



REPUBLIC OF SLOVENIA
MINISTRY OF FOREIGN AFFAIRS

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Reply of the Republic of Slovenia to the Questionnaire

I. LEGAL FRAMEWORK

International human rights instruments

1. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and the Rome Statute of the International Criminal Court, for instance, were included in the Act Amending the Penal Code of the Republic of Slovenia of 2004, and the existing provisions on criminal offences were expanded accordingly.

There is no case law on violence against children that would refer to international conventions; however a substantial amount of case law on custody of children or on child support refers to, directly quotes or uses the UN Convention on the Rights of the Child as a legal basis for the decisions taken by either the Supreme Court of the Republic of Slovenia or the Constitutional Court of the Republic of Slovenia. Slovenia applies other conventions accordingly, for instance the Hague Convention on the Civil Aspects of International Child Abduction.

Legal provisions on violence against children

2. According to provisions of the Constitution of the Republic of Slovenia, children enjoy special protection and care. They are also guaranteed special protection from economic, social, physical, mental or other exploitation and abuse.

Article 56 of the Constitution of the Republic of Slovenia of 1991 (with amendments adopted until 2004) states:

"(Rights of Children)

Children shall enjoy special protection and care. Children shall enjoy human rights and fundamental freedoms consistent with their age and maturity.

Children shall be guaranteed special protection from economic, social, physical, mental or other exploitation and abuse. Such protection shall be regulated by law.

Children and adolescents who are not cared for by their parents, who have no parents or who

are without proper family care shall enjoy the special protection of the state. Their position shall be regulated by law."

Violence against children is mostly subject of provisions of the Penal Code, applicable to all criminal offences, regardless of the personal characteristics of victims (age, sex, ...). Certain articles are devoted exclusively to the protection of children and adolescents; these articles define commercial, sexual, mental and physical violence:

- Chapter XIX – Criminal offences against sexual integrity: sexual assault on a person under 15 years of age – Article 183; exploitation through prostitution – Article 185, paragraph 2; presentation, manufacture, possession and distribution of pornographic material – Article 187;
- Chapter XXI – Criminal offences against marriage, family and youth: abduction of minors – Article 200; neglect and maltreatment of minors – Article 2001; incest – Article 204

Sexual assault on a person under fifteen years of age – Article 183

(1) Whoever has sexual intercourse or performs any lewd act with a person of the same or opposite sex under the age of fifteen years where there is a marked discrepancy between the maturity of the perpetrator and that of the victim shall be sentenced to imprisonment of between one and eight years.

(2) Whoever performs the act of paragraph 1 with a person under the age of ten or a defenceless person under the age of fifteen, or by using force or threatening with imminent attack on life or body shall be sentenced to imprisonment of not less than three years.

(3) A teacher, educator, guardian, adoptive parent, parent or any other person who, through the abuse of his/her position, has sexual intercourse or performs any lewd act with a person under the age of fifteen whom he/she is entrusted to teach, educate, protect or care for shall be sentenced to imprisonment of not less than one and not more than nine years.

(4) Whoever, under circumstances under paragraphs 1, 2 or 3, violates the sexual integrity of a person under fifteen years of age in any other way shall be sentenced to imprisonment of not more than five years.

Exploitation through prostitution – Article 185

(1) Whoever participates, for exploitative purposes, in the prostitution of another or instructs, obtains or encourages another to engage in prostitution with force, threats or deception shall be sentenced to imprisonment of between three months and five years.

(2) If an offence from the preceding paragraph is committed against a minor, against more than one person or within a criminal association, the perpetrator shall be sentenced to imprisonment of between one and ten years.

Presentation, manufacture, possession and distribution of pornographic material – Article 187

(1) Whoever sells, presents or publicly exhibits documents, pictures or audiovisual or other items of a pornographic nature to a person under 14 years of age, enables them to gain access to these in any other way or shows them a pornographic performance shall be issued a fine or sentenced to imprisonment of up to two years.

(2) Whoever abuses a minor in order to produce pictures or audiovisual or other items of a pornographic nature, or uses him/her in a pornographic performance, shall be sentenced to imprisonment of between six months and five years.

(3) Whoever produces, distributes, sells, imports or exports pornographic material depicting minors, supplies it in any other way, or possesses such material with the intention of producing, distributing, selling, importing, exporting or supplying it in any other way, shall be subject to the same sentence.

(4) If an offence from paragraphs 2 or 3 was committed within a criminal association for the commission of such criminal offences, the perpetrator shall be sentenced to imprisonment of between one and eight years.

(5) Pornographic material from paragraphs 2, 3 and 4 of this Article shall be seized or its use disabled in some other manner.

Abduction of Minors – Article 200

(1) Whoever unlawfully abducts a minor from his/her parent, adoptive parent, guardian, institution or from a person to whom the minor has been entrusted, or whoever detains a minor or prevents him/her from living with the person he/she is entitled to live with, or whoever malevolently prevents the implementation of an enforceable judgement referring to a minor shall be issued a fine or sentenced to imprisonment of not more than one year.

(2) In the event of a suspension of sentence, the court may place a proviso on the suspension by ordering the perpetrator to relinquish a minor to the rightful claimant or to make possible the implementation of an enforceable judgement referring to the minor.

(3) If the perpetrator under paragraph 1 of the present Article has relinquished a minor to the rightful claimant of his/her own free will and made possible the implementation of the enforceable judgement, his/her punishment may be remitted.

