municipal housing funds or non-profit housing organisation publish calls for applications for renting non-profit housing. There are currently 15,800 non-profit rented housing units in the country and around 4,800 citizens applying for the allocation of non-profit rented housing units; approximately 400 such housing units are allocated annually. The waiting period to obtain non-profit accommodation is from three to five years. The average non-profit rent amounts to 3 euros/m<sup>2</sup> of accommodation.

162. Tenants of accommodation units and non-profit housing are also entitled to rent subsidy. The highest possible subsidy is 80 percent of the non-profit rent and is gradually decreased with increasing income of the tenant and other users. There are currently 5,400 tenants in the Republic of Slovenia who are entitled to a rent subsidy, and the average subsidy is 84 euros.

163. Local communities, in cooperation with responsible ministries, various governmental organisations and communities and in various forms of public-private partnership, take care of and finance the construction of housing or buildings in which there are housing units intended for older citizens (retirement homes) or special groups of adult inhabitants (sheltered housing).

## **Housing measures for Roma**

164. The Ministry of the Environment and Spatial Planning guides, directs and coordinates activities for providing expert and financial assistance to municipalities in which Roma live, with the preparation of spatial and implementation documents for arranging Roma settlements. In addition to the Ministry of the Environment and Spatial Planning, the Government Office for Local Self-

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<sup>80</sup> Rules on drinking water (Official Gazette RS, no. 19/04, 35/04, 26/06, 92/06 and 25/09).

# ADVANCE UNEDITED VERSION

Government and Regional Policy also carries out measures in accordance with its competences, with financial measures for rehabilitation and arrangement of public utility infrastructure of Roma settlements. Regulating and providing suitable living conditions for the Roma community and its members still remains one of the priority tasks of the State, so appropriate measures that will respond to the needs of the Roma community were also included in the National Programme of Measures for the Roma of the Government of the Republic of Slovenia 2010-2015, which the Government adopted on 11 March 2010.

## Article 12

### The right to the highest attainable standard of physical and mental health

165. The right to the highest attainable standard of physical and mental health was already explained in the initial and second report of the Republic of Slovenia (paragraphs 683 to 762).

166. In July 2008, the Government of the Republic of Slovenia adopted a strategic plan, the Resolution on the National Health Care Plan 2008-2013 *Satisfied Users and Providers of Health Services (ReNPZV)*<sup>81</sup>. The resolution also includes measures for the arrangement of a network of providers of public health activities in Slovenia in the period from 2008 to 2013.

### Prevention and control of AIDS infection

167. In 2009, the Government of the Republic of Slovenia adopted the *Strategy of Prevention and Control of AIDS Infection 2010–2015*<sup>82</sup>. The strategy rests on three pillars: prevention of AIDS infection, providing early recognition of infection, preventing the transmission of AIDS infection and treatment and reduction of the personal and social impact of infections. The orientation into preventive action is crucial in view of the still relatively low number of infected persons.

### Reducing the use of tobacco products

168. In 2005, Slovenia ratified the World Health Organisation Framework Convention on Tobacco Control, which obliges the signatories to adopt measures prohibiting minors from buying or selling tobacco products. Slovenia fulfilled the requirements of the WHO Framework Convention on Tobacco Control in 2007. Since 5 August 2007, in accordance with the Restricting the Use of Tobacco Products Act<sup>83</sup> young persons below the age of 18 have been prohibited from buying or selling tobacco. Similarly, smoking in all closed public and working premises has been prohibited since then. It can be seen that measures and campaigns connected with the introduction of stricter legislation have had an impact on the young, since the share of smokers among 15-year olds fell from 27 percent in 2003 to 22 percent in 2007 (ESPAD).

### Restricting the use of alcohol

169. In the sphere of restricting the use of alcohol, the *Restricting the Use of Alcohol Act*<sup>84</sup> in 2003 prohibited the sale or provision of alcoholic drinks to persons younger than 18 years of age, and advertisements of alcoholic drinks containing more than 15 percent by volume of alcohol (*Act Amending the Act Regulating the Sanitary Suitability of Foodstuffs and Products and Materials Coming into Contact with Foodstuffs*<sup>85</sup>). In order to reduce the risks and harmful effects of the use of alcohol, various preventive activities, multifaceted media campaigns, stricter activities of the competent inspection services and, not least, stricter control on the part of the police, are being implemented. The importance of non-governmental organisations in this field must be stressed in particular.

