

Violence Against Children in SLOVENIA

Relevant extracts from an NGO alternative report presented to the UN Committee on the Rights of the Child

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South East European Child Rights Action Network – English

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[...]

National and racial intolerance encountered in Slovenia, unfortunately touches also the lives of children. In the discussions on violence experienced by children in the schools or on the streets, insults and stigmatisation on a national basis are exposed as a common form of violence. 'Bosnians, Gypsies, etc.' are nicknames that children from other nationalities or ethnical groups encounter on a regular basis.

[...]

As one of the most exposed groups we should mention the Roma children who are much to often the target of discrimination.

[...]

It is also noticeable that in court proceedings against an adolescent person, representatives are appointed by the court, who are not truly specialised for this field and who, due to their full work schedule, cannot engage themselves sufficiently and are not always capable of keeping the best benefit of the child in mind.

[...]

An important indicator, which influences the development, is the information on the level of poverty. In Slovenia this level is on the increase every year. According to the data of the Statistical Office of RS poor people live in 100.000 households and amongst them there are also 72.000 children i.e. every fourth child. During the recent years the number of single parent families has risen to 1/5 of all families. These are also on the second place as receivers of various forms of social help. Due to the irregular payment of alimonies from the side of the persons obliged to pay them they not enabled a decent survival. One of the researches carried out by the Faculty of Social Sciences shows that over 50% of the children living in single parent families already found themselves in social exclusion.

[...]

Burning issues are also the cases of domestic violence, which often end with the withdrawal of the victim (the mother and the child) from the apartment and not the violent person. By withdrawing to a safe house or a mother's home the problems are not ended, they are only changed. Living in these institutions is only a temporary measure, and in these times the possibility of solving the housing problem of the mothers and children is more of an exception than a rule. The victims of violence are only rarely successful at the candidature for social apartments, for they do not obtain a sufficient number of points. There are also cases when they cannot apply for the tender, because they can candidate only in the place of their permanent residency, even though they had to move away from it due to their fear of the violent spouse.

Table: Violence over children¹

Punishable offence	Year 2001
Grieve bodily harm	53

¹ Data from the Ministry of Internal Affairs

Maltreatment	45
Placing into slavery	1
Neglecting an adolescent and rough treatment	207
Sexual assault of a person under 15 years of age	231

[...]

The Roma Children are in all respects the most vulnerable and/or risk group of children in Slovenia.

The high level of discrimination and prejudice is present in their social environment as well as among the government officials and professionals. As result of those the discriminative, restrictive and repressive measures are applied in every day practice in public services. The most common is denial or restriction to public services access² as well as use of the rule of punishment³, often justified as educational measure.

[...]

According to the 29 year-old Roma single mother Ms. S. E., who lost her status of a permanent resident due to the erasure from the RPR in 1992, a local health care centre refused to treat her seriously ill child. The reason given was that she doesn't possess a legal status in Slovenia. Currently her situation is changed. She and her child have a permit for temporary residence and as temporary aliens they are not entitled to social assistance. Therefore, Ms. S. E. is not entitled to the subsidy for school meals for her child although she is a single mother. Namely, social benefits are contingent upon Slovene permanent residence or citizenship. This is clearly in breach of article No. 26 of CRC, which requires that "State parties shall recognise every child the right to benefits from social security, ..."

[...]

The most frequent discriminatory practice affecting the Roma children is the segregation in schooling. For instance, the European Roma Rights Centre (ERRC) reports on the primary school in Leskovec near Krško, where Roma children of nursery school age and in grades 1 to 4 are segregated from non-Roma children not only into separate classes, but also to a separate building.⁴

[...]

Roma children without a legal status in Slovenia are highly discriminated with respect to the provision of primary education. Two such examples are S. H. (13) and S. H. (15), asylum-seekers from Serbia who arrived to Slovenia with their parents in 1992. None of them were accepted to any of the primary schools in Ljubljana, although their parents went to the school authorities at the primary school Boris Kidric in Ljubljana and asked them if their children could attend this school. The school authorities replied that the Ministry of Education informed them that they (i.e. the aforementioned Roma children) do not have the right to education, because they have no legal status. Only recently (as they obtained the status of asylum seekers) the school authorities suggested that they could attend an evening primary school.⁵

[...]

As mentioned above, Slovenia differentiates between the "indigenous" (indigenous Roma, Hungarians and Italians) and "non-indigenous" ethnic minorities (Albanians, Bosniaks, Croats, Serbs, Macedonians, etc.).⁶ Such a distinction has resulted in a notable gap between the declared minority protection standards and the status of the minorities living in Slovenia. Therefore constitutes

² Reported cases of special office hours for health and social services.