Neglect and Maltreatment of Minors – Article 201

(1) A parent, adoptive parent, guardian or other person who seriously breaches his/her obligation of support and education by neglecting a minor whom he/she is obliged to take care of shall be sentenced to imprisonment of not more than two years.

(2) A parent, adoptive parent, guardian or other person who forces a minor to work excessively or to perform work unsuitable to his/her age, or who out of greed inures a minor to begging or other conduct prejudicial to his/her proper development or who tortures him/her shall be sentenced to imprisonment of not more than three years.

Incest – Article 204

An adult who has sexual intercourse with an underage lineal relative or underage brother or sister shall be sentenced to imprisonment of not more than two years.

3. The Marriage and Family Relations Act (Uradni list SRS, no. 14/89 and Uradni list RS, nos. 64/01, 16/04) defines the best interest of the child in Article 5a, Paragraph 2. The Act states that parents act in the best interest of the child if they satisfy his/her material, emotional and psychosocial needs, whereby their actions are accepted and approved in their environment and demonstrate their care and responsibility towards the child, taking into consideration his/her personality and wishes.

The Marriage and Family Relations Act stipulates in Article 6 that the state always guarantees protection to children when their healthy development is threatened or when it is necessary for other interests of the child. If parents do not fulfil their duties deriving from their parental rights in the best interest of the child, their parental right is either limited by a measure taken by the competent social work centre (Articles 119 and 120 of the Marriage and Family Relations Act) or taken away.

The Marriage and Family Relations Act defines the measures for the protection of children in Article 119, which grants to social work centres general authorisation to take measures; the centre is obliged to take the measures necessary for education and protection of the child and for the protection of his/her property and other rights and interests.

A social work centre can also take a child away from his/her parents on the basis of Article 120 of the Marriage and Family Relations Act and place him/her with another person or institutions for the upbringing and protection, if his/her parents neglected his/her protection and upbringing or if this is in the best interest of the child for other reasons. This measure aims at the protection of the best interest of the child. It is therefore not necessary that the reasons deriving from the acting of parents include misconduct or default by parents if they failed to take appropriate care for the child's development. A child can be taken away from his/her parents even if his/her development is only threatened. It is not necessary that his/her development has already been negatively affected.

One of the measures for the protection of children is the placement of a child in an institution. The Marriage and Family Relations Act stipulates in Article 121 that a social work centre may place a child in an institution at its own initiative or in agreement with the child's parents if this is necessary due to the child's personality or behavioural disorder that substantially threatens the healthy development of his/her personality.

According to the Social Protection Act, social services are aimed at preventing social pressures and difficulties (social prevention) and they also include activities and assistance in self-care provided to individuals, families and population groups including children. They are provided by the state and municipalities. The Social Protection Act provides for the following services: first social aid (e.g. social assistance to children and young people, youth crisis centres); personal assistance; family assistance (psychosocial and/or social pedagogical assistance to families, multi-professional crisis teams for planning and monitoring the procedures and measures concerning the neglect and abuse of children, daytime care centres); institutional care, another family or another organised form of guidance and care. Among the forms of social assistance to abused, maltreated and neglected children, special mention should be made of youth crisis centres, which deal with threatened children and offer protection and personal assistance to children, adolescents and families, by providing a one-day care or assistance with the possibility of a short-term placement, counselling and by settling the conditions for their return to home environment (6 youth crisis centres have been established to date). 12 intervention agencies (operating within social work centres), which are to commence their work by the end of 2004, are also important. Each of the intervention agencies covers a certain region, which enables them to uninterruptedly offer assistance in cases of domestic violence, and to children in various stressful situations. Such interventions are also promoted at the state level by a public works project, within which the B&Z d.o.o. company and the Papilot institute carry out a project entitled "Psychosocial Assistance to

Victims of Criminal Offences" for the entire Slovenia. A considerable number of threatened children are included in this project.

The National Social Care Programme up to 2005 foresees the establishment of eight youth crisis centres in Slovenia. Each crisis centre will cover an area with approximately 250,000 inhabitants, which means that each will cover a region or several municipalities; in this way, the crisis centres will cover the entire territory of Slovenia.

Team work has become a common way of dealing with this issue. Expert teams have thus been set up at the majority of social work centres, which consist of various experts, who notice a threatened child in an early stage and elaborate, on the basis of collected information, a strategy for the protection of the child and for penalising the perpetrator. Criminal investigators specialised in investigating this type of criminal offences take part in these multidisciplinary teams as well. Their task is to plan and monitor the procedures and measures for establishing the neglect and abuse of a child and for enabling the child to lead a normal life.

The protection of the rights of the child has also been improved by the changed status of the child in civil procedure (amendment to the Civil Procedure Act) and the Penal Code (the extension of the period of limitation of criminal prosecution for criminal offences against children; increased sentence for criminal offences against sexual integrity the victims of which are children; incrimination of the distribution of child pornographic material). Article 39 of the amended Police Act (27 August 2003) allows for police officers to prohibit a person to come near or contact a certain place or person, if a reasonable suspicion exists that he/she has committed an offence with elements of violence or has been caught while committing such an offence, and if there is a reason to believe that he/she will threaten a life, personal security or freedom of the person with whom he/she used to have a close relationship. This prohibition also refers to harassment by means of communication. The Police can issue a prohibition of coming near or contacting a certain place or person for 48 hours, during which period the prohibition must be either confirmed or cancelled by the examining judge. If the prohibition is confirmed, it applies for 10 days.