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<sup>81</sup> Satisfied Users and Providers of Health Services (Official Gazette RS, no. 72/08, 17/08–corr.) (ReNPZV).

<sup>82</sup> Strategy of Prevention and Control of AIDS Infection 2010–2015, the Government RS adopted it at its 56th session on 26 November 2009.

<sup>83</sup> Restricting the Use of Tobacco Products Act (Official Gazette RS, no. 93/07).

<sup>84</sup> Restricting the Use of Alcohol Act (Official Gazette RS, no. 15/03).

<sup>85</sup> Act Amending the Act Regulating the Sanitary Suitability of Foodstuffs and Products and Materials Coming into Contact with Foodstuffs (Official Gazette RS, no. 42/02).

# ADVANCE UNEDITED VERSION

## **Restricting the use of illicit drugs**

170. The following laws and decrees regulate the area of illicit drugs in Slovenia: Production of and Trade in Illicit Drugs Act, Act Regulating the Prevention of the Use of Illicit Drugs and the Treatment of Drug Users, Decree on the Classification of Illicit Drugs, Penal Code of the Republic of Slovenia and the Act on the Cessation of Validity of the Illicit Drug Precursors Act. Priority tasks and the tasks of individual bodies responsible for activities in the field of drugs in Slovenia are set out in the Resolution on the National Programme in the Field of Drugs 2004-2009 and the Action Plan for Combating Drugs (2009-2012). On the basis of an evaluation of the Resolution on the National Programme in the Field of Drugs 2004-2009 and evaluations of the implementation of some programmes of treatment and social treatment of drug users and on the basis of epidemiological data, the Ministry of Health has started to prepare a new strategic document for the area of drugs.

## **Mental health**

171. In July 2008, the Republic of Slovenia adopted the Mental Health Act<sup>86</sup>, which entered into force on 12 August 2009. The Act provides a legal framework for comprehensive and long-term planned protection of mental health in the Republic of Slovenia and determines a system of treatment and social care in the area of mental health, and the providers of these activities. On the basis of the Mental Health Act, a Resolution on a National Programme of Mental Health 2011-2016 is in preparation. This is the first strategic document in Slovenia that will set out a development strategy for strengthening and protecting mental health.

## **Health care of Roma**

172. A series of tasks have been carried out the basis of the Programme of Measures for Assistance to the Roma, from 1995: a special project working group for improving health and preventive health tasks for Roma has been set up; an analysis has been performed of the vaccination of pre-school and school generations of Roma; in 2004 and 2005, the Ministry of Health supported a programme Raising the Dietary Culture for Protecting and Strengthening the Health of the Roma Population and in 2009 a programme for an innovative approach to strengthening health in the Roma community "Roma"; research was carried out on Risk Factors for Non-infectious Diseases, among Adult Populations of the Roma Community (ZZV Murska Sobota; 2007); in 2008/2009, the Ministry of Health, through a public call for applications by the Slovenian Research Agency, co-funded research Evaluation of the Use of Health Services in the Population of Roma Women and Children - a Contribution to Reducing Inequality in Health; in 2008, the Ministry of Health organised the first national conference on the health of the Roma (Reducing Inequality in the Health of the Roma Population); in 2009 it repeated it, on the theme of Health of Roma Women and, in September 2010, a conference was held on the theme of the health of Roma children.

173. Because of its importance and particularities, the Ministry of Health included improvement of the health of the Roma in the National Programme of Health Promotion. Activities, including in relation to reproductive health and a healthy lifestyle, are taking place for the second year for strengthening the health of women. Measures in the sphere of improving the health care of Roma are also included in the National Programme of Measures for the Roma of the Government of the Republic of Slovenia 2010-2015.

