

Current national legislation on diversity in Slovenia

Tea Radojković, Anja Palčič

The Constitution

Article 14 (Equality before the Law) – In Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political, or other conviction, material standing, birth, education, social status, disability, or any other personal circumstance. All are equal before the law.

Article 52 (Rights of Disabled Persons) – Disabled persons shall be guaranteed protection and work-training in accordance with the law. Physically or mentally handicapped children and other severely disabled persons have the right to education and training for an active life in society. The education and training referred to in the preceding paragraph shall be financed from public funds.

Article 57 (Education and Schooling) – Freedom of education shall be guaranteed. Primary education is compulsory and shall be financed from public funds. The state shall create the opportunities for citizens to obtain a proper education.

Article 64 (Special Rights of the Autochthonous Italian and Hungarian National Communities in Slovenia) – The autochthonous Italian and Hungarian national communities and their members shall be guaranteed the right to use their national symbols freely and, in order to preserve their national identity, the right to establish organisations and develop economic, cultural, scientific, and research activities, as well as activities in the field of public media and publishing. In accordance with laws, these two national communities and their members have the right to education and schooling in their own languages, as well as the right to establish and develop such education and schooling. The geographic areas in which bilingual schools are compulsory shall be established by law. These national communities and their members shall be guaranteed the right to foster relations with their nations of origin and their respective countries. The state shall provide material and moral support for the exercise of these rights. In order to exercise their rights, the members of these communities shall establish their own self-governing communities in the geographic areas where they live. On the proposal of these self-governing national communities, the state may authorise them to perform certain functions under national jurisdiction, and shall provide funds for the performing of such functions. The two national communities shall be directly represented in representative bodies of local self-government and in the National Assembly. The position of the Italian and Hungarian national communities and the manner in which their rights are exercised in the geographic areas where they live, the obligations of the self-governing local communities for the exercise of

these rights, and those rights which the members of these national communities exercise also outside these areas, shall all be regulated by law. The rights of both national communities and their members shall be guaranteed irrespective of the number of members of these communities. Laws, regulations, and other general acts that concern the exercise of the constitutionally provided rights and the position of the national communities exclusively, may not be adopted without the consent of representatives of these national communities.

Article 65 (Status and Special Rights of the Romany Community in Slovenia) – The status and special rights of the Romany community living in Slovenia shall be regulated by law.

Education

In the Basic school act, article 2a (Safe and Supportive Learning Environment) it is pointed out that kindergartens, schools and other institutions for education of SEN children shall in line with the goals of the previous article, guarantee a safe and supportive learning environment wherein physical punishment of children and of any kind of violence against and among children, as well as discrimination on the grounds of gender, sexual orientation, social and cultural background, religion, race, ethnic and national origin, physical and mental development shall be disallowed.

In the Placement of children with special needs act, article 3 (Application of regulations on education) it is indicated that education of children with special needs shall be carried out in accordance with this Act and the regulations governing the field of pre-school education, basic school education, vocational and technical education and general upper-secondary education (hereinafter: regulations in the field of education). In article 9 (Implementation of additional professional assistance) it is pointed out that: (1) Additional professional assistance shall be provided individually or in a group, inside or outside the classroom, in educational or social protection institution.; (2) Where it is not possible to provide additional professional assistance in accordance with the preceding paragraph, additional professional assistance may also be offered to the child at home. As a rule, additional professional assistance shall be provided on a weekly basis. If professionally substantiated, additional professional assistance may also be offered in an abridged and periodical manner under conditions determined by the minister responsible for education (hereinafter: the minister).; (3) The total number of hours of additional professional assistance shall not exceed five hours per week, of which at least one hour of counselling services shall be provided. For blind and partially sighted children or children with multiple disorders as referred to in Article 2 of this Act, a greater number of hours for overcoming deficiencies may be determined, but for no more than three hours more per week, as a rule during the first educational period.; (4) The scope and manner of providing additional professional assistance shall be determined by a special educational needs guidance decision pursuant to the rules adopted by the minister, while the manner of providing additional assistance shall be defined in detail by the individualised education programme (hereinafter: individualised programme).;