A new **law on the domestic violence prevention is also being drafted**, which will comprehensively regulate issues in the area of violence, including the amending of laws, procedures and work with victims and perpetrators.

The protection of children in labour relations is regulated by the Employment Relationships Act, which regulates work of children under 15 years of age, apprentices, secondary school and university students in Chapter VII, "Special Provisions". The new Employment Relationships Act prohibits work of children under 15 years of age, and not only the conclusion of the employment contract (Article 214, paragraph 1 of the Employment Relationships Act). The Employment Relationships Act also enumerates the conditions and cases where the work of children under 15 years of age is exceptionally permitted (Article 214, paragraph 2 of the Employment Relationships Act):

- Participation against remuneration in the shooting of films, in preparation and performance of artistic, scene and other works in the area of cultural, artistic, sporting and advertising activities;
- A child between 13 and 15 years of age may also carry out light works in other activities, however, not longer than 30 days during school holidays in an individual calendar year and in the manner, to the extent and under the condition that the works, he/she will carry out, are not harmful to his/her safety, health, morals, education and development;

- The request for performing the work must in both cases be filed by the child's legal representative;
- The performing of work in both cases requires prior permission of the labour inspector.

Light work is defined in Article 3 of the Rules on the Protection of the Health of Children, Youth and Young Persons during Work. Light works which can under certain conditions be performed by a child who has reached 13 years of age are works the nature of which and the working conditions in which they are carried out:

- are not harmful to the safety, health and development of the child, and
- do not negatively affect the child's performance in school, his/her involvement in the programme of professional or vocational training approved by the competent authority, or on his/her capability to use the received education in a positive manner.

Article 214 of the Employment Relationships Act provides the legal basis for the work of apprentices, secondary-school and university students above 14 years of age, carried out within their practical education. In all these cases the Act guarantees the application of the protective norms regarding the working time, breaks, rest, and special protection of workers who have not yet reached 18 years of age, and of the provisions on the liability for damages. The Employment Relationships Act also regulates in considerable detail the protection of young workers.

4. Sexual exploitation of children is subject of Articles 183, 184, 185, paragraph 2, and 187 of the Penal Code of the Republic of Slovenia.

There are various types of punishment applying to violence against children, from fines or imprisonment of up to 2 years, prescribed for the basic commitment of the criminal offence of presenting, manufacturing, possessing or distributing pornographic material, to imprisonment of 15 years for some types of committing the criminal offence of a sexual assault on a person under 15 years of age.

The only provision of the Penal Code that defines family as the subject of an assault is contained in Article 299 – violent conduct.

Some articles define a special type of criminal offence if the perpetrator is a person to whom the child has been entrusted (guardian, adoptive parent, parent, teacher, educator, etc.): sexual assault on a person under 15 years of age – Article 183; violation of sexual integrity by abuse of position – Article 184; neglect and maltreatment of minors – Article 201.

Violent Conduct – Article 299

(1) Whoever insults another, or treats him badly or violently or endangers his/her safety, thereby provoking public indignation or fright, shall be sentenced to imprisonment of not more than two years.

(2) If the offence under the above paragraph has been committed by at least two persons, or has entailed the serious humiliation of several persons or actual bodily harm, the perpetrator(s) shall be sentenced to imprisonment of not more than three years.

5. Corporal punishment of children is not explicitly prohibited in the legal system of the Republic of Slovenia. If it "reaches" the criminal quality of criminal offences against life and

body (Articles 133-135 of the Penal Code of the Republic of Slovenia), it is punished as such. There **is no explicit prohibition of corporal punishment in the family legislation**. In the family legislation, parental rights are understood above all as the duties of parents. Parents enjoy freedom from interference by others, including the state, in their parental rights. This holds as long as the parents exercise their rights to the best interest of the child, otherwise the state is obliged and entitled to interfere in the parental rights and to ensure that they are exercised to the best interest of the child (guardianship, foster care, adoption, institutional care and other alternative forms of care). **Corporal punishment is prohibited in schools**. The School Inspectorate Act was passed in 1996 in order to protect the rights of schoolchildren. An inspector may order the suspension of an employee of a school or nursery school who was found to have been physically abusing children, and propose that misdemeanour proceedings be initiated against that person, or report that a crime has been committed. The law also provides for punishment of soliciting to sexual abuse or sexual intercourse with a child or participant in education. The **Regulations on the Rights and Duties of Primary and Secondary School Pupils** place emphasis on the progressive application of individual educational measures, and explicitly state that physical punishment is prohibited. **Corporal punishment is prohibited in the penal system**.

Article 201 of the Penal Code is relevant regarding the question of corporal punishment of children, including that in the family. Under the provision of this Article, neglect and maltreatment of minors is a criminal offence. A parent, adoptive parent, guardian or other person who seriously breaches his/her obligation of support and education by neglecting a minor whom he/she is obliged to take care of shall be sentenced to imprisonment of not more than two years. A parent, adoptive parent, guardian or other person who forces a minor to work excessively or to perform work unsuitable to his/her age, or who out of greed inures a minor to begging or other conduct prejudicial to his/her proper development or who tortures him/her shall be sentenced to imprisonment of not more than three years.