## **Article 13 The right to education**

174. Education, as is enshrined in the umbrella *Organisation and Financing of Education Act*<sup>87</sup>, should ensure among other things the optimal development of an individual, irrespective of gender, social or cultural origin, religion, race, ethnic or national affiliation and physical and mental constitution or disability; instil mutual tolerance; develop an awareness of equality and equal

<sup>86</sup> Mental Health Act (ZDZdr, (Official Gazette RS, no. 77/08).

<sup>87</sup> Organisation and Financing of Education Act (Official Gazette RS, no. 16/07, 36/08, 58/09, 64/09, -corr., and 65/09-corr.).

# ADVANCE UNEDITED VERSION

opportunities for both genders, respect for difference and cooperation with others, respect for child rights and human rights and fundamental freedoms and equal educational opportunities.

175. Amendments to the *Primary School Act*<sup>88</sup> bring harmonisation with new scientific understandings about education and with strategic documents of the Republic of Slovenia, together with respecting the guidelines of the Lisbon Strategy, which talks of the task of Europe to become the most competitive, dynamic, knowledge-based economy in the world, capable of sustainable development, with more and better jobs and greater social cohesion.

176. Education *about economic, social and cultural rights* is among the general aims of primary school syllabuses for understanding the environment, society and nature and technical subjects, geography, the new syllabus of civic education and ethics, and is similarly also included in syllabuses for history and numerous elective subjects. In secondary schools, in addition to the subject sociology, the subject of history should be stressed, in which many measures for strengthening human rights education have been envisaged.

## Secondary school education

177. *In the area of secondary education*, which is divided in the Republic of Slovenia into general and vocational and technical secondary education, a uniform introduction and use of the classification of the system of education and training were adopted in 2006 (Klasius, 2006). The *National Professional Qualifications Act* was amended in 2006, in such a way as to link formal and informal education and working experience, in order to ensure partnership and cooperation in the development of national professional qualifications and their promotion, in order to enable transferability between various fields and levels of education and training and to ensure transparency in the implementation of procedures of certification.

## Literacy

178. Various measures and programmes for the development of literacy *have been proposed for raising the level of literacy* and achieving the aims set out in the *National Strategy for the Development of Literacy*. Two projects are currently taking place that are being implemented with funds from the European Social Fund.

## Adult education

179. The competences of adults are a crucial part of the *Resolution on the National Programme of Adult Education to 2010* (ReNPIO) of 2004. The following aims are specified in the resolution:

- to improve the general education of adults,
- to raise the education level, whereby successful completion of at least 12 years education is the basic educational standard,
- to increase employment capacities,
- to increase learning opportunities and inclusion in education.

## Gender equality

180. On the basis of the Resolution on the National Programme for Equal Opportunities of Women and Men 2005-2013<sup>89</sup> the area of *gender equality* should be mainstreamed in all levels of the educational system, thus also in curricula and teaching materials, as well as in teacher training programmes and in further education and training of professional workers in education.

## Inclusion of Applicants for and persons with recognised international protection in the Slovenian education system

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<sup>88</sup> Primary School Act (Official Gazette RS, no. 81/06 and 102/07)

<sup>89</sup> Resolution on the National Programme for Equal Opportunities of Women and Men 2005-2013 (ReNPENZM) (Official Gazette RS, no. 100/05).

# ADVANCE UNEDITED VERSION

181. In accordance with regulations that determine compulsory primary school education, Applicants for and persons with recognised international protection are guaranteed the right to primary school education. Applicants for international protection also have access to education in vocational and secondary schools and higher and university education, under the conditions that apply for citizens of the Republic of Slovenia. Even persons with recognised international protection status are treated as citizens of the Republic of Slovenia in the field of preschool, primary, secondary, higher and university education. The Ministry of Internal Affairs organizes for applicant's preparation for entry into the education system and provides them with school supplies. In addition, non-governmental organisations, within the framework of projects financed by the European Refugee Fund, provide daily learning assistance to schoolchildren.

