

Implementing the Child Participation Assessment Tool in Slovenia

Urban BOLJKA
Jasmina ROSIČ
Tamara NARAT
Jasna MURGEL
Aleš ISTENIČ



Building a Europe
for and with children



REPUBLIKA SLOVENIJA
MINISTRSTVO ZA DELO, DRUŽINO,
SOCIALNE ZADEVE IN ENAKE MOŽNOSTI



INŠTITUT RS ZA SOCIALNO VARSTVO
SOCIAL PROTECTION INSTITUTE OF THE REPUBLIC OF SLOVENIA

Content

Executive summary	3
1. INTRODUCTION AND THE ASSESSMENT PROCESS	6
2. OUTCOMES OF THE CHILD PARTICIPATION ASSESSMENT PROCESS	8
PROTECTING THE RIGHT TO PARTICIPATE	8
INDICATOR 1	8
Legal protection for children's right to participate is reflected in the national constitution and legislation	8
INDICATOR 2	12
Explicit inclusion of children and young people's right to participate in decision-making in a cross-sectoral national strategy to implement children's rights.....	12
INDICATOR 3	15
An independent children's rights institution is in place and protected by the law	15
INDICATOR 4	20
Existence of mechanisms to enable children to exercise their right to participate safely in judicial and administrative proceedings.....	20
INDICATOR 5	23
Child friendly individual complaints procedures are in place	23
PROMOTING AWARENESS OF THE RIGHT TO PARTICIPATION	29
INDICATOR 6	29
Children's right to participate in decision-making is embedded in pre-service training programme for professionals working with and for children.....	29
INDICATOR 7	33
Children are provided with information about their right to participate in decision-making	33
CREATING SPACES FOR PARTICIPATION	39
INDICATOR 8	39
Children are represented in forums, including through their own organisations, at school, local, regional and national governance levels	39
INDICATOR 9	44
Child-targeted feedback mechanisms on local authority services are in place	44
INDICATOR 10	50
Children are supported to participate in the monitoring of the UNCRC (including in CRC shadow reporting) and relevant Council of Europe instruments and conventions (hereinafter called: children's rights instruments)	50
3. CONCLUSIONS, PLANS and recommendations.....	54
4. APPENDIX.....	58
Focus groups	58
List of involved stakeholders.....	63

Executive summary

The Constitution of the RS does not explicitly regulate the children's right to participation, however, legal protection for children to participate in decision making is more distinguish in education, child protection and family legislation, partly in the health care, criminal justice proceedings and immigration and asylum proceedings. The particularly notable lack of legal support to participate can be found in the legislation for the children with disabilities. Although the right of children to participate in various procedures is regulated by several laws, a special comprehensive law regulating this field in compliance with all the provisions of the CRC would improve the status of children.

Slovenia does not have a standalone cross-sectoral national strategy on children or young people's right to participate in decision-making. Nevertheless, the topic of participation is prominently featured in cross-sectoral national strategy National Youth Programme 2013–2022, it was an important part of the Programme for Children and Youth 2013–2016, but the last has not been updated for more than three years in spite of criticism from NGO sector and part of academic and policy community. According to some activities related to the design of The Programme for Children and Youth 2020–2025 it can be assumed that the participation will feature rather prominently.

The Ombudsperson for children in Slovenia is a part of a broader human rights institution, yet not fully compliant with Paris Principles. Despite that, children are usually well informed about its existence and convinced of the importance of the institute. However, Ombudsman is predominantly perceived as more of an abstract concept and reluctance to contact the Ombudsman can be noticed as children believe that only important and serious problems would be given attention to by the highest authorities. That indicates the need for rebranding of the institute's image in order to bringing it closer to children.

Rules and procedures to ensure access to information on rights, to free access to a lawyer, and to be heard are applied in some judicial and administrative proceedings. There is, however the need to regulate the participation of children in administrative procedures in centres for social work in situations where the Family Code does not apply with a special law determining the rights of children, as neither the General Administrative Procedure Act nor the Social Services Act have provisions on child participation.

Complaints procedures are mandated by law at the Inspectorate of Education and Sport, in judiciary, health and migration contexts, and through the Ombudsman's activity Advocate – A Child's Voice, where children may submit a complaint at several other areas, such as social services, education, judiciary etc. However, the procedures are usually not child-friendly. In the education settings there is no clear complaint procedure system with rules that protect children, but certain children still express their opinions or make a complaint. Yet, the process of filing a complaint depends too much on the initiative of the child and professionals working with them. From the perspective of children, besides introducing specific rules in a complaint procedure, it seems crucial to establish a safe environment of trust and fair treatment in order for them to feel comfortable in issuing a complaint.

The topics of children's rights and participation are often part of educational programmes for professionals working with children, mainly as a cross-curricular theme and not presented a single subject. However, according to professionals from the field, the acquired knowledge and competences is not sufficient and there is not enough emphasis placed on practical knowledge in comparison to the theoretical knowledge. The need for special attention to vulnerable children in relation to their rights and participation is rarely mentioned in curriculums. The professionals would also like to have more on-the-job trainings on children's rights and participation. Usually, the children who had experiences with judges, police officers, social workers, etc. assess their competences as good, yet, the children with the

migrant background are less likely to have this opinion. The children without experiences with these professionals and institutions they work for in general perceive the judges and courts as serious and “scary” institutions where professionals would not know how to talk to children. On the contrary, centres for social work are generally perceived as child-friendly institutions where professionals are there to help children and their families. In the field of participation in school environment, teachers, according to children who participated in focus groups, are less likely to take children’s opinion into consideration and there are few activities which they feel they can influence.

Children in Slovenia are provided with information about their right to participate mainly in the education system, partly also within the family. The citizenship education is a cross-curricular theme, but also integrated into other compulsory subjects (such as Slovenian language, society, history, sociology etc.) and optional subjects. Sometimes children express the wish that topics would be better conceptualised, taught and presented by teachers with the use of more innovative methods and technology. Even though children are exposed to the same curriculum, they are not always equally informed about their rights. Differences in general appear according to the age (older children are better informed than younger), region of residence (children from central regions are better informed), urban vs rural divide (children from rural areas are less informed), engagement of teachers (children from classes with more motivated teachers are better informed) and socio-economic, cultural and educational status of their parents (children from deprived families where parents face social problems, are also deprived in terms of information, similar can be claimed for children with migrant background).

In spite of children’s forums not being legally mandated (forums for the youth are an exception), the schools, civil society and local communities organise them at the school, local, regional and national level. In these forums a limited number of children participate, more often older children, and there is gender balanced composition. Class representatives and forums’ participants are generally selected based on their personality traits and/or on their high educational attainment. They, according to children who participated in focus groups, in principle, come from socio-economically and culturally non deprived families and are not members of ethnical minorities (Roma children), do not have behavioural, emotional and learning difficulties or physical impairments. The choice of representatives depends mainly on the teacher or in some cases, (anonymized) voting takes place. Children often recognise these forums as a mean to achieve changes in their schools, fewer effects are reported at the local and regional level, opinions on the effectiveness of the National Children's Parliament, are divided. Children with personal experience of participating in forums are usually more critical of their effects. The motivation for active citizenship and participation in forums drops with age mostly due to children’s perceptions that they are not being heard and do not receive sufficient feedback especially in the form of explanation why some of their suggestions could not be implemented as well as due to the abundance of extra-curriculum activities and increased school workload (participation in forums represents additional responsibility and is time-consuming).

Regulations of the feedback mechanisms are in general rather rare in public authority services, except in the field of education. Here, majority of children who participated in our focus groups feel they can express their views on the matters concerning them. In other areas of everyday life, for instance in local communities, in the fields of social services, health, cultural institutions and organizations providing leisure time activities the child-friendly feedback mechanisms are rare, on top of that, children are often not aware of their existence. Child-friendly feedback mechanisms in the school environment could therefore be extended to other services fields in local communities.

Children’s NGO organisations lack financial resources to systematically monitor the implementation of the UNCRC and any other children’s rights instruments which Slovenia has ratified. Commonly only selected children are invited to participate in monitoring of the children’s rights instruments. However, some progress has been observed in relation to that especially in the activities led by NGO’s where the

attempts have been made to include also children from vulnerable social groups. One example of this is the organisation of World Café with Children – the discussions with the aim to gain children's views to be used in the upcoming national strategic document Programme for children 2020-2025 and for the preparation of the 5th and 6th periodic reports on the implementation of the CRC.

1. INTRODUCTION AND THE ASSESSMENT PROCESS

The initiative to join the Council of Europe Child Participation Assessment Tool came from the Ministry of Labour, Family, Social Affairs and Equal Opportunities which in 2019 assigned the Social Protection Institute of the Republic of Slovenia to undertake the assessment.

It was the recognition of the ministry that the Assessment Tool offers a method, already piloted and implemented at the European level, not only to facilitate and support the implementation of the child's right to participate but also to identify the weak points and according to the findings of the report, build a network of stakeholders and more effectively address these weak point in the future. Using the Assessment Tool with its 10 basic indicators will enable the policy designers and policy decision-makers to acquire relevant data and information on the state of affair regarding particular indicator providing the basis for evidence-based policy making across government ministries, throughout local authority administrations, with the courts and judicial systems, with relevant professionals working with children, non-governmental organisations, and with children and youth organisations.

The process of implementation of the tool started with the induction seminar in April 2019. Before the induction seminar, the translation of the Assessment Tool into Slovene child-friendly version was prepared. The induction seminar brought together all relevant stakeholders: line ministries, civil society, Ombudsperson, youth and children organisations, relevant professional organisations and academics giving the project the needed visibility and recognition. The participants were introduced to the Assessment Tool as well as to the key Council of Europe, European Commissions and United Nations work on child participation. The expectations of relevant stakeholders, the initial plan for the implementation and the expected outcomes have been discussed. The exercise with first assessment of the 10 indicators have been performed. The cooperation with stakeholders which participated in the seminar continued throughout the year, we have continuously built the stakeholders network. The stakeholders assumed various roles within the project's implementation (for details see the Appendix) as envisioned in the *Implementation Guide*.

During the implementation, a great emphasis has been placed on assuring that children themselves would be an important part of the project (for details of focus groups design and implementation see the Appendix). This is linked to the fact that the majority of the Assessment Tool's indicators are structural and process indicators. The first reflect the existence of legal instruments, as well as basic institutional and budgetary mechanisms necessary for facilitating child participation, the second reflect the efforts made at national and local level to implement the structural provisions in the form of national strategies, policy measures, action programmes, training initiatives, campaigns and other activities aimed at supporting child participation. We felt that placing an important part of the assessment into measuring the outcomes of child participation¹ would give the final assessment a truly child-centred note (this does not mean, however that structural and process features of the Assessment Tool's indicators have not been taken into account).

The focus groups' organisation, design, implementation and analysis have been therefore at the centre of the research efforts. The organisation included: sending out invitations to schools, communication with schools (participants, venues, protocols etc.), arranging formalities on data confidentiality, parents' permissions, small rewards for children; implementation included: child-friendly questionnaire development (each indicator had its own set of questions), development of child-friendly communication tools (emojis), focus groups protocol, short training of facilitators in two focus groups

¹ Child participation outcomes are defined in this report as the extent to which structural and processual provisions enable desirable outcomes and are as such perceived by children participating in focus groups.

with children with migrant background; analysis² included: transcribing, making notes to each focus group, development of the coding system, coding the focus groups, the usage of several mixed methods (for details see the Appendix).

The structure of the report is as follows: after the *Introduction including the short description of the assessment process*, the main part of the report, the *Outcomes of the Child participation Assessment process*, follows. This part contains the assessment rating, which is followed by the arguments using qualitative and quantitative data (data that already existed prior to the implementation of the project in Slovenia and data gathered from focus groups with children, e-mail and phone call consultations, key persons interviews, short online questionnaire for professionals working with and/or for the children etc.). Arguments for a particular assessment conclude with already existent examples of good practices and recommendation for actions in the future. The assessment of each indicator follows similar (but not the same) structure. The structure differs because of the different nature of tool's indicators; some being more structural, some more process and some more outcome³ based. The report concludes with the chapter with concluding comments on the assessment and what has been highlighted in the report, concrete future plans (e.g. short action plan) to progress children's participation in Slovenia and reflections on how useful the process has been. The report also includes an Appendix with the list (and type) of stakeholders which participated in the project with their written assessment of some indicators, participation in online questionnaire, with written e-mail answers, short telephone interviewees, meetings, participation in the events and conferences.

² All focus groups have been analysed with MAXQDA, a software package for qualitative and mixed methods research.

³ None of the indicators are outcome based in their design. However, we tried to use as much qualitative and quantitative data where it was possible to describe outcomes within certain indicators.

2. OUTCOMES OF THE CHILD PARTICIPATION ASSESSMENT PROCESS

PROTECTING THE RIGHT TO PARTICIPATE

INDICATOR 1

Legal protection for children's right to participate is reflected in the national constitution and legislation

States can measure progress towards the indicator using the following assessment criteria:

- 0 = No known legal provision for children to express views and for those views to be given due weight
- 1 = Legal expression of children's right to be heard in at least two of the settings specified
- 2 = Legal expression of children's right to be heard in at least four of the settings specified**
- 3 = A clear legal obligation to hear and give due weight to children's views is enshrined in the Constitution (if one exists) and in at least six of the settings specified

Slovenia is highly committed to the protection of children's rights. It has acceded the Convention on the Rights of the Child (CRC) from the former Yugoslavia which bounds it to undertake necessary measures to ensure the rights of the child (article 4). Slovenia ratified the Optional Protocol to the CRC on a Communications Procedure in 2018 and earlier the Optional Protocol to the CRC on the sale of Children, Child Prostitution and Child Pornography, the European Convention on the Exercise of Children's Rights as well as the Convention of the Rights of the Persons with Disabilities (CPRD) and its Optional Protocol. According to the Article 8 of the Constitution of the RS (CRS) ratified and published international treaties must be applied directly and Slovene laws and other regulations must comply with treaties that are binding on Slovenia.

CRS does not explicitly regulate the child's right to participate in the matters concerning him or her. This obligation is implicitly contained in the Article 56 of CRS regulating the rights of children. According to this article children enjoy special protection and care. They enjoy human rights and fundamental freedoms consistent with their age and maturity and are guaranteed special protection from economic, social, physical, mental, or other exploitation and abuse in accordance with law.

According to Article 19 of the Elementary School Act (ESA)⁴ **pupils** are organized within class communities. At the hours of the class communities, pupils together with a class teacher address issues related to their work and life at school. Each school determines in its school rules the duties and responsibilities of pupils and their organization. Pupils are also involved in drafting the rules of the school order, together with professional school workers and parents (Article 60 e). Pupils are very often organized in class communities and in school communities (also called school parliaments) in schools throughout Slovenia⁵, however, those are not legally mandated. Students attending secondary schools form class and school student communities in gymnasiums according to the Gymnasiums Act⁶ (Article 31, paragraph 1) and the Vocational Education Act⁷ (Article 61, paragraph 1). Students' communities

⁴ Official Gazette of RS, Nos. 81/06, 102/07, 107/10, 87/11, 40/12, 63/13, 46/16.

⁵ E. g. the Primary School Šturje Ajdovščina: <https://www.os-sturje.si/ucenci/solska-skupnost-ucencev/> (accessed: 27 November 2019), Primary School Šentjanž pri Dravogradu: <https://www.os-sentjanz.si/solski-parlament-in-solska-skupnost/> (accessed: 27 November 2019) etc.

⁶ Official Gazette of RS, No. 1/2007-UPB1.

⁷ Official Gazette of RS, No. 79/2006.

deal with issues relating to education and school governing; they also may submit their proposals to the school authorities.

The legislative framework for the protection of the rights of the child is ensured by the Family Code (FC),⁸ adopted in 2017, which provides for the highest level of protective measures.⁹ According to the FC (Article 7) the prevailing principle in family procedures is the principle of the child interest which is to be respected by parents as well as state authorities in all activities and procedures. **Child protection, care and adoption procedures, custody and access in family proceedings and family decision-making** are regulated by the new FC which became applicable on 15 April 2019 together with the new Non-Contentious Civil Procedure Act (NPA).¹⁰ In deciding on the protection, education and maintenance of the child, contacts, the implementation of parental care and the granting of parental care, the court also takes into account the child's opinion expressed by the child itself or the person who he or she trusts and chooses, if he or she is capable of understanding the significance and consequences of his/her opinion (Article 143, paragraph 2 of the FA). The child's opinion must be considered in case a court decides upon special measures for the child's benefit. However, an interim order may be issued without hearing a child (Article 158). The NPA contains detailed provisions determining how a child's expresses his or her opinion in the non-contestant procedure and how this opinion is to be considered (Articles 45, 96 and 97).

Pursuant to Patients' Rights Act (PRA)¹¹ **a child as a patient** must be informed on his or her health status and its likely development as well as the consequences of sickness or injury and on other circumstances of his or her medical treatment in direct contact, in a prudent, patient-understandable manner or in accordance with his or her individual ability to receive information, in full and in a timely manner (Article 20). The child has the right to decide on his or her medical treatment to be decided by other persons. His or her opinion must be considered if he is able to express it and to understand its significance and consequences. The child who is 15 years old is considered to be capable of consent, unless the doctor considers that he or she is not capable of being able to do so. The child under 15 is not considered to be capable of consent, unless the physician assesses that he is capable of being able to do so (Article 35, paragraph 2 of the PRA). If the child is not able to consent to medical intervention or medical treatment, it may only be carried out if it is authorized by his or her parents or guardian. If a child is able to of consent, he must not undergo medical intervention or medical treatment, except in cases prescribed by law, without his or her consent (Article 26, paragraph 2 of the PRA).

In **immigration procedure** regulated by the Foreigners Act¹² in case of removal of an unaccompanied minor residing illegally in the Republic of Slovenia, the police must immediately inform the centre for social work which provides a guardian for special circumstances for such minor (Article 82).¹³ This issue was raised by the United Nations treaty body, the Committee on the Rights of the Child. The committee recommended Slovenia to ensure that all unaccompanied minors are provided with a legal guardian immediately after crossing the border and are provided with legal assistance at all stages of the application for international protection; to assume responsibility for providing legal assistance to unaccompanied minors, also by providing steady financial support to child rights-based NGOs providing legal assistance to unaccompanied minors and also to consider acceding to the 1961 Convention on the Reduction of Statelessness.¹⁴

⁸ Official Gazette of RS, Nos. 15/17, 21/18, 22/19.

⁹ Novak, B. (ed): Komentar Družinskega zakonika, Uradni list Republike Slovenije, 2019.

¹⁰ Official Gazette of RS, No. 16/19.

¹¹ Official Gazette of RS, Nos. 15/08, 55/17.

¹² Official Gazette of RS, Nos. 1/18, 9/18.

¹³ Boškić 2016. Otroci brez spremstva v Republiki Sloveniji. In: Črnak Meglič. A. and Kobal Tomc B. (ed.): Položaj otrok v Sloveniji danes: situacijska analiza, Inštitut RS za socialno varstvo, Ljubljana 2016, p.212-14.

¹⁴ Committee on the Rights of the Child: Concluding observations on the combined third and fourth periodic reports of Slovenia, CRC/C/SVN/CO/3-4, 8 July 2013,

In **asylum procedure** regulated by the International Protection Act (IPA)¹⁵ the principle of the best interest of the child must be respected in accordance of Article 15.¹⁶ Unaccompanied minors must be present in all parts of the in proceedings in asylum procedure (Article 16 of IPA). Personal interview conducted within the asylum procedure which allows the asylum seeker to present the reasons or personal circumstances of the proceedings under this law in a comprehensive manner (Article 37 of IPA) must be carried out also with a minor who is over age of 15 and with an unaccompanied minor, in the presence of a legal representative. At the discretion of the official person conducting the procedure, a personal interview may exceptionally be carried out with a minor who is not 15 years old.

Criminal Procedure Act (CPA)¹⁷ contains special provisions for minors as regards their **participation in criminal procedure** as victims, witnesses or initiators of the procedure. A special section of the CPA regulates the procedure against minors ensuring their participation in accordance with their age. A new special juvenile criminal code is in preparation and is about to be submitted to the National Assembly in 2019. The act will regulate content on juvenile offenders presently regulated by the CPA, the Criminal Code and the Enforcement of Criminal Sanctions Act. In addition, the act will transpose Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.¹⁸

The right of **children with disabilities** (for whom the prevalingly the term “children with special needs” is used in Slovenian legal system since the adoption of the Guidance of Children with Special Needs Act)¹⁹ to participate is not fully ensured in Slovenia according to the Committee on the Rights of the Persons with Disabilities. As regards Article 7 of the CRPD the Committee is concerned because of the absence of mechanisms to ensure the participation of children with disabilities in decision-making processes affecting their lives, in particular the lack of mechanisms to ensure the right of children with disabilities to have their views taken into account on matters pertaining to them and their families, including their participation in all protection mechanisms.²⁰

Although the right of children to participate in various procedures is regulated by several laws, a special law regulating this field would improve the status of children. In its concluding observations on Slovenia published in 2013 the Committee on the Rights of the Child has recommended Slovenia to intensify its efforts to introduce a comprehensive child law in compliance with all the provisions of the CRC.²¹

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSVN%2f3-4&Lang=en (accessed: 18 November 2019).

¹⁵ Official Gazette of RS, No. 16/17.

¹⁶ According to this law minor asylum seekers are vulnerable persons with special needs. Priročnik o pravicah migrantskih in begunskih otrok ter mladoletnih prosilcev za azil, Pravno-informacijski center nevladnih organizacij – PIC in Pravna fakulteta Univerze v Ljubljani, Ljubljana, 2017.

¹⁷ Official Gazette of RS, Nos. 32/12, 47/13, 87/14, 66/17, 22/19.