(5) Pre-school children shall be entitled to the counselling service as additional professional assistance prior to the institution of the placement procedure, up to a maximum of two hours per month on a doctor's proposal. In article 10 (Material conditions and physical assistance) it is singled out: (1) The premises and devices for children with special needs who have been placed in programmes for pre-school children and education programmes with adapted implementation and additional professional assistance, or in adapted programmes and a special programme for children with moderate, severe and profound intellectual impairment, must be adapted in accordance with the instructions for the adapted implementation of the programmes and in accordance with the adapted programmes adopted or determined by the competent council of experts.; (2) The devices indispensable for the inclusion of children with special needs in an education programme shall be provided by the founder of the public institution if not provided on the basis of other regulations, and if for objective reasons the child is unable to use one and the same device both at home and in the educational institution. Children with motor disabilities are entitled to special aids in accordance with the regulations governing health insurance; devices that are intended for use in children's domestic environment are not required to be brought to the educational institution (balls, rollers, stools, stands) on a daily basis.; (3) A permanent or temporary attendant for the provision of physical assistance during schooling may be granted to children who have severe and profound impairments in motor skills and to blind children who have been placed in education programmes with adapted implementation and additional professional assistance.; (4) Children with a long-term illness, partially sighted children or children with visual impairment, children with autistic disorders and children with emotional and behavioural disorders may exceptionally be granted a temporary attendant on the basis of the criteria determined by the minister.

Integration of migrant children into the Slovenian education system

The **Strategy** (2007) states that as specified by educational law children of foreign citizens residing in the Republic of Slovenia are entitled to integration into the basic or upper secondary school under the same conditions as children of Slovenian citizens. Citizens of other EU member states, Slovenian nationals without Slovenian citizenship and refugees can pursue education under the same conditions as Slovenian citizens, while such rights of other foreign citizens are based on the principle of reciprocity (on the basis of international treaties the minister responsible for education allocates the number of vacancies for such upper secondary students). The Kindergarten Act does not refer to children of foreign citizens particularly, however, it states explicitly that pre-school education is based on the principle of equal opportunities for both children and parents with due consideration of diversity among children and their right of choice and right to be different.

Alongside the focus on newly-arrived migrant children, the Guidelines (2012) further specify that: "the Guidelines advocate the inclusive approach to integration of migrant children, basic school and upper secondary students or second and

third generation migrant children whose parents moved from abroad at the time of their integration into the education system, and give an incentive to setting up conditions for successful learning for all participants regardless of differences in their psycho-physical abilities, language, their family's socio-economic status, if any, as so forth".

The Ministry of Education, Science and Sport has been funding Slovenian language learning support lessons at basic schools with migrant children attending school in Slovenia, namely first and second year of their inclusion.

In 2008, a provision was included in the Rules on knowledge assessment and grading and pupils' progression in basic schools, warranting the possibility for an adapted assessment of migrant students. As by the Rules, the assessment methods and times, number of marks and so forth may be adapted to migrant students who are foreign nationals or persons without citizenship residing in the Republic of Slovenia, namely in agreement with their parents. The knowledge of migrant student may be assessed as to the student's progress in achieving educational goals and knowledge standards as specified by the subject-curricula. The teacher's assembly decides on the adjustments. The adapted assessment applies for up to two school years only. At the end of the first school year the migrant students attended basic school in the Republic of Slovenia, they may progress even if they failed to receive a pass mark in separate subjects. At the recommendation of the form teacher, the teacher's assembly decides on the progression.

The Constitution of the Republic of Slovenia sets out the equal rights and opportunities in education for all irrespective of their race, gender, nationality, social or cultural background, religion, political and other convictions, education, social status, disability, or any other personal circumstances. The the White Paper (1996) lists "equal opportunities and non-discrimination" under principles of the public education system. The core principles, the foundation of the public system of education, of the White Paper (2011) include fairness and the provision of equal education opportunities in the scope of this principle. Moreover, one adopted several relevant regulations on education, healthcare, elimination of barriers and obstacles in the setting, social and financial aid, employment, and social inclusion. The national and development programmes include solutions relevant to the equal opportunities. The Protection against discrimination Act makes additional provision for equal opportunities. The dimension of equal opportunities is specified exhaustively for the educational process of children with special educational needs.

The provision of education for children and young people with special educational needs (SEN) is public service; in special circumstances, it may be in private settings without concession or a private institute, and in the form of home schooling. All sector-specific laws make allowance for the education of the SEN students. The law is completed by:

- ◆ Act Regulating the Integrated Early Treatment of Preschool Children with Special Needs;
- ◆ Placement of Children with Special Needs Act;
- ◆ Act on the Intervention for Children and Youth with Emotional and

Behavioral disorders in Education.