## **Preventing dropout**

182. Preventing dropout is included within the framework of life-long counselling. New activities have been developed in Slovenia in recent years, which assist young persons and adults in deciding on a vocation, in education, learning, employment, and personal and career development, the aim of which is to support lifelong learning with a high quality and coherent strategy of lifelong career guidance. In December 2005, the National Forum for Career Guidance Policy was founded, which elaborated a *Proposal for Supplementing the Operative Programme of the European Social Fund for the Field of Human Resource Development 2007-2013*. The dropout rate in Slovenia is less than in other Member States. Pupils who cannot successfully complete education can obtain an NVQ certificate, which enables them access to the labour market. With the aid of the European Social Fund, projects are also financed for reducing dropout in schools, e.g., a project of preventive measures for preventing dropout (PUPO), a project of information and counselling for young people (ISM), the programme PUM, which, although it does not provide formal education, is intended for young adults who have left education and have major difficulties with inclusion both in school and work (*see above under adult education*). An evaluation study of the PUM programme showed that 40.6 percent of participants are included in some form of education in one or more years after completing the programme, and 23.7 percent are employed on either short-term or permanent contracts.

## **Article 15**

### **The right to take part in cultural life, to enjoy the benefits of scientific progress, and to benefit from the protection of moral and material interests resulting from copyright work**

183. Article 15 of the Covenant appears in valid legislation and umbrella strategic documents of the State, such as the *Strategy of Development of Slovenia 2006-2013*, and in sectorial documents, including in particular in culture the national programme for culture valid for a particular period, which is confirmed by the National Assembly of the Republic of Slovenia and for the implementation of which the Government of the Republic of Slovenia is responsible. *The Resolution on the National Programme for Culture 2004-2007*<sup>90</sup> and *2008-2011*<sup>91</sup> stress among their general priority tasks or principles, the need to ensure the accessibility of cultural goods and conditions for creativity, the right to culture or the sensible diversification of culture throughout Slovenia. The umbrella law for culture is the *Act Regulating the Realisation of the Public Interest in Culture*<sup>92</sup>. The entire cultural policy of the Republic of Slovenia is oriented towards increasing the guarantee of the accessibility of culture.

184. Cultural development in Slovenia is based on the polycentric principle. The Ministry of Culture keeps records of public cultural infrastructure, i.e., premises in the public ownership of the State and municipalities devoted to cultural use, which includes 952 items of real estate, of which 73 are owned by the State and 879 by municipalities. In addition, it also keeps records of public institutes in the field of culture, from which it is evident that in the period to 31 December 2008, we had 11

<sup>90</sup> Resolution on the National Programme for Culture 2004-2007 (Official Gazette RS no. 28/04).

<sup>91</sup> Resolution on the National Programme for Culture 2008-2011 (Official Gazette RS, no. 35/08).

<sup>92</sup> Act Regulating the Realisation of the Public Interest in Culture (Official Gazette RS, no. 96/02, 123/06 – ZFO-I, 7/07 – dec. CC, 53/08, 65/08– dec. CC and 57/08).

# ADVANCE UNEDITED VERSION

public institutes in the field of theatre (2 state-owned and 6 municipal), 3 public institutes in the sphere of music and ballet (all state owned), 51 museums and galleries (of which 11 state and 40 municipal), 6 regional archives and the Archive of the Republic of Slovenia, 53 cultural centres (1 state and 52 municipal), 61 public libraries (1 state, 59 municipal), 2 public institutes in the sphere of film and cinematography and 7 public institutes in the sphere of protection of the cultural heritage (2 state and 5 municipal). The number of public institutes in the field of culture has not essentially changed since 2008.

185. The public interest in culture is also ensured by granting the status of legal person of private law in the public interest in the field of culture. The Public Fund for Cultural Activities, with the aid of its 59 branch offices, enables the network linkage of societies and groups (production units) in the sphere of amateur cultural activities (in 2007 there were 4123). In 2007, 96,940 members worked in these groups. For the sake of better operation, the branch offices are linked into 10 combined regions. The network organisation of the fund enables multi-directional interaction, which takes place through societies and local communities, through regional branch offices and central expert services, as well as state bodies. At the same time, such an organisation also enables simple access to feedback in connection with measures adopted on a state level. The form of organisation of the fund also enables persons operating in the amateur cultural sphere to have links outside their local environment, thus reinforcing regional links and enabling coordinated regional development.