¹⁸ The new law will be based on generally established and internationally recognized principles for juvenile offenders: the principle of non-discrimination; the best interests of the child; the right to life, survival and development; the right to be heard; and respecting dignity. In its basic provisions, the draft act explicitly acknowledges that the principle of the best interests of the child and juvenile (depending on the age definition of offenders in the draft act) must be observed, that proportionality must be applied in all proceedings involving juveniles and that deterring procedures take precedence over criminal prosecution. See: National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*, Slovenia, <https://undocs.org/A/HRC/WG.6/34/SVN/1> (accessed: 15 November 2019).

¹⁹ Official Gazette of RS, Nos. 58/11, 40/12, 90/12, 41/17.

²⁰ The Committee recommended Slovenia to Adopt measures to fulfil the right of children with disabilities to express their opinion on all matters that affect them, and to guarantee that they have disability- and age-appropriate support to realize that right, including in judicial, administrative and policymaking procedures. See: Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Slovenia, CRPD/C/SVN/CO/1, 16 April 2018, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSVN%2fCO%2f1&Lang=en (accessed on 13 November 2019).

²¹ Committee on the Rights of the Child: Concluding observations on the combined third and fourth periodic reports of Slovenia, CRC/C/SVN/CO/3-4, 8 July 2013,

Several documents or those to be adopted soon relate to the right of the child to participate in various fields of social life. The Resolution on the National Programme for Youth for 2013–2022 relates also to children of age from 15 to 18. Its objective No. 6.2.1 is encouraging participation and representation of youth among other through non-conventional forms of political participation (encouraging youth initiatives, events, discussions etc.), Promoting the importance of youth participation, strengthening information and counselling in the youth sector, reinforcing the material and financial capacity of the activities of youth organizations, financing projects of youth sector areas and promoting employment in the youth sector, etc.

A new Programme for children for the 2020–2025 period is in preparation; this will put special emphasis on preventing violence against and protection of children, their participation in procedures that concern them, security in digital environment, children-friendly justice, and equal opportunities for all children. The document will be based on the recommendations contained in the Council of Europe Strategy for the Rights of the Child 2016–2021 and will take into account the needs and quality of the lives of children in Slovenia.²²

As regards safe use of modern information and communication technologies, Slovenia adopted strategic orientations in 2016, striving to ensure education in a safe, open, creative and sustainable learning environment supported by innovative uses of ICT. This will enable effective and quality acquisition of knowledge and skills needed for successful integration into society as well as contributing to improved skills and competences of pupils and students.²³

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSVN%2f3-4&Lang=en (accessed: 22 November 2019).

²² National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*, Slovenia, <https://undocs.org/A/HRC/WG.6/34/SVN/1> (accessed on 14 November 2019).

²³ Ibid.

INDICATOR 2

Explicit inclusion of children and young people's right to participate in decision-making in a cross-sectoral national strategy to implement children's rights

States can measure progress towards the indicator using the following assessment criteria:

- 0 = There is no strategy in place on children's rights
- 1 = There is limited reference to children's rights within a broader national human rights strategy
- ② = There is some reference to child participation as part of a cross sectorial national children's rights strategy
- 3 = A distinct and coherent focus on children and young people's right to participate in decision-making exists in a cross sectorial strategy on children's rights and includes a dedicated set of goals, an established lead responsibility (such as a child or youth ministry) and specific resources allocated to achieve its implementation.

The most relevant cross-sectoral national strategy in the field of children is **The Programme for Children and Youth 2013-2016** (slo. 'Program za otroke in mladino 2006-2016'). As indicated by the year in the title of the strategy, the programme itself has not yet been updated. The slow process has been highly criticised by the NGO sector and other relevant stakeholders in Slovenia.

The children's right to participate in decision-making is explicitly mentioned in two (out of eleven) programmatic domains of the existent strategy: *educational policy* (second domain) and *participation of children and youth* (eleventh domain). The objective **Assuring quality education** (as part of the second domain) clearly states (among other) that the "educational role of the school should also be strengthened by integrating and implementing programmes which contribute to the development and promotion of active citizenship, basic civic values and social skills" and that "the participation of children and youth should be encouraged, their voice empowered and their role as co-creators of learning strengthened." The programme's domain devoted in its entirety to the participation of children is the eleventh domain with its two objectives:

1. to develop a national model for involving children and young people in participatory processes, which will serve as a guide and model at national and local level.
2. Further develop forms of participation of children and youth in decision-making processes on issues which are of direct concern to them.

The additional emphasis on participation of children within the document has been made for the period of 2013 and 2016 (the original strategy has been first drafted already in 2006). The goal of this newly promoted emphasis being that the state "wishes to ensure, in particular, greater participation of children and young people in decisions affecting the quality of their lives at all levels and consequently operationalization of this endeavours within the programme's action plans which should better reflect the current needs of children and youth."²⁴

It is therefore not surprising that the programme domain itself, this can particularly be claimed for the second objective, is focusing on the development of new forms of participation of children and youth in decision-making processes. These new forms include a variety of participation practices aimed directly and indirectly at children. For instance, the emphasis is put (to mention only few) on the need to address the lack of specialisation and training of professionals working with children, on producing more promotional material, ensuring more active role of children in schools by introducing school councils, ensuring that the views of pre-school children in kindergarten are heard and respected (particularly in

²⁴ MoLFSA 2013. Posodobitev programa za otroke in mladino 2006-2016 za obdobje 2013-2016. Available at: https://eige.europa.eu/docs/25_SI.pdf

regard to planning of activities they participate in, the choice of kindergarten equipment and toys etc.), participation of children in urban strategic planning and rethinking lowering the voting age.

The topics related to participation and their operationalisation through objectives, goals and strategies in this particular strategic document are not questionable. What is worrying is the discontinuity of the programme which undoubtedly indicates the lack of commitment on behalf of the state to see through its commitments not only in the domains linked to participation but also other child well-being domains.

Another important cross-sectoral national strategy in Slovenia related to the topic is **The Resolution on the National Youth Programme 2013–2022 (slo. 'Resolucija o Nacionalnem programu za mladino 2013–2022')**. It serves as an overarching strategic public document or action plan that integrates the major directions to be followed in policy making on youth matters at the national level²⁵. Measures of the National Youth Programme 2013–2022 cover the following domains: 1. education, 2. employment and entrepreneurship, 3. housing, 4. health and well-being, 5. youth and society and the role of the youth sector, 6. culture and creativity, heritage, media. The document does not include a separate topic related to the participation of youth. This does not mean that these topics are completely missing from the document. Moreover, they are prominently featured in the fifth domain. The emphasis on participation of youth is put both on encouraging unconventional as well as conventional political participation, promotion of participation and changes to existing models of consultation between political decision-makers and policy designers.

Judging from the **interim evaluation** of the Resolution on the National Youth Programme 2013–2022 from 2017²⁶, the perceptions of the programme's effectiveness in regard to the goals related to the participation are not the most favourable. On the contrary, the effectiveness of the programme in regard to the goal²⁷ "to ensure youth participation in the important public policies (in all areas of society) and a real impact when designing and deciding on them" got an average score of only 2.4 (on a scale from 1 to 5, 5 representing the best score). This is an indication of the lack of satisfaction with the programme and the realisation of goals related to the participation of youth. With this in line, the evaluators of the programme give the following recommendation: "activities to ensure youth participation in the important public policies (in all areas of society) and a real impact when designing and deciding on them should be given special attention /.../ as they were largely implicit and indirectly part of other fundamental orientations of the programme pursued by other programme measures"²⁸.

To conclude, Slovenia **does not have a standalone cross-sectoral national strategy on children or young people's right to participation in decision-making**. Nevertheless, the topic of participation is prominently featured in both key cross-sectoral national strategies for children and young people. This is an important general indication that the state does recognise participation as an important social issue which should be addressed and encouraged. However, the sheer inclusion of the topic in national strategic documents does not mean much, if it is not followed by the powerful commitment and dedicated set of goals accompanied by clear responsibility of all political and policy stakeholders.

And this seems to be an issue in Slovenia. **The Programme for Children and Youth 2013-2016** has not been updated for more than three years in spite of heavy criticism from NGO sector and part of academic and policy community. The commitment to the cross-sectoral programme goals is therefore

²⁵ Youth Wiki. 2019. Slovenia. Overview. Available at: <https://eacea.ec.europa.eu/national-policies/en/content/youthwiki/overview-slovenia>

²⁶ Office of the Republic of Slovenia for Youth. 2013. National Programme for Youth 2013-2022. Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=RESO93>

²⁷ Perceived effectiveness of the programme has been measured by online questionnaire which has been filled out by 47 youth organisations.

²⁸ Deželan. 2017. Vmesna evalvacija Nacionalnega programa za mladino: ekspertna ocena. Faculty of Social sciences. Ljubljana. Available at: <http://imss.dz-rs.si/imis/5620d832c5d54d6834d7.pdf>

more than questionable and we are yet to see how the topic of participation will be included and operationalised in programme's successor. Judging from some activities related to the design of **The Programme for Children and Youth 2020-2025** we can safely assume that the participation will feature rather prominently. Namely, MoLFSA appointed an inter-sectorial working group preparing the programme. One of the main goals related to its endeavours has been to include children in the design of the programme. The main activity so far has been the organization of the World Café with children where children discussed the most pressing issues faced by children in the country and possible measures to address them (more about this event can be found in Indicator 10).

If we are to judge possible design and contents of **The Programme for Children 2020-2025** by the process leading to its future adoption – this process emphasising the inclusion of children and their participation in programme's design – we could safely assume the programme will feature prominently the topics of participation of children. But again, how these commitments from strategic documents will be followed up and translated into policy, political and social reality is yet to be seen, as learned from the perceived ineffectiveness of achievements of the goals related to youth participation in the Resolution on the National Youth Programme 2013–2022.

There is however one **recent development which could possibly lead to adoption of standalone national and cross-sectoral strategic document in the field of child participation**. Part of the NGO sector active in the field of children's rights is pushing for the design, adoption and consequently for the implementation of such strategy on the national level. Slovenian Association of Friends of Youth, the initiator of such strategy, argues that in Slovenia "the right of children to participate, which is one of the priorities also at EU level, is recognized as an important right only when debated about it and does not oblige decision-makers and other relevant stakeholders to take concrete actions and make appropriate policy changes. The current regulatory framework does not encourage participation of children becoming a common practice." On 27th November 2019, a **national conference about participation of children** in Slovenia titled *Citizens of the future* has been held. The main purpose of the conference has been to increase the awareness of decision-makers that children have the right to participate in policy-making in the areas of their concern, to give children the opportunity to express their views to decision-makers and to oblige decision-makers to cooperate on the issues concerning children's participation as well as to develop coherent strategic guidelines for enhancing it.

There seems to be a momentum on cross-sectoral strategies for children being made more child-inclusive. We welcome these so far ad hoc efforts and argue for more systemic approach to participation of children in these processes. They need to be supported not only on declarative level but also with concrete actions, resources and formalisation of the child participation activities not only in the preparation phases of strategic documents development but also in their evaluation.

INDICATOR 3

An independent children's rights institution is in place and protected by the law

States can measure progress towards the indicator using the following assessment criteria:

- 0 = No ombudsperson or Commissioner for children
- 1 = Ombudsperson/Commissioner established but not protected by law
- 2 = Ombudsperson/Commissioner established and protected in law**
- 3 = Ombudsperson/Commissioner established and is fully compliant with Paris Principles

The ombudsperson in Slovenia is established and protected in law with a specific mandate and necessary resources by **the Human Rights Ombudsman Act**²⁹ (ZVarCP-UPB2). Ombudsperson has "certain powers /.../ regarding all state authorities, local self-government bodies and holders of public authority. It may submit opinions to any authority on the protection of human rights and fundamental freedoms in a case under consideration. The Ombudsman carries out all tasks by resolving individual complaints sent by applicants in which they claim that their human rights have been violated. Anyone who believes that their human rights or fundamental freedoms have been violated by act or action of a state authority, local self-government body or holder of public authority may initiate a procedure. The Ombudsman may initiate a procedure of their own accord. All state authorities must provide suitable assistance to the Ombudsman in the implementation of any investigation. In relation to its work, the Ombudsman has the right to access all information and documents pertaining to the competence of state authorities. The Ombudsman may also act in cases of indecent or inappropriate behaviour by the authorities. In its work, the Ombudsman complies with the provisions of the Constitution and international legal acts on human rights and fundamental freedoms. While intervening, the Ombudsman must invoke the principles of fairness and good management. The procedure before the Ombudsman is confidential, informal and free-of-charge for parties involved. /.../ Since 2007, the Ombudsman has been carrying out a pilot project Advocate – A Child's Voice Project (Project). In its work, the Ombudsman is independent and autonomous"³⁰.

Some of the organisational and core functions **criticism of the Ombudsperson in Slovenia** in relation to the emphasis the institution pays to children comes from the fact that Slovenia did not appoint a Special Ombudsman for Children but has instead opted to appoint a deputy for the area of children's rights and social protection. This dissatisfaction can clearly be felt by the NGO sector active in the field of children rights: "We feel this solution is not appropriate for we believe these areas are too broad. We need a Special Ombudsman for children, who would not limit their activities solely to hearing complaints, but rather actively champion the protection and implementation of rights of children as a social group as well and make sure children's voices were heard and considered in the society."³¹

Furthermore, the same NGO coalition feel hesitant regarding the **advocacy project Advocate – A Child's Voice Project**³² implemented within the Ombudsperson office. In their opinion "t/he opportunity for child advocacy should also be provided to the non-governmental sector" and not be monopolised by

²⁹ Human Rights Ombudsman Act (official consolidated text), Official Gazette of RS, No. 67/17. Available at: <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2017-01-3271?sop=2017-01-3271>

³⁰ ENHRI 2009. Available at: <http://ennhri.org/our-members/slovenia/>

³¹ ZIPOM 2013. NGO Report to the implementation of the Convention on the Rights of the Child and its Optional protocols in Slovenia.

³² Human Rights Ombudsman 2019. Available at: <http://www.varuh-rs.si/education-promotion/projects-conferences/advocate-a-childs-voice/?L=6>

the Office. The pilot project has since then been defined by the law in 2017³³ as the lack of legal regulation has proven to be the limitation to the implementation of advocate's role. The project has also been evaluated³⁴ in 2016. The evaluation confirms the above claim and recommended regulation of the independent children's advocate in national legislation. Further recommendation included better regional distribution of activities, more promotion and monitoring of activities.

Another pending issue is that the institution is **not fully compliant with the Paris principles**³⁵. The Ombudsman has already been performing many of the tasks performed also by the NHRI, but for acquiring A status under the Paris Principles, this did not satisfy the condition of plurality of composition and did not have the appropriate financial and material resources to perform these tasks. As a response to that and several years of endeavours, further steps have been made in 2019 to obtain status A in 2020. "/t/he Ombudsman has implemented additionally required activities for accreditation /.../ After obtaining A status, the Ombudsman will be required to prepare independent assessments to the country's reports even more frequently, which it is obliged to submit the UN authorities and the Council of Europe as per its contractual obligations. The Ombudsman, particularly its Human Rights Centre, will participate in the formation of the national human rights education programme and will co-design educational and research programmes, whereby it will implement some of them directly in schools, universities and expert circles. /.../ The Ombudsman will be able to execute the aforementioned tasks with qualified staff and suitable financial resources."

These changes might enable Ombudsman to assume more active role in Slovene society (and get more recognition on the international level) but it might not impact immediately **how the institute is perceived by children**. In relation to that, the experts who participated in the CPAT induction seminar held in April this year, expressed the view that the children in Slovenia are not:

1. familiar enough with the institution of ombudsman,
2. therefore, the accessibility of ombudsman is limited and should
3. be improved with further promotion and education on ombudsman in schools.

As a result of these perceived shortcomings, the number of individual complaints by children to Ombudsman might not reflect the reality of their everyday life experiences and human rights violations. These three above points might be true but evaluating them from the perspective of children using the results gained from the focus groups with children, we can at least doubt them. They namely paint a different picture.

When it comes to human rights and children rights in general, **children assess their informedness as relatively good**. They are pretty confident in the school system exposing them to the information they need in this regard. The same can be claimed, though to a lesser extent, for their families and friends.

With that said, **the perception of their knowledge on the institute of Ombudsman is relatively good**. Children are in general aware of the Ombudsman and its role even though we could conclude that children's knowledge could be more in-depth. Why?

³³ The Act on the change and supplement The Human Rights' Ombudsman Act. Available at: <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2017-01-2438/>

³⁴ Narat et al. 2017. Evaluation of Advocate – A Child's Voice Project. Final report, Social protection Institute of the Republic of Slovenia, Ljubljana

³⁵ GANHRI. 2019. Paris Principles. Available at <https://nhri.ohchr.org/EN/AboutUs/Pages/ParisPrinciples.aspx>

The most common answer to the basic question whether children know about the Ombudsman is within the vast majority of focus groups participants affirmative and expressed in one voice: “Yes!!!”. There are however, children from the two special focus groups (deprived children from migrant background) where this basic knowledge is missing. Some of the children from these two groups express views which reflect on their general ideas about institutions in Slovenia:

“The only institution I have ever heard about, is the centre for social work, and that’s it!”³⁶

They also question their capacity (and the capacity of their friends) to “translate” what information they do have on children’s rights into approaching the Ombudsman in order to address whatever situation they might be facing:

“I think that children should be more informed ... I don’t know ... school should provide more information, we should be taught about their rights and about who this person, the ombudsman, is, because they mostly don’t know what this is and also not how to contact him!”³⁷

This leads us to the question on whether (and how) children would actually use the existent information on the Ombudsman. Here, the results of the analysis are more worrying, even considering others, more “knowledgeable” focus groups. What could be seen as an emerging issue, are the hesitant answers to the questions *what does the Ombudsman do* and *whether they would contact him/her when faced with the situation where their (or their friends’) rights would be violated*. It is this follow-up questions to the basic question on whether they know about the Ombudsman which exposes some of the information and their knowledge gap. For instance, firstly, not all children are absolutely sure on the role of the Ombudsman:

“Should this be ... like ... similar to a social worker?”³⁸

“So, if you are having some kind of problems and you need someone to talk to ... that you have some social issues or need ... I don’t know ... some money, or if you need to apply for social assistance.”³⁹

And secondly, the main issue seems to be their **reluctance to contact the Ombudsman**. There are numerous argumentative lines behind this hesitation. One of them might be attributed to children’s perceptions of the issues they are dealing with as not important enough to be addressed by the Ombudsman. Kevin explains why his friend did not contact him/her when faced with problems at home:

“He has never thought about his issues being that severe, that he could reach that high and contact the Ombudsman ...”⁴⁰
... or similar idea expressed by Khloe “If I would think about calling him on the phone, I would talk to my parents first. I would never just call him, because I would not want to stir something up and start problems for nothing.”⁴¹

The idea of Ombudsman being detached from children is further reimbursed when considering regional divide in Slovenia and children’s perception of centralisation (this can be considered to be another argumentative line). Here we can see that Ombudsman is in the eyes of children someone not particularly close to them especially if they are not from the central region or from the capital Ljubljana.

³⁶ Janez, 15 years old, focus group NGO Cona Most, Ljubljana

³⁷ Violica, 17 years old, focus group NGO Cona Most, Ljubljana

³⁸ Lara, 11 years old, focus group primary school Vižmarje Brod, Ljubljana

³⁹ Fabijan, 14 years old, focus group primary school Vižmarje Brod, Ljubljana

⁴⁰ Kevin, 13 years old, focus group primary school Dragotin Kette Ilirska Bistrica, Zaječje

⁴¹ Khloe, 14 years old, focus group primary school Dragotin Kette, Ilirska Bistrica, Topolec

"Because...where is he at all ... you cannot be sure, he is somewhere far in Ljubljana, you don't know...and on top of that ... he is just one person for whole Slovenia. So, everyone who has a problem, will contact him?"⁴²

The third argumentative line supported by the results from focus groups further indicates that the **Ombudsman is predominantly perceived as more of an abstract concept** detached from the real lives of children and less as a real option to turn to when dealing with violation of children's rights in real life. Again, the issue of accessibility is emphasised.

"We would never call Ombudsman directly, he is in fact responsible only for more severe cases, for instance if some lawyer breaks the law, we usually turn to our parents first. In case of more severe violation you go to court, for instance if there is violence in the family or you have to decide on some important issue...for instance."⁴³

The issue of accessibility also appears in the perception of the institute being too professional to be considered as a legitimate option to turn to in need⁴⁴.

"I think this term 'Ombudsman' is so professional and we don't have a clue what it means exactly...and that's why you would not turn to him ... it wouldn't be your first thought ... you would turn to parents and tell them or...what do I know...to a class teacher"⁴⁵

The perception of the violation of their rights not being relevant enough for the authorities can be additionally linked to and placed into the context of overall perception of children's powerlessness in society where they, "being only children", are not important enough for their problems to be taken seriously and given due attention by the highest authorities.

"For instance, our municipality, now when we had this global climate protest, and I thought their reaction was like ... we were walking through the city and we finally reached municipality and then we were waiting there...and nobody reacted. Well, I thought this was rather lame, this attitude I mean was rude to be honest coz nobody even came out of the building to say a couple of words, well, I mean, somebody could have said something...and it does not need to be the mayor, it can be only his secretary [laughter]. They could have at least showed up and said something. Well, this is how they are."⁴⁶

In spite of children not perceiving Ombudsman as being "one of them", some of the participants are still convinced of **the importance of the institute** because they see it as an institution with the power to deal with the most severe cases of human rights violations. As such, it is as an extremely important institution. On the other hand, the issue with Ombudsman (in their eyes) is not just the fact they would rather contact parents, teachers, social workers at their school, NGOs help lines, the police etc. (as indicated by bellow quote):

"Maybe I would not contact him because I don't know him, he is not that close, and I have my parents and friends close by as well as people I can contact at school."⁴⁷

... but moreover, that **some of them doubt in Ombudsman's effectiveness** in solving received complaints.