Those documents represent an important step towards realizing the inclusive paradigm. They set out conditions of continuous support to children with special educational needs.

The Act on special rights of members of the Italian and Hungarian national communities in education specifies the relevant special rights. The members of the Roma community have their special rights set out in the Roma community in the Republic of Slovenia Act. The common legislation in education lays down the rights of disadvantaged or vulnerable students, as well. The regulations all attention to the talented students, migrant students whose first language is not Slovenian, and students with learning difficulties.

Educational policy outlook

The Childminding of Preschool Children Programme (2008, amended in 2012) provides special grants for parents whose children did not get a spot in public kindergartens. The grant amounts to 20% of the cost of the programme in the kindergarten where they would have been enrolled.

To make student work less attractive to employers, the Act on Occasional Student Work (2014) was incorporated into the Public Finance Balance Act. It introduced a minimum hourly wage and social security contributions for student work, while allowing student contracts to remain the cheapest form of employment for employers.

In 2012, a new Regulation on the Methodology of Financing Educational Programmes for Upper Secondary Schools was adopted. Under this regulation, all upper secondary schools as well as all residence halls for upper secondary students switched to a per-student funding formula and block grant financing.

Support Measures for Learners in Early Childhood and School Education

All kindergartens and schools have internal counselling services. School counsellors are psychologists, social pedagogues, education specialists and social workers. The main purpose of a counselling service is to take part in complex solving of educational, psychological and social difficulties of children in kindergarten or schools by assisting and cooperating with all participants of the education process, the parents and, if necessary, with relevant external institutions. It offers assistance to individuals and groups in kindergartens or schools in order to ensure optimal development of all children, regardless of their personal circumstances or the social-economic or cultural situation.

Definition of the Target Group(s)

The rules specify groups of children, pupils and students eligible for assistance

or special measures in view of their personal, socio-economic or cultural circumstances:

- ◆ Members of the Italian and Hungarian national communities have the right to education in their mother tongue and provision of education in ethnically mixed areas. Rights are specified in detail by the Act Regulating the Exercise of the Special Rights of Members of the Italian and Hungarian Ethnic Communities in the Field of Education.
- ◆ Members of the Roma community are specified as a special group with special rights defined by the Constitution of the Republic of Slovenia. The exercise of special rights is specified by the Roma Community Act and, in education, by the Kindergarten Act and Basic School Act.
- ◆ Migrants (foreign nationals): the rights of children of foreign nationals are specified in detail by the Kindergarten Act, Basic School Act, Gimnazije Act and Vocational Education Act; the Asylum Act specifies the right to education of refugees and asylum seekers;
- ◆ Talented pupils or students: as specified by the Basic School Act, Gimnazije Act and VET Act, the provision of instruction to talented children or pupils may be adapted to their needs; the Basic School Act specifies that pupils who show high and above average levels of thinking skills or achieve exceptional results in separate learning fields, arts or sports are defined as talented pupils.
- ◆ Pupils with learning problems: provisions of the Basic School Act specify the right these children have to an adapted instruction; without adapted methods and forms of class work, these pupils struggle to attain standards of knowledge.

As specified by Kindergarten Act and Basic School Act, children in hospital care may have pre-school and basic school education organized in the hospital;

In the scope of the education objectives specified by the Organization and Financing of Education Act, children from less favourable social and economic environments may receive support and assistance by kindergartens or schools.

National reforms

In December 2017, the Government of the Republic of Slovenia adopted the Slovenian Development Strategy 2030, It is the new long-term national development framework. Its primary objective is to ensure quality of life for all ("Slovenia, a country with high quality of life for all"). Future development of Slovenia rests on five strategic guidelines and twelve related goals. The strategy rests on the 2030 Agenda for Sustainable Development by the United Nations as well, and so Slovenia attached the significance to sustainable and inclusive future in which the society as a whole can flourish.

At the end of 2019, the Government adopted the National Strategy for the Development of Reading Literacy for the period 2019–2030. Its strategic objectives are to establish an effective social framework for the development of reading literacy, to develop the reading literacy of individuals who have different roles, needs and requirements at different stages of life, thus enabling the continuous development of society and the economy, to increase access to books and other reading material, and to pay greater attention to specific age/target groups within the education system. An Action Plan is foreseen for adoption in the first half of 2022, addressing a number of actions to improve the situation.

In November 2020, the Government of the Republic of Slovenia approved the Programme for children 2020-2025. The programme seeks to improve the well-being of children, create equal opportunities and rights for all children, provide better protection and safety, as well as the foster inclusion and participation of children.