In the future drafting of a comprehensive family legislation within the measures for the protection of children, a proposal of explicit prohibition of corporal punishment of children within the family will also be taken in consideration. A law on the domestic violence prevention is also being drafted. Corporal punishment of children is not permitted in foster families in Slovenia. Pursuant to the Foster Care Act (Ur.l. RS, no. 110/2002), a person is only entrusted children in foster care after he/she obtains an authorisation for it. The Act stipulates that a foster parent who acts contrary to the best interest of the child (which the corporal punishment undoubtedly is) loses the authorisation at the initiative of the competent social work centre.

6. The Penal Code of the Republic of Slovenia permits neither the death penalty nor the corporal punishment.

Criminal sanctions may not be applied against minors who were younger than fourteen years (children) at the time the criminal offence was committed (Exclusion of Criminal Sanctions against Children – Article 71).

Against a minor who, at the time of committing the criminal offence had reached the age of fourteen but had not yet reached the age of sixteen, only educational measures may be applied (Criminal Sanctions against Juvenile Offenders – Article 72, and Types of Educational Measures – Article 74).

Educational measures, fine, juvenile detention and some of accessory sentences and safety measures may be imposed against a minor who at the time of committing the criminal offence had reached the age of sixteen but had not yet reached the age of eighteen (Criminal Sanctions against Juvenile Offenders – Article 72).

Exclusion of Criminal Sanctions against Children – Article 71

Criminal sanctions shall not be applied against youths under the age of fourteen (children) at the time the criminal offence was committed.

Criminal Sanctions against Juvenile Offenders – Article 72

(1) Against a juvenile offender who, at the time of committing the criminal offence had reached the age of fourteen but had not yet reached the age of sixteen (minor), only educational measures may be applied.

(2) Under conditions laid down in the present Code, educational measures may be applied against a juvenile offender who by the time of committing the criminal offence had reached the age of sixteen but had not yet reached the age of eighteen (young adult).

(3) In exceptional cases, a fine or juvenile detention may be imposed on a young adult who is found criminally liable; in addition to this, the revoking of a driving licence and banishment from the country may be passed as accessory sentences.

(4) In the event of an educational measure, fine or juvenile detention being imposed on a juvenile offender, all safety measures, except the bar from performing an occupation, may also be administered.

Types of Educational Measures – Article 74

(1) Educational measures shall include;

- 1) reprimands;
- 2) instructions and prohibitions;
- 3) supervision by the social services;
- 4) committal to an educational institution;
- 5) committal to a juvenile detention centre;
- 6) committal to an institution for physically or mentally handicapped youth.

(2) Reprimands, instructions and prohibitions or supervision by the social services shall be administered by the court to a juvenile offender when his/her attention needs to be drawn to the impropriety of his/her behaviour and when his/her education, reform and proper development in his/her former environment need to be ensured through measures lasting a shorter time and involving appropriate professional guardianship.

(3) Committal to an educational institution, to a juvenile detention centre or to an institution for physically or mentally handicapped youth (institutional measures) shall be administered by the court to juvenile offenders who need to undergo educational, reform or institutional measures of a longer duration and who need to be wholly or partly separated from their former environment. Institutional measures shall be applied only when the purposes of educational measures cannot otherwise be achieved. The implementation of such measures may be ordered within the limits prescribed by the statute and may continue only as long as is necessary for the purposes of educational measures to be achieved.

7. Article 45 of the Employment Relationships Act defines the protection of worker's dignity at work. Pursuant to this Article, the employer is obliged to provide such a working

environment in which none of the workers is subject to any undesired treatment of sexual nature.

Sexual harassment is addressed in Chapter XIX of the Penal Code, which defines criminal offences against sexual integrity (Article 180 – Rape, Article 181 – Sexual Violence, Article 182 – Sexual Abuse of Defenceless Person, Article 183 – Sexual Assault on a Person under 15 Years of Age, Article 184 – Violation of Sexual Integrity by Abuse of Position).

8. Harmful practices like genital mutilation and others would be punished as criminal offences against life and body (Articles 133-135 of the Penal Code of the Republic of Slovenia), honour crimes would be punished as ordinary criminal offences, with a possibility of a harsher punishment of the imprisonment of up to thirty years in a case of murder (Article 127, paragraph 2, subparagraph 2 of the Penal Code of the Republic of Slovenia – other base motives). Child marriage as such would not be punished, since children that have attained 15 years of age can be officially married, provided that certain requirements are fulfilled. However, a person of age (18 years or more) who would have an illegal marriage with a child (below 15 years), would, in case of a sexual intercourse, be punished for sexual assault on a person under 15 years of age, of course only if there was an obvious disproportionality in the maturity between the perpetrator and the victim (Article 183 of the Penal Code of the Republic of Slovenia).

There are individual cases of forcing children into marriage or of selling children for marriage and arranged marriages. Such cases have been noticed among of the Albanian and Romany populations.

9. There are no special statutory provisions in this area. Pursuant to the Asylum Act, an unaccompanied minor who has applied for asylum must be appointed a legal representative by the Republic of Slovenia prior to the beginning of the procedure. Article 28 of the Asylum Act stipulates that a legal guardian must be appointed to an unaccompanied minor who has applied for asylum before the start of the asylum procedure. While examining an asylum application filed by an unaccompanied minor, the competent authority must, in cooperation with the minor's legal guardian, take into account the level of minor's mental maturity. Each unaccompanied minor, and of course other persons applying for asylum, have guaranteed basic care, accommodation, basic health care, financial assistance or allowance, free legal assistance in the implementation of their rights, and humanitarian aid, while school-age children also have the right to free elementary schooling. As agreed by the relevant social work centres and the Asylum Centre, the role of the guardian in a special case has been given to the NGO Slovenian Philanthropy.