⁴² Vanaly, 13 years old, focus group primary school Celje, Celje

⁴³ Slash, 13 years old, focus group primary school Novo mesto, Novo mesto

⁴⁴ This is probably an important argument especially in the light of children in all focus groups mentioning the TOM telephone (an NGO provided and well publicised and promoted help line for children in need) as a »to go to« option.

⁴⁵ Jasna, 14 years old, Cona Most, focus group NGO Cona Fužine, Ljubljana

⁴⁶ Flora, 14 years old, primary school Brežice, Brežice

⁴⁷ Klara, 14 years old, primary school Celje, Celje

“OK, maybe if there would be some really big and important issue at our school, I would contact him, but I have the feeling he is there just because he needs to be...just for the title he has.”⁴⁸

“I have never heard Ombudsman help anyone.”⁴⁹

Regarding the topic of Ombudsman being perceived as somewhat detached from children, we opened a slightly provocative topic and asked children that participated in focus groups **whether this position (or the position of Commissioner for children) could be performed by a child**. The intention of this exercise was to verify whether this would help to bring the institute closer to the children as a “child Ombudsman/Child Commissioner for children” would better understand the issues children are dealing with in today’s world. Furthermore, our intention was to explore the predominant social discourse with regard to power relations on the line children – adults (children being the ones with considerably less power in society) limiting what is politically possible for children.

The majority of the responses of children seem to support the idea of them being the more vulnerable social group and as such in need of protection of their rights (by adults). The participants are of the opinion that a child could not assume the role of the Commissioner for children as children are not (yet) fit to perform the tasks of such role and lack the necessary experience and knowledge.

“I think that a child could not be a Commissioner for children but maybe a child could be Commissioners’ assistant for instance. His role could be to bring the issue at hand closer to Commissioner, explain it to him in more detail and he could also talk to the child who would file the complaint...I mean a child to a child...I think this may be of help, if you are talking to a person of similar age, you trust this person more, maybe he could better understand you in comparison to a grownup...but I do not think a child could be a Commissioner for children.”⁵⁰

On the other hand, some of the participants (the minority) can imagine a child as Commissioner for children, again stating his/her insights as the main advantage.

“Yes, just maybe because a child could better understand than some grandfather...what it means if some violation appears on Instagram”⁵¹

This quote brings us to the need for rebranding of the institute of Ombudsman if we put on a marketing hat. This is, as communicated by the Ombudsman Office, also part of their goals in the near future – to be more present and active in communicating their topics on channels (social media) closer to children.⁵²

⁴⁸ Katherine, 12 years old, primary school Milan Šuštaršič Ljubljana, Ljubljana

⁴⁹ Špelca, 12 years old, focus group primary school Milan Šuštaršič, Ljubljana

⁵⁰ Gaja, 12 years old, focus group primary school Bežigrad, Ljubljana

⁵¹ Špelca, 12 years old, focus group primary school Milan Šuštaršič, Ljubljana

⁵² Peter Svetina and Nataša Kuzmič, Human Rights Ombudsman, Ljubljana, e-mail correspondence, 3 December 2019.

INDICATOR 4

Existence of mechanisms to enable children to exercise their right to participate safely in judicial and administrative proceedings

States can measure progress towards the indicator using the following assessment criteria:

- 0 = No direct access to the courts for children
- 1 = Rules and procedures to ensure access to information on rights, to free access to a lawyer, and to be heard in judicial proceedings and to have decisions explained to them in a way they can understand are being applied in one of the judicial or administrative settings listed
- ② = Rules and procedures to ensure access to information on rights, to free access to a lawyer, and to be heard in judicial proceedings are being applied in at least two of the judicial or administrative settings listed
- 3 = Full implementation of the Council of Europe Child Friendly Justice guidelines has been achieved in all of the specified judicial and administrative settings

All the laws regulating court (civil non-contestant and criminal) procedure in Slovenia stipulate the child's right to participate and to be heard in the procedure.

Family cases are dealt with in **non-contestant civil procedure** regulated by the NPA. A child who is 15 years old and is able to understand the meaning and legal consequences of his or her actions may, as a participant in the proceedings, conduct procedural acts independently. If a child is younger than 15 and the court considers him or her incapable of understanding the meaning and legal consequences of his or her actions, is represented by the legal representative. If the interests of the child and his legal representative are opposed, the court provides the child with a guardian for special circumstance (conflicting interests). In such case the court may request an opinion of the centre for social work on which person to appoint as the guardian (Article 45 of the NPA).

In the non-contestant procedure a child is entitled to a child's advocate (Article 97 of the NPA) according to the Human Rights Ombudsman Act (HROA).⁵³ If the Ombudsman submits the proposal for appointing a child's advocate the court appoints the person proposed for a child advocate if it considers that it is in the proceedings before the court for the benefit of the child.

In family cases involving child protection, care and adoption procedures, custody and access in family proceedings and family decision-making and also domestic violence cases the court asks a centre for social work to inform the child who is able to understand the importance of the procedure and the consequences of the decision, in an appropriate manner and also to notify the child that the procedure has been initiated and on his or her right to express his or her opinion. If a child wishes to do so, he or she may do that at the centre for social work or in an interview with a child's advocate assigned to the child in accordance with the HROA. A child may express his or her opinion also in an informal interview with the judge, depending on the child's age. This interview may be carried out with the participation of a qualified person. It will always be done without the presence of parents. In the case of an interview at the centre for social work or with the judge, a child may choose a person he or she trusts or a child's advocate if appointed in accordance with the HROA to assist him or her with expressing his or her opinion.⁵⁴ The court must serve the court's decision to a child who is 15 years old and has expressed

⁵³ Articles 25.a to 25.d.

⁵⁴ The centre for social work must, within the time limit set by the court and not less than 30 days, submit an opinion to the court that the child is not able to understand the importance of the procedure and the consequences of the decision, or the

his/her opinion in the proceedings. The child has the right to lodge a complaint against such decision (Article 96 of the NPA).

According to the FC (Article 210) a child may be included in the **alternative dispute resolution in family cases** before the court procedure begins. The mediator may include a child into mediation providing that he or she is able to understand the meaning and the consequences of mediation and that his or her participation is in the child's best interest.

A minor is entitled to free legal assistance if he or she initiates procedure in civil or criminal court in accordance with the Free Legal Assistance Act.⁵⁵

A minor who is 16 years old may submit a proposal or lodge a private action in **criminal procedure** (Article 52, paragraph 2 of the CPA). The CPA contains several security measures regarding hearing procedures for minors.⁵⁶ A special chapter (XXVII) of the CPA regulates proceedings against minors. A minor must not be tried in absentia. In the case of procedural acts in which the minor is present, and in particular in his hearing, the authorities involved in the proceedings must act in a considerate manner and take into account the minor's mental development, sensitivity and personal characteristics (Article 453 of the CPA). A minor may have a counsel from the beginning of the preparatory procedure. He or she must have a counsel from the beginning of the preparatory procedure in the procedure for a criminal offence for which the imprisonment is prescribed over three years. For other offences which are subject to a milder punishment, the child must have a counsel if the judge for minors decides that the counsel is required (Article 454 of the CPA).

In **asylum procedure** the representative for the minor is appointed before the proceedings are commenced. An unaccompanied minor has the right to participate in it in a manner appropriate and tailored to their age and the level of his or her mental development. Prior to accepting the application for asylum, unaccompanied minors must be informed of the rights and obligations of applicants and the method of clarification must be adapted to his or her age and the level of mental development. He or she must be present in all parts of the in proceedings in asylum procedure (Article 16 of IPA). Personal interview conducted within the asylum procedure which allows the asylum seeker to present the reasons or personal circumstances of the proceedings under this law in a comprehensive manner (Article 37 of IPA) must be carried out also with a minor who is over 15 years old and with an unaccompanied minor, in the presence of a legal representative. At the discretion of the official person conducting the procedure, a personal interview may exceptionally be carried out with a minor under 15 years of age.

A child's statement may be obtained by the child's advocate⁵⁷ **in any proceedings** in which an authority is to decide upon the child's rights and benefits. The authority which obtains a child's statement must,

record that the child has been instructed to initiate the procedure and the right to express his opinion as well as the child's opinion, if he or she expressed it.

⁵⁵ Official Gazette of RS, Nos. 96/04, 23/08, 15/14, 19/15.

⁵⁶ A minor who, considering his age and the stage of his intellectual development, cannot understand the meaning of the right to decline testimony may not be examined as a witness except where the accused himself demands it or the court assesses that is in the best child's interest (Article 236, paragraph 3). During an examination of a minor, especially when such a person is a victim of a criminal act, it is necessary to be considerate so the examination will not have negative effects on the mental state of the minor. If necessary, an examination of a minor may be carried out with the assistance of a pedagogue or another such expert. During an interrogation of a witness below the age of 14, a person whom the witness trusts may be present (Article 240, paragraph 4). In case a victim of the crime is a minor, his legal representative is entitled to make all statements and perform all acts, which the victim is entitled to make or perform under the CPA. A victim is 16 is entitled to make statements and perform procedural acts on his own (Article 64). In a pre-trial and criminal procedure, a person trusted by the minor victim of a crime may accompany them (Article 65, paragraph 4).

⁵⁷ The child's advocate provides professional assistance to the child to express his or her opinion in all proceedings and the cases in which he or she is involved and to forward the opinion of the child to the competent authorities and institutions deciding on his/her rights and benefits. However, the advocate the child's legal representative. Professional assistance

in its decision, specifically clarify how it took account of the child's statement and the best interest of the child was considered (Article 25. č of the HROA).

Considering the fact that neither the General Administrative Procedure Act nor the Social Services Act have provisions on the participation of children in the general administrative procedure which is applicable in cases when a child appears before centres for social work in situations not regulated by the FC it would be recommendable to regulate this field in a special law determining the rights of children.

One of the more positive recent development linked to the indicator 4 is the signing of declaration (in 2018) setting out the creation of a Barnahus (Children's House) for child victims of sexual abuse in Slovenia. With that, Slovenia has joined other Council of Europe members states who have made a public commitment to investigating cases of such abuse and to follow best practices with regard to reducing any further trauma suffered by victims during these investigations (including the establishment of child-friendly settings) and to provided coordinated medical and mental health interventions. The end of 2019 marked the first steps towards a more formal network of Barnahus and similar services in Europe: the signing of the statutes for the PROMISE Barnahus Network; an initiative supported also by Council of Europe.

includes psychosocial support for the child, conversations about his wishes, feelings and opinion, informing the child about procedures and activities in the appropriate way, finding the most appropriate solution together with the child and monitoring the child when he or she appears before the authorities and institutions deciding on his or her rights and benefits (Article 25. a of the HROA).

INDICATOR 5

Child friendly individual complaints procedures are in place

States can measure progress towards the indicator using the following assessment criteria:

- 0 = No complaints or feedback mechanisms in place in any of the areas specified
- 1 = Child-friendly complaints procedures are in place in two of the areas specified
- 2 = Child friendly complaints procedures are in place in four of the areas specified
- 3 = Child friendly complaints procedures are mandated by law and easily accessible to all children across all of the areas specified. Children are provided with information about their right to complain and receive help and support to pursue a complaint in accordance with their age and capacity

The Indicator 5 evaluates how national legislation and institutions working in the field of protection of children's rights allow children to make a complaint when children feel that they are being treated unfairly (be it in school or other educational settings, social and health care, family and criminal or immigration procedures). Legal bases must guarantee the right to an appeal to all children (regardless of age, nationality or disability) in safe and child friendly manner. Children must also be properly informed about this right. The system also ensures that the complaints are anonymous and taken seriously in accordance with established rules.

The Ombudsman has a comprehensive overview of the violation of the rights of children. It deals yearly with app. 3.000 (including several hundred in the field of children's rights) individual complaints sent by applicants in which they claim that their human rights have been violated. Most complaints are filed by children's parents or legal representatives. In very rare cases, children complain to the Ombudsman themselves (mainly older children, high-school students and students). Complaints are most often related to the field of education (for example: violation of the right to a state scholarship, the right to take matura examination in child-friendly manner, the right to special student status related to special needs or sports) etc.

Children can find information on how to submit a complaint to the Ombudsman on its [web site](#). The same web site presents the information on the rights of children in an understandable and child-friendly way. By clicking on the link, the children can learn in which cases they can file a complaint to the Ombudsman, how to establish the contact (via e-mail, phone, regular mail or personal visit), how the Ombudsman deals with the complaint and what rules bind the procedure.

The Ombudsman office reports that "the promotion of human rights will receive increased attention in the future by the Centre for human rights. Its objectives will be, among other, the development of strategies to reach different target groups including children and young people with the intention to increase their participation also in relation to Ombudsman as well as to spread the knowledge about human rights and their protection. Strategies to achieve this will include social networks popular amongst children and young people, such as Snapchat, Viber, Instagram and other approaches."⁵⁸

Children can also contact the **TOM telephone**, which operates within the framework of the Slovenian Association of Friends of Youth. The organization records the most common topics of calls to the counsellors by children in their annual reports. Unfortunately, these topics are defined very broadly (for instance peers, love, physical development and sex, etc.), – the extent to which the calls are related to

⁵⁸ Peter Svetina and Nataša Kuzmič, Human Rights Ombudsman, Ljubljana, e-mail correspondence, 3 December 2019.

complaints or other dilemmas is hard to establish.⁵⁹ The focus groups with children have shown that children are very well informed about the TOM telephone. In some schools, children write down the number to TOM telephone in the back of their school notebooks, some schools have their posters on the bulletin board. They also mention leaflets which are relatively easy to be found in school libraries.

The law on **education**, on the basis of which each primary and secondary school issues its own school order with the rights and duties of students, does not specifically mention the right to an appeal. The complaint is raised only in the part where it states that the pupil can appeal against the educational measure against him.

The Elementary School Act⁶⁰ represents the basis on which all schools define their school rules (si. 'šolski red') defining the rights and responsibilities. The right to the complaint and complaints procedures are not mentioned. Complaint refers only to the part of the school rules defining educational measure against the pupil.

With this in mind, it is understandable that the participants from our focus groups could not discuss the complaints procedures and express their opinions on them as they themselves haven't filed any. Nevertheless, they are relatively confident in expressing their views when they feel that they have been unfairly treated especially if this feeling applies to the entire class. However, they do mention the importance of courage and a sense of security, as well as providing anonymity for filing a complaint. They usually complain about the violence in school, bullying and unfair grades, because of some pupils being treated favourably, nationalism towards migrants or children with migrant background and lack of readiness of teacher to better explain learning material.

*"The teacher repeatedly tells us if we do not understand something, to ask again, but when we do ask, we are afraid to ask because she always says that she has already explained the material and she will not repeat it."*⁶¹

Children usually complain verbally to a person they trust, for instance to a class teacher, school social workers, (special) pedagogues and even to principals. They try to involve their parents as little as possible, and they only turn to them when they are sure their complaint will not be effective and when they consider it to be a really important matter. In one school, which participated in the focus groups, complaints can anonymously be written on specially designed notes. Most schools have introduced mailboxes where they can file complaints.

*"Even if we are ashamed to talk about it, this enables us to express our views... if there's some violence, not in our class but in school, and we would not tell it openly, the teacher would pass around these notes and we would write down what we knew."*⁶²

Children believe that adults take their complaints into consideration in certain cases, especially when reporting on violence, but things do not improve because there are no appropriate mechanisms in place (e.g. they cannot exclude a violent pupil due to primary education being compulsory, they can only transfer him/her to another school). According to participants of focus groups, they are much less likely to succeed with complaint when the complaint is about teacher misconduct. Here, as the analysis of the data from the focus groups has shown, the first and/or second generation of immigrants is particularly vulnerable as they feel often unfairly graded, discriminated against and not taken seriously when they issue a complaint:

⁵⁹ Slovenian Association of Friends of Youth, 2018. *TOM telefon (telefon za otroke in mladostnike)* (2018). Available at: https://www.si21.com/f/docs/Svet/Podatki_TOM_Telefon.pdf

⁶⁰ Official Gazette of RS, Nos. 81/06 102/07, 107/10, 87/11, 40/12 - ZUJF, 63/13 and 46/16 - ZOFVI-L)on Elementary School Act (ZOsn), 10 November 2019.

⁶¹ Taja, 14 years old, focus group primary school Janko Ribič, Cezanjevci

⁶² Miha, 14 years old, focus group primary school Dragotin Kette Ilirska Bistrica, Sušak

“For example, when Slovene pupils are graded, they get asked three questions, they know nothing, they still get three [good]. Or let me tell you... they answer one question correctly and get five [excellent]. But for us, not from Slovenia, we are up there in front of the whole class and get five questions, we answer four and a half questions correctly and we get one [fail]. He [the teacher]. says you did not deserve to pass... I think this is not OK... that all these Slovenes get fives [excellent] and the rest of us worse grades...”⁶³

In case the dispute is not resolved within the school, pupils can turn to Inspectorate of Education and Sport. As can be seen from the *Inspectorate's* report for 2017⁶⁴, in such cases, the most frequent complaints are about the unfair grading and the exercise of the rights and duties of participants in education. Since 2004 (when 332 complaints were registered), the number of complaints has been steadily increasing (752 in 2017). The trend of an increase in complaints for alleged school law violations, on the basis of which inspection procedures were instituted, have been spurred by the introduction of complaint being anonymous.

Considering that the information on the web site of the Inspectorate is not provided in a child-friendly manner, we can speculate that it is not meant to be used by children. Children did also not mention it in the focus groups.

In the field of **social services**, children, similarly as in other areas such as education, health, judiciary, etc., may submit a complaint with the Ombudsman. Here, an example of good practice is the project Advocate – A Child's Voice Project which has been running since 2007 at the Ombudsman's Office in cooperation with the MoLFSA. Children can contact the advocate in any proceedings and in any cases in which they are involved in, when they wish to express their views but are not taken seriously or listened to by the adults. Up to now, the advocate has been most often involved in divorce related procedures, guardianship reassignment, changes to the reached agreement on care and upbringing, removal of the child from the family and placement in the institutional care or foster care, contacts with the child in foster care. Typically, parents or legal guardian initiates the use of advocate, the initiative may also come from centres for social work. The concept of child advocacy is detailed in the Law on the Ombudsman⁶⁵ which defines the relationship between the advocate and the child in a way that protects the best interest of the child. the child's benefits (safety, confidentiality, information feedback, etc.).

Children can learn about the institute of advocate and its role on the Ombudsman's web site and in brochure prepared by the Ombudsman's Office. The brochure is written in a child-friendly language. The text is available also in the language of Slovene minorities (Italian and Hungarian).

Within the field of social services, children who are in **institutional care** should also be mentioned as a particularly vulnerable group. Only in the beginning of next year, with the new Law on Treatment of Children and Adolescents in Centres for children with severe emotional and behavioural difficulties coming into force on 1. January 2020, these children will be guaranteed the right to a complaint. Mateja Marovič, PhD, an expert with ten years of experience in working with children involved in these institutions, says that children are not well acquainted with the right to a complaint: “I can tell you that in practice this is an area (the area of participation and children's rights) which is always on very ‘thin ice’. Mainly because for the population in the institutional care it is somehow assumed (based on various research and practical work) that it has violated all the rules in their primary environment and so in the institutional care context, their rights are often ‘adjusted’ and depend on respecting the institutional rules and the goals of such institutions. In our case, this practice looked something like this: in case of (perceived) violation of their rights, children were allowed to contact their parents or

⁶³ Isus-Vuk, 14 years old, NGO Cona Fužine, Ljubljana

⁶⁴ Inspectorate of Education and Sport. 2018. Letno poročilo Inšpektorata Republike Slovenije za šolstvo in šport za leto 2017 (May 2018), pages 14, 18. Available at: https://www.gov.si/assets/organi-v-sestavu/IRSSS/POROCILA/51fab39528/Letno_porocilo_IRSSS_2017.pdf

⁶⁵ Official Gazette of RS, No. 69/17 on The Law on the Ombudsman (ZVarCP), 11 November 2019.

guardian/mentor/educator. They could express their disagreement with some of the decisions also to the psychologist, director or principal of the institution. But I have never in all my years working in institutional care observed that children would be upon their admission systematically informed about their rights to a complaint. To sum up, such a practice has always been based on self-initiative of some professionals in the institutional care who thought this to be important.”⁶⁶

Along with children in institutional care, children who are placed in foster care could also be described as a group for which it is difficult to express their views and file a complaint if they feel they are being treated unfairly. NGOs, active in this field, such as Foster care association of Slovenia⁶⁷, have been pointing out these issues for some time. They suggest that “unannounced visits to foster families should be repeatedly carried out by centres for social works in order to gain a more realistic view of foster families lives and be able to better evaluate and consequently exclude (out of the foster care system) those foster families who are not appropriate. Such families actually make all the foster care system look bad. The system should increase the number of these evaluations and include more visits where the social workers would be able to talk solely to a child without foster parents being present to hear about his/her well-being, true wishes and needs. The Social Protection Institute of the Republic of Slovenia has in its study on foster care from 2012 already established that the right to be heard for children in foster care is all too much dependant on each social worker’s own initiatives. According to the results of the study, children still do not dare to speak honestly about their well-being in front of their foster parents. “The problem is that foster parents are always with you, and if you are under such pressure you cannot tell /... / visits from centre for social work were always announced and so everything has been done that it looks fine /... / it was a strange situation for me, at the age of thirteen, when I was asked how I felt in the foster family and they asked me about foster parents in their presence. Before that, foster parents got to talk and told them what all was wrong with me, she went on and on about it, so that I was more and more put down. And after being asked how I was, I just said that everything was fine, that I have everything I need and that I have to be grateful for what I have.”⁶⁸

In the field of healthcare, the possibility of issuing a complaint is regulated by Patients’ Rights Act (PRA) and its amendments^{69 70} where children are specifically mentioned and the violations of their rights are regulated. University medical centre Ljubljana, the largest health care institution in Slovenia, has on their web site a special section on the rights and duties of patients and a procedure for dealing with handling a complaint. Particular attention is paid to the rights of children, but only to those related to Article 8 of the Convention on the Rights of the Child. Information on children's rights to express their opinions and the possibility of a complaint are therefore not provided in this context. The web site does not have a child-friendly version or child-friendly section.