186. In order to encourage the maximum possible participation in culture, the State and municipalities financially support, among other things, numerous projects that also encourage participation in culture on an unpaid level (free entrance tickets are available to unemployed persons for some parts of the cultural offer, and children, young persons, students, families and older persons receive special price benefits). The free cultural provision for all inhabitants, for example, generally includes cultural events and performances organised by general libraries (these already had more than 9 million visits in 2006, which needs to be viewed in the light of the fact that Slovenia has fewer than 2 million inhabitants), events in the sphere of amateur activities (in 2008, more than 3 million visitors attended such performances), and free cultural events are also organised in other spheres, either as individual events or in the context of traditional events such as *Ta veseli da kulture* (This Happy Day of Culture), *Muzejska noč* (Museum Night), *Kulturni bazar* (Cultural Bazaar) and others.

## Culture heritage

187. The area of the cultural heritage is regulated by the Protection of the Cultural Heritage Act<sup>93</sup> and the Protection of Documentary and Archive Material and Archives Act<sup>94</sup>. In recent years, the activities of museums in particular have flourished, which, together with general libraries, are becoming information and education centres. The Act Regulating the Privatisation of Socially Owned Cultural Monuments<sup>95</sup> ensured that the most important monuments that had previously been socially owned and were not the subject of denationalisation (restitution to former owners) remained publicly owned and generally accessible during and after transition.

188. Enabling access to e-culture or digital cultural content is also one of the most important general priority tasks, which, in accordance with the National Programme for Culture, pervades - horizontally interweaves - the whole of culture. It is a matter of including information and communication technology in the basic processes of creating, storing, distributing, public presentation, protection and re-use of digital cultural contents by creators of cultural goods, as well as libraries, museums, galleries, archives, media and other cultural institutions. Investments in information and communication technology and digitalisation are required for restructuring, which Slovenia is also carrying out in terms of following the guidelines of the strategy i2010 (European Information Society 2010 for accelerated growth and employment in the information society), which also classifies digital libraries, museums, archives and other culture among leading development initiatives, and is intended to enable access to the multimedia and multilingual European heritage to everybody. One of the

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<sup>93</sup> Protection of the Cultural Heritage Act (Official Gazette RS, no. 7/99, 110/02-ZGO-1, 126/03-ZVPOPKD, 63/07-Dec.CC: Up-395/06-24, U-I-64/07-13 and 16/08-ZVKD-1)

<sup>94</sup> Protection of Documentary and Archive Material and Archives (Official Gazette RS, no. 30/06)

<sup>95</sup> Act Regulating the Privatisation of Socially Owned Cultural Monuments (Official Gazette RS no. 89/99 and 107/99)

# ADVANCE UNEDITED VERSION

exemplary models of successful operation in the sphere of e-culture in Slovenia is the Digital Library of Slovenia (www.dlib.si), a web portal which enables access to digitalised knowledge and cultural treasures. All collections are freely accessible.

## **Participation of children in cultural life and culture as a life-long dimension**

189. In the period since 2003, the Ministry of Culture, in cooperation with the Ministry of Education and Sport, has made a major step forward in realising cultural rights through the planned development of cultural education within education. The foundations for the systematic development of cultural education as a life-long dimension were already established in the *National Programme for Culture 2004-2007*, in the current *National Programme for Culture 2008-2011*<sup>96</sup> and care for planned cultural education is defined as a long-term goal of Slovene cultural policy. The aforementioned ministries together prepared a proposal of measures and goals, and their realisation is the responsibility of all government ministries. We also respect in the joint measures the guidelines outlined in the UNESCO document Road Map for Arts Education, 2006.

## **The integration of older persons and/or persons with disabilities in society and their equal treatment**

190. *The National Programme for Culture 2008-2011* envisages the integration of older persons and/or persons with disabilities in society and their equal treatment, which means that any form of negative discrimination of persons with disabilities because of their disability is prohibited. In addition to the *National Programme for Culture 2008-2011*, the following legal documents should be mentioned, which we respect in work in this area and which prohibit the negative discrimination of persons with disabilities, hostility towards them or violence against them, and envisage the integration of persons with disabilities into society: Convention on the Rights of Persons with Disabilities, Standard UN Rules for the Equalization of Opportunities for Persons with Disabilities, the European Directive on Non-Discrimination (still in the adoption phase), Constitution of the Republic of Slovenia, Employment Rehabilitation and Employment of Persons with Disabilities Act, National Action Programme for Persons with Disabilities 2007-2013 and the Equalizing the Opportunities of Persons with Disabilities Act<sup>97</sup>. The Ministry of Culture supports the implementation of various adult education programmes and projects, both in terms of content and of field or regional distribution and, in addition, also ensures the equal treatment of persons with disabilities and their inclusion in cultural life and work in the field of culture (see also annex).