³ Reported cases: denials of the right for child benefit in cases when the child is not attending the school and number of cases of punishment measures in schools that not apply for other children (including the psychological and physical violence).

⁴ Tatjana Perić, "Insufficient: Governmental Programmes for Roma in Slovenia", 2-3 *Roma Rights – Quarterly Journal of the ERRC* 2001, pg. 45.

⁵ This problem was also addressed by CERD by saying "...the Committee is concerned at the existing practice that some children may be educated in vocational centres for adults, others in special classes. Recalling its General Recommendation XXVII on discrimination against Roma, the Committee encourages the State party to promote the integration of children of Roma origin into mainstream schools." CERD/C/62/CO/9, 21st March 2003, paragraph 11.

⁶ See *Census of Population, Households and Housing, Slovenia, 31st March 2003* <<http://www.stat.si/popis2002/gradivo/si-92.pdf>> (accessed on 17th April 2003).

discrimination prohibited under article No. 2 of the CRC and a violation of article No. 30 of the CRC protecting cultural rights of the children belonging to ethnic minorities.

[...]

Most of the unaccompanied children in Slovenia came to Slovenia because they left their home country due to their fear of persecution, drafting by force, wars, violation of basic human rights or hunger and poverty. Some decided to leave their home because they lost their parents or were ditched by them.

Unfortunately, they often become victims of the white slave trade and sexual abuse. Most children who fall victims to the white slave trade come from families with disorganised relations or interior conflicts, which are the consequence of high unemployment, low income and social insecurity. In some countries, like for instance Albania and Nigeria we can track the inclusion of the family members into the trade with young girls for sexual abuse. Criminal associations also use unaccompanied children for their needs, for they know that in the event that they are caught, the children will often be acquitted in legal proceedings due to their youth.

[...]

In Slovenia the rights of children, victims of the aforementioned offences are not respected as they should be, for all children that were victims of these offences did not receive appropriate expert help, which would enable their recovery and appropriate return into society

In 2001 the bodies for interior affairs had 167 reports of suspicions of punishable offences of neglecting an adolescent person and violent actions according to article No. 201 of the penal legislation (KZ) and 231 cases of suspicion of punishable offences of a sexual nature against a person under 15 years of age.

In article No. 19 the Convention of the Rights of the Child clearly states that the countries signatories will with all appropriate legislative, administrative, social and upbringing measures protect the child from all forms of physical and mental violence, damage of abuse, neglect or neglectful treatment, torture or exploitation, including sexual abuse while under the custody of parents, legal representatives or any other person who takes care of them.

The right of children to recover which is also defined in article No. 39 of the Convention of the Rights of the Child would have to be ensured within the frame of expert services. Currently there is no clearly recognisable programme of help for children, victims of such offences in Slovenia. Similarly there are no programmes for their parents, who were prepared to protect them or for parents who might be capable of changing their relation and approach towards their child with expert help.

[...]

The state has not taken over a number of the necessary measures as regards torture, neglect and sexual abuse, which are necessary to enforce article No. 3 of the Convention which states: 'that the rights of children must be the main rule.'

Apart from the concrete problems, which represent the violation of children's rights we would firstly like to emphasise the fact that the state has so far not yet realised some of the important expectations of the Committee from 1996:

- efficient co-ordination between all government bodies which deal with the well being of the child on the national as well as local level;
- the need to adopt certain measures, amongst others also legislative with the intention of more successfully repressing the mistreatment and sexual abuse of children within their families (a research as proposed by the Committee has still not been carried out). Regardless of the demands from non-government organisations and the public pressure appropriate changes in the legislation dealing with sexual abuse of children have still not occurred. Recognisable social programmes for the prevention of abuse and appropriate approaches in the field of violence over children within their families have also not been established.

Training the staff responsible for the care or protection of children in various jobs and institutions to understand, prevent and act in the event of any sort of abuse of children is still more in the domain of the personal choice of the individual and not an obligation of the country signatory.

In numerous procedures of various institutions and services which lead these institutions in relation to discovering torture and sexual abuse of children or when they deal with children due to the suspicion or punishable offences over children, they do not take into account the child's age and maturity or offer any information on the procedures and thus they violate the right to the free formation and expression of one's own will, which emerge from articles Nos. 12 and 13 of the Convention (procedures with the police, social services, courts). Therefore the child is most commonly not informed as in what took place during the proceedings, he does not understand them and he often does not know what will happen to him. Even though throughout the world teamwork is recognised as a successful work method in the field of child abuse and violence in families it is not practiced in all centres for social work and in all cases. Children are rarely invited to team meetings and they are not given appropriate chances to pose questions on decisions that he finds unclear or, of course, forming his own opinions. Parents are still most frequently used merely as the mediators of information.