The children which participated in our focus groups were not aware of official complaints procedures in health care and did not mention it in the discussions, except for Tara who said:

“that there has to be someone above the doctor to whom you can complain”⁷¹.

⁶⁶ Mateja Marovič, University of Primorska, Faculty of Education, Koper, e-mail correspondence, 15 November 2019.

⁶⁷ Rejniško društvo Slovenije. 2017. Moje mnenje šteje. Predlogi ministrici za delo, družino, socialne zadeve in enake možnost. Available at: <http://www.rejniskodrustvoslovenije.si/datoteke/Predlogi%20ministrici%20za%20delo%20dru%C5%BEino%20in%20socialne%20zadeve.pdf>

⁶⁸ Boškič idr. 2012. Življenjski poteki oseb, ki so bile prikrajšane za normalno družinsko življenje: pridobitev vpogleda v življenjske poteke oseb, ki so bile prikrajšane za normalno družinsko življenje - osebe, ki so odraščale v vzgojnih oziroma vzgojno-izobraževalnih zavodih: pridobitev vpogleda v življenjske poteke oseb, ki so bile prikrajšane za normalno družinsko življenje - osebe, ki so odraščale v rejništvu: končno poročilo. Ljubljana: Inštitut Republike Slovenije za socialno varstvo, 2012.

⁶⁹ Official Gazette of RS, No. 15/08 on Patients Rights Act (PACPA), 11 November 2019.

⁷⁰ Official Gazette of RS, No. 55/17 on Law Amending the Law on Patient Rights (PACPA-A), 11 November 2019.

⁷¹ Tara, 14 years old, focus group primary school Ledina, Ljubljana, Ljubljana Center

A small number of participants knew about the special mailbox where the complaints could be submitted, however none ever used it. Children usually, when they feel that they have not been properly treated by the healthcare staff, report it to their parents who then take action on their behalf.

Within **the justice system**, all the laws regulating court (civil non-contestant and criminal) procedure in Slovenia stipulate the child's right to participate and to be heard in the procedure. Also, according to Criminal Procedure Act⁷², a minor who is 16 years old may submit a proposal or lodge a private action in **criminal procedure** (Article 52, paragraph 2 of the CPA). The CPA contains several security measures regarding hearing procedures for minors (see in details in chapter on Indicator 4). In case where the interests of children and parents are in conflict a child should be assigned a guardian as stipulated by the Family Code⁷³.

The aforementioned project **Advocate – A Child's Voice Project** (and now regulated in Human Rights Ombudsman Act) is known also to professionals working in justice system. They are less enthusiastic about the idea of child advocacy in comparison to centres for social work. This is at least what the external evaluation⁷⁴ of the project has shown. However, now when the advocate is regulated by the law, the attitudes might already be different.

Children are not adequately informed about the possibility of filing a **complaint in court**, as this information is not provided in child-friendly formats (such as leaflets or posters) or written in a child-friendly manner.

In the field of **immigration and asylum**, according to Adriana Aralica, expert associate from Legal-Informational Centre for NGOs - PIC: "/t/here are complaint procedures established within the immigration and asylum proceedings, but there are no specific adjustments to the needs of children. Return decisions or asylum decisions can be challenged through a judicial proceeding. Information service, legal assistance and interpretation are provided. Nevertheless, the only adjustment for children applies in case of unaccompanied children who are appointed a guardian."⁷⁵

To conclude, in 2014, the Ombudsman of the Republic of Slovenia, Slovenian Association of Friends of Youth and Student Organization of Slovenia organized a conference on the participation of children and adolescents in cooperation with the National Assembly on the 25th anniversary of the adoption of the Convention on the Rights of the Child⁷⁶. The right to a complaint was one of the main requirements of the conference. According to the findings of the conference, children should be better aware of this right and its practical usage: "More needs to be done to ensure that young people are empowered to enforce the right to a complaint and have sufficient knowledge and information about complaint procedures in all national institutions as well as internationally, for which the appropriate support and assistance of adults is also needed."⁷⁷ Children need to have the feeling they can issue a complaint in the matters that concern them "/w/ithout being afraid of possible repercussions and that a complaint would be addressed impartially. Young people should be aware of all complaint procedures available to

⁷² Official Gazette of RS, Nos. 47/13, 87/14, 8/16 - odl. US, 64/16 - odl. US, 65/16 - odl. US, 66/17 - ORZKP153,154 and 22/19) on The Criminal Procedure Act (CPA), 12 November 2019.

⁷³ Official Gazette of RS, Nos. 15/17, 21/18 - Norga, 22/19 and 67/19 - Matra-C) on The Family Code (DZ), 12 November 2019.

⁷⁴ Narat et al 2017. »Evalvacija projekta Zagovornik – glas otroka (končno poročilo evalvacije)«, Social Protection Institute of the Republic of Slovenia (March 2017). Available at: https://www.irssv.si/upload2/Evalvacija%20projekta%20Zagovornik%20-%20glas%20otroka_FINAL.pdf (accessed November 15, 2019).

⁷⁵ Adriana Aralica, Legal-Informational Centre for NGOs – PIC – PIC, Ljubljana, e-mail correspondence, 3 December 2019.

⁷⁶ Human Rights Ombudsman of the Republic of Slovenia. 2019. Konferenca o participaciji otrok in mladostnikov. Available at: <http://www.varuh-rs.si/projekti-in-promocija/projekti/konferenca-o-participaciji-otrok-in-mladostnikov/>.

⁷⁷ Human Rights Ombudsman of the Republic of Slovenia. 2019. Konferenca o participaciji otrok in mladostnikov. Available at: <http://www.varuh-rs.si/projekti-in-promocija/projekti/konferenca-o-participaciji-otrok-in-mladostnikov/>.

them and provided with feedback on the extent to which their complaints have been taken into account and what measures have been taken."⁷⁸

In the last five years since the conference, nothing much has changed (except that Slovenia ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in 2018). The evaluation of Indicator 5 showed that either:

- a) there is a system that legally and formally provides children with the opportunity to issue a complaint and this complaint is taken seriously but without procedures being child-friendly (judiciary, health, Inspectorate of Education and Sport, migration), or
- b) there is no clear complaint procedure system with rules that protect children but certain children still express their opinions or make a complaint (e.g. education).

Of course, specific rules in a complaint procedure are necessary, but from the perspective of children, it seems crucial to establish an environment of trust in which they feel they can express disagreement with certain decisions and behaviour of adults or peers if they believe that they are being treated unfairly. As evident from arguments from this text the process of filing a complaint depends too much on the initiative of the child (in some cases also the courage) and professionals working with them. Still, we can identify a good practice in the Ombudsman's initiative Advocate – A Child's Voice Project.

Recommendation

- Children are not sufficiently informed about their formal right to file an individual within different institutions. All relevant information should be gathered and presented in child-friendly version in one place (either leaflets, posters, web site) and should be accessible in places where children are most likely to find it (schools, health centres, etc.).
- In order to bring information in regard to the possibilities of complaints in different institutions closer to children, we suggest that they dedicate a special child-friendly spot on their web site to children's rights which are particularly relevant to their field of work. A description of all rights, including the possibility of complaint, should be provided in a child-friendly language.
- Vulnerable groups of children often, on the basis of their negative experiences, come to the conclusion that their opinion is irrelevant and can therefore be disregarded. Special attention should therefore be paid to vulnerable groups of children (such as children in institutional care, children in foster care, children of the first and second generation of immigrants) when designing measures related to the exercise of the right to a complaint.

⁷⁸ Human Rights Ombudsman of the Republic of Slovenia. 2019. Konferenca o participaciji otrok in mladostnikov. Available at: <http://www.varuh-rs.si/projekti-in-promocija/projekti/konferenca-o-participaciji-otrok-in-mladostnikov/>.

PROMOTING AWARENES OF THE RIGHT OT PARTICIPATION

INDICATOR 6

Children's right to participate in decision-making is embedded in pre-service training programme for professionals working with and for children

States can measure progress towards the indicator using the following assessment criteria:

- 0 = Very limited or no training available on children's right to participation
- 1 = Competency-based training on children's right to participation is included in the pre-service training curricula of at least one group of professionals specified
- 2 = Competency-based training on children's right to participation is included in the pre-service training curricula of at least three groups of professionals specified**
- 3 = Competency-based training on children's right to participation is included in the pre-service training curricula of at least six groups of professionals specified

Professionals working with children play an important role in children's rights and children's participation. They must know children's rights and be trained to respect them as well as to allow children to take part in participation activities according to their age and maturity. In order for professionals to successfully pursue these two goals, they must be educated and trained.

In Slovenia, in general pupils (this can therefore be claimed also for future professionals who will work with and for children) are **introduced to children's rights for the first time in the primary school**⁷⁹. In 4th and 5th grades of primary school, pupils learn about the importance of basic human and children's rights, duties and responsibilities. In this manner, students continue their education in the 7th and 8th grades of primary school in the *Patriotic and Citizenship Culture and Ethics* in which students learn about the importance of active citizenship and participation. This subject teaches pupils about human and children's rights, and about the basic principles of democratic decision-making⁸⁰. In secondary vocational and vocational schools, students deepen their knowledge about these topics in the subject Social studies, in the grammar school programmes, they are discussed in the subject Sociology.

From the point of view of professionals working with and for the children, the 'exposure' in the primary and secondary school to the topics of children's rights and participation is important from several reasons. We have to keep in mind that a good share of professionals working with and for children in practice has not been educated in typical educational programmes where such professionals would usually enrol. The inclusion of topics such as children's rights and participation early on in their educational path is important as this (in some cases) can represent the only contact a professional working with or for children has had with them. The same can also be claimed for professionals who enrolled in tertiary programmes where the inclusion of these topics is foreseen as it represents a solid base to build upon.

⁷⁹ European Commission/EACEA/Eurydice, 2017. Citizenship Education at School in Europe – 2017. Annexes: National Information and Websites. Eurydice Report. Luxembourg: Publications Office of the European Union. Available at: [http://na.org.mk/tl_files/docs/eplus/eurydice/2017pub/CitizenshipEd/Citizenship%20education%20-%20Annexes%202017\(1\).pdf](http://na.org.mk/tl_files/docs/eplus/eurydice/2017pub/CitizenshipEd/Citizenship%20education%20-%20Annexes%202017(1).pdf)

⁸⁰ Ministry of Education, Science and Sport. 2019. Programi in učni načrti v osnovni šoli. Available at: <https://www.gov.si/teme/programi-in-ucni-nacrti-v-osnovni-soli/>

In order to learn more about how well the students who will (probably) work with and for children in the future are acquainted with these topics, we have conducted **a short e-mail survey with responsible persons from several faculties which educate these professionals.**

At the Faculty of social work, they believe that the child is a competent being and that he or she should be enabled to participate in matters that concern him/her, and this is also the message they try to convey to their students throughout the study process. In addition, there are quite a few courses at the faculty which directly address children and educate the students to work directly with them. Such subjects include, for example, *the Child's voice in social work*, *Counselling in education*, *Social Work and the Family*, *Establishing personal contact with the client*, *Protecting children in cases of violence and abuse*, and *Concepts of youth social work*. The studies at the Faculty of social work provide also practical work where children can gain practical experiences with work for and with children.⁸¹

At the Faculty of law in Ljubljana, topics related to the child are addressed in all areas of law, where the position of the child is specifically regulated e.g. *Labor law*, *Criminal law*, *Social protection law*, *Family law*, etc. The graduates of the Faculty of law thus acquire basic knowledge on the situation of children in society and more particularly in procedures before the law. However, they do not carry out practical education within the framework of their studies at the faculty.⁸²

At the Police academy, they provide training for the profession of police officer. Lecturers provide basic theoretical and practical specificities and skills of the treatment of children and adolescents, such as the summoning and interviewing and the police detention of a minor within several subjects such as *Criminology*, *General police tasks*, *Ethics and human rights*, etc. in the form of lectures and tutorials. Within some subjects the children's rights as victims of crime are dealt with in greater detail, for instance in the cases of child abuse and neglect which might take the form of psychological, physical, sexual and economic violence. The police recruits deepen the theoretical and practical knowledge and skills during practical training within police units.⁸³

At the Secondary school of nursing, which educates future nurses, the children's rights are addressed within the subjects *Quality in nursing* and *Nursing of the child*. The latter also includes practical courses which can be performed at the University medical centre Ljubljana (The Division of Paediatrics, UMCL)⁸⁴.

At the Faculty of Health Science, the subjects related to the legal regulation of children's rights are taught within the subjects *Social sciences in health care - healthcare legislation*, *Ethics*, *the philosophy of nursing and legislation*, and in the *Legal and professional responsibilities of a midwives*.⁸⁵ As is clear from the content analysis of the programme for specialization for paediatricians, they must gain theoretical knowledge and practical skills enabling them to identify and understand child's specific needs as well as to establish and maintain a responsible and confidential relationship with a child and his/her family. The conversation led by paediatrician should be understandable to the child and parents or guardians, with appropriate interest and sympathy expressed. When deciding on diagnostic and therapeutic interventions a conscious and consensual agreement of the child or his/her parents or guardians. Future paediatricians should be familiar with the principles of conversation in specific circumstances, e.g. with an abused child or a child with severe illness, and have an impartial attitude

⁸¹ E-mail correspondence with assistant professor at Faculty of Social Work (University of Ljubljana), 15. 11. 2019

⁸² E-mail correspondence with vice dean of Faculty of Law (University of Ljubljana), 15. 11. 2019

⁸³ E-mail correspondence with assistant principal at the Police Academy at the General Police Directorate, The police College, 20. 11. 2019

⁸⁴ E-mail correspondence with professor at the Secondary School of Nursing Ljubljana, 20. 11. 2019

⁸⁵ E-mail correspondence with secretary of the Faculty of Health Sciences (University of Ljubljana), 2. 12. 2019

towards patients from different social backgrounds and ethnic groups as well as awareness of children's rights.⁸⁶

The Faculty of Education educates and trains teachers and other professional workers in the field of education. Majority of them will in the future work with children. The short analysis of the curriculum has shown that it includes courses on didactics which deal among other with children's rights. The goal of other individual study programmes also indicate that child participation is an important aspect which should be pursued by teacher in their work with children and adolescents. One of the basic goals of the social pedagogy study programme is thus to equip students for socially inclusive social pedagogical work with individuals, groups and communities.⁸⁷ Students studying primary school teaching should be able to use special pedagogical skills in their work to be able to work with children with special needs and encourage development of the pupils into a responsible member of community.⁸⁸

From the information provided by the faculties' staff or obtained by reviewing their educational programmes, we can conclude that **educational programmes in Slovenia which train future professionals who will work with or for the children include contents which address children's rights. However, a single subject which would be intended solely to children's rights fails to be mentioned.** This means that, as is the case with curriculum at the primary and secondary educational level, the topics of children's rights and participation are understood more as a cross-curricular theme. These topics are included in other subjects which deal with children from other perspectives, usually perspectives important to the general field of each particular study. Even to a lesser extent than the children's rights, the subjects include topics which would educate future professionals in promoting and creating an environment in which children could participate. It should also be noted that some of the aforementioned subjects are provided only in specific programme modules at the faculties, which means that not all students receive the benefits of these contents. This is even more pronounced in practical part of the studies, where it could actually happen that students chose subjects with no direct work with children.

In order to learn more about how professionals already working with or for children assess their informedness on children's right and their participation, we have conducted a short e-mail survey with 13 respondents. Their answers indicate that the majority of respondents in general believe that education in the field of children's rights is very important to them and to their work. They also emphasize that if children participation is part of their work process, they are more successful at what they do. However, they are critical towards sheer volume of these topics being included in curriculum. They believe it was not sufficient. Some of them even believe that they have not addressed the children's rights or at least they do not remember it. Most of the respondents are of the opinion that the children's rights were included in the content of their training, but too little attention has been devoted to these topics while, while too much emphasis has been put on the theoretical knowledge in comparison to practical one. The need for special attention to vulnerable children in relation to their rights and participation has rarely been emphasised in the curriculum.⁸⁹

⁸⁶ Medical Chamber of Slovenia. 2019. Content of paediatrician specialisation. Available at: https://www.zdravniskazbornica.si/docs/default-source/speciialicije/testna-mapa/pedriatija/nova-vsebina/9917-vsebina-pedriatija---od-1-6.pdf?sfvrsn=e9bf2936_6

⁸⁷ Faculty of Education. 2019. Predstavitveni zbornik predmeta Socialna pedagogika, Pedagoške fakultete v Ljubljani. Available at: https://www.pef.uni-lj.si/fileadmin/Datoteke/Studijski_programi/Predstavitveni_zborniki/Zborniki_19-20/Socialna_pedagogika_02062019.pdf_112

⁸⁸ Faculty of Education. 2019. Predstavitveni zbornik predmeta Razredni pouk, Pedagoške fakultete v Ljubljani. Available at: https://www.pef.uni-lj.si/fileadmin/Datoteke/Studijski_programi/Predstavitveni_zborniki/Zborniki_19-20/Razredni_pouk_02062019.pdf

⁸⁹ Answers of professionals working with or for the children to a short online questionnaire.

In spite of our findings from the first part of our analysis, – that the topics of children’s rights and participation are part of educational programmes for professionals working with and for children – we can conclude that once these professionals start to work in the field, they realise the acquired knowledge and competences is not sufficient. There may be several reasons for such results. Most of the professionals who responded to our short survey have been employed for a long time, and some time has already passed since their studies. This might mean that they have forgotten some of the topics discussed there and/or that these topics would have been presented in greater depths today as these topics have gain relevance. On the other hand, the answers from recently employed professionals indicates that they would have liked more children right’s topics and especially more practical knowledge which would be directly transferable to their current work environment and their experiences with children. Furthermore, based on the responses the professionals would also like to have more on-the-job trainings in the field of children's rights and children's participation.⁹⁰

What is the experience and perception of children about the competences of professionals, was one of many topics discussed in our focus groups with children? With exception of teachers, pupils do not have considerable experiences with professionals working for and with children such as judges, police officers, social workers, etc. Pupils who have direct experiences are generally have assessed their work as good.

“When I was in 5th grade, I went to the centre for social work CSD, I kind of imagined it more as something bad, and that was why I was so scared of these people when I went with my mom and didn't even dare to say anything. And then everything was Ok, they listened and considered my opinion.”⁹¹

This was one of the answers given by the children, reflecting their numerously repeated view that they may fear these institutions, but after experiencing them in real life, they realise the professionals working there are well trained to talk to children, listen to them, consider their opinion and provide support when they need it. Nevertheless, the opinions on which professional would be the easiest to talk to also differ. Here, it is interesting that the judges and courts in general are viewed as serious and “scary” institutions where professionals working there would not know how to talk to children; on the contrary centres for social work are generally perceived as institutions who are there to help children and professionals there consider children’s opinions, listen to them and know how to talk to them. In the field of participation in school environment, teachers’ ‘performance’ is also less appreciated, as they are less likely, according to children which participated in focus groups, to take their opinion into consideration and there are few activities which they can influence.

The responses from the faculties did show that more and more attention is paid to children's rights and children's participation in study programmes. This process should be continued, and at the same time special attention should be paid to the fact that students acquire not only theoretical but also practical knowledge. Furthermore, employed professionals did express the importance of on-the-job training to acquire additional skills, competences and insights. Such training would allow professionals to renew their knowledge; additionally, older professionals could reacquaint themselves with the topic again and/or fill the gaps in their knowledge. This is, for instance, the case with legal guardians of unaccompanied minors who must complete a training before being assigned.⁹²

⁹⁰ Answers of professionals working with or for the children to a short online questionnaire.

⁹¹ Princeska, 13 years old, focus group primary school Bojan Ilich, Maribor

⁹² Adriana Aralica, Legal-Informational Centre for NGOs – PIC, Ljubljana, e-mail correspondence, 3 December 2019.

INDICATOR 7

Children are provided with information about their right to participate in decision-making

States can measure progress towards the indicator using the following assessment criteria:

- 0 = No child-friendly information is available about children's right to participate
- ① = Ad hoc public education/information programmes are in place to raise awareness of children's right to participate and to association
- 2 = Child-friendly information is sometimes made available for children of different ages and in different formats, including Braille, on, for example, children's associations, services, policies, rights, consultations and government guidance
- 3 = Comprehensive and accessible information programmes on children's rights to participation, and a compulsory component in the primary and secondary school curriculum on children's rights is introduced

Being informed about the right to participate is at the centre of what indicator nr. 7 is measuring. This indicator is very important **as it represent the starting point where children's participation effectively begins**. Non-awareness and lack or poor information about the possibilities to participate could namely be considered as one of the key limitations to developing participatory behaviour in children and can form a vicious circle where children do not take part in participatory practices because of their basic non-awareness of existence of such practices.

The qualitative study on (primarily political) participation of children (aged 12-15)⁹³ has shown that **children in Slovenia do not lack the potential for developing participatory behaviour** (evident for instance in their value orientations with focus towards solidarity, common good, tolerance and altruism as some of the more important values)⁹⁴. What is the most problematic in terms of participation, the study argues, is the lack of evidence that participatory behaviour of children has had an effect, – that it mattered. And as their participatory activities are predominantly perceived as such, the levels of (conventional political) participation are typically low. The information on the right to participate is therefore the necessary precondition for participation but not sufficient factor in actual promotion of long-term participatory behaviour of children (and youth) in different contexts where participatory behaviour can and should be practiced and encouraged –, not just within the political context, – but also within other contexts: educational, health, cultural, leisure etc.