The Aliens Act, as amended in 2002, stipulates in Article 60 that a social work centre must immediately designate a temporary representative to a minor who has entered the Republic of Slovenia illegally and who was not accompanied by his/her parents or other legal representatives or who remained without the persons who accompanied him/her after the arrival in Slovenia and cannot be immediately returned to the country from which he/she came or to the country of his/her citizenship. This ensures the protection of rights of a minor who has come to the Republic of Slovenia unaccompanied and illegally, since the tasks of the legal representative include the care for the interests of a person to which he/she is appointed. The legal representatives have in the recent period been appointed to such minors by an agreement concluded between the relevant social work centre, Aliens Centre and the NGO Slovene Philanthropy. The Rules on the Methods and Conditions of Ensuring Rights to

Asylum Seekers and Aliens were adopted in 2000; they regulate in greater detail the conditions and methods of ensuring rights to asylum seekers and aliens.

10. Penal legislation does not distinguish between victims and/or perpetrators according to their sex or sexual orientation.

Some articles define qualified forms of the commitment of criminal offences if the victim is a child: sexual assault on a person under 15 years of age – Article 183; exploitation through prostitution – Article 185, paragraph 2; presentation, production, possession and distribution of pornographic material – Article 187; abduction of minors – Article 200; neglect and maltreatment of minors – Article 201.

Some provisions of the Penal Code define as a special type of criminal offences the cases in which there is a special relationship between the victim and the perpetrator (guardian, adoptive parent, parent, teacher, educator, etc.): sexual assault on a person under 15 years of age – Article 183; violation of sexual integrity by abuse of position – Article 184; neglect and maltreatment of minors – Article 201; and infanticide – Article 130. Other articles of the Penal Code do not contain special provisions for such cases.

Infanticide – Article 130

A mother who takes her child's life during or immediately after giving birth by reason of mental disturbance provoked by the giving birth shall be sentenced to imprisonment of not more than three years.

11. The second report on the measures adopted for the implementation of the Convention on the Rights of the Child in the Republic of Slovenia and its amendments.

12. The Criminology Institute with the Faculty of Law in Ljubljana carried out numerous projects in the field of criminology in 2000, 2001 and 2002, including: the analysis of police procedures in the Republic of Slovenia; analyses and trends of the international crime victim surveys; normativeness and normalisation of violence: analysis of violence against people with motor, sensory and intellectual disabilities, with special emphasis on experiences of sexual abuse; mental maltreatment of children and youth during education and socialisation; the position and role of victims in the contemporary Slovenian society; guidelines for the modernisation of the criminal procedure. A research project “**Sex and Criminal Law**” which was carried out in 1997 by the Institute of Criminology at the Faculty of Law explores different relationships between sex and violence. In the second part, three groups of issues are dealt with: prostitution, pornography and sexual violence. The problem of rapes is particularly highlighted, as well as the question of sexual abuse of children. The research project “**Victims, Victimization and Victimological Perspective**” of 2001 highlights different aspects of victimisation in contemporary society. Special attention was devoted to personal victimisation, victimisation of women, and victimisation in the family (or family as a victimiser).

Courts tasked with addressing violence against children

13. District courts (higher courts of the first instance) would usually have jurisdiction in case of violent criminal offences against children. There are no specialised family or juvenile courts yet, but there are specialised juvenile departments at district courts.

Minimum age for sexual activity

14. A person of age (18 years or more) that would have sexual intercourse with a child (**under 15 years**), would be punished for a sexual assault on a person younger than 15 years, however only if there is an obvious disproportionality in the maturity between the perpetrator and the victim (Article 183 of the Penal Code of the Republic of Slovenia). The age limit (age of consent) is 15 years with the additional condition of the aforementioned disproportionality (like in the Republic of Finland) and there is no discrimination regarding the age of consent between boys and girls or heterosexual and homosexual acts (since 1977).

15. The right to enter into a marriage is recognised for men and women who have reached 18 years of age (Article 18 of the Marriage and Family Relations Act). A social work centre can also allow a marriage of a younger person if it is well grounded. Prior to allowing a minor to enter into a marriage, the social work centre must hear the minor, the person with whom he/she intends to enter into a marriage, and the parents or a guardian of the minor.

Sexual exploitation of children

16. The Penal Code contains provisions relating to the prevention of sexual exploitation of children in the following articles: sexual assault on a person under 15 years of age – Article 183; violation of sexual integrity by abuse of position – Article 184; exploitation through prostitution – Article 185; presentation, manufacture, possession and distribution of pornographic material – Article 187. The Slovenian legislation considers as responsible for the above acts exclusively the perpetrators, and never the victims, i.e. children.

Article 387a of the Penal Code of the Republic of Slovenia prohibits trafficking in persons; paragraph 2 of this Article defines trafficking in minors as a more serious form of the criminal offence.

Trafficking in persons – Article 387a

(1) Whoever purchases another person, takes possession of them, accommodates them, transports them, sells them, delivers them or uses them in any other way, or acts as a broker in such operations, for the purpose of prostitution or another form of sexual exploitation, forced labour, enslavement, service or trafficking in organs, human tissue or blood shall be given a prison sentence of between one and ten years.

