

Regulating psychotherapy in Slovenia – the story so far

The first steps towards the legal regulation of psychotherapy in Slovenia were taken in 2005 by two key Slovenian umbrella organisations for psychotherapy:

- (1) The Slovenian Umbrella Association for Psychotherapy (SUAP) which unites under its umbrella ten different psychotherapy schools or associations, and
- (2) The Association of Psychotherapists in Slovenia (APS) which was a pioneering organisation, connecting psychotherapists who worked in the public medical sector. It can be given credit for starting psychotherapy education and training in Slovenia.

Members of both associations were part of a working group, who under the Ministry of Health between 2006 and 2010 prepared a draft psychotherapy bill. The psychotherapy profession was during this time united in its efforts to legalise the field of psychotherapy and this bill was its joint work. But just before the draft bill was due to be submitted for public discussion the minister of health changed, for the fifth time. The new minister stopped these efforts to legalise the profession of psychotherapy saying that this cannot be a priority for the Ministry of Health at that time. This is how four years of work of a nine member group got rejected and forgotten. And a unique chance to have a psychotherapy law was lost. Since then numerous attempts to motivate the current ministers for health to continue the work have not been successful.

The consequences of this failure to legally regulate the profession of psychotherapy were felt most by the practitioners themselves. It is therefore no surprise that in January 2016 the next important step happened when SUAP and APS signed a memorandum to work closely together for a psychotherapy law. In June 2016 for the same purposes three universities who offer training in psychotherapy and psychosocial counselling formed their own collegiate group. These were the Faculty of Psychotherapy Science of the Sigmund Freud University in Ljubljana (SFU Ljubljana), the Faculty of Theology of the University of Ljubljana (FT) and the School of Advanced Social Studies in Nova Gorica (SASS). They were soon joined by other psychotherapy associations and associations connecting certain groups of psychotherapy users.

Because of a deep split within APS, the memorandum promising cooperation between SUAP and APS came to nothing. The collegiate group, however, initiated a systematic programme of activities and was soon joined by SUAP and the Association of marital and family therapists of Slovenia (AMFSTS). This led to the formation in 2016 of the Slovenian Association for Psychotherapy and Counselling (SAPC). Its sole aim was to form a working group for a law regulating psychotherapy. SAPC connects psychotherapists of all schools and modalities and is a good basis for the council of experts that will be needed when the anticipated law is enacted. APS was invited to join but not only did they refuse, they even went further and started rejecting the idea of having a law for psychotherapy – which is the opposite of everything that was jointly worked on between 2006 and 2010.

The professional grouping around the three universities organised many activities over the next two years which drew attention to the problems arising from the unregulated provision of psychotherapy and psychosocial counselling. They canvassed Parliament, the Ministry of Health and in the wider context the professional and lay public at large. One of their key successes was to reply to the governmental Resolution on a proposed national ten year programme for mental health from 2018 to 2028. They drew attention to the fact that in such an important strategic paper psychotherapy was not even mentioned. After a great deal of perseverance their efforts were rewarded. The governmental Resolution which was confirmed by parliament in March 2018 now states that the professions of psychotherapy and psychosocial counselling have to be regulated by law and three ministries are responsible for this: the Ministry of Health, Ministry of Education and the Ministry of work, family and social affairs.

In March 2018 the Ministry of Health formed a new governmental working group for the preparation of a psychotherapy law as required by the parliamentary Resolution. The deadline was set for 31st December. In 2019 the law was due to be adopted by Parliament and implemented by the end of 2020.

Unfortunately the first meetings of the new governmental working group showed that representatives of APS, clinical psychologists and psychiatrists were opposed to any such legislation. In the next four meetings this amounted to outright obstruction. It became clear that they held onto a different view about how psychotherapy should be practised, clinging to a narrow medical view which thinks that psychotherapy is a method of work belonging exclusively to the medical sector and they wished to keep the status quo by increasing the number of clinical psychologists, without the need for any regulation. They rejected the wider view that recognises psychotherapy as an independent scientific discipline and an independent profession that has an autonomous area of work in all social fields: medical, educational, social, legal, economic ... This contextual model (Wampold, 2015) highlights how psychotherapy extends beyond the narrow confines of only mental health. It includes all sorts of help and preventative interventions for people suffering from emotional distress and bereavement, people in stress situations and furthering personal growth and increased quality of life.