Social welfare

In the **Social security act** it is pointed out that: activities of social assistance shall include preventing and solving social problems of individual persons, families and population groups (article 1); the state cares for preventing the social deprivation in particular with the systematic measures in the field of taxation policy, employment and work, policy of granting scholarships, housing policy, family policy, health care, children's care and education, and in other fields of influence upon the social situation of inhabitants, as well as upon the development of demographically endangered areas (article 9); Help to the family under this Act shall imply help for home, help at home and social service; professional counselling and help at re-establishing relations among family members, at taking care of children and educating the family to implement its role in everyday life; social care of the entitled persons in case of disability, old age and other cases where social care at home can replace institutional care; Social service shall include help at domestic and other chores in case of childbirth, illness, disability, old age, in cases of accidents and other cases where such help is necessary to include persons in everyday life (article 15).

In the **Rules on the co-financing of social assistance programmes**, article 2 ((areas of social protection programs) it is pointed out that social protection programs are intended to prevent and solve social hardships of individual vulnerable groups in the following areas: 1. violence prevention, assistance programs for victims of violence and programs for work with perpetrators of violence, 2. addiction (illicit drugs, alcoholism, eating disorders, gambling and other forms of addiction), 3. mental health, 4. homelessness, reducing the risk of poverty, tackling the effects of poverty, 5. children and adolescents who are deprived of a decent family life and adolescents with difficulties growing up, 6. Elderly people at risk of social exclusion or need support and assistance in their daily lives, including assistance and support programs for people with dementia and their relatives, 7. support stay for people with disabilities and a network of other programs for the organization and promotion of independent living of people with disabilities, 8. psychosocial

assistance to children, adolescents, adults and families, 9. social inclusion of Roma, 10. specialist support to victims of crime (if not provided by other social protection programs), 11. other areas aimed at tackling social hardship (promoting the development of volunteering, assisting applicants for international protection, refugees, economic migrants and their family members, former prisoners, evictees, support for the dying and their relatives and mourners, victims of abuse and trafficking in human beings, victims of traffic accidents, etc.).

In the **Rules on standards and norms for social assistance services**, article 1, it is stated that these rules set standards and norms for the following social protection services (hereinafter: services): 1. social assistance 2. personal assistance 3. support to victims of crime 4. assistance to the family at home and at home 5. institutional care 6. management, protection and employment under special conditions.

National reforms

The strategic document for the development of the country's social protection system is the Resolution on the national social assistance programme 2022-2030, adopted by the National Assembly on 23 March 2022. The key objectives pursued by the Resolution are to reduce the risk of poverty and increase social inclusion, to improve the accessibility and availability of services and programmes, to strengthen community-based forms of social protection, and to create a supportive environment/conditions for improving the quality of services and programmes. In defining actions, the Resolution follows the European Pillar of Social Rights Action Plan for the period until 2030.

The adoption of an amendment to the Housing Act in 2021, which will improve the conditions for faster construction of public rental housing, will further contribute to reducing the number of people at risk of poverty and social exclusion. The amendment to the Housing Act establishes the legal basis for the introduction of a realistic level of non-profit rent, which will allow for the adequate maintenance of public rental housing and the gradual expansion of the stock of public rental housing. In parallel with the increase in non-profit rents, the rent subsidy system is being adapted to protect the socially vulnerable in the event of a rise in non-profit rents. The subsidy is increased to a maximum of 85% of the non-profit rent, which ensures that the most socially vulnerable are not affected by the rent increase. The amended Act also allows for higher borrowing by housing funds, up to 50% of the value of the fund's earmarked assets, and a pre-emptive right for the Housing Fund in the sale of building municipal land earmarked for multi-family housing. A public rental service has also been established within the Housing Fund, with the aim of activating the existing but unoccupied housing stock.

Youth work

Personal assistance act regulates the right to personal assistance and the manner of its exercise, in order to enable an individual with long-term physical, mental, intellectual or sensory impairment, which in connection with various obstacles may be limited to Like others, fully and effectively participate in society (hereinafter:

the user) in all areas of life equal opportunities, greater independence, activity and equal inclusion in society, in accordance with the provisions of the **Convention on the Rights of Persons with Disabilities** (article 1). Further, the state is obliged to: plan the development of personal assistance and develop the activity, coordinate it with other areas of social security and adopt appropriate legal bases; to provide conditions and possibilities for equal accessibility, efficiency and rational organization of personal assistance services in the territory of the Republic of Slovenia; provide conditions for education and training; provide funding for the procedure for exercising the right to personal assistance and the provision of personal assistance (article 4).