(2) If an offence from the preceding paragraph was committed against a minor or with force, threats, deception, kidnapping or abuse of a subordinate or dependent position, or in order to force a victim to become pregnant or be artificially inseminated, shall be given a prison sentence of at least three years.

(3) Whoever carries out an offence from paragraphs 1 or 2 of this Article as a member of a criminal association for the commission of such offences, or if a large pecuniary benefit was gained through commission of the offence, the perpetrator shall be subject to the same punishment as specified in the preceding paragraph.

Pornography and harmful information

17. Showing pornographic materials to a person under 14 years of age is a criminal offence from Article 187, paragraph 1 of the Penal Code, while paragraph 2 of the same Article proscribes and penalises the use of minors (persons under 18 years of age) for the making of pornographic materials.

The Police does not yet regularly check whether there are any cases of the distribution of *child pornographic material* via internet.

18. Individual provisions concerning the protection of children from pornographic contents are also contained in the Public Media Act, which sets the conditions and limitations relating to the broadcast and presentation of such contents.

In 2004 the Police issued a booklet, which, among other information, also contains recommendations for the safe use of internet intended for teachers and parents.

Reporting obligations relating to violence against children

19. Pursuant to the Criminal Procedure Act, all state authorities and organisations having public authority are bound to report criminal offences liable to public prosecution (Article 145).

The Penal Code stipulates in Article 286 that an official who knowingly fails to submit a report of a criminal offence of which he/she comes to know during the performance of his/her official duties and for which the punishment of more than three years' imprisonment is prescribed under the statute is to be sentenced to imprisonment of not more than three years.

No punishment is imposed on whoever fails to submit information about a crime provided that they are the spouse, extra-marital partner, lineal relative, brother, sister, adoptive parent, adopted child, defence counsel, doctor or confessor of the perpetrator.

20. Victims under 18 years of age by crime scenes in 2002

Age of children	VICTIMS			
	0 to 14		14 to 18	
	MALE	FEMALE	MALE	FEMALE
Secondary school and university student dormitory or residence hall for singles	12	1	62	26
Apartment in an apartment building	77	79	121	86
House in a settlement	188	181	163	177
House outside of a settlement	19	22	19	5
Bus or railway station	4	2	75	20
Road outside of a settlement	16	2	95	38
Road, street in a settlement	41	27	217	86
Elementary School	75	64	77	62
Vocational or secondary school	3	2	230	173
Kindergarten	4	9		
Sport facility	33	16	169	96

Restaurant, bar or similar	3	4	104	181
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Source: General Police Directorate

21. Criminal offences against sexual integrity and violence and maltreatment are prosecuted *ex officio*; this means that any person can report a criminal offence, which the police must investigate and inform the state prosecutor accordingly.

Article 65 of the Criminal Procedure Act stipulates that a minor victim in a criminal procedure carried out for criminal offences against sexual integrity and violence must have a representative, i.e. an attorney, who takes care for the minor's rights throughout the procedure, particularly with regard to the protection of the minor's integrity during the hearing before the court and in pursuing damages claim. A minor who does not have a representative is assigned a representative *ex officio* by the court from among lawyers.

22. Broad public actions have been organised, informing people about the detrimental consequences affecting victims of criminal offences, and about the rights and possibilities that they have in police and criminal procedures. People (including children) are furthermore taught in various preventive programmes that violence is punishable and that it can only be stopped by concrete actions.

Complaint procedures

23. In accordance with Article 240, paragraph 4 of the Criminal Procedure Act of the Republic of Slovenia, the child has to be questioned/examined in criminal proceedings with a special care; if needed, he/she can also be questioned by an intermediary (a pedagogue or another appropriate expert).

Some special measures in criminal procedures for criminal offences of violence against children:

Art.65/3, Criminal Procedure Act

In criminal procedures which take place due to criminal offences against sexual integrity from Chapter XIX of the Penal Code of the Republic of Slovenia, with the exception of acts under Articles 185 to 187 and the criminal offence of neglect and maltreatment of minors under Article 201 of the Penal Code of the Republic of Slovenia, the minor injured party must from the initiation of the criminal procedure onwards have an authorised person to care for their rights, particularly in connection with their integrity during the hearing before the court and during the pursuing of damages claims. Minor injured parties who have no authorised person shall be assigned an authorised person from among lawyers by the court *ex officio*.

Art. 240/4, Criminal Procedure Act

A person under age, especially if that person has suffered damage from the criminal offence at issue, should be examined considerately to avoid producing harmful effect on his/her state of mind. If necessary, a pedagogue or some other expert should be called to assist in the examination of a minor.

Direct questioning of persons under 15 years of age who are victims of criminal offences from Article 65, paragraph 3 hereof shall not be permitted in the main hearing. In such instances, the court shall be obliged to decide that the records of previous questioning of such persons be read.

24. Punishment of perpetrators is the usual outcome.

25. Usual outcome is perpetrator's rehabilitation, exceptionally imprisonment.

II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

26. Dealing with violence against children is the responsibility of social work centres, police and justice at the local level, and of the competent ministers at the national level.

A coordinating body established at the national level is also the Council for the Prevention of Violence against Women, a consultative body of the Ministry of Labour, Family and Social Affairs. It is composed of representatives from the competent ministries and NGOs. The aim of the Council's activities is to comprehensively deal with family violence, review current situations and initiate systemic endeavours towards regulating this area.