191. For the equal opportunities of persons with disabilities in terms of inclusion in work in the field of culture, the Ministry of Culture in 2008 and 2009 also held a "Public call for applications for the selection of cultural projects for increasing the employability of vulnerable social groups in the field of culture and support for their social inclusion" within the framework of the European Social Fund. Applications are currently being collected for this kind of public call for applications for 2010 and 2011.

192. Linguistic minorities also include the deaf, who communicate in their own Slovenian sign language. The Slovenian Sign Language Act deals with the rights of the deaf to the use of their own language<sup>98</sup>. The Ministry of Culture takes care of the development, promotion and spread of the Slovenian sign language by co-funding cultural projects that are intended for the production of TV and video content and web content intended for the deaf that is interpreted into Slovenian sign language. In recent years, we have noted an increase in the number of contributions and visitors to web TV, from more than 220 in 2007 to 393 in 2009, and the number of visits from 100,000 in 2007 to 135,345 in 2009.

## **Integration of minorities into cultural life**

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<sup>96</sup> Resolution on the National Programme for Culture 2008-2011 / (ReNPK0811) / (Official Gazette RS, no. 35/08).

<sup>97</sup> Equalizing the Opportunities of Persons with Disabilities Act (Official Gazette RS, no. 94/2010).

<sup>98</sup> Slovenian Sign Language Act (ZUSZJ) (Official Gazette RS, no. 96/02).

# ADVANCE UNEDITED VERSION

193. The Ministry of Culture actualises its concern for these communities through normative, organisational and financial instruments and with the aid of three types of programme: special programmes, integration programmes and programmes of the European Social Fund for human resources. The Ministry of Culture realises the following basic principles of minority policy: the first is the principle of respect for minority communities as subjects of their own interests, the second is the principle of respecting the special circumstances in which minorities and people that belong to them live and the third very important principle is that of integration (see annex).

## **Cultural activity of the Roma community**

194. The Ministry of Culture has already been creating conditions for the cultural activity of the Roma community in the RS since 1993 and, within the framework of the Sector for Minority Cultural Rights, is successfully providing services for the Roma community (see annex).

195. Various instruments have been developed for that purpose: normative, organisational and financial, and a coherent policy, which includes three programmes: *special*, devoted to protecting the special rights of the Roma community and also including positive discrimination, *integration*, intended for their inclusion in various cultural and arts programmes of public institutes and other bodies, and *European*, which is intended to fill the gap in the field of training and employment of Roma in the cultural field. A positive shift in the field of information activities of the Roma community is observable in the preparation of *radio and television broadcasts for Roma*. Under the auspices of the Association of Roma of Slovenia, the *Roma Information Centre - ROMIC*, has been functioning since 2003, and in 2008 successfully obtained a local radio frequency for the area of Murska Sobota and surroundings (table in annex). Measures in this field are also included in the National Programme of Measures for the Roma of the Government of the Republic of Slovenia 2010-2015.

## **Copyright**

196. Copyright and related rights in Slovenia are regulated by the Copyright and Related Rights Act<sup>99</sup>. The Act is among continental European copyright systems, which are based on the author (natural person) as the focus of the entire arrangement. Copyright is a human right, which is based on natural law and from which derive absolute moral and material entitlements. It is always created and mainly by an author as a natural person. Copyright and related rights are of fundamental importance for encouraging and presenting cultural creativity and the cultural life of society and they ensure the existence of spiritual creators and co-creators and thus indirectly also the identity of a nation. From the economic aspect these rights are very important for economic branches connected with copyright and related rights, such as publishing, film production, phonographic and videographic industries, broadcasting organisations etc. Copyright, together with rights to industrial property, belongs in entirety to intellectual property rights, thus rights deriving from human scientific, technical, inventive and artistic creative activities. The Slovenian Copyright and Related Rights Act regulates: the right of authors to their work in the field of literature, science and art (copyright); the rights of performers, producers of phonograms, film producers, radio and television (RTV) organisations and publishing houses (related rights); individual and collective enforcement of copyright and related rights.