The chair of the governmental working group gave directions requiring the members of the working group to prepare comprehensive written material which was going to be the basis for shaping the new law. The members who are the organisers of this round table fully complied and prepared many hundreds of pages of written material which included a new draft law on psychotherapy, an analysis of the current situation in Slovenia, an international comparison of how psychotherapy and psychosocial counselling is regulated in other countries, the standards of the psychotherapeutic profession and training and a Code of Ethics. This was submitted to the Ministry of Health in September 2018. The response from the Ministry of Health has been complete silence. Considering that there were promising beginnings in the first half of 2018, we have been totally ignored and even now we are still in the dark as to why the working group stopped so abruptly.

The three universities (SFU Ljubljana, FT and SASS) and the three professional associations (SAPC, SUAP and AMFTS) who are all the organisers of this round table have continued with their programme of activism in spite of governmental silence. In 2019 members of parliament were approached and asked for their help to restart negotiations. All three ministries responsible for psychotherapy legislation have been written to and in September 2019 Human Rights Ombudsman was consulted. And despite our explicit questions about what is currently happening and our requests to talk to the relevant ministers, we have received no satisfactory answers.

Our key suggestion for restarting the process leading to statutory regulation of psychotherapy in Slovenia is:

Based on the extensive written material that the working group produced and submitted to the Ministry of Health in September 2018, the Ministry of Health should now forward it to the appropriate Government Office for Legislation to write a framework for the law. We insist that we have prepared enough good quality professional material for this to be done. As the Human Rights Ombudsman emphasised in his communication on 2nd June 2020:

“The Human Rights Ombudsman understands that in order to prepare a law it is very important to have input from different professional views. What we do not understand is how this can happen if the working group is no longer active. Having different opinions is part of a democratic society and pluralism of opinions is part of it, but this should not be a barrier preventing the necessary legislation and the implementation of the urgent measures that the mental health of many citizens of Slovenia depends on.”

This is more crucial than ever in our current post-pandemic times.

Ljubljana, 8.6.2020

Written by the organizers of the round table

Predstavitev stanja normativne urejenosti psihoterapije v Sloveniji

Prve pobude za zakonsko ureditev psihoterapije v Sloveniji sta vsaka zase že leta 2005 podali dve ključni slovenski strokovni organizaciji s področja psihoterapije: Slovenska krovna zveza za psihoterapijo, ki združuje pod svojim okriljem deset različnih psihoterapevtskih pristopov oz. društev in Združenje psihoterapevtov Slovenije, ki je pionirska organizacija s področja psihoterapije v Sloveniji, povezuje pa predvsem psihoterapevte delujoče v okviru zdravstva in je zaslužna za uvajanje psihoterapevtske edukacije v slovenski prostor. Tako je bila na Ministrstvu za zdravje imenovana delovna skupina, ki je od leta 2006 do 2010 pripravila osnutek zakona o psihoterapevtski dejavnosti. Psihoterapevtska stroka je v tem obdobju strnila vrste in poenotila poglede na ureditev področja psihoterapije v osnutku zakona, ki je bil njeno skupno in usklajeno delo. Tik pred javno razpravo na osnutek zakona se je zamenjal minister za zdravje, že peti v času priprave zakona. Minister je delo na sprejemu zakona ustavil, češ da to ni prioriteta ministrstva za zdravje. Tako je bilo štiriletno delo devetčlanske delovne skupine zavrženo in pozabljeno. Edinstvena priložnost, da bi normirali področje psihoterapije, pa je bilo izgubljena. Sledila so leta različnih poskusov, da bi aktualne ministre za zdravje motivirali za ureditev področja psihoterapije, ki pa žal niso bili uspešni.