At the level of strategic documents in Slovenia, **the emphasis on being informed about the right to participate is not explicitly mentioned in the main cross-sectoral document for children, *The Programme for Children and Youth 2013-2016*** (to be updated in 2020). As mentioned in the Chapter on indicator nr. 2, participation has its own domain but the goals in terms of its promotion are missing. ***The National Programme for Youth 2013–2022* is, on the other hand, more ambitious in this regard** as it devotes an entire objective to 'promotion of the participation and representation of young women and men' (6.2.1). The document argues that "the participation of young people in the institutions and processes that shape their lives is essential if we are to create an environment in which young people will take responsibility for both their own future and that of society. Ensuring youth participation is key

⁹³ Boljka, U. and Narat, T. 2016. Aktivno državljanstvo mladostnikov. Social Protection Institute of the Republic of Slovenia, Ljubljana. Available at: https://www.irssv.si/upload2/Aktivno%20drzavljanstvo%20mladostnikov_koncno_30.12.2016.pdf

⁹⁴ The study's foundation is the analysis of 226 letters of primary school students (12-15 years old) to Slovene members of Parliament which has been part of the wider campaign to promote active citizenship of children and youth in Slovenia in 2013. Findings from the analysis of letters to MPs have been further tested on raw data from study Slovenian Youth (Lavrič 2011; Flere 2014), a study based on a representative sample of youth in Slovenia from 2010 and 2013.

to the successful and constructive involvement of young people in society. /.../ Through their own participation in decision-making processes in childhood and early adolescence, young people also gain an understanding of how public (political) decision-making takes place. Supporting and motivating youth participation at a young age helps to ensure that young people will be involved in decision-making in later life and become active citizens”.⁹⁵

Educational system is often identified as the main source of information about participation, children and human rights. These topics are often taught within the broader concept of citizenship education and under the basic premises that children should not only be informed but that the end goal should be to increase their understanding of importance of participation and their capacity to participate⁹⁶. **The citizenship education is a cross-curricular theme**, but also integrated into other compulsory subjects (such as Slovenian language, society, history, sociology etc.), into other optional subjects, compulsory separate subject (Patriotic and citizenship culture and ethics), other compulsory separate modules and other optional separate subject. As the topic is cross-curricular, the students are taught about these themes from first to ninth grade of primary school.⁹⁷ Are they taught well, are they informed and have the capacity to participate?

The ICCS 2016⁹⁸ survey showed that **“/c/ivic knowledge of Slovenian eighth-graders is above the international ICCS average**. Trends show that our students progressed in their civic knowledge, obtaining higher average scores in 2016 compared to 2009. /.../ Girls, on average, achieved higher than boys, but the gender gap in civic knowledge is one of the biggest compared to other educational systems. High achievers tend to be without migrant background and speak Slovene at home. Engagement and willingness to engage in social and political activities of our eight-graders are often below the international average”. When it comes to teachers, “/t/he goals that Slovenia is pursuing in regard to civic and citizenship education are fairly uniform among teachers and principals. On the other hand, teachers in this field want more attention from both school authorities and all other stakeholders; they want more high-quality materials, textbooks, more attention to the teacher education and training, more special-methodical education and trainings”⁹⁹. They also expressed their preparedness to teach a certain topic and skills within the citizenship education, where 18,19% feel they are *very well prepared* to teach the topic of human rights, followed by the majority, which feels *quite well prepared* (68,61%), 12,48% who feel *not very well prepared* and 0,73% who feel they are *not prepared at all*.

Judging from this data, the children in Slovenia are well informed about their rights. Such conclusions can also be supported by the evidence gathered from our focus groups with children. Children in general tend to view their informedness about human rights, children rights and participation as rather good. They are **mainly satisfied with how these topics have been presented in school and how they are interwoven in the school curriculum**.

⁹⁵ Office of the Republic of Slovenia for Youth. 2013. National Programme for Youth 2013-2022. Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=RESO93>

⁹⁶ Klemenčič. 2012. Državljska in domovinska vzgoja danes. Pedagoška obzorja 27, nr. 1/2 (2012): 116–117.

⁹⁷ European Commission/EACEA/Eurydice, 2017. Citizenship Education at School in Europe – 2017. Annexes: National Information and Websites. Eurydice Report. Luxembourg: Publications Office of the European Union. Available at: [http://na.org.mk/tl_files/docs/epluseurydice/2017pub/CitizenshipEd/Citizenship%20education%20-%20Annexes%202017\(1\).pdf](http://na.org.mk/tl_files/docs/epluseurydice/2017pub/CitizenshipEd/Citizenship%20education%20-%20Annexes%202017(1).pdf)

⁹⁸ The International Civic and Citizenship Education Study (ICCS) investigates the ways in which young people are prepared to undertake their roles as citizens in a range of countries in the second decade of the 21st century. It investigates student knowledge and understanding of key aspects of civics and citizenship, as well as student attitudes to, and engagement with, civic life.

⁹⁹ European Commission/EACEA/Eurydice, 2017. Citizenship Education at School in Europe – 2017. Annexes: National Information and Websites. Eurydice Report. Luxembourg: Publications Office of the European Union. Available at: [http://na.org.mk/tl_files/docs/epluseurydice/2017pub/CitizenshipEd/Citizenship%20education%20-%20Annexes%202017\(1\).pdf](http://na.org.mk/tl_files/docs/epluseurydice/2017pub/CitizenshipEd/Citizenship%20education%20-%20Annexes%202017(1).pdf)

*"With each year, we have dealt with these topics on a somewhat higher level, the teachers started to use more professional terms and concepts."*¹⁰⁰

The children from focus groups at least in part also praised their teachers for the selection of didactical methods and educational approaches making the classes interesting and motivating them.

*"Basically, on many occasions, we divide the topics among us, and basically, we prepare presentations and take notes, teacher then comments on it. Basically, one student makes a presentation and then we discuss it."*¹⁰¹

*"I feel that it is much better, if we explore the topics on our own, because if we had to only pay attention to the teacher and listen, we would not be able to make our own conclusions on the topic."*¹⁰²

*"Well, it is not just about giving a lecturing. The same topic can be presented more interestingly. For instance; using films, videos, the internet, and our teacher takes this into consideration."*¹⁰³

Children in general also feel that the topics in question are presented in very clear, understandable and child friendly manner.

*"Maybe the teacher actually went overboard with that. In a way, the lectures have been a little too childish...at least for me."*¹⁰⁴

There are also some participants who, on the other hand, did not understand the lectures. All of them come from the two focus groups with deprived children with migrant background.

*"Yes, it depends on what kind of teachers you have. Some of them are just there and are saying some random things and nobody understands them at all, some of them, they take the time and make an effort so we can all understand. I have had a bad experience in school, well, I didn't understand at all what she was saying...and we were just making some stupid posters and transcribing from the board."*¹⁰⁵

*"They [the teachers] should use the words you are familiar with, basically they should talk like at home...but noooo, they always use professional expressions and then you have to google it to know what they were saying."*¹⁰⁶

This difference is not surprising if put in the context of ICCS 2016 data measuring student civic knowledge which highlights that the high achievers in Slovenia tend to be without migrant background and speak Slovene at home.

In contrast to the above participants, **some (though less numerous) voices from the focus groups also feel that the human rights related topics within curriculum could be better conceptualised, taught and presented by teachers.** They range from being modest in their critique and emphasising the lack of depth of the topics which have been taught:

*"We have dealt with these topics more generally; we have not gone deep into each human right. However, in the lower classes, teachers used a lot of pictures to make it more understandable."*¹⁰⁷

*"Yes, I remember that we had this in social studies, well ... yes... we talked about the rights and all that. And to be honest... there was not like a lot...I would never say that it was demanding or anything. We quickly went through the topics... that we have the right to education, that ... well...about that."*¹⁰⁸

¹⁰⁰ Khloe, 14 years old, focus group primary school Dragotin Kette, Ilirska Bistrica

¹⁰¹ Una, 13 years old, focus group primary school Bežigrad, Ljubljana

¹⁰² Gaja, 13 years old, focus group primary school Bežigrad, Ljubljana

¹⁰³ Slash, 13 years old, focus group primary school Novo mesto, Novo mesto

¹⁰⁴ Vanaly, 13 years old, focus group primary school Celje, Celje

¹⁰⁵ Violica, 17 years old, focus group NGO Cona Most, Ljubljana

¹⁰⁶ Jasna, 14 years old, Cona Most, focus group NGO Cona Fužine, Ljubljana

¹⁰⁷ Alja, 12 years old, focus group primary school Dragotin Kette, Ilirska Bistrica, Topolec

¹⁰⁸ Žana, 12 years old, focus group primary school Vižmarje-Brod, Ljubljana

... to more critical voices mentioning aspects related to teachers lacking the capacity to motivate the students and lack of time devoted to participation:

*"It was rather dull."*¹⁰⁹

*Well, I think, we have mentioned the children rights...and we also worked a bit on it, but I wouldn't say that we delved deeply into the topic, that we definitely did not do!"*¹¹⁰

*"We had... we discussed what was in the textbook, well...she had the lecture, we also had presentations. But I think one hour wasn't merely enough, we would need more time so we could debate more because we like to quarrel about each other's' views."*¹¹¹

*"We watched the same video in the fifth, sixth and seventh grade... yes...it was like the same...the video."*¹¹²

Furthermore, the above and below views are echoed in ICCS 2016 findings for Slovenia, where teachers, teaching subjects where citizenship education is taught, answer the question on what is needed to improve the civic and citizenship education in their schools? To illustrate: 26,24% of respondents say they would need better materials and textbooks, 29,15% more in-service training in teaching methods, 25,86% more instructional time allocated to citizenship education, 28,91% greater involvement of outside agencies or stakeholders (to mention just a few).

In relation to the first answer, we can conclude that children are 'on board' with having more innovative and up-to-date materials. As Miha (and many other focus group participants) explains:

*"We are much more interested to see what can be find on the computers, in videos, on YouTube ... this is all much more familiar to us than textbooks, books and newspapers and all."*¹¹³

Also, the last claim of teachers about the need for greater involvement of outside agencies and stakeholders can be summed up in bellow focus group debate among Amona, Lara and Črt:

*"I would be very happy, if, for example, somebody more professional would come to our school to give a lecture, I mean, to tell us something about children rights, so that we can learn about it more in detail."*¹¹⁴

*"Yes, I would be interested in something like that too. Maybe, if we could get someone from the ministry or some similar institution because this would be 'OMG this guy knows a lot', you know?"*¹¹⁵

*"Probably this person would have been taken more seriously as it is his job to protect the rights of children on a daily basis. Because if somebody important visits the school, it would be more memorable...as it would be something special and out of the school routine."*¹¹⁶

One of the more common critique (or admission by the children) is that they are not really interested in the topics of civic and citizenship education but that they learn solely because it is part of the curriculum and they need to get a good grade. Again, being informed therefore does not directly mean an increased capacity to participate and also does not translate into participation.

*"Yes, we have listed all the rights, then we have learned them by heart and were graded."*¹¹⁷

¹⁰⁹ All participants, focus group with young parliamentarians

¹¹⁰ Urh, 12 years old, focus group primary school Vižmarje-Brod, Ljubljana

¹¹¹ Alexa, 12 years old, primary school Brežice, Brežice

¹¹² Rupert, 13 years old, primary school Ledina, Ljubljana, Ljubljana Centre

¹¹³ Miha, 14 years old, focus group primary school Dragotin Kette, Ilirska Bistrica, Sušak

¹¹⁴ Amona, 12 years old, focus group primary school Vižmarje-Brod, Ljubljana

¹¹⁵ Lara, 11 years old, focus group primary school Vižmarje-Brod, Ljubljana

¹¹⁶ Črt, 12 years old, focus group primary school Vižmarje-Brod, Ljubljana

¹¹⁷ Kai, 14 years old, focus group primary school Janko Ribič, Cezanjevci, Ilijaševci

"Yes, I have learned that just to get a good grade."¹¹⁸

School is not the only source of information on participation. We also need to take into consideration the parents. According to children who participated in the focus groups, **the views on family as a source of information are divided**. The general conclusion is that they would be much less informed if these topics were not covered in school:

"Well, I think I wouldn't have learned about the right to participate. Outside the school, I wouldn't have learned anything."¹¹⁹

... although for a good part of participants parents do represent a relatively good source of information.

"My parents, they told me about children rights, just so, because they thought it was the right thing to do and that it is important that I can stand up for myself and be assertive."¹²⁰

This finding is supported also by the ICCS 2016 data where 28,17% of eight graders talk with their parent(s) about political or social issues on monthly (at least once a month) and 13,23% weekly (at least once a week) basis. On the other hand, more than half (54,6%) of eight graders never or hardly ever talk with their parents about these issues.

Another **important issue is whether the children are equally informed**. Children who participated in our focus groups in general feel that because of the fact that all children in Slovenia are exposed to the same curriculum, they all should be equally informed about their rights. However, after giving it some thoughts, children usually concluded that there are differences in the level of information they receive as well as in its quality. These differences are, according to them, the result of several determinants; in general: age (older children tend to be better informed than younger), regional differences (children from central regions tend to be better off), urban vs rural divide (children from rural areas tend to be worse off), engagement of teachers (children from classes with more motivated teachers tend to be better off) and socio-economic, cultural and educational status of their parents (children from deprived families where parents face social problems, are also deprived in terms of information, similar can be claimed for children with migrant background).

"In my opinion, not all children have the same information about the right to participate and be heard because they have different parents, different teachers at school...it also depends where they live, coz we have lots of these options to express our views and we are also being heard...I don't know...in some parts of our country (or in some other country) it might be different. Children can be even guilty for having an opinion and if they express it, it is not being taken into account at all."¹²¹

The access to promotional materials of NGOs and other institutions in the field of protection of children rights is, according to children, readily available in schools and elsewhere where such materials could be expected. Here, there has been almost no discussion as all participants agreed that they can find information they need if they are looking for it.

"We even have all the important numbers in our school notebook. We write these different number down at the beginning of school year."¹²²

This does not mean that such information is provided in the context of immigration or asylum proceedings, where there are no specific child-friendly materials readily available. Information materials

¹¹⁸ Žan, 10 years old, focus group primary school Celje, Celje

¹¹⁹ Azra, 13 years old, focus group with young parliamentarians

¹²⁰ Gaja, 12 years old, focus group primary school Bežigrad, Ljubljana

¹²¹ Klara, 14 years old, primary school Celje, Celje

¹²² Summer, 14 years old, focus group primary school Novo mesto, Novo mesto

are available in the detention centre for foreigners and accommodation facilities for asylum seekers, but are not adapted to be child-friendly.¹²³

¹²³ Adriana Aralica, Legal-Informational Centre for NGOs – PIC – PIC, Ljubljana, e-mail correspondence, 3 December 2019.

CREATING SPACES FOR PARTICIPATION

INDICATOR 8

Children are represented in forums, including through their own organisations, at school, local, regional and national governance levels

States can measure progress towards the indicator using the following assessment criteria:

- 0 = No forums exist through which children can engage with school, local, regional and national government
- 1 = A child/youth council or parliament exists through which children can address government at the national level
- 2 = Child/youth councils exist through which children can address governments at the regional level
- 3 = Legally mandated child/youth councils or parliaments exist through which children can address governments at the school, local, regional and national level

Child participation in different forms has been part of the activities in primary schools in Slovenia since the times of the former Yugoslavia. However, since the Rules on Elementary School Student's Rights and Duties¹²⁴, which regulated these activities through Pupil's community and Children's parliament as an executive body responsible for children's participation, are no longer valid (since 2009), children's participation (as understood within this indicator) is left to the discretion of schools and other organisations. Despite the legal gaps, the substantial number of schools established various children's participatory practices. Some of them include: class communities represented by class representatives; school communities represented in some cases by school representatives.

NGOs play an important role in participation of children at all levels. Slovenian Association of Friends of Youth (ZPMS) has been running the project The Children's Parliament with the cooperation of the approximately half¹²⁵ of primary schools in Slovenia since 1990. Diverse practices in performing of the Children's parliament are established, the most common is combination with school communities. The Children's Parliament is a form of democratic dialogue, where initial sessions take place in classrooms and in school parliament. Each school is then represented at the municipal Children's parliament by selected delegates, representatives of regions represent their regions (and schools) at the National children's parliament which takes place at the National Assembly of the Republic of Slovenia once a year. Pupils participate in a debate on selected topic(s)¹²⁶, high level political decision-makers, policy designers and president of the Republic of Slovenia are usually present. NGOs and other important stakeholders are also invited.

Child participation at the local community level is left up to municipalities' autonomous decisions as well. Some municipalities organise child municipal councils, days of opened doors etc. on their own initiative. As an example of good practice, the case of small municipality Hoče-Slivnica from the Eastern part of Slovenia has been highlighted¹²⁷. Some municipalities practice the s. c. participatory budgeting, – a democratic process where people older than 15 years decide how to spend part of a municipal budget in their local communities. The best examples of implementing such a budget are municipalities

¹²⁴ Official Gazette of RS, Nos 75/04, 102/07 – ZOSn-F, 76/08

¹²⁵ Slovenian Association of Friends of Youth (ZPMS) estimation. According to them approximately 2000 children from Slovenia participate in Children's parliaments.

¹²⁶ Slovenian Association of Friends of Youth (ZPMS) 2019. Available on: <https://www.zpms.si/programi/otroski-parlament/>

¹²⁷ Telephone correspondence with the Association of Municipalities and Towns in Slovenia representative, February 2019

of Ajdovščina, Komen, Nova Gorica and Kranjska Gora in the western part of Slovenia. The latter also began with the pilot implementation of a youth participatory budget in 2018.¹²⁸

Children's participation at the local community level is also encouraged by UNICEF Slovenia with its participation in worldwide project Child friendly cities. Within this project mayors commit to prepare an analysis of the situation of children in the city they run and design proposals for improvements in the form of a medium-term action plans involving various projects for children.¹²⁹ It is worth noting that some of the 15 municipalities with a title of 'Child friendly City' do not implement the project according to an ideal model but only on a formal level. An example of good practice has been the municipality of Postojna¹³⁰, which has been conducting regular municipal children's councils since 2016 as well as taking into account the proposals of children when planning projects intended for them. Throughout the years they have developed an exemplary cooperation with Postojna Youth Centre, passed Local act on youth, co-planned organization of local infrastructure for children and spreading the interest in the importance of participation of children in other municipalities in the region.¹³¹ UNICEF Slovenia also plays a positive role in increasing the representativeness of children in (political) decision-making at different levels with the initiative of UNICEF's Junior Ambassadors raising public awareness on children's rights and responsibilities as well as on encouraging them to take an active role in shaping the society.¹³²

In comparison with children's participation, **the participation of youth (15–29 years) is more formalised** and regulated by the law. For instance, in the secondary schools, students form their school communities on the basis of Vocational and Technical Education Act¹³³ and General Upper Secondary School Act¹³⁴. Organising the Pupils' parliaments has been supported also on national strategic level as they have been stipulated by the Programme for Children and Youth 2006–2016. This parliaments are organised by Pupils' organisation of Slovenia and are composed of members of parliamentarians from primary and secondary schools¹³⁵. Political participation of youth (15-29) is further regulated by Youth Council Act¹³⁶ and Public Interest in Youth Sector Act¹³⁷ and supported with specific goals in the National Programme for Youth 2013-2022¹³⁸. Office for Youth is responsible for implementation of the national programme and champions the interests of the youth and the youth sector. Important role in regard to political participation of youth, is played by Youth Council of Slovenia acting as an umbrella organisation of youth councils and other youth organisations such as youth centres.¹³⁹ In this context, the Forum of Roma intellectuals and Roma Rotary club are active as they bring together (former) Roma students and pupils (who could also be also part of the Youth Council of Slovenia).¹⁴⁰

¹²⁸ Today is a new day 2019. Available at: <https://danesjenovdan.si/participativni-proracun/>

¹²⁹ UNICEF 2019. Available at: <https://www.unicef.si/projekti-v-sloveniji>

¹³⁰ https://www.youtube.com/watch?time_continue=48&v=PV2U6vEsH0k&feature=emb_logo

¹³¹ Findings from national meeting of UNICEF's child friendly cities, 18/4/2019

¹³² UNICEF 2019. Available at: <https://www.unicef.si/projekti-v-sloveniji>

¹³³ Official Gazette of RS, Nos 79/06, 68/17, 46/19

¹³⁴ Official Gazette of RS, Nos št. 1/07, 68/17, 6/18 – ZIO-1, 46/19

¹³⁵ DOS 2019. Available on: <https://dijaska.org/parlament/>

¹³⁶ Official Gazette of RS, Nos 70/00, 42/10

¹³⁷ Official Gazette of RS, Nos. 42/10; 21/18 – ZNOrg

¹³⁸ Official Gazette of RS, No 90/13

¹³⁹ Gov.si 2019. Available on: <https://www.gov.si/teme/mladinski-sektor/>

¹⁴⁰ E-mail correspondence with the Slovenian Roma Union representative, November 2019

Table 1: Schematic presentation of forums and other participatory activities at different levels of government in Slovenia

National level	Regional level	Municipal level	School level	Class level
(ZPMS) National Children's parliament (6–15)	ZPMS regional Children's parliament (6–15)	ZPMS municipal Children's parliament (6–15)	ZPMS Children's school parliaments (6–15)	Class community with class president (6–19)
UNICEF Junior ambassadors (up to 18)		UNICEF's Child friendly cities (15 cities)	School communities (6–15)	
(DOS) Pupils' parliament (15–19)		Children municipal council, participatory budget (some municipalities)	School president (6–15) (some schools)	
Youth Council of Slovenia (15–29)		Local Youth Councils (15–29)	(DOS) Pupil's community (15–19)	

In general, we can conclude that **older children and young people in Slovenia have more opportunities for active citizenship than younger ones**. Primary school forums (the school communities and/or Children's Parliament) include a limited number of children, more often children from higher classes. There are no noticeable differences in gender participation. The ICCS 2016¹⁴¹ survey found that over the last year, 35% of 8th grade students in Slovenian schools had run for class or school parliament, 24% had done so more than a year ago, and about 41% had never run. The data for 2009 show similar picture.