## **Employment relationships in the field of culture**

197. Employment relationships in the field of artistic and other cultural activities are generally based on permanent contracts. On the basis of Article 46 of the Act Regulating the Realisation of the Public Interest in Culture, the act on job systemisation may, when this is required by the special nature of work in the field of artistic or other cultural activities, specify for which jobs short-term contracts may be concluded, which may not be longer than the duration of the term of office of the director or

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<sup>99</sup> Copyright and Related Rights Act – (official consolidated text) (Official Gazette RS, no.16/07, 85/10, CC. Dec. U-I191/09-7, Up-916/09-16)



# ADVANCE UNEDITED VERSION

no longer than five years. This is a new provision: in the period from 1 January 2003 to 31 December 2008 (and right up to February 2010) there was no restriction on newly concluding a short-term employment contract.

198. At the same time, the State also supports other forms of activity in culture. One of these forms is the granting of the status of self-employed person in culture. If the earnings of a self-employed person in culture do not provide normal conditions, a self-employed person in culture has the possibility of the State paying contributions for compulsory pension and disability insurance and compulsory health insurance from the national budget. This right may be obtained by self-employed persons in culture, whose work signifies an exceptional cultural contribution or for a profession that, because of human resource requirements in culture, needs to be supported (deficit profession). This means that any kind of discrimination is excluded. Self-employed persons in culture have the right under equal conditions to apply through public tenders or calls for applications intended for co-financing their cultural projects.

199. Other forms of encouraging cultural creativity include, for example, awarding scholarships in the field of culture, republican awards and exceptional pensions.

## **Realising the public interest in culture**

200. On the basis of the Act Regulating the Realisation of the Public Interest<sup>100</sup> in Culture, free activity is guaranteed in the sphere of culture (creating and mediating cultural goods). The Act guarantees the realisation of rights under the heading of artistic creation, without any kind of discrimination. In accordance with this Act, the public interest in culture is primarily realised by ensuring possibilities of cultural creativity, the accessibility of cultural goods, cultural diversity, the enforcement and development of the Slovene language, Slovene cultural identity, the common Slovene cultural space, international identity and validating Slovenian culture and art in the international space. The Act Regulating the Realisation of the Public Interest in Culture is the umbrella law in the field of culture but, at the same time, Slovenia also has other laws regulating individual spheres of culture.

201. On the basis of the Act Regulating the Realisation of the Public Interest in Culture, each year the National Programme for Culture is drafted, which serves as a strategic document for the Slovene cultural policy, defining principles, goals, priorities and measures that encourage the development of individual and group creativity in the sphere of culture in the Republic of Slovenia, ensure free, independent and dynamic culture, enable the protection of the Slovene cultural heritage and tradition, develop cultural diversity and accelerate cultural exchange between Slovenia and the world. In accordance with this Act, the public interest in culture is primarily realised by ensuring possibilities of cultural creativity, the accessibility of cultural goods, cultural diversity, the enforcement and development of the Slovene language, Slovene cultural identity, the common Slovene cultural space, international visibility and international promotion of the Slovenian culture and art.

## **Freedom of the media space**

202. *The National Programme for Culture 2008-2011* states as strategic goals of cultural policy: freedom of the media space, care for language and communication in the era of globalisation, preserving the heritage and development of the cultural and natural environment and the contribution of culture to development growth and employment.

203. Among the accomplished goals are ranked: support to creators (and professionals) - individuals and interest groups, i.e., increasing resources for quality cultural programmes and projects, encouraging institutions to be open to new challenges and, at the same time care, for their stable

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<sup>100</sup> Act Regulating the Realisation of the Public Interest in the Field of Culture (official consolidated version),(ZUJIK-UPB1) Official Gazette RS, no. 77/07, 94/09 CC: Dec. U-I-278/07-17).

