

Good practices and initiatives of gender-responsive migration legislation, policies, and practices in the Republic of Slovenia

According to current legislation - International Protection Act (hereinafter: the Act) (Official Gazette of RS, Nos. 16/17 - official consolidated text) which lays down the fundamental principles and guarantees in procedures for international protection, the procedure for granting, extending and withdrawing international protection, the duration and content of international protection and the scope of the rights and obligations of applicants for international protection and persons who have been granted international protection, the Article 2 defines:

"vulnerable person with special needs" as a minor, an unaccompanied minor, a disabled person, an elderly person, a pregnant woman, a single parent with a minor child, a victim of trafficking in human beings, a person with a mental health disorder, a person with mental health problems, or a victim of rape, torture or other severe forms of psychological, physical and sexual abuse;

"applicant with special reception needs" as a vulnerable person with special needs who needs special guarantees to exercise the rights and comply with the obligations regarding reception referred to in this Act;

"applicant in need of special guarantees in the procedure for international protection" as a vulnerable person with special needs whose ability to enjoy the rights and comply with the obligations regarding the procedure for international protection stipulated by this Act is limited due to individual circumstances.

The entire second section of the Act (article 12 – 19) is dedicated to treatment of vulnerable persons with special needs. It is defined that all vulnerable persons with special needs are afforded special care and treatment in the procedures under the Act. Part of the sanitary-disinfection and preventive medical examination is the first assessment whether a person is an applicant with special reception needs or an applicant in need of special procedural guarantees. The nature of these needs is also assessed. The special needs can also be addressed at a later stage of the procedure for international protection.

The material reception conditions, accommodation in other appropriate institutions if needed (such as psychiatric institution, safe house etc.), medical and psychological counselling and care are adapted to applicants with special needs during their reception. Applicants in need of special guarantees in the procedures are provided with appropriate support to allow them to enjoy rights and comply with obligations in the procedure for international protection.

The best interests of the child are the primary consideration in the treatment of minors. Minors are being ensured a standard of living adequate to their psychological, mental, spiritual, ethical and social development. They are given access to leisure activities, including play and recreational activities appropriate to their age within the premises and accommodation centres and to open-air activities. Minors who are identified as victims of abuse of any kind, neglect, exploitation, torture or cruelty, inhuman or degrading treatment or who have suffered from armed conflict are provided access to rehabilitation and where necessary appropriate psychological treatment and qualified counselling.

In addition to emergency medical treatment women applicants for international protection are entitled to contraceptives, abortion and health care during pregnancy and childbirth (as defined in Article 86, paragraph 3 of the Act). Pregnant women have the same rights as citizens. The same applies to minor applicants for international protection, applicants who are unaccompanied minors and

schooled children after the age of 18 years, but only until the age of 26 – they all have the same rights as Slovenian children.

Vulnerable persons with special needs and in exceptional cases other applicants are also entitled to additional health-care services, including psychotherapy which are approved and determined by commission appointed by the head of the Government Office for the Support and Integration of Migrants.

In order to discharge tasks under the Act officials receive regular training in different areas such as treatment of minors and assistance to minors in exercising their rights in accordance with the Act and the treatment of victims of torture, rape or other severe acts of violence, recognizing the dynamics of families, empowerment of applicants, helping applicants in taking their roles in the society and in other areas that can help applicants to better integrate in to the Slovene society.

Regarding gender-responsive practices we established good cooperation with some non-profit organizations that are implementing projects as follows:

Project »Preventing Human Trafficking, Sexual Violence and Gender-Based Violence«

Identification of potential victims of violence is carried out through project PATS, which conducts informative interviews with all vulnerable categories of applicants, who are potential victims of trafficking in human beings, sexual violence and gender violence. Information is provided to all women (including accompanied girls from 14 to 18 years old) and unaccompanied minors, and to every applicant based on a proposal of a public official, which, in contact with the applicant, recognizes the potential elements of trafficking or violence. Prior to lodging an application for international protection, a doctor reviews each applicant and provides an opinion on vulnerability. The doctor's opinion is given to psychosocial service, which adequately reacts according to *Standard operating procedures to prevent and intervene in the cases of sexual violence and gender violence (SOPS SNNS)*. Prior to lodging an application for international protection, representatives of a non-governmental organization *Legal information centre (PIC)* inform aliens about their rights and obligations, and on the procedure for granting international protection. If any sign of vulnerability is revealed during the information interview, public official in the process of lodging an application is informed about it. If necessary, the public official alerts medical and psychosocial services and fills out a form, stating the peculiarities of accommodation and health issues. Prior to lodging an application, applicants in reception areas receive leaflets with information and contact points for assistance to persons who are subjected to any kind of violence. Most of the steps for identifying and dealing with vulnerable applicants are therefore introduced already in the process of accommodation and thus prior to lodging an application. Identification continues through the entire process of obtaining international protection.

Standard operative procedures for prevention and action in cases involving sexual and gender-based violence -SGBV

In 2015, Ministry of the Interior, United Nations High Commissioner for Refugees (UNHCR), and 10 different non-governmental organizations that are, among others, specialized in the field of sexual and gender violence, signed a new revised agreement "Standard operating procedures to prevent and intervene in the cases of sexual violence and gender violence." An expert working group was formed based on the agreement, with a view of planning and implementing necessary assistance for persons, who are victims of sexual and gender violence. When the member of working group receives the information on SGBV he/she presents the case to other group members. This is followed by a discussion

and the preparation of an action plan for assistance counselling and treatment. The plan contains: risk assessment, security plan, finding safe accommodation, advocacy plan, legal aid and other forms of assistance such as: psychotherapeutic assistance, professional and psychosocial counselling, participation in workshops for personal growth and empowerment, partnership, leisure time activities, individual help and referral of the beneficiary to relevant institutions for assistance and support.

Accommodation of unaccompanied minors

At the end of June 2016, the RS Government took the decision that UAM as the most vulnerable category of persons will be provided with separate and therefore safe accommodation in student halls of residence in Postojna and Nova Gorica as a pilot project for the period between 1 August 2016 and 31 July 2017. The project of accommodating unaccompanied minors in the student hall of residence in Postojna was recognised as an example of good practice and was extended until the establishment of a new institutional arrangement with a separate centre for early treatment (of unaccompanied minors). The date was set for the end of 2018. In this way, the principle of the Best Interest of a Child and care for the special needs of unaccompanied minors can be respected and implemented in accordance with the Reception Conditions Directive and international legislation. The UAM also benefit from a 24- hour professional care. The Government of the Republic of Slovenia is also preparing a system solution in the field of accommodation and care of unaccompanied minors. Within the individual projects, various self-help groups are taking place (for men, for women...) and activities that promote gender equality.

A good practice is also the 4-hour presence of a psychiatrist in Asylum Centre once a week. An efficient system was also established for integrating the children in primary school where they benefit from study help and a 3-hour preparation course of the Slovenian language for all the enrolled pupils. Another example of good practice is the provision of free public transport for all the pupils enrolled in schools. Applicants have also the possibility to do different kinds of jobs against financial remuneration under a tariff determined in advance published on notice boards in all the accommodation facilities.

Applicants are also involved in activities outside the asylum home organized by various non-governmental organizations, where they can expand their social network and learn different skills that will help them in their future lives.