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**SLOVENIA**

**Report of the UN Secretary-General on child, early and forced marriage, pursuant to the resolution 73/153 of the UN General Assembly**

**Input by SLOVENIA**

In the last 5 years Slovenia has amended its legislation and adopted other measures in accordance with the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), thus upgrading its existing normative framework[[1]](#footnote-2) also with regard to child, early and forced marriages.

In 2015 the Criminal Code was amended by introducing a new criminal offence under Article 132.a titled 'Entering into forced marriage or setting up similar union’[[2]](#footnote-3).

In 2017 the Family Code was adopted (some measures apply from April 2019), which in Article 24[[3]](#footnote-4) provides that marriage may not be concluded by a child[[4]](#footnote-5) and that a court may, on justifiable grounds, allow the conclusion of a marriage for a child aged fifteen under specific conditions.

It should be noted that, in Slovenia, there are quite a few other statutory regulations that are related to the issue in question. The Family Violence Prevention Act, amended in 2016, imposes obligations to recognize and report family violence (including sexual violence, coercion to become pregnant, preventing the use of contraception, etc.). The Article 113 of the Criminal Code criminalizes trafficking in human beings.

In 2014, upon recommendation of the Committee on the Rights of the Child, the Ministry of Labour, Family, Social Affairs and Equal Opportunities commissioned a research/Study on forced marriage of Roma girls[[5]](#footnote-6). The research was carried out by the Institute of the Republic of Slovenia for social protection.

In 2017 the National Programme of Measures for Roma of the Government of the Republic of Slovenia for the period 2017–2021 was adopted. It includes targeted measures and recommendations in the field of social protection, with an emphasis on early and forced marriages or the escape of minors into harmful environments and procedures for dealing with cases of extra-marital communities with minors.

Since 2017, activities have been on-going in terms of addressing the issue of the escape of minors into harmful environments (premature marriages) and forced marriages in the Roma community. In this context, the competent ministries and other relevant stakeholders were briefed on the state of play in dealing with cases of extra-marital communities with minors, or the escape of minors into harmful environments. In 2018, awareness-raising activities for public servants and officials in the judiciary were agreed. The Judicial Training Centre has included in its training activities lectures to judges and employees of the judiciary on the challenges of working with the Roma community and its specificities.

In 2018 and 2019 three major consultations were also organized, in which the issue of forced and premature marriages in the Roma community was discussed in a multi-stakeholder manner.

The Community of Social Work Centres has issued Guidelines and recommendations for the work of professionals working in Social Work Centres in the case of minors fleeing to harmful environments. These guidelines were recognized as a useful tool in the performance of professional services to protect minors from staying in harmful environments.

Activities to address the issue of child, early and forced marriage were included also in the Action Plan for Combating Trafficking in Human Beings for the period 2017-2018, which is the basis for carrying out the basic activities of preventing and combating trafficking in human beings in Slovenia. Activities were focused on awareness-raising of potential victims of trafficking in Roma communities, in particular in terms of forced, arranged and/or premature marriages. In addition, in 2018, the contents of awareness-raising on the dangers of forced and arranged marriages were added to the Public call for proposals by the Government Communication Office for co-financing information and communication projects of non-governmental and humanitarian organizations. According to the public call awareness-raising activities had to take place also in environments where members of the Roma community live.

The Action Plan for Combating Trafficking in Human Beings for the period 2019-2020 envisages the continuation of activities aimed at raising awareness of the potential victims of trafficking in Roma communities about forced and premature marriages.

Also the Police are included in the multi-stakeholder activities mentioned above. Among others in 2019 they actively contributed to the realization of two regional consultations on preventing and addressing cases of the minors fleeing into harmful environments, and forced, arranged and premature marriages. In 2018 and 2019 they as well contributed to the realization of the trainings of the Judicial Training Centre. Awareness-raising activities by Police are carried out also in the framework of other events, such as in the seminar of the Social Chamber of Slovenia end of November 2019 entitled "Working with the victims of trafficking in human beings", where Police contributed with a presentation entitled "Minors fleeing to harmful environments – premature marriages of Roma girls".

In general the Police pay special attention to the issues related to the criminal offence of forced marriage or similar union. In the framework of training at all levels (national, regional and local) within the Police special attention is paid to recognition of potential victims of forced marriage in all relevant proceedings (in dealing with criminal offences of trafficking in human beings, and domestic violence, in offences in relations to procedures involving foreigners or in procedures related to border crossing etc.). Police officers are members of the multidisciplinary teams, when cases of premature or forced marriage occur. In cases of suspicion of criminal offence of forced marriage with international dimension the Police liaise with police in other countries.

1. The normative framework is based on the Article 53 of the Constitution of the Republic of Slovenia that reads:

   “Marriage is based on the equality of spouses. Marriages shall be solemnised before an empowered state authority. Marriage and the legal relations within it and the family, as well as those within an extramarital union, shall be regulated by law. The state shall protect the family, motherhood, fatherhood, children, and young people and shall create the necessary conditions for such protection.” [↑](#footnote-ref-2)
2. The Article 132.a reads:

   (1) Whoever, by force or threat of force or exploitation of a subordinate or dependent position, forces another person to enter into a marriage or into setting up similar union which in accordance with the law has the same legal consequences as marriage shall be sentenced to imprisonment for up to three years.

   (2) Whoever commits the offence referred to in the preceding paragraph against a minor or a vulnerable person, shall be sentenced to imprisonment for up to five years." [↑](#footnote-ref-3)
3. The Article 24 of the Family Code:

   (1) Marriage may not be concluded by a child.

   (2) A court may, on justifiable grounds, allow the conclusion of a marriage for a child aged fifteen who has appropriate physical and mental maturity enabling them to understand the meaning and consequences of the rights and obligations arising from marriage. [↑](#footnote-ref-4)
4. In accordance with the Article 5 of the Family Code a child is a person under the age of 18. [↑](#footnote-ref-5)
5. The extent of forced/early marriages was measured upon data, received from the survey carried out among Social Work Centres, civil society organisations and schools. Collected data show that the issue of forced marriages of Roma girls (and boys) is more extensive than demonstrated by the official records (number of official reports) due to the informal nature of such marriages/weddings (forced marriages are not concluded according to the legislation, but rather based on cultural traditions and are not officially recorded). [↑](#footnote-ref-6)