# ADVANCE UNEDITED VERSION

operation, support to cultural networks and cooperation among providers of cultural activities, encouraging partnerships among providers of cultural activities, education, higher education, civil society and the economy, and the promotion of Slovenian culture and language in Slovenia, Europe and elsewhere throughout the world.

## Scientific progress and achievements

204. On the level of legislation, continuity has been preserved with the previous *Research and Development Activity Act*<sup>101</sup>, the principles are preserved of the autonomy of research, of ethics and responsibility in achieving the aims enshrined in the *National Research and Development Programme 2006-2010*<sup>102</sup> and budget memorandums.

205. In 2004, the *Slovenian Research Agency (ARRS)* was founded, the then Ministry of Education, Science and Sport was transformed in 2006 and the Ministry of Education and Sport and the Minister of Higher Education, Science and Technology were founded. In the following two years, the latter was additionally reorganised internally so that the current Ministry of Higher Education, Science and Technology performs tasks in the fields of higher education, research activities, technology, metrics and promoting the information society in areas that do not belong within the fields of work of other ministries, and coordination of work in the sphere of the information society.

206. In the reporting period, the Slovenian Technology Agency and the Public Agency of the Republic of Slovenia for Entrepreneurship and Foreign Investment began operations and, in December 2009, the National Agency for Quality in Higher Education was also founded.

## Higher Education and Research

207. The Ministry of Higher Education, Science and Sport carried out an evaluation in 2009 of the *National Research and Development Programme (NRRP) for 2006–2010* and started to prepare a new legislative basis for the area of science (research and development activities) and the area of higher education and, at the same time as the aforementioned legislative documents, also the *National Research and Development Programme 2011-2015* and *National Programme of Higher Education 2011–2020*. A national Action Plan for Realisation of the European Partnership for Researchers is also in preparation, based on the principles of the European Charter for Researchers and the European Partnership for Researchers (fifth freedom, free flow of people and knowledge). In March 2010, the ministry founded a special Expert Group for Human Resources in Science, which is preparing a national action plan for realising the European Partnership for Researchers.

## Encouraging the use of the results of scientific progress

208. In the reporting period, the Ministry of Higher Education, Science and Technology retained the institutional support scheme that already provided support to scientific progress and the realisation of human rights in the preceding period, including: basic and applied scientific research projects, targeted research projects and independent research of all other ministries.

209. Research work took place at four Slovenian universities (University of Ljubljana, University of Maribor, University of Primorska and University of Nova Gorica - the last two were founded during the reporting period), which were joined in April 2010 by a fifth Slovenian university, EMUNI - Euro-Mediterranean University) and at 18 public research organisations and institutes.

210. In addition to the programmes Young Researchers and Young Researchers for the Economy, a special mechanism for encouraging a larger role of women in science and the operation of the Commission for a Greater Role of Women in Science should be mentioned in connection with the realisation of science policy.

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<sup>101</sup>Research and Development Act (official consolidated text) (Official Gazette, RS, št. 22/06, 112/07, 9/11)

<sup>102</sup>Resolution on the National Research and Development Programme 2006–2010 (ReNRRP)(Official Gazette RS, no. 3/06)

## ADVANCE UNEDITED VERSION

211. The position of women in science does not essentially differ in Slovenia from other European states. The Office of the Slovenian National Commission for UNESCO first raised the question of equal opportunities and, in autumn 1994, within the framework of Science Week, organised a round table on women in science and research. On the initiative of the Office (1997), UNESCO included the theme of women in science in preparation of the programme of the World Conference on Science. The Ministry of Science and Technology appointed a national coordinator for women in science in 1999, which was followed in 2001 with the founding of the *Commission for Enforcing the Role of Women in Science* and later the *Commission for Women in Science*. In view of its own guidelines, on 7 January 2010, the ministry appointed a *Commission for Women in Science*.

212. At the Ministry of Higher Education, Science and Technology, the commission that judges the ethical aspects and permissibility of carrying out research in medicine also continued its work in the area of medical sciences.