Findings from our focus groups with children show that **most often class representatives and forum participants are selected based on their personality traits** (eloquent children - actively involved in class and outside school activities with exemplary behaviour, driven, independent, reliable, trusted and popular students among classmates and teachers) and/or based on their high educational attainment. They often have better opportunities and talents than other children and, in principle, come from families which are not socio-economically deprived. On the contrary, students from disadvantaged socio-economic and cultural backgrounds, children with behavioural, emotional and learning difficulties do not get the opportunity¹⁴².

»In our school, if I would have been elected, the teacher would say: 'Can you step down, so we can elect someone smarter?' This is what she said to me. Sometimes the teachers degrade those with not that good grades and favour those with fives [excellent]«¹⁴³

At the National Children's Parliament there are representatives of deaf and hearing impaired, blind and partially sighted and children with physical disabilities¹⁴⁴, however they are usually not elected as class or school representatives. In principle, Roma children also do not participate in the forums.¹⁴⁵ The choice of representatives depends mainly on the teacher. In some cases, (anonymized) voting takes place, in other cases, students come forward themselves or are chosen by the class teacher. Moreover, data from the ICCS 2016 survey shows that the majority of eighth-graders in Slovene schools participated in elections for a class representative or to the school parliament (about 66%) last year, only about 16% of students never participated.

¹⁴¹ Klemenčič, E., Mirazchiyski, P. V., Novak, J. 2019. Državlanska vzgoja v Sloveniji. Nacionalno poročilo mednarodne raziskave državlanske vzgoje in izobraževanja (IEA ICCS 2016). Pedagoški inštitut. Available at: <https://www.pei.si/ISBN/978-961-270-301-1.pdf>

¹⁴² Finding from children's focus groups, September-November 2019

¹⁴³ Muhamed – Čačkalica, 13 years old, focus group NGO Cona Fužine, Ljubljana

¹⁴⁴ Slovenian Association of Friends of Youth (ZPMS). 2016. Available at:

[https://www.zpms.si/data/upload/E_prirocnik_POSODOBLJEN_2016_v1\(1\).pdf](https://www.zpms.si/data/upload/E_prirocnik_POSODOBLJEN_2016_v1(1).pdf)

¹⁴⁵ E-mail correspondence with the Slovenian Roma Union representative, November 2019

Children are in general in favour of these forums as they are recognised as a mean to achieve changes in their schools and at other levels. However, the participants in our focus groups feel that they can achieve more with the usage of other channels such as school communities (in which they suggests the topics important to their schools to be discussed at the municipal and regional level) with the help of school staff (even if they say that these procedures may take long).

Children report fewer effects of the Children's Parliaments at the local level, even less at the regional level, which can be attributed to the lack of regionally organized governance structures and the fragmentation of the Slovenian governance system to 212 municipalities. Regionally, opportunities to participate are (at least on the declarative level) there for all the schools but in reality, what happens is, that children from larger schools are selected. Children's opinions on the effectiveness of the National Children's Parliament, however, are divided. Some focus groups participants think that political decision makers do not take them seriously but others think that the National Children's Parliament has more power than the School parliament.

»I think that we are not taken seriously at all or at least some of us are not. Even at the level of National children's parliament, the president is just counting political points... He comes there and says hi, that's all. Well, I think this is sad, he takes pictures there with the children and then he thinks this is some kind of the attraction instead of doing something good for the people and children. An these are supposed to be the results?«¹⁴⁶

»The information from the school level normally does not reach the government, these things do not have such an impact. If they go to Children's parliament, well, at least then they are listened to and see what demands we, children, have.«¹⁴⁷

»Our president who we elected as a joke two years ago went to the ministry of education and sport and had the conversation with the minister, he spoke rather well...and the result of that is that we don't have national assessment of knowledge«¹⁴⁸

Often, **more influence is attributed to the National Children's Parliament by children who have never participated in it.**¹⁴⁹ Moreover, children with personal experience of participating in the Children's Parliament have a greater sense of powerlessness and are usually more critical of its effects. Some believe that organisation of National Children's Parliament only once a year is clearly not sufficient.¹⁵⁰ The belief often expressed, is that an organised group of children or schools is more effective in bringing about change than individuals. Children who do not actively participate in school community and other forums report that they are not aware of the purpose and what is being discussed in these forums and that they would like to have summaries of the content discussed and conclusions reached. Many of our focus groups participant feels that their peers and their representatives active in forums pursue common interests and benefits¹⁵¹, while some NGOs¹⁵² believe that representatives primarily pursue personal interests and reinforce individualism.¹⁵³ Namely, positive effects of participation in the Children's Parliament are also the enhancement of social skills, knowledge, experience, positive self-image and development of critical thinking of the participants. One of the most prominent effects of the recommendation reached at the National Children's Parliament level is also to introduce more TV news-like programmes for children within the national TV programme scheme such as Infodrom,

¹⁴⁶ Slash, 13 years old, focus group primary school Novo mesto, Novo mesto

¹⁴⁷ Vilibald, 12 years old, focus group primary school Dragotin Kette, Ilirska Bistrica

¹⁴⁸ Franček, 14 years old, focus group primary school Novo mesto, Novo mesto

¹⁴⁹ The number of pupils and their attendants participating at the Children's Parliament at the national level is selected according to the size of region or number of primary elementary schools (ZPMS, 2016). Usually these are the representatives of the school community.

¹⁵⁰ The opinion of the children participants of the Child participation conference: Citizens of the future, 27/11/2019

¹⁵¹ Findings from children's focus groups, September-November 2019

¹⁵² Conversation with UNICEF Slovenia representatives, March 2019

¹⁵³ Bauman Jančar. 2018. Vpliv otroškega parlamenta na aktivno in odgovorno državljanstvo mladih. Master's thesis. University of Ljubljana, Faculty of social work.

Firbcologi and the online newspaper for children, Časoris.¹⁵⁴ What is interesting and can also be described as a cause for the concern, is the view that **motivation to participate in forums is greater in the lower grades and gradually decreased over the years.**¹⁵⁵

The reasons behind this could also be found in the questionable impact of forums in the perception that children are not being heard as well as in the lack of feedback especially in the form of explanation why some suggestions of children could not be implemented. Another reason is, according to participants of focus group, in the abundance of extra-curriculum activities and in an increased school workload (participation in forums represent additional responsibility in afterschool hours or even before school).¹⁵⁶

The decline in motivation for active citizenship is also reflected in the Eurobarometer 2017 data¹⁵⁷. Participation of Slovenian adolescents aged 15–19 in youth organisations is above average (SI: 37%, EU-28: 30%), the same goes for participation in organised voluntary activities and in voting in elections. However, voting in elections of Slovene youth aged 25–30 is below average in comparison to their EU peers (SI: 80%, EU-28: 85%). While the proportion of youth participating in political organizations' activities is increasing with age in the EU, it is decreasing in Slovenia¹⁵⁸. The decline in children's motivation to participate despite the available opportunities is one of the major challenges which should be addressed in the future.

For example, **we can start by encouraging the participation of children at the younger age**, in kindergartens and in the lower grades of primary school. By raising awareness among school staff, local and national political decision-makers we can increase the chances that the voice of children will be heard and that giving feedback to children's participatory activities is of utmost importance to them. Another factor which cannot be overlooked is the fact that the majority of forums are conducted and organised by the NGO sector which makes them vulnerable to financial risks faced by NGO sector anyway. The lack of more systemic framework for these participatory activities has been identified also by the UN Committee on the Rights of the Child, which is "concerned that the Children's parliament project is run by civil society and therefore is not provided with adequate support, especially financial support, to enable the programme to be sustainable. Committee recommends that the State party assume primary responsibility for the effective operation of the Children's Parliament and provide it with adequate human, financial and technical support". The state should also consider establishing the Office for Children which would have similar role as Office for Youth. Participation of pupils at local level should also be encouraged more. In order to raise the levels of political participation between children and youth, we propose a public debate on reducing the voting age to 16 years to be re-opened, and to rethink introducing e-elections.

¹⁵⁴ Slovenian Association of Friends of Youth (ZPMS). 2016. Available at: [https://www.zpms.si/data/upload/E_prirocnik_POSODOBLJEN_2016_v1\(1\).pdf](https://www.zpms.si/data/upload/E_prirocnik_POSODOBLJEN_2016_v1(1).pdf)

¹⁵⁵ Higher levels of motivation of children from lower classes has been confirmed also by a study by Bauman Jančar in 2018.

¹⁵⁶ Findings from children's focus groups, September-November 2019

¹⁵⁷ Eurobarometer 2017. Available at: http://data.europa.eu/euodp/en/data/dataset/S2163_455_ENG

¹⁵⁸ Age 15-19: SI: 8%, EU: 5%, age 20-24: SI: 3%, EU: 6%, age 25-30: SI: 2%, EU: 8%

INDICATOR 9

Child-targeted feedback mechanisms on local authority services are in place

States can measure progress towards the indicator using the following assessment criteria:

- 0 = Children do not have opportunities to offer feedback on local public services and such services are not required to offer such opportunities
- ① = At least two of the local public services specified have systems in place for children to provide feedback on the services provided
- 2 = At least four of the local public services specified have systems in place for children to provide feedback on the services provided
- 3 = All of the local public services listed are required to have feedback arrangements in place and have established effective systems to obtain and respond to feedback from children

Indicator 9 puts focus on answering the question about whether public authorities responsible for local services organizations have mechanisms in place to consult with and receive feedback from children. In order to consider the views of children, the professionals working in schools, museums, centres for social work, health care institutions, kindergartens etc. should consult children and ask for their feedback and in return respond to children's feedback. The feedback provided by the children is understood in the context of whether it effects the design of the services, whether children are in fact co-designers of services used by them. The feedback from Indicator 9 is understood in terms of co-designing services used by children. In the context of the assessment of the Indicator 9, we are particularly interested in whether the child-centered feedback mechanisms are accessible to all children and whether children's opinions are actually taken into account.

Regulations of the feedback mechanisms are rather rare in the services covered by indicator 9. The only services field formally regulating feedback to children's opinions is the field of education. Organisation and Financing of Education Act¹⁵⁹ regulates (among other responsibilities of the principal of kindergarten or school) conduction of quality assurance through self-evaluations and annual reports about measures taken in this regard. The annual self-evaluation report is adopted by the kindergarten or school board.

In the field of social services, children are only included in the evaluation when participating in state-funded programmes (e.g. day care centres for children and adolescents). Namely, the Resolution on the National Social Security Programme 2013-2020¹⁶⁰ obliges all publicly verified social protection programmes to be evaluated on an ongoing basis. These are the programmes which are professionally verified according to the procedure laid down in a special regulation adopted by the Social Chamber of Slovenia.

In the field of healthcare, all healthcare institutions are obliged to monitor patient satisfaction according to ISO 9001: 2015. The problem here, is that institutions chose different ways of data collections, e.g. different questionnaires. There is no single, national patient satisfaction questionnaire. This makes the data difficult to compare and design the measures which would be based on these results. Children are

¹⁵⁹ Official Gazette of RS, Nos. 16/07 - official consolidated text, 36/08, 58/09, 64/09 - corr., 65/09 - corr., 20/11, 40 / 12 - ZUJF, 57/12 - PCP 2D, 47/15, 46/16, 49/16 - corr. and 25/17 – exercises on The Law on the Organization and Financing of Education (ZOFVI), 25 November 2019.

¹⁶⁰ Official Gazette of RS, No. 39/13 on Resolution on the National Social Assistance Programme for the period 2013-2020 (ReNPSV13-20), 25 November 2019.

in principle included in these questionnaires but no particular emphasis is placed on obtaining their opinion. The Ministry of Health now seeks to regulate and improve the monitoring of patient satisfaction through the implementation of various projects more comprehensively, unfortunately, again, no special attention is placed on children.

To assess practices of child-friendly **feedback mechanism at the level of local governments** (municipalities), we relied heavily on the views of children who participated in our focus group. There has been a lot of discussion on feedback mechanisms, especially in the field of education (over 1000 quotations in total). This undoubtedly indicates that this particular topic is important to children, focus groups findings are therefore presented in more detail in this section. When participants were asked about their participation in decision-making in the local community, at first, they responded in amazement:

"If I would go to the mayor and be like: 'Well, I was thinking that we should build this and that...' they would probably just look at as funny".¹⁶¹

Nevertheless, children throughout the discussions generally mention that they would like that new gyms, new playgrounds, skate parks etc. would be built in their communities.

Given that fact that children spend most of their time in schools it was not surprising that discussion on **feedback mechanism in schools** (culture and leisure, health, social services, courts, police were the other topics discussed within feedback mechanisms) were most frequent and rich. It is school where children try to improve their experiences and their quality of life most often. They submit their opinions on school nutrition and school subjects in several surveys¹⁶² (this basically applies to all schools which participated in the focus groups). In one of the focus group they also mentioned filling out dendrograms to be used to assess with which pupil they get along with (or do not get along with). Such exercises are used to (re)establish the sitting order in classrooms. Some schools offer mailboxes where pupils can leave suggestions for school improvement etc. This option is not available in all schools and does not apply to all age groups. The pupils usually express their ideas in their home classroom to the class teacher, the class teachers or representatives of each class report their ideas to the higher levels (e.g. principal). An important role is played by the school parliament. On many occasions, participants expressed the importance of a key person (be it school social worker, psychologist, class teacher etc.) they could trust, talk to and confide in. Within the school environment, the issues to be addressed are usually related to the quality of food, gym, outdoor playgrounds, school bell, teaching material, school trips, privacy of the changing rooms etc. The most attention has been paid to unsatisfactory hygiene in the kitchen and poor nutrition, which, in some of the participants' opinion, is tasteless, served in small quantities and "too bio".

"The food in school is 'bio', but the problem is not that it is 'bio', sometimes 'bio' can be tasty, but not in school, here it is just inedible". It's just nasty!"¹⁶³

The participants also find it very important that the gyms and outdoor playgrounds are not too outdated. They expressed the view that more often than not, they are dangerous, having worn out equipment and unsuitable playgrounds. What they want is, to be consulted when they are building or reconstructing them which is rarely the case. Their argument is, that it is them, who will be using them in the end.

"When they were rebuilding our playground, we told them on many occasions that installing substandard baskets on a basketball court does not make sense...just because they thought they looked cool and more stylish...they cost more

¹⁶¹ Lara, 12 years old, focus group primary school Vižmarje Brod, Ljubljana

¹⁶² According to participants of the focus groups, school surveys are generally understandable and child-friendly.

¹⁶³ Jezus, 13 years old, focus group primary school Bojan Ilich, Maribor

than normal baskets and are, as bulky as they are, completely useless. The ball bounces out of them somehow. This is so stupid; the ball just bounces off of them...and they did not even save any money!”¹⁶⁴

When it comes to **healthcare services** some participants have good experiences, nevertheless, the predominant opinion is that the staff, in spite of their efforts to be child-friendly (e.g. dentists tell them they can raise their hand when they feel pain, counting till three when using injections, etc.) could do more for children to have better experience. The participants feel the professional staff could be more patient with children, better explain the procedures, and, as is often the case, explain the issues not only to their parents but also to them.

“If you are there with your parents, they always say...‘now, you can wait outside, I will explain everything to your parents’. I mean...c’mon...these are my medical issues; can I please hear what is going on?”¹⁶⁵

Only a small proportion of participants were aware of the complaint procedures in health centres (using especially designed mailboxes). Some participants who knew about it, have never used it in practice. In the case of negative experiences, they usually either stop going to the chosen dentist or they confine in their parents (who then take action). The participants rarely dare to express their opinion directly to the medical staff (except for doctors, dentists, orthodontists who are family friends):

“No, I would stay quiet and do what the doctor tells me, when at home, I would tell my parents about it, though. But I would never talk back to the doctor.”¹⁶⁶

Using the complaints book is not something participants think about, not even in other environments such as galleries, museums etc. They do, however feel, that in some cases, especially **cultural institutions** are making positive steps to become more child-friendly with providing more interactive content.

Findings in relation to feedback mechanism in **leisure activities** (e.g. attending music schools, sports clubs, theatre groups etc.) seem to be similar. Children prefer to express their complaints to parents instead of the trainer or teacher. Only in cases where the teacher or trainer manages to establish a relationship of trust with participants, they feel confident enough to express their opinions. Participants of focus groups generally agree that in order to achieve good results (for instance at sports or at music), they have to follow the planned programme and listen to trainers/teacher. They understand the difference between the violation of their rights and rigorous training.

Only a handful of our focus groups participants have experience with **courts and social work centres**, it is therefore understandable that they have not listed any suggestions for improving feedback mechanisms. Those who have some experiences with these institutions usually have a positive experience.

We have mentioned before that children have many options to express their views and get their opinions across. They are using these channels which are well established and also supported by school authorities also in practice. The issue is therefore not in sheer non-existence of feedback mechanisms but moreover in the lack of impact of participatory activities:

“I think schools give out these surveys because they have to. Because they are obliged to. Because of the inspectorate. And, yes, this survey is not only once a year, we have it more times...but I think it really doesn’t matter...the surveys also cost some money...you fill out the survey but they never do anything about the results. Last year we had three or even four such surveys and nothing has ever come out of it. Nothing ever changes.”¹⁶⁷

¹⁶⁴ Saitama, 14 years old, focus group primary school Ledina, Ljubljana, Ljubljana Center

¹⁶⁵ Pia, 11 years old, focus group primary school Vižmarje Brod, Ljubljana

¹⁶⁶ Brnina, 14 years old, focus group with young parliamentarians

¹⁶⁷ Slash, 13 years old, focus group primary school Novo mesto, Novo mesto

The general impression from the focus groups is that participant's initiatives rarely have major impact. In cases where impact is achieved, it is usually because, as participants argue, the issues are rather easily solved and do not require additional (financial) resources and engagement (for instance, minor repairs at school: bells, lockers, introduction of benches in front of the school, etc.). Furthermore, it takes a lot of time for school authorities to address the issues. Among the reasons behind the failure of their initiatives, proposals or complaints, participants report: limited financial resources, their proposals being not developed enough (self-criticism), their wishes are not viewed as important by adults, not being taken seriously because they are 'only children'. Interestingly, they believe that their parents have more power and influence over some decisions in school.

In focus groups children have made it very clear that they were bothered by the lack of feedback to their initiatives. What they wish for is:

- to be informed about the results of different surveys in which they participated and how the results will be used for bringing their ideas into reality.

*"I will give you one example... we all wanted to have a new classroom bell in school and we have expressed this on so many occasions and so many times, but never we get any answer. They always say that we will not have a bell. And they never give us any explanation why."*¹⁶⁸

- to be able to express their opinion not just in surveys but more informally in their own words:

*"I agree with you that we would need to talk more about the issues and discuss them in depth not just fill out surveys where we have to choose among offered answers. So, yes...I think more discussions are needed."*¹⁶⁹

- to have school parliament sessions more frequently and its decisions taken more seriously by school authorities.
- to be consulted more frequently on matters which concerns them:

*"For instance, when they started to build this new building we see outside, they did not ask us anything, we had no clue what was being built. Then they tore down that old building, remember, removed the old asphalt...and boom, something completely new was there in the yard when we arrived to school!"*¹⁷⁰

- for their proposals to be taken into account:

*"This is how it was in our case. I think we were in third grade when they started to rebuild the school playground. They asked us to draw some suggestions, some of our plans, what we would have wanted, we also wrote them down and send everything to the mayor... and then in the end when they finally managed to build the playground, it looked nothing like we had drawn and planned. It was completely different!"*¹⁷¹

If we analyse the views of principals on participatory practices in their schools, we (understandably) get slightly more optimistic picture. The ICCS 2016 survey namely shows that most principals believe that students' opinions are taken into account (18,56% to a large extent and 70,09% to a moderate extent, 11,35% to a small extent, no principal feels that students are not involved at all)¹⁷².

On the other hand, our focus groups also showed that there are large differences between perceptions of participants with **migrant background** (focus groups Cona Fužine and Cona Moste) and other focus groups. Their opinions stand out from the rest of focus groups participants. For instance, they were questioning the meaningfulness of the contents of citizenship subject. They believe that the school should better prepare them for life and that some subjects are redundant (not just the topics on citizenship education but also art, culture etc.). They were also the only group of participants where their opinion on centres for social work (and professionals working there) was not primarily positive:

¹⁶⁸ Maja, 13 years old, focus group primary school Bojan Ilich, Maribor

¹⁶⁹ Violica, 17 years old, focus group NGO Cona Most, Ljubljana

¹⁷⁰ Eva, 13 years old, focus group primary school Bežigrad, Ljubljana

¹⁷¹ Julija, 11 years old, focus group primary school Ledina, Ljubljana, Ljubljana Center

¹⁷² Eva Klemenčič, Plamen V. Mirazchijski, Jure Novak, »Državlјanska vzgoja v Sloveniji«, Nacionalno poročilo mednarodne raziskave državljanske vzgoje in izobraževanja (IEA ICCS 2016) (2019), <https://www.pei.si/ISBN/978-961-270-301-1.pdf> (accessed December 4, 2019).