Neurejenost psihoterapevtskega prostora so najbolj občutili prav tisti, ki so psihoterapijo izvajali, zato ne čudi, da se je po nekaj letih zgodil pomemben premik v krogih strokovnih društev. ZPS in SKZP sta januarja 2016 sklenila Memorandum o sodelovanju na področju urejanja psihoterapevtske dejavnosti, junija istega leta pa so se za doseg istega cilja povezale v Kolegij tri fakultete, ki v Sloveniji izobražujejo za poklic psihoterapevta in psihosocialnega svetovalca: Fakulteta za psihoterapevtsko znanost Univerze Sigmunda Freuda v Ljubljani (SFU Ljubljana), Teološka fakulteta Univerze v Ljubljani (TeoF) in Fakulteta za uporabne družbene študije iz Nove Gorice (FUDŠ). Pridružilo se jim je nekaj strokovnih psihoterapevtskih društev in društev, ki povezujejo uporabnike psihoterapevtskih storitev .

A sodelovanje med ZPS in SKZP zaradi razkola v ZPS ni zaživelo in Memorandum je ostal le mrtva črka na papirju. Kolegij treh fakultet pa je začel s sistematičnimi aktivnostmi, v katere sta se vključili tudi Slovenska krovna zveza za psihoterapijo in Združenje zakonskih in družinskih terapevtov Slovenije (ZZDTS). Tako je leta 2016 prišlo do ustanovitve Slovenskega združenja za psihoterapijo in svetovanje (SZPS) s ciljem, da bi v prvi vrsti delovalo prav na področju normativnega urejanja psihoterapije in ki bi lahko združevalo tako izvajalce kot uporabnike. Tako združenje danes povezuje psihoterapevte ne glede na psihoterapevtski pristop, kar je lahko dobra podlaga za strokovno zbornico, ko bo sprejet zakon. K sodelovanju je vabilo tudi ZPS, ki pa sodelovanje zavrača in je začelo zagovarjati stališče proti zakonu, kar je obratno od stališča iz let 2006 do 2010.

Strokovna naveza Kolegija treh fakultet, SZPS, SKZP in ZZDTS je v naslednjih dveh letih izvedla množico aktivnosti, s katerimi smo opozarjali na problematiko neurejenosti psihoterapije in psihosocialnega svetovanja tako v Državnem zboru RS kot tudi v Odboru za zdravje, na Ministrstvu za zdravje ter v širši strokovni in laični javnosti. Ena od prelomnih aktivnosti je bilo oblikovanje pripomb na osnutek Resolucije o nacionalnem programu duševnega zdravja za obdobje od 2018 do 2028 (v nadaljevanju Resolucija), s katerimi so opozorili, da je v tako pomembnem strateškem dokumentu »izpadlo« celotno področje psihoterapije, saj ta ni bila niti omenjena. Po intenzivnih prizadevanjih in argumentiranju so bile pripombe upoštevane. Tako je Resolucija, ki je bila v parlamentu potrjena marca 2018, med svoje obveze med drugim zapisala, da se normativno uredi področje psihoterapije in svetovanja in določila, da je to medresorska naloga Ministrstva za zdravje, Ministrstva za šolstvo in Ministrstva za delo, družino in socialne zadeve.

V marcu 2018 je v okviru MZ sledilo imenovanje medresorske delovne skupine za pripravo predloga normativne ureditve psihoterapije v Sloveniji (v nadaljevanju DS), katere naloga je bila priprava osnutka zakona o normativni ureditvi psihoterapije in svetovanja v Sloveniji z rokom do konca leta

2018. Rok za sprejem zakona v parlamentu je bil do konca 2019 in rok za implementacijo zakona do konca leta 2020. Vse to so bili nujno potrebni koraki v smeri vzpostavljanja pogojev za razreševanje neurejenega področja psihoterapije v Sloveniji.