Public Interest in **Youth Sector Act** and **Youth Council Act** are acts that protect young people and young workers. This law are based on the principles of democracy, plurality, integrity, intergenerational solidarity, equality, non-discrimination and justice, multiculturalism, intercultural dialogue, volunteering, promotion of healthy lifestyles, respect for life and the environment and participation of non-governmental organizations in public affairs.

Protection against discrimination act (ZVarD) shall determine the protection of all persons (hereinafter: person) against discrimination irrespective of their gender, nationality, racial or ethnic origin, language, religion or belief, disability, age, sexual orientation, gender identity or gender expression, social status, property status, education, or any other personal circumstance (hereinafter: personal circumstance) in various fields of social life, when enforcing human rights and fundamental freedoms, exercising rights and obligations and in other legal relationships in political, economic, social, cultural, civil or other fields. This Act shall establish the Advocate of the Principle of Equality (hereinafter: Advocate), as an independent state authority in the field of protection against discrimination, including the Advocate's tasks and powers. Protection against discrimination shall also apply to legal entities defined by the legal order of the Republic of Slovenia if the nature of the circumstances which could be the basis for discrimination refers to such persons. This Act shall define and prohibit discrimination, appoint authorities and determine measures for promoting equal treatment, determine the status and competences of the Advocate, the Advocate's procedure when establishing the existence of discrimination and particularities of legal protection of persons subject to discrimination.

To date, no specific national strategy or programme for youth social inclusion has been adopted in Slovenia. The **National Programme for Youth in Slovenia** (2013) identified key policies and guidelines, including the need to devote special attention to risk factors for poverty and social exclusion among young people. Its other guidelines refer to improving social inclusion of young people with fewer opportunities, the principle of equal opportunities for men and women and the prevention of discrimination, with particular attention to victims of social exclusion (e.g. Roma people, disabled persons).

In November 2015, the National Assembly of the Republic of Slovenia adopted the **Resolution on the National Programme for Equal Opportunities for Women and Men 2015-2020**.

The Ministry of Labour, Family, Social Affairs and Equal Opportunities has proposed two Acts highlighting measures to facilitate youth social inclusion in 2016. **The Amendment on changes and completion of the Social Security Act** that was adopted in 20 December 2016 and The Rules on co-financing social assistance programmes that came into force on 12 November 2016. On 19 April 2018, another Amendment on changes and completion of the Social Security Act was adopted.

National reforms

The epidemic crisis has shown the importance of ensuring more flexible ways of organizing work. The Recovery and Resilience Plan also foresees important measures in this area, such as the establishment of direct support for workers and employers to use more flexible working arrangements in 2022. The Support to more flexible work arrangements project aims to enable greater resilience and labour market inclusion, promote better reconciliation of work and private life, strengthen digital competences of employees (with a focus on older workers) and raise occupational safety and health standards in this area. The project Introducing more flexible work arrangements adapted to the needs of people with disabilities in disability enterprises and employment centres will be implemented to maintain and create new jobs suitable for the most severely disabled workers.

Activation of the unemployed and measures to help the most vulnerable groups to enter the labour market remain a key focus for Slovenia. In this light, in January 2021, the Government adopted the Guidelines for Active Employment Policy 2021–2025, which are a strategic document in this area and provide a framework for the implementation of active employment policy measures over the next five-year period. The main objectives of the document are to reduce the number of long-term unemployed, to accelerate the activation of the unemployed, especially the over-50s, the low-educated and recipients of social assistance, to accelerate the transition of unemployed young people up to 29 years of age to the labour market – the Youth Guarantee, and to address structural imbalances in the labour market, in order to provide the skills needed to meet the labour market needs.

Slovenia pays particular attention to young people in its labour market policies. For example, the Recovery and Resilience Plan foresees the project Faster entry of young people into the labour market (2022–2024), which aims to accelerate the activation of young people up to and including 25 years of age by means of subsidies for permanent employment (at least 4,000 jobs). The project addresses the key challenges young people face in their transition to the labour market. By providing work experience, compulsory training during subsidised employment and promoting permanent employment, it also strengthens the long-term resilience of young workers to economic fluctuations in the face of crises. The measure will encourage young people to take up supplementary pension insurance.