*"Well, I don't know...People who work there, they treat you like a 'special needs person'."*¹⁷³

In these focus groups, we can also detect how they understand the relationship with professionals in the considered fields. They believe they cannot express their views on matter that concerns them:

*"We don't have the rights to say something back, these people are older than us. For instance, I cannot say anything to a doctor, they are the officials, they just want what is good for us and we don't have the right to think differently about them."*¹⁷⁴

The participants in these focus groups do express their opinion in certain circumstances (e.g. about the food in school, they complain if they feel that are being treated unfairly (see also Indicator 5)) but are of the opinion that they are totally ignored by the adults who are not taking them seriously:

*"For example, in our school, if we would suggest something to our teachers, they would immediately send us to the psychiatry...this is how they feel about us, they just don't care about what we want."*¹⁷⁵

In spite of above issues with child-targeted feedback mechanisms, we can identify **some examples of good practices**. One of them is children parliaments as they include large number of children and are implemented in all schools across Slovenia. Each year, students elected class representatives are chosen for the school parliament. They discuss selected topics at meetings, conduct various workshops, host experts and try to express their opinions in an argumentative manner. As class representatives, they convey class opinions, issues, and pass on the decisions from school to class level. Children's parliaments operate on several levels: at the school level, municipal and regional as well as national level where regional representatives represent their peers in annual session of the children national parliament in the National Assembly. An important positive aspect of Children parliament in Slovenia is also that it is not only a project with limited duration, but a well-established programme which has been implemented under the coordination of Slovenian Association of Friends of Youth (ZPMS) since 1990¹⁷⁶.

Children from focus groups have referred to Children's parliaments on many occasions. They are well informed about them and see them as a relatively efficient tool to express their opinion. Nevertheless, they are also critical towards them. They believe that in order for children parliament to have more of an impact, the sessions (especially at the national level) would have to be more frequent. Parliaments being inefficient is one of the most important criticisms:

*"If you have a specific complaint or there is something bothering you, you firstly take this complaint directly to your class teacher and then you hope she will take it to next level. But sometimes this is not enough. And that's why you can talk to your class representatives and they will take it to a school parliament and then you hope there will be some effect. But again, it is not necessary that school authorities will do something about your problem. It seems like a never-ending story."*¹⁷⁷

In relation to children's parliament, the municipal children's council can also be mentioned as an example of good practice. Children's councillors are appointed by the school children's parliaments at the first meeting of the school year. They also elect a child mayor(s). However, this example of good practice does not exist at the national level. It was first introduced in the municipality of Hoče-Slivnica and received the bronze award for innovation¹⁷⁸. As an example of organised children's participation in

¹⁷³ Isus-Vuk, 14 years old, NGO Cona Fužine, Ljubljana

¹⁷⁴ Zoran, 14 years old, NGO Cona Fužine, Ljubljana

¹⁷⁵ Isus-Vuk, 14 years old, NGO Cona Fužine, Ljubljana

¹⁷⁶ ZPMS, »Otroški parlamenti« <https://www.zpms.si/programi/otroski-parlamenti/> (accessed November 28, 2019).

¹⁷⁷ Žan, 14 years old, focus group primary school Bežigrad, Ljubljana

¹⁷⁸ Award of Chamber of Commerce and Industry of Štajerska for innovation »First municipal children's council of municipality of Hoče-Slivnica (slo. "Prvi otroški občinski svet Občine Hoče-Slivnica")

the local community, the municipality of Postojna stands out. The Postojna mayor and the municipal administration always participate in the Children's Municipal Council meetings and respond to the initiatives and proposals of children on a regular basis. This is, for example, evident from the minutes of the sessions of the Children's Municipal Council in Postojna¹⁷⁹, from which we can also learn about what children and young people need (want) in their local community – creation of more opportunities for them to enjoy leisure and sports activities (arrangement of bicycle and skate parks, stadium lighting during night hours, football pitch, construction of a swimming pool, construction of pump track), space for socialising etc..

On the basis of the analysis of Indicator 9, we can **conclude** that, the **school environment offers enough feedback mechanisms to allow majority of pupils to express their views on the matters concerning them**. It provides a good basis to introduce children to the notion of active citizenship. We do believe, however, that considerable efforts have to be made also in other areas of everyday life, for instance in local communities, in the fields of social services and health where the child-friendly feedback mechanism are rare, on top of that children are not aware of their existence. Similar can be claimed also for cultural institutions and other organizations offering leisure time activities. An existent (and relatively successful) system of child-friendly feedback mechanisms could be 'transferred' to above services to ensure that the voice of children is not just heard but also responded to.

As shown by the focus group analyses, it is more difficult for children to imagine how they could contribute to the improvement of these services. Therefore, our **recommendations** are addressing precisely that.

- Children have the most experiences with child-friendly feedback mechanism in the school environment. These mechanisms could therefore be extended to other services fields in local communities where school could serve as a meeting point. This could be achieved using a) school parliaments, which could along with school related topics start addressing the children experiences with feedback mechanism (or their lack of) in the areas of social affairs, health, culture, leisure time etc., b) good practice of the municipal children's councils should be extended to all municipalities.
- Feedback mechanism should be 'closer' to children.
 - o In school environment children should be more accustomed to express their complaint or their views verbally in a more informal way (school authorities do not need to use official surveys to acquire children opinion)
 - o Children should be allowed to express their views using more interactive channels (e.g. mobile apps)
- Children's motivation to use feedback mechanisms in different areas should be strengthened by:
 - o establishing an environment of trust and confidentiality where children feel that their opinion is being taken seriously.
 - o informing children of the results obtained through feedback mechanisms (e.g. results of surveys on food in school),
 - o simply implementing what children want, especially if it is in their best interest.

¹⁷⁹ Postoj na živi ulici, »Otroški občinski svet« <http://www.postoj.mcp.si/otroski-obcinski-svet> (accessed November 28, 2019).

INDICATOR 10

Children are supported to participate in the monitoring of the UNCRC (including in CRC shadow reporting) and relevant Council of Europe instruments and conventions (hereinafter called: children's rights instruments)

States can measure progress towards the indicator using the following assessment criteria:

- 0 = No arrangements are in place to support children's participation in monitoring the implementation of children's rights instruments
- ① = Selected children are invited and supported to participate in the monitoring of the UNCRC
- 2 = The views of a wide range of children from different backgrounds and circumstances are gathered on the implementation of the UNCRC
- 3 = Children's own organisations receive support to systematically monitor the implementation of the UNCRC and any other children's rights instruments that the member State has ratified

Participation of children in monitoring of the implementation of children's rights instruments as well as other relevant strategic documents is (especially at the top policy levels) often not even thought of by political decision-makers and as such simply overlooked. The last CPAT indicator measures the extent to which children and their representative organizations are supported by resources to participate in monitoring the implementation of child rights instruments. This should include for instance the participation of children in the preparation of NGO Report to the implementation of the Convention on the Rights of the Child and its Optional protocols in Slovenia (alternative or shadow report), their own version of child-centred alternative report on the CRC or periodic (state prepared) reports, participation in development of national cross-sectoral strategies (focused on children well-being and other relevant issues) etc. The assessment of this indicator is based on the review of the opportunities of children (and their representative organisations) to participate in monitoring children's rights instruments on governmental and non-governmental side.

The processes of designing and monitoring children's rights instruments on the governmental level usually does not envision participation of children. However, **this cannot be claimed for youth.** They have been involved in the design of *The Resolution on the National Programme for Youth for 2013–2022* as well as in its evaluation through their representative youth organisations. The programme itself has been at least in part designed on the basis of data gathered with rigorous analysis of the current social context of youth¹⁸⁰, a research study commissioned by the Office for Youth to identify the needs of youth in Slovenia. Therefore, we can conclude that representative sample of Slovenian youth has been involved indirectly in designing the programme. Similarly, early this year, when Ministry of Education, Science and Sport, has been preparing the White Paper, a new strategic document in the field of education, several broad public debates were organized, which was also attended by representatives of youth and youth sector¹⁸¹.

One of the most important instruments for children's rights is the Convention on the Rights of the Child (CRC). In 2010 (submitted date 2012), Slovenia submitted the 3rd and 4th periodic reports on the implementation of the CRC to the United Nations Committee on the Rights of the Child¹⁸². The Ministry of Labour, Family, Social Affairs and Equal Opportunities (MoLFSA) obtained a cross-sectoral view of

¹⁸⁰ Lavrič, Miran & Flere, Sergej & Krajnc, Marina & Klanjšek, Rudi & Musil, Bojan & Naterer, Andrej & Kirbiš, Andrej & Divjak, Marko & Lešek, Petra. (2011). Youth 2010: The social profile of young people in Slovenia.

¹⁸¹ Conversation with the MDDSZ, Directorate for family representative, November 2019

¹⁸² OHCHR 2019. Available at:

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=SVN&Lang=EN

various ministries and other bodies, but did not specifically anticipate the participation of children or organizations representing their rights and interests¹⁸³. In 2013, NGOs submitted an alternative report to the 3rd and 4th governmental periodic reports on the implementation of the CRC¹⁸⁴. Under the auspices of the Slovenian NGO network ZIPOM, which includes 40 organizations, the preparation of the alternative report involved 19 organizations¹⁸⁵. Children did not participate in the preparation of the alternative report in an organized manner. They did however include stories of children they have encountered during their work with children. In drafting the mid-term unofficial report in 2016, NGOs also took into account the views of selected children, namely UNICEF Junior Ambassadors and members of National Children's Parliament, who's views are already being taken into consideration¹⁸⁶.

The preparation of the 5th and 6th periodic reports on the implementation of the CRC has been planned for this year but has not been finished. According to the responsible authority (MoLFSA) the draft materials from other implementing ministries have been obtained however the report has not been prepared yet. The ministries did not foresee the inclusion of children's views in the report or any other participation of children. Nevertheless, on the initiative of NGOs, representatives of the MoLFSA participated in discussions with children within the World Café with Children¹⁸⁷. This event has been organised with the aim of involving children and young people in the preparation of the Programme for Children 2020-2025 and alternative report on the CRC.¹⁸⁸

NGOs are very critical towards the fact that the preparation of the 5th and 6th periodic reports on the implementation of the CRC is late. This also affects the preparation of their alternative report. Alternative report will be prepared in a tripartite partnership between the NGO network ZIPOM, Legal-Informational Centre for NGOs (PIC) and UNICEF Slovenia. According to the representative of Slovenian Association of Friends of Youth, 14 NGOs¹⁸⁹, have so far contributed to the alternative report with their comments and suggestions¹⁹⁰. One of the biggest obstacles for NGOs in this regard is, that the preparation of the alternative report is not financially supported and is therefore prepared on their own initiative¹⁹¹.

The preparation of the last alternative report (and other child rights instruments), the NGOs have focused more on mainstreaming children's views and especially the **views of children from vulnerable social groups**. For example, a focus group with unaccompanied minors aged 16-18 years was conducted by PIC to prepare the last alternative report (as well as to be used in the preparation of the Programme for children 2020-2025 where NGOs also play an important role in its design). As mentioned before, a World Café with Children has been organised in 2019 at the NGOs initiative. 40 children and adolescents

¹⁸³ Conversation with the member of delegation RS for 3rd and 4th periodical report on CRC

¹⁸⁴ OHCHR 2019. Available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fNGO%2fSVN%2f13837&Lang=en

¹⁸⁵ UNICEF Slovenia, Friends of Youth Association Moste-Polje, The Mozaik Association – Association for Children, Amnesty International Slovenia, Slovene Philanthropy, The Ostržek Association, Association Relationship, Peace Institute of Slovenia, Association Against Sexual Abuse, Centre for Citizenship Education, Intermunicipal Association of Friends of Youth Association for Goriška region, Legal-Informational Centre for NGOs – PIC, Association Ovca, The Key Association – Centre for Fight Against Human Trafficking, Association for Nonviolent Communication, Association Change, Association for Help to Victims of Violence the White ring, Association SOS line, City Union Friends of Youth Association

¹⁸⁶ Written consultation with NGO coalition ZIPOM representative, November 2019

¹⁸⁷ Časoris 2019. Available at: <https://casoris.si/unicefova-svetovna-kavarna/>

¹⁸⁸ Conversation with the MDDSZ, Directorate for family representative, November 2019

¹⁸⁹ NGO coalition ZIPOM, Friends of Youth Association, Friends of Youth Association Moste-Polje, UNICEF Slovenia, Legal-Informational Centre for NGOs – PIC, Association Ovca, Association for Nonviolent Communication, Association Change, Association for Help to Victims of Violence the White ring, Association Against Sexual Abuse, Association SOS line, The Key Association – Centre for Fight Against Human Trafficking, Slovene Philanthropy, The Mozaik Association – Association for Children

¹⁹⁰ Telephone correspondence and written consultation with NGO coalition ZIPOM representative, November 2019

¹⁹¹ Conversation with UNICEF Slovenia representative, November 2019

participated, including UNICEF's Junior Ambassadors and Youth Ambassadors, members of Children's Parliament, Youth from the project Youth for a Better World project implemented by Red Cross District Union Novo Mesto, and three young people with refugee status who participate in the ESIRAS project of the Slovenian Red Cross (the presence of a cultural mediator and interpreter helped in order they could fully participate). In addition to representatives of these organizations, volunteers from the PIC, staff of MoLFSA and the Child Observatory of the Social Protection Institute of the Republic of Slovenia participated as moderators. The participants highlighted key issues and challenges in seven areas and identified measures to address them. They also ranked the topics according to relevance¹⁹². Participation and child-friendly procedures have not been ranked highly though. There are topics which seem to be more important to the participants, such as equality of opportunities and life without violence, to name just a couple. The MoLFSA representative responsible for the preparation of the Programme for children 2020-2025 was also present at the event and was presented with the results. The post-event report was prepared by NGOs in collaboration with children. The **World Café method** is an innovative method in obtaining key information from participants, it has its advantages in presenting the views on variety of topics rather quickly and efficiently, however, it does have some drawbacks (limited number of children, inclusion of already rather active children, few younger children have been included, regional representation, limited time for each topic, non-recording of the group discussions, small number of children from vulnerable social groups, non-involvement of children from some vulnerable social groups).

The most important event with regard to children's participation has been held in the end of November, organised by Slovenian Association of Friends of Youth (NGO) with support of Eurochild, to celebrate the 30th anniversary of the adoption of the CRC and 30th anniversary of Children's Parliaments. **A conference on the participation of children in decision-making entitled "Citizens of the Future"** brought together children (app. 140 children and youth from all over Slovenia) and political decision makers and policy designers as well as NGO sector with the purpose of raising awareness of the right of children to be heard and to participate: a letter of cooperation on children's participation has been signed by top representatives of the government to encourage those responsible for the preparation and development of coherent strategic guidelines for enhancing children's participation.

Last but not least, children played an important role in the preparation of this report. They participated in 15 focus groups providing indispensable insights, views, reflections on children's participation in Slovenia. Focus groups have been held in 9 out of 12 statistical regions, they comprised two focus groups with children from migrant background, socially and economically deprived families, and children with behavioural, emotional and learning disabilities. Findings and conclusions from a focus group with unaccompanied minors, conducted by Legal-Informational Centre for NGOs – PIC, not for the purpose of this project and therefore using different methodology, were also made use of to gain additional insights into views of group of children which usually is not heard. In total, 166 children and adolescents aged 6–18 years were included (most of the participating children were 10–14 years old). The aforementioned age range of the participating children was one of the biggest trade-offs we had to make due to the need to use Council of Europe pre-designed methods (it is rather difficult to conduct focus group on the topics of this report with much younger children). Another issue has also been a relatively small influence over the selection of children which participated in the focus groups¹⁹³. As focus groups findings form an important part of the report, these findings will (if financially feasible) be presented to the same children in 2020 ensuring they get feedback on their participatory activities and implementation of the tool.

¹⁹² 20 children (out of 40) ranked priority topics from most to least relevant: (1) Equal opportunities for all children, (2) life without violence, (3) life without discrimination, (4) health, (5) sustainable development, (6) child participation, (7) child-friendly procedures, (8) digital environment and youth.

¹⁹³ For more on focus groups with children methodology see Appendix.

In general, we can conclude that **there has been some progress in supporting children to participate in monitoring and, in some cases, in the design of children's rights instruments.** This is particularly noticeable in the activities led by NGOs. However, **Slovenia is still far from providing all children with the opportunity to participate in these processes,** and for that matter even further from ensuring financial resources to NGOs (representing and working for children) which are needed to establish systematic and continuous running platforms for such activities. Furthermore, a child led report on children's rights instruments will have to be considered as an additional option in the future. Even more importantly, children led reporting on children's rights instruments should always be accompanied by child-friendly feedback – explained in detail how the comments and recommendations have been considered.

3. CONCLUSIONS, PLANS AND RECOMMENDATIONS

Using the well-known and established approach called Ladder of Participation¹⁹⁴ to generally assess participation of children in Slovenia, we can conclude that there is still a long way to go if we want to climb this ladder. The assessment could vary if we were to consider different aspects and fields of participation but if we were to give a generalised assessment, we can conclude that Slovenia find itself at rung 3, 4 or 5 (out of 8 ladder rungs, 8 being the highest).¹⁹⁵ This means that children appear to be given a voice, but in fact have little or no choice about what they do or how they participate. In some cases, children are assigned a specific role and are informed about how and why they are being involved. This is, for instance, the case of children's forums. Children are also being consulted, informed and involved and are giving an advice on projects or programmes designed and run by adults (the case of new National Programme for Children 2020-2025). In some (rare) cases, children are informed about how their input will be used and what are the outcomes of the decisions made by adults (but influenced by children). Nevertheless, we are still a long way from rung 7 – children initiate and direct the process of participation, adults are involved only in a supportive role, or 8 – children initiate and share decisions with adults. This means that projects, programmes and other initiatives are initiated by children and decision-making is shared between children and adults. In doing so, children are empowered while at the same time learn from the life experience and expertise of adults.

The Council of Europe Assessment Tool has contributed to an increased potential to climb the Ladder of Participation. It has provided a fresh view and understanding of children participation in Slovenia. With the tool's focus on 10 indicators, new focus and structured analysis of different aspects of children rights and participation are now available to be used by all relevant stakeholders. Throughout the assessment process it brought together different stakeholders and has given impetus to new policy measures on highest governmental as well as NGO level which is now more than ever based on child-centred evidence.

The assessment however, was not without its difficulties. The tool is (because of its structured logic) relatively rigid in its assessment. Sometimes it was relatively difficult to decide on the assessment of the given indicator. For example, Indicator 7 does not follow a scale logic but instead provides different statements where it is difficult to choose only one answer and assign priority between grade 2 = *Child-friendly information is sometimes made available for children of different ages and in different formats, including Braille, on, for example, children's associations, services, policies, rights, consultations and*

¹⁹⁴ Hart 1997. Children's Participation. The Theory and Practice of Involving Young Citizens in Community Development and Environmental Care. New York and London: UNICEF.

¹⁹⁵ **8)** Young people-initiated, shared decisions with adults. This happens when projects or programs are initiated by young people and decision-making is shared between young people and adults. These projects empower young people while at the same time enabling them to access and learn from the life experience and expertise of adults. This rung of the ladder can be embodied by youth/adult partnerships. **7)** Young people-initiated and directed. This step is when young people initiate and direct a project or program. Adults are involved only in a supportive role. This rung of the ladder can be embodied by youth-led activism. **6)** Adult-initiated, shared decisions with young people. Occurs when projects or programs are initiated by adults but the decision-making is shared with the young people. This rung of the ladder can be embodied by participatory action research. **5)** Consulted and informed. Happens when young people give advice on projects or programs designed and run by adults. The young people are informed about how their input will be used and the outcomes of the decisions made by adults. This rung of the ladder can be embodied by youth advisory councils. **4)** Assigned but informed. This is where young people are assigned a specific role and informed about how and why they are being involved. This rung of the ladder can be embodied by community youth boards. **3)** Tokenism. When young people appear to be given a voice, but in fact have little or no choice about what they do or how they participate. This rung of the ladder reflects adultism. **2)** Decoration. Happens when young people are used to help or "bolster" a cause in a relatively indirect way, although adults do not pretend that the cause is inspired by young people. This rung of the ladder reflects adultism. **1)** Manipulation. Happens where adults use young people to support causes and pretend that the causes are inspired by young people. This rung of the ladder reflects adultism.

government guidance, and grade 3 = *Comprehensive and accessible information programmes on children's rights to participation, and a compulsory component in the primary and secondary school curriculum on children's rights is introduced*. Which one has the higher priority? In Slovenia child participation and its related topics are part of the school curriculums. These topics are however better incorporated in primary school in comparison to secondary school. With this said, it is impossible to choose grade 3 and feel at ease with this assessment. We can also not choose grade 2 as child-friendly information is not provided in Braille. On the other hand, one can also not choose grade 1 or grade 0 as neither of them describe the child participation's reality.

Another challenge was, how to, in spite of indicators being very structured, avoid the overlapping of some topics which consequently appear in multiple indicators. In these cases, we tried to strictly follow the Child Participation Assessment Tool but did not always succeed in strict division of topics.

The assessment process and topics they entail are both very comprehensive. To analyse all of them, we opted for triangulation of methods as well as inclusion of multiple and varied stakeholders - as such, the process has been very time-consuming and challenging. If you add methodologically rigorous approach to focus groups with children, which we have taken and followed religiously, it was rather difficult to manage and implement the project within the agreed timeline (due to the administrative reason, the induction seminar was held only in April). This is also the reason why we are not completely satisfied with the last phase of the project, namely the evaluation phase, where the results and the report should be presented to all relevant stakeholders, where the feedback on the assessment would be gathered and where the project's stakeholders would re-evaluate the assessment. Nevertheless, the results have been presented on numerous ad hoc occasions, most prominently at the Council of the Republic of Slovenia for Children and Families (a permanent consultative body of the Government of the Republic of Slovenia) in December. Here, the members of the Council (some of them have been part of the CPAT from the beginning) have been informed about the results and the assessment process. Plans have been made to organise a further evaluation meeting in January and to align different efforts in the field of child participation with the general aim of designing a National Child Participation Strategy for Slovenia. With this said, the Social Protection Institute of the Republic of Slovenia has already agreed on new project commissioned by MoLFSA, where additional analysis of already conducted focus groups will take place and where some issues, particularly of interest to MoLFSA, will be given additional attention and be used in the process of advocating for and potential preparation of National Child Participation Strategy. In the case the stakeholders do not decide to pursue the creation of such strategy, the same findings will find their way into MoLFSA's emerging Programme for Children 2020–2025 which (as we know) reserves important part of its goals to promotion and encouragement of child participation.