Another body established within the Ministry of Labour, Family and Social Affairs is the Council for Children, which, too, is a consultative body of the Ministry. The Council for Children performs the following tasks:

- protection of the child's interests;
- analysing and monitoring the situation of children;
- establishing links between institutions taking care of children in common endeavours towards improving the situation of children;
- examination of expert materials and provision of guidelines for the formulation of laws concerning the situation of children, monitoring the implementation of the relevant laws and proposing amendments to them;
- formulation of the national programme for children;
- efficient monitoring of the situation of the most vulnerable groups of children and of children with special needs;
- apprising the public of the situation of children and proposing guidelines for its regulation.

The minister competent for education, appointed a commission in 2003, tasked with analysing the violence issues in Slovenian schools. The Commission's tasks include the formulation of expert guidelines for acting in the event of violence in schools; the formulation of expert guidelines for placing the issues relating to the prevention of violence in inter-curricula themes and activities; proposing permanent professional training for teachers in this area and the formulation of relevant expert materials; proposing research and scientific work in this field; and other activities linked to the problems of violence in Slovenian schools. In May 2004, the Commission adopted a document entitled Guidelines for Analysing, Preventing and Suppressing Violence in Schools. This document includes the

definition of violence, identified good practice cases, and principles and guidelines for further work.

There are also some multidisciplinary bodies combating the trafficking in persons and dealing with family violence, which are composed of representatives of various institution.

By its decision no. 240-05/2003 of 18 December 2003, the Government of the Republic of Slovenia appointed the **Interministerial Group on the Fight Against Trafficking in Human Beings** (hereinafter the IWG) composed of representatives of ministries, governmental bodies and NGOs. The IWG drew up the *Action Plan on Trafficking in Human Beings 2004-2006*, defining the key counter-trafficking activities to be implemented in Slovenia in the next two years. Further, the Action Plan has served as a basis for upgrading the activities of governmental bodies and NGOs, which had been presented in the 2002 and 2003 IWG reports. Among the activities and projects are also those related to children (prevention, i.e. awareness raising and research activity, assistance to and protection of trafficked victims, training and international cooperation). The Government of the Republic of Slovenia will allocate 421,000 euros for the implementation of the Action Plan.

32. Human Rights Ombudsman has competences in the field of violence against children. The Office of the Human Rights Ombudsman got three new employees in 2002, who deal with initiatives concerning the violations of the rights of children and adolescents. These initiatives cover three areas: sexual violence, problem of contacts between children and their parents and social security, and schools and kindergartens.

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

35. Special support in physical and psychological recovery of children from the abuse and neglect is also provided by NGOs, such as SOS phones for children, women and victims of violence, KLJUČ NGO, Ema Institute and Tika taka Society. An important preventive role is also played by, for instance, societies against sexual abuse of children – the Society against Sexual Abuse – which, in addition to the well-developed network of other institutions, offer an informative and educational support to experts and the public in the area of abuse of children.

36. In 2002, the Department for the Family of the Ministry of Labour, Family and Social Affairs issued the first call for applications for the co-financing of programmes for the prevention of family violence. Ten such programmes were co-financed, two of which relate to sexual abuse, while the programme selected from among the preventive programmes intended for the vulnerable groups of children and the youth aims at the prevention of sexual abuse of children. NGOs that had applied with this programme also carry out therapeutic programmes for victims of sexual abuse (CAP, Society for the Prevention of Sexual Abuse, Ključ, etc.).

A number of organisations currently operate in Slovenia, where distressed women with children can seek help: shelters, homes for mothers and related organisations.

Shelters (safe houses, shelters, crisis centres) are intended for women and children, victims of all forms of violence, who need immediate withdrawal to a safe environment. They can stay in shelters for a period of between 3 months to a maximum of one year, and in crisis centres for two days. Homes for mothers are meant for pregnant women and women with babies in the post-natal period and mothers with young children, who are in social and/or economic

distress; victims of various forms of violence have recently begun to seek shelter in homes for mothers very frequently as well. The usual duration of the stay is one year, but can be prolonged to a maximum of two years. There are also related organisations, which supplement the activities of homes for mothers and shelters. Among them are centres for helping victims of all types of crimes, which provide guidance and direct victims to suitable organisations for assistance, support and advocacy. In the National Social Protection Programme by 2005, 250 places for mothers and children in homes for mothers and shelters are planned to be provided by 2005. Their expert activities are coordinated by the Social Chamber of Slovenia.

In 2003, the Ministry of Labour, Family and Social Affairs allocated SIT 39,343,215.00 for homes for mothers and children, shelters for mothers and children and other professional programmes in cases of violence in the family.

A project of establishing shelters for threatened children is also underway in cooperation with NGOs.

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

38. A special Children's Parliament sessions (children between 14-16 years of age) is held every year or every second year by the Association of Friends of Youth of Slovenia. During the session, the children present their ideas to the Government or to the National Assembly of the Republic of Slovenia (the Parliament). The topic of the thirteenth children's parliament was "Childhood without Violence and Abuse".