A že prva srečanja v DS so pokazala, da se zastopniki ZPS, zbornice kliničnih psihologov in RSK za psihiatrijo upirajo vsakršnemu delu na oblikovanju zakona, kar je v nadaljnjih štirih srečanjih preraslo v pravo obstrukcijo dela DS. Jasno pa se je tudi izkazalo, da sta se soočila dva pogleda na način ureditve psihoterapije in svetovanja pri nas in sicer: ožji medicinski, ki želi psihoterapijo kot metodo dela zapreti v obzidje zdravstva in ohraniti status quo zgolj z večanjem števila kliničnih psihologov, torej brez zakonske ureditve področja ter širši, ki prepozna psihoterapijo kot samostojno znanstveno disciplino in samostojen neodvisen poklic, ki ima avtonomno področje delovanja v vseh družbenih resorjih od zdravstva, šolstva, sociale, sodstva, gospodarstva itd. Po tem t.i. »kontekstualnem modelu« je naloga psihoterapije mnogo širša od zdravljenja samega in sicer od pomoči ljudem v čustvenih stiskah, izgubah, stresnih situacijah do osebnostne rasti in s tem večanja kvalitete življenja do najširše preventive.

Člani delovne skupine so bili s strani vodje delovne skupine napoteni, da pripravijo čim več pisnega gradiva, ki bo osnova za oblikovanje zakona, kar je del članov, to so organizatorji današnje okrogle mize, pripravilo v obsegu več sto strani (osnutek predlog zakona o psihoterapevtski dejavnosti, vključno z analizo trenutnega stanja psihoterapije v Sloveniji, mednarodno primerjavo normativnih ureditev psihoterapije in svetovanja, osnutek psihoterapevtskih standardov, etični kodeks idr.) in ga predalo na MZ do srede septembra 2018. S strani MZ odziva na gradivo ni bilo. Še več, MZ se je ovilo v molk. Po spodbudnem začetku v prvi polovici leta 2018 je delo v delovni skupini zastalo, uradnih informacij zakaj pa do danes člani delovne skupine niso dobili.

Naveza Kolegija treh fakultet (SFU Ljubljana, TEOF in FUDŠ) ter treh strokovnih združenj s področja psihoterapije (SZPS SKZP in ZZDT), to smo vsi organizatorji današnje okrogle mize, je navkljub zastoju dela v DS oziroma prav zaradi tega nadaljevala z aktivizmom. Tako smo v letu 2019 obiskali poslanske skupine v parlamentu RS in jih zaprosili za pomoč pri ponovnem zagonu aktivnosti, pisno smo se obrnili na vse tri ministre, zadolžene za projekt normativne ureditve psihoterapije in svetovanja, v septembru 2019 pa smo obiskali tudi varuha človekovih pravic. Na izrecna vprašanja, kaj se dogaja in pobude za razgovor pri ministrih, pravih odzivov ni.

Naš ključni predlog za nadaljevanje normativnega urejanja psihoterapije v Sloveniji je:

Na osnovi gradiv, ki jih je Delovna skupina za pripravo zakona o psihoterapiji predložila MZ jeseni 2018, naj MZ zadolži Službo vlade Republike Slovenije za zakonodajo, da napiše ogrodje zakona. Vztrajamo na stališču, da smo v delovni skupini pripravili dovolj kvalitetnega strokovnega gradiva, da lahko državna uprava začne s svojim delom. Kot je poudaril tudi Varuh v svojem mnenju 2. 6. 2020: »Varuh sicer razume, da je za oblikovanje predloga zakona ključna uskladitev različnih strokovnih stališč, vendar pa ne razumemo, kako naj bi do tovrstne uskladitve prišlo, če se delovna skupina ne sestaja več. Tudi sicer razhajanja v stroki, ki so del demokratične družbe, za katero je značilen pluralizem mnenj, ne smejo predstavljati ovire za sprejem nujnih ukrepov, od katerih je odvisno duševno zdravje marsikaterega prebivalca Slovenije.«

Ljubljana, 8.6.2020

Pripravili: organizatorji okrogle mize