Through the procedures of all institutions or non-government organisations within the frame of which the previously described rights of the child are not respected, the child's right to privacy might also be violated (article No. 16 of the Convention). The child is taught to respond to the questions posed by adults (for instance the questions as regards personal issues in the pre-legal or other procedures that are not linked to the act itself in relation to which the procedure is running), if not told otherwise.

The violation of the child's privacy often occurs also in the public media, when they report on the cases of child violation, whether this is torture or sexual abuse. Cases, which have reached a court epilogue, are often represented in a way, which gives ample opportunities for the child to recognise himself in it or for his entire neighbourhood to recognise him. This surely represents a violation of the right of the child to privacy, regardless of the fact whether they are dealing with his, his family or his closest.

Apart from other means the state should also through legislative demands (for instance family legislation) ensure the principles, that the parents are equally responsible for the child's upbringing and development (article No. 18 of the Convention). With the family legislation the responsibilities of the parents and the state measures to help the parents and the family should be clearly defined. Clearer recognition of the existing, especially the necessary programmes to help the parents and the family should be a political decision of the state, which would be expressed in the financial support of such programmes and their encouragement and thus ensuring the development of institutions in this field.

The level and quality of fulfilling the first paragraph of article No. 19 of the Convention is to a great extent dependent on additional (preventive) and other approaches and programmes, informing the general public and the political support of the state. In various segments of this problem (guided help) the child and the family are with various possibilities and appropriate approaches and views still better helped by non-government organisations instead of the state services. It is also a sad fact that the protection of children is much too often dependent merely on the readiness and persistency of the non-abusing members and not of a systematic changing of the condition from the side of the state.

Experience that some non-government organisations have at informing as regards the suspicion of child abuse, who are due to reasons of care, protection or treatment of their physical or mental health taken into the care with appropriate institutions show the present problem of negation of abuse in a time when they are in the care of the institutions or when and if the abuse takes place within the frame of the institution. This problem also points towards the extremely small number of disclosed cases of abuses within these institutions and the fact that also cases of informing are disregarded with totally unacceptable, unprofessional and full of prejudice explanations (for instance we can not believe an autistic child or at the work with handicapped children a physical touch is also a work method, they are both disturbed and we therefore will not create a circus, etc.), therefore it is necessary to actively enforce the right from article No. 25 of the Convention by informing the parents of these children and abolishing the opinion that the state and its institutions always act to the best benefit of the child.

Regardless of the endeavours of a wide spectre of citizens that signed petitions and demands for higher sanctions defined by the legislation in relation to the punishable offences against the sexual untouchability of the children and adolescents, the state insists on the legislation, which is based on the threatened sanctions adopted 50 years ago.

With great difficulties one of the articles was changed three years ago. This was the article 'sexual assault of a child' into 'sexual assault of a person under 15 years of age' (with this the age boarder of the victims was raised for one year). The child of 15 years of age becomes independent, he can work, he can decide upon medical treatment, he is no longer completely dependent on the adults, which is one of the important basis for such acts. However the penal sanction was not raised, which in its basic act defines a punishment of 6 months to 5 years of prison. The perpetrator can also be sentenced only conditionally.

In Slovenia so far there was one sentence of 15 years of prison for sexual abuse of a child on the basis of the second paragraph of article No. 183, the perpetrator was not a Slovene by nationality.

The legislative protection of children is deficient and poor. This influences also the decisions for reporting sexual abuses, which is additionally strengthened by the poor court practice. The legal proceedings are very slow, even though the waiting period has been slightly reduced, the sentences given are low, there is a lack of specialised judges and child representatives for this field of work. The limitation periods of these acts are very short (double the foreseen sanction) and many victims after 10 years have no more chances of bringing the suspect to justice.

The proposal of a non-government organisation that the word 'BAD' is dismissed from the article Neglect and raw treatment of children was not accepted. This determines that only parents for which a longer lasting and truly violent torture of children is proven find themselves in court proceedings. We have no other measures against parents.

There is also no legislation on the abuse of children over the Internet, sex tourism, mediating child pornography, etc.

We would also like to draw attention to the fact that the state has so far not yet ensured a safe house for children, victims of various forms of torture, who are in desperate need of a short-term housing (article No. 39 of the Convention) when their family or other circumstances are revealed. The state has also not yet ensured specialised foster families who would know how to work with abused children and could accept them and ensure a truly appropriate environment for them. When necessary the children are placed in crisis centres, institutions or housing groups, amongst a population of children with different problems and thus they feel additionally punished.

[...]