To conclude, during the process of implementation of the CPAT we have identified numerous good practices of children's participation in Slovenia but also some of the areas which remain insufficiently addressed. Below, we provide a brief sum up of some of the **recommendations** from this report.

- **Legal provision** of the children's right to participate in decision-making processes is the most evident in education, child protection and family legislation, however, it is especially inadequate for children with disabilities. We recommend that Slovenia adopts a special comprehensive child law (instead of several laws) in compliance with all the provisions of the CRC to fulfil the right of children with disabilities to participate on all matters which affect them, and to guarantee them age and disability-appropriate support to realize their right to be heard in all procedures. **Legal support** is less distinct in the health care, criminal justice, immigration and asylum proceedings. For instance, Slovenia was recommended by the Committee on the CRC to ensure a legal guardian to all unaccompanied minors immediately after crossing the border and a legal assistance at all stages of the application for international protection. It was suggested also to consider acceding to the 1961 Convention on the Reduction of Statelessness.

- Slovenia does not have **a standalone cross-sectoral national strategy on children's right to participate in decision-making**. There is a strong impetus to encourage those responsible at the governmental level to commit to either creation of it or to include these topics in other relevant strategic documents.
- **The Ombudsperson** should continue with implementing the tasks in order to be fully compliant with the Paris principles. The voices demanding a special Ombudsperson for children are still present and relevant. In spite of children being well informed about the existence of the Ombudsperson, the Office should consider rebranding their image (using social media and other communication channels more familiar to children) as children perceive the Ombudsperson as relatively abstract and distant concept.
- **The legislation regulating civil non-contestant and criminal procedure in Slovenia** stipulates the children's right to participate safely in judicial proceedings. Children who are at least 15 years old can often express their views, younger children are represented by the legal representative. In order to improve the existing mechanisms to enable children's right to participate, it is recommended to regulate children's participation with special law determining the rights of children in administrative procedures in the centres for social work in situations where the Family Code does not apply, as neither the General Administrative Procedure Act nor the Social Services Act have provisions on child participation.
- **Procedures for individual complaint which would be mandated by law are present only in some settings but fail to be child-friendly**. Even in schools where children despite the legislation gap still most often express their opinions or make a complaint, the process depends on self-initiative of children and professionals working with them. In order to formalise this process, all the information about their right to an individual complaint should be gathered and presented in a child-friendly manner (leaflets, posters, web site, media, social media etc.) and be accessible in places where children spend their time (schools, health centres, leisure activities etc.). Institutions working with and for children should ensure part of their communication tools and outputs to be in child-friendly version. What seem to be more crucial than the sheer formalisation of procedures and specific rules ensuring the right to an individual complaint, is to create spaces and opportunities where children feel safe and comfortable issuing a complaint. In this respect, special attention should be paid to vulnerable groups of children (such as children in institutional care, children in foster care, children with migrant background) as they are often overlooked as individuals entitled to a complaint.
- **Study programmes for professionals working with children** increasingly include children's rights and children's participation as an important topic. However, these topics are usually touched upon within other subjects and do not comprise a stand-alone subject. Increased process of inclusion of these topics in curriculum should be continued, more attention should be paid not only to students acquiring theoretical but also practical knowledge. The curriculum should put more emphasis on the vulnerable children and their right to participate. We also recommend to increase the amount of on-the-job training providing additional skills, competences and insights on these topics to professionals.
- **Children in Slovenia do not lack the potential for developing participatory behaviour**. The evidence shows that children are well informed about their rights within the education process as well as by their parents. Children's rights and participation related topics are namely taught in a cross-curricular manner in primary school. Children are in general satisfied with the teaching approach and its interlacement in the school curriculum. Some children suggest that more in-depth, better conceptualisation and presentation of the child rights and participation

are needed. Also, more innovative approaches, materials and the use of technology are recommended (e. g. high-quality materials, textbooks, more attention to the teachers' education and training, more special-methodical education and trainings) as well as more frequent involvement of outside agencies and other stakeholders for presenting the practical implications of their work in the field of children rights. Promotional materials of NGOs and other institutions active in the field of protection of children rights are available to children. However, the information materials for children in the asylum procedures should be adapted to be more child-friendly.

Children are usually well informed about their right to participate but even though they are exposed to the same curriculum, there are differences in their informedness. We recommend to adopt special measures to better inform younger children, children from socially excluded families (especially those with low educated parents and migrant background).

- **Children forums** are in general well organised at all levels (school, local, regional and national) in Slovenia. However, they are mostly left to self-initiative of the schools, civil society and local communities as the organisation is not legally mandated. This was also a concern of Committee on the CRC's, which suggested more systemic framework for these participatory activities. In line with that, the Children's Parliament project should be provided with adequate human, financial and technical support. Existing forums should be more inclusive for the vulnerable children. One of the report's main finding is that motivation for active citizenship decreases with age. This decline can be attributed to children's perception of not being heard, the lack of feedback, numerous extra-curriculum activities and increased school workload. The motivation can be improved by encouraging children's participation at an early age (in kindergartens and in the lower grades of primary school) and by raising awareness among school staff, local and national political decision-makers about importance of participation. A public debate on e-elections and reducing the voting age to 16 years should be re-opened. The state should also consider establishing the Office for Children (mimicking the role as existent Office for Youth).
- **Child-targeted feedback mechanisms on services** provided by local authorities are in general quite rare except in the school environment where pupils feel they can express their views (and receive feedback). Such feedback mechanisms which are inherent to school environment should be made available to children also in other (local) public services (local communities, social, health and immigration services, cultural institutions, organizations offering leisure time activities, etc.). In this process, schools can (initially) serve as a focal point where children's views on other (local) services could be gathered and subsequently send to authorities. The other recommendation is to extend the good practice of some municipalities already implementing municipal children's councils to all municipalities in Slovenia.
- Only selected children are usually invited and supported to **participate in the monitoring of the UNCRC and other relevant children's rights instruments**. Some progress has been observed especially in the activities of NGOs, where several attempts have been made to include children from vulnerable social groups when designing the upcoming the Programme for children 2020-2025 and for the preparation of the 5th and 6th periodic reports on the implementation of the UNCRC. To establish systematic and continuously running platforms for such activities, children's NGO organisations should be provided with additional financial resources. In the future, a child led report on children's rights instruments will also have to be considered as an additional option. Not to forget, child-friendly feedback on children led reporting on children's rights instruments should always be accompanied by detail explanation how their comments and recommendations have been considered.

4. APPENDIX

Focus groups

Acquiring children's views on the indicators was one of the most important aims of the assessment tool implementation process in Slovenia. As can be seen in the following table, 16 focus groups consultations with 166 children were organised, 12 with the involvement of primary schools and 4 of civil society organisations. In order to plan the focus groups, school principals and institute directors were contacted by e-mail to introduce the project and its goals. The primary schools were selected as evenly as possible across the diverse statistical regions (9 out of 12) with different backgrounds from rural and urban areas. In spite these efforts, there is a higher number of conducted focus groups in the central region (in the capital city Ljubljana). This can be justified with the concentration of population in the central region and also by the diversity of schools in Ljubljana districts. The number of participating children per focus group varied from 7 to 14, as the schools and NGOs were asked to invite approximately 10 children to the group. Differently from the project guidelines, we assumed the smaller number of participants (e.g. 10 children) would more likely help to ensure that all the children would actively take part and encourage more in-depth debate than in a group of 15 to 20 children. Selection of children was gender balanced and from different age groups, most commonly within 10-14 years old. Some of the children from NGO focus groups were a bit older, therefore we had an age range from 6 to 18 years old (for details see *Table 2* below). Also, one focus group with younger children (6-9 years old) was conducted, which was more challenging and required additional adaptation of the questions, using different methods (e.g. drawings), more breaks and motivation of children. The conduction of several focus groups within the limited age range was one of the compromises to ensure more representative data. Differently from the methodology guidelines, each focus group lasted for two school hours (1,5 h) with a 5-minute break (except NGO's Cona Fužine focus group, which was conducted in two days, altogether 3 hours, as the children had problems keeping focus). The rationale behind the changed duration was our assumption that school would more readily participate in the project, it also kept children more focused and interested. However, some themes lacked in-depth answers due to limitation of time.

Schools were (surprisingly) relatively eager to participate, (when they gained parents' consent). Gaining participation of the institutions for children with specific needs was more challenging. Despite that, three NGOs were willing to participate. Daily centres Cona Fužine and Cona Most conducted two focus groups with children from disadvantaged socio-economic and cultural backgrounds, children with behavioural, emotional and learning difficulties, children with migrant background), Slovenian Association of Friends of Youth invited the participants of the Children's Parliament. Legal-Informational Centre for NGOs – PIC conducted focus group with the unaccompanied migrant youth for different purposes and using different methodology not a long time ago. They warmly recommended to us not to conduct the similar focus group again, as these children are commonly questioned and usually not receive any feedback, so we decided not to conduct additional focus group but to use their findings in our assessment. We also were in touch with the organisation for children with visual and hearing impairment, however the focus groups were not performed due to staff's shortage of time.

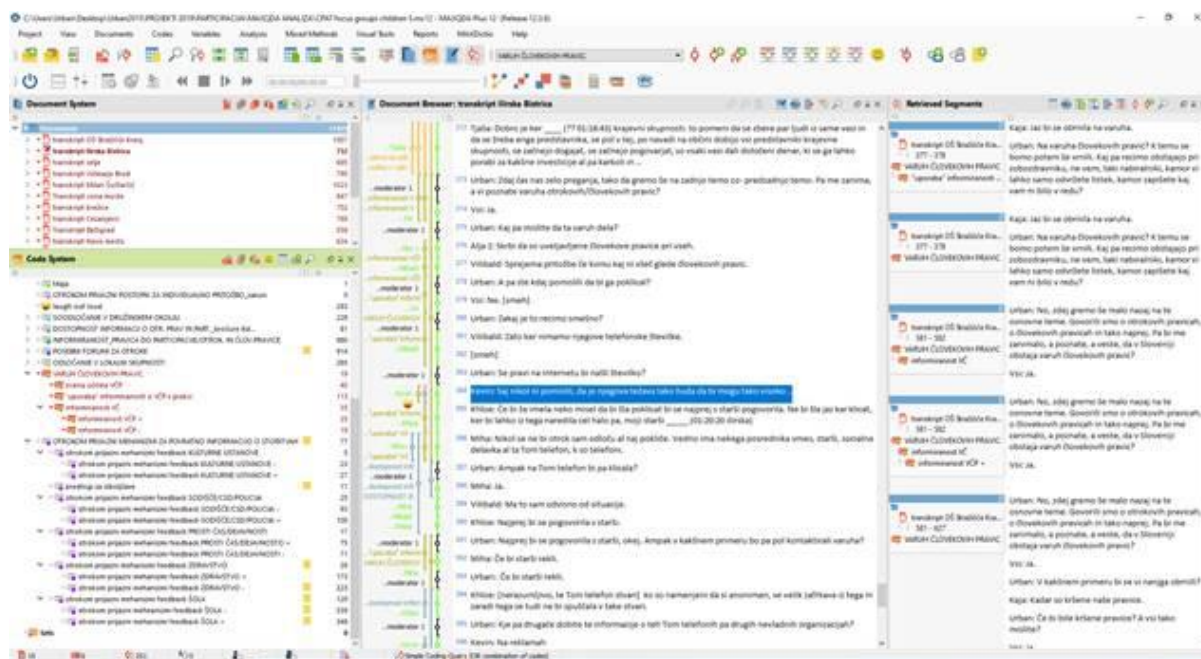
The focus groups with children in primary schools and with Children's Parliaments were moderated by us – researchers from Social Protection Institute of the Republic of Slovenia (most commonly by the main moderator, second moderator and one taking notes). The others with vulnerable children were conducted by NGO representatives (after we introduced them the methodology at the meeting), as we believe they have established more personal relationships and trust with the children. This was also their recommendation build around the belief that children will not respond to favourably to 'outsiders' and will not open up. The focus groups took place from 20th of September to 4th of November.

Focus groups with children



Before conducting the focus groups, we took special attention to adapt the guiding questions to be suitable to children's age, background and capabilities and reverse the order of themes/CPAT indicators from more to less tangible to the children. Following this process, a coding system has been developed which follows the logic of CPAT indicators and is organised hierarchically into three levels. It consists of 7 main codes (first level), 24 subcodes (second level) and 27 subcodes (third level)¹⁹⁶.

Picture 1: Coding and analysing the focus groups



At the beginning, children were provided by information of the purpose of focus groups, the common rules of the session were agreed upon with the participants. Close attention was paid to the confidentiality and ethics asking children's permission to record the sessions. Children were usually sited in a circle. They were asked to make up nicknames to be more anonymous and write it on a tag paper. Sometimes, their innovative nicknames also make them laugh and relax a bit. The moderators tried to make group more comfortable and at ease by different methods (small-talk at the beginning, the use of home-made emojis to express their views, humour, active discussions etc.), each group had also a break, sometimes snacks and beverages were provided. Mainly, the indicators 7, 8, 9, 5, 3 (usually in the mentioned order) were discussed. The children who did not have specific experience in relation to some topics in indicators (e.g. with justice system) were asked about their perceptions of potential services or procedures experiences. At the end of the focus groups, children were usually asked to evaluate the process of focus groups by provided emojis. They were given a small reward – promotional USB Key which was usually very enthusiastically accepted. All sessions were audio recorded and the transcripts with the identification of participants were provided. The data were analysed by MAXQDA qualitative analysis programme. The findings from focus groups form an important part of the report, and several children's quotes are included.

¹⁹⁶ The analysis included almost 5.000 of coded segments organised in the above mentioned coding system.

Picture 2: Focus groups emojis



Children were mostly very willing to participate in the focus groups; they saw the focus groups as an opportunity to express their opinions and issues with school and other institutions. Quite commonly schools invited the talkative and successful children, so their views were very nicely articulated and supported with strong arguments. That was not the case in the focus groups with vulnerable children, at first, they had issues with relaxed communication, they often laughed because of the embarrassment, sometimes also expressed the feelings of powerlessness, discrimination and anger at the system. Also, the thoughts of younger children were more moderate, not so in-depth, however, very meaningful. Even more, the regional differences were visible, especially in the confidence of children, while children in the rural regions were more modest than the ones from the central region (in the capital city). Even though the moderators kept focus to ensure that all children in the group would have the opportunity to contribute their opinion, some children were more dominating. The children commonly expressed the lack of feedback from the adults on their participatory activities. As focus groups findings form an important part of the report, our wish is to present these findings (if financially feasible) to the same children and provide a feedback on their participatory activities and implementation of the tool.

Table 2: List of focus groups with children and some characteristics of participants

Primary school	Specific background	Statistical region	Children’s residence	Number of participants	Age	Date	Duration
Primary school Janko Ribič, Cezanjevci	/	Pomurska regija (north-east)	Village	9	10-14	20.09.2019	2 school hours (1,5 h)
II. Primary school Celje		Savinjska (east)	City, village	9	10-14	24.09.2019	
Primary school Bojan Ilich, Maribor		Podravska regija (east)	Large city	9	11-15	30.09.2019	
Primary school Ledina, Ljubljana		Osrednjeslovenska (central)	Large city	11	12-14	9.10.2019	
Primary school Vižmarje-Brod, Ljubljana				10	11-14	21.10.2019	
Primary school Milan Šuštaršič, Ljubljana				12	10-14	22.10.2019	
Primary school Bežigrad, Ljubljana				9	12-14	24.10.2019	
Primary school Simon Gregoričič Kobarid, subsidiary Breginj		Goriška regija (north-west)	Village	7	6-9	10.10.2019	
Primary school Brežice		Posavska regija (east)	City, village	13	12-14	16.10.2019	
Primary school Stražišče, Kranj		Gorenjska regija (north-west)	City	12	11-14	4.11.2019	
Primary school Dragotin Kette, Ilirska Bistrica		Primorsko-notranjska (west)	City, village	13	12-14	18.10.2019	
Primary school Center, Novo mesto		Jugovzhodna (south-east)	City, village	14	11-14	23.10.2019	
NGO							
Slovenian Association of Friends of Youth	Children's Parliament participants	Osrednjeslovenska (central)	Large city, village	9	12-14	27.09.2019	2 school hours (1,5 h)
Daily centre Cona Fužine	Children from disadvantaged socio-economic and cultural backgrounds, children with migrant background and/or with behavioural, emotional and learning difficulties		Large city	10	13-15	9.10.2019 10.10.2019	4 school hours (3 h)
Daily centre Cona Most			Large city	10	11-17	13.10.2019	2 school hours (1,5 h)
Legal-Informational Centre for NGOs – PIC	Unaccompanied migrant children and youth	Primorsko-notranjska (west)	City	9	16-18	9.06.2019	2 school hours (1,5 h)
Total				166	6-18		

List of involved stakeholders

WRITTEN ASSESSMENT OF SOME INDICATORS OR PART OF INDICATORS

- Jasna Murgel, PhD, district judge in Family Judiciary at the District court Maribor and assistant professor at the DOBA Business School
- Mateja Marovič, PhD, assistant professor in Social Pedagogy at the University of Primorska, Faculty of Education
- Adriana Aralica, B. A., Legal-Informational Centre for NGOs

ONLINE QUESTIONNAIRE PARTICIPANTS

- Paediatrician at the Community Health Centre Tolmin
- Bachelor of Nursing Care at the University Medical Centre Ljubljana
- Judge at the District court Maribor
- Lawyer (unemployed)
- Social worker at the Centre for social work Ljubljana
- Pedagogue and sociologist at the primary school
- Psychologist at School Centre Velenje
- Professor of Special and Rehabilitation Pedagogy at the Centre for children with severe emotional and behavioural difficulties Veržej
- Professor of Special and Rehabilitation Pedagogy Centre for children with severe emotional and behavioural difficulties Kranj
- Police officer at Police Directorate Ljubljana
- Social pedagogue at the Centre for children with hearing-impairments Ljubljana
- Sociologist at Slovenian Association of Friends of Youth

WRITTEN E-MAIL CONSULTATIONS, SHORT TELEPHONE INTERVIEWS

Universities and other educational institutions

- University of Ljubljana, Faculty of Social Work
- University of Ljubljana, Faculty of Law
- University of Ljubljana, Faculty of Health Sciences
- University of Primorska, Faculty of Education
- The Secondary School of Nursing Ljubljana
- The Police Academy at the General Police Directorate, The police College

Ministries

- Ministry of Labour, Family, Social Affairs and Equal opportunities, Family Directorate
- Ministry of Education, Science and Sport
- Ministry of Health

Advocacy organisations, NGO

- NGO coalition ZIPOM
- Legal-Informational Centre for NGOs – PIC
- National Committee for UNICEF Slovenia
- Slovenian Association of Friends of Youth
- The Slovenian Roma Union

Other public institutions

- Human rights Ombudsman
- The Association of Municipalities and Towns in Slovenia
- Educational Research Institute
- The member of delegation RS for 3rd and 4th periodical report on CRC

FOCUS GROUPS

Primary schools

- Il. primary school Celje
- Primary school Bežigrad, Ljubljana
- Primary school Bojan Ilich, Maribor
- Primary school Brežice
- Primary school Center, Novo mesto
- Primary school Dragotin Kette, Ilirska Bistrica
- Primary school Janko Ribič, Cezanjevci
- Primary school Ledina, Ljubljana
- Primary school Milan Šuštaršič, Ljubljana
- Primary school Simon Gregoričič Kobarid, subsidiary Breginj
- Primary school Stražišče, Kranj
- Primary school Vižmarje-Brod, Ljubljana

Advocacy organisations, NGO

- Community youth programme – daily centre Cona Fužine and daily centre Cona Most
- Slovenian Association of Friends of Youth
- Legal-Informational Centre for NGOs – PIC

MEETINGS

- Council of the Republic of Slovenia for Children and Families (a permanent consultative body of the Government of the Republic of Slovenia)
- National Committee for UNICEF Slovenia
- Human rights Ombudsman
- Community youth programme – daily centre Cona Fužine, daily centre Cona Most

PARTICIPATION IN EVENTS, CONFERENCES

- Induction Training Seminar, Council of Europe Child participation assessment tool, 14/3/2019.
- Public roundtable discussion The Convention on the Rights of the Child: 30th anniversary. The Embassy of Italy & the Faculty of Law, University of Ljubljana, 17/4/2019.
- Children's voice for our child friendly cities. National meeting of children and the UNICEF's child friendly cities, Postojna, 18/4/2019.
- Panel of experts' contribution at the CRC 30th anniversary in the National Assembly. Slovenia – friendly to every child? 27/5/2019.
- World Café with Children - event with the aim of involving children and young people in the preparation of the Programme for Children 2020-2025 and alternative report on the CRC. UNICEF Slovenia, Legal-Informational Centre for NGOs – PIC, Slovenian Association of Friends of Youth, Red Cross District Union Novo mesto, 14/6/2019.
- National meeting of the European youth parliament, 18/7/2019.
- Panel of experts "Children designing the city", Association Pazi!park and Kino Šiška Centre for Urban Culture, 15/10/2019 .
- Reception of the children at the President of the Republic of Slovenia at the CRC 30th anniversary, 20/11/2019.
- Child participation conference: Citizens of the future, Slovenian Association of Friends of Youth, 27/11/2019