V. POLICIES AND PROGRAMMES ADDRESSING VIOLENCE AGAINST CHILDREN

41. In 1998, the Ministry of Labour, Family and Social Affairs drew up guidelines for the work with threatened children. They are intended for the coordination of the activities, protection of threatened children (physical and mental violence, injuries and abuse, neglect or maltreatment, torture or exploitation, including sexual abuse) and their rehabilitation, carried out by various governmental and non-governmental organisations. The guidelines for the work with threatened children contain specific solutions and proposals for dealing with threatened children, procedure for the protection of threatened children and the administrative proceeding in case of a threatened child. They also establish a systemic and organisational system of dealing with threatened children. The content of the work with a victim, family and perpetrators, however, is a subject of the established methodology and various theoretical procedures highlighting the contents, method and functions of the expert work in such cases. The guidelines have not yet fully come to life in practice.

A national programme for children is being drafted.

49. No.

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

51. Data and analyses in this field

- Information provided by the General Police Directorate of the Republic of Slovenia

- Information provided by the General Police Directorate of the Republic of Slovenia

Year	Number of reported cases ²			
	2000	2001	2002	2003
Article 127 of the PC ³	0	0	1	3
Article 129 of the PC ⁴	0	3	2	1
Article 130 of the PC ⁵	1	0	0	0

Source: General Police Directorate

- Social work centres start collecting information about threatened children as soon as any suspicion about the child being threatened arises. Information is collected and published by the Statistical Office of the Republic of Slovenia and the Social Protection Institute of the Republic of Slovenia.

Children and adolescents dealt with by the social work centres

	2001	2002
Neglected children and adolescents (under 18 years of age)	226	253
Maltreated children and adolescents (under 18 years of age)	58	78
Suspicion of sexual abuse of children and adolescents	50	62

Source: Information provided by social work centres/Statistical Office of the Republic of Slovenia

Incomplete data

Children and adolescents dealt with by social work centres within the treatment of the family.

	2001	2002
Neglected children and adolescents (under 18 years of age)	330	418
Maltreated children and adolescents (under 18 years of age)	131	207
Suspicion of sexual abuse of children and adolescents	104	142

Source: Information provided by social work centres/Statistical Office of the Republic of Slovenia

52. Police records contain information by the types of criminal offences; there is no special database for violence against children, except for criminal offences, victims of which are exclusively children. An exact number of reported cases of violence against children can therefore not be given.

² Criminal complaint against known perpetrators, submitted to the competent state attorney offices

³ Murder

⁴ Negligent homicide

⁵ Infanticide

The total number of children victims of criminal offences, regardless of the type, including criminal offences against property, life and body and sexual integrity:

Year	2000	2001	2002	2003
No. of victims under 18 years of age	3420	4175	4075	4205

Source: General Police Directorate

	<i>Number of reported cases</i>			
Year	2000	2001	2002	2003
Article 183 ¹ of the PC	149	221	239	209
Article 184 ² of the PC	12	11	21	8
Article 185 ³ of the PC	1	4	0	1
Article 187 ⁴ of the PC	12	13	9	16
Chapter XXI ⁵ of the PC	233	272	389	743
Article 201 ⁶ of the PC	143	174	225	252
Article 204 ⁷ of the PC	1	0	0	0

Source: General Police Directorate

VII. AWARENESS, ADVOCACY AND TRAINING

54. In October 2003, the Police organised one-day consultations on school violence for the general public, particularly for teachers, social workers, prosecutors and judges, representatives of NGOs, police officers, the media, and parents. A compilation of contributions was also published.

The Police also organised one-day consultations on family violence in 2000, which was open to everybody interested. The most of the participants were police officers, social workers, prosecutors and judges, representatives of NGOs; the media were also present.

Public roundtables on juvenile crimes, violence against children and family violence are also organised every year by individual police directorates: Maribor Police Directorate organised a one-day conference on juvenile crimes (violence of and against children) in 2003 and 2004, Slovenj Gradec Police Directorate organised a roundtable on violence against children in 2002, Murska Sobota Police Directorate organised a roundtable on domestic violence against children in 2002.

¹ Sexual assault on a person under 15 years of age

² Violation of sexual integrity by abuse of position

³ Exploitation through prostitution

⁴ Presentation, manufacture, possession and distribution of pornographic material

⁵ Criminal offences against marriage, family and youth

⁶ Neglect and maltreatment of minors

⁷ Incest

The Office for Equal Opportunities has carried out various awareness raising activities in the area of violence against women, such as consultative meetings and campaigns, (co)financed projects of NGOs, etc. The aim of the project »Against Violence against Women«, which was carried out from 8 March 1999 to 8 March 2000, was to raise the awareness among the public on violence against women and children, through pamphlets, round tables, posters, web-pages, demonstrations, series of radio broadcasts, television advertisement, regional seminars and leaflets.

All media (newspapers, magazines, radio, television) have reported on the topic, journalists attend press conferences that are regularly given on such events and professionally report about them.

56.

	Prevention	Protection	Redress	Rehabilitation	Penalties
police	Yes	yes	Yes		yes

The Police regularly organises training and specialisation for police officers (Uniformed Police and Criminal Investigation Police) on the domestic violence and violence against children. Several-day training is provided twice per year for criminal investigators, in which special emphasis is placed on preventing, detecting and proving criminal offences of violence against children. The training is given by experts from among police offices and experts in the fields of justice, social affairs and health. The training is frequently provided with the assistance of experts from NGOs and foreign experts (from foreign police forces and NGOs). Police officers also attend seminars organised by other institutions; two-day seminars for criminal investigators, prosecutors and judges active in the area of juvenile crimes and criminal offences against children are also organised every year by the Police and the prosecutor's office.

In September 2004, the Ministry of Labour, Family and Social Affairs organised four two-day trainings for social workers from social work centres.