**Questionnaire on criminalization and prosecution of rape**

 Definition and scope of criminal law provisions

1. Please provide information on criminal law provision/s on rape (or analogous forms of serious sexual violence for those jurisdictions that do not have a rape classification) by providing full translated transcripts of the relevant articles of the Criminal code and the Criminal procedure code.

Below you can find unofficial translation of provisions of Criminal Code for Criminal Offences against Sexual Integrity.

 {0>Devetnajsto poglavje<}0{>Chapter Nineteen<0}

{0>KAZNIVA DEJANJA ZOPER SPOLNO NEDOTAKLJIVOST<}60{>CRIMINAL OFFENCES AGAINST SEXUAL INTEGRITY<0}

**Rape**

**Article 170**

{0>(1) Kdor prisili osebo drugega ali istega spola k spolnemu občevanju ali z njim izenačenim spolnim ravnanjem, tako da uporabi silo ali zagrozi z neposrednim napadom na življenje in telo, se kaznuje z zaporom od enega do desetih let.<}0{>(1) Whoever compels a person of the opposite or same sex to submit to sexual intercourse or to sexual conduct equal to sexual intercourse by the use of force or by the threat of imminent attack on life or body, shall be punished by imprisonment of one up to ten years.<0}

{0>(2) Če je dejanje iz prejšnjega odstavka storjeno grozovito ali posebno poniževalno ali če je dejanje storilo več oseb zaporedoma ali nad obsojenci ali drugimi osebami, ki jim je vzeta prostost, se storilec kaznuje z zaporom od treh do petnajstih let.<}0{>(2) If the offence under the preceding paragraph has been committed in a cruel or especially humiliating manner or successively by several perpetrators or against convicted persons or other persons who are deprived of liberty, the perpetrator shall be punished by imprisonment of three up to fifteen years.<0}

{0>(3) Kdor prisili osebo drugega ali istega spola k spolnemu občevanju ali z njim izenačenem spolnemu ravnanju, tako da ji zagrozi, da bo o njej ali njenih bližnjih odkril, kar bi škodovalo njeni ali njihovi časti ali dobremu imenu, ali da bo njej ali njenim bližnjim povzročil veliko premoženjsko škodo, se kaznuje z zaporom od šestih mesecev do petih let.<}0{>(3) Whoever compels a person of the opposite or same sex to submit to sexual intercourse or to sexual conduct equal to sexual intercourse by threatening him/her with disclosure of any matter concerning him/her or his/her close persons which shall damage his/her or their honour or reputation or to cause him/her or his/her close persons large property damage, shall be punished by imprisonment of six months up to five years.<0}

{0>(4) Če sta bili dejanji iz prvega ali tretjega odstavka tega člena storjeni proti osebi, s katero storilec živi v zakonski, zunajzakonski skupnosti ali registrirani istospolni skupnosti, se pregon začne na predlog.<}0{>(4) If offences under paragraphs 1 or 3 of this Article have been committed against a spouse or an extra-marital partner or partner of a registered same-sex partnership, the prosecution shall be initiated by a motion.

{0>Spolno nasilje<}0{>Sexual Violence<0}

{0>Člen 171<}100{>Article 171<0}

 {0>(1) Kdor uporabi silo ali zagrozi osebi drugega ali istega spola z neposrednim napadom na življenje ali telo in jo tako prisili, da stori ali trpi kakšno spolno dejanje, ki ni zajeto v prejšnjem členu, se kaznuje z zaporom od šestih mesecev do desetih let.<}0{>(1) Whoever uses force or threatens a person of the same or opposite sex with imminent attack on life or limb thereby compelling that person to submit to any lewd act not covered by the preceding Article or to perform such an act shall be sentenced to imprisonment for not less than six months and not more than ten years.<0}

 {0>(2) Če je dejanje iz prejšnjega odstavka storjeno grozovito ali posebno poniževalno ali če je dejanje storilo več oseb zaporedoma ali nad obsojenci ali drugimi osebami, ki jim je vzeta prostost, se kaznuje z zaporom od treh do petnajstih let.<}98{>(2) If the offence under the preceding paragraph has been committed in a cruel or extremely humiliating manner or successively by several perpetrators or against offenders serving sentence or other persons whose personal freedom was taken away, the perpetrator(s) shall be sentenced to imprisonment for not less than three and not more than fifteen years.<0}

 {0>(3) Kdor osebo drugega ali istega spola prisili, da stori ali trpi kakšno spolno dejanje iz prvega odstavka tega člena, tako da ji zagrozi, da bo o njej ali njenih bližnjih odkril, kar bi škodovalo njeni ali njihovi časti ali dobremu imenu, ali da bo njej ali njenim bližnjim povzročil veliko premoženjsko škodo, se kaznuje z zaporom do petih let.<}80{>(3) Whoever compels a person of the same or opposite sex to perform or submit to any lewd act by threatening him/her with a large loss of property to him/her or to his/her relatives or with the disclosure of any matter concerning him/her or his/her relatives which is capable of damaging his/her or his/her relatives' honour and reputation shall be sentenced to imprisonment for not more than five years.<0}

 {0>(4) Če sta bili dejanji iz prvega ali tretjega odstavka tega člena storjeni proti osebi, s katero storilec ali storilka živi v zakonski, zunajzakonski skupnosti ali registrirani istospolni partnerski skupnosti, se pregon začne na predlog.<}94{>(4) If offences under paragraphs 1 or 3 of this Article have been committed against a spouse or an extra-marital partner or partner of a registered same-sex civil partnership, the prosecution shall be initiated upon a complaint.<0}

{0>Spolna zloraba slabotne osebe<}0{>Sexual Abuse of Defenceless Person<0}

{0>Člen 172<}100{>Article 172<0}

 {0>(1) Kdor spolno občuje ali stori kakšno drugo spolno dejanje z osebo drugega ali istega spola, tako da zlorabi njeno duševno bolezen, začasno duševno motnjo, hujšo duševno zaostalost, slabost ali kakšno drugačno stanje, zaradi katerega se ne more upirati, se kaznuje z zaporom od enega do osmih let.<}0{>(1) Whoever has sexual intercourse or performs any lewd act with a person of the same or opposite sex by abusing the fact of his/her mental disease, temporary or graver mental disorder or sickness or any other state, owing to which that person is not capable of resisting, shall be sentenced to imprisonment for not less than one and not more than eight years.<0}

 {0>(2) Kdor v okoliščinah iz prejšnjega odstavka kako drugače prizadene spolno nedotakljivost slabotne osebe, se kaznuje z zaporom do petih let.<}55{>(2) Whoever, under circumstances under the preceding paragraph, violates the sexual integrity of another person in any other way shall be sentenced to imprisonment for not more than five years.<0}

{0>Spolni napad na osebo, mlajšo od petnajst let<}0{>Sexual Assault on a Person Below Fifteen Years of Age<0}

{0>Člen 173<}100{>Article 173<0}

 {0>(1) Kdor spolno občuje ali stori kakšno drugo spolno dejanje z osebo drugega ali istega spola, ki še ni stara petnajst let, se kaznuje z zaporom od treh do osmih let.<}0{>(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 shall be sentenced to imprisonment for not less than three and not more than eight years.<0}

 {0>(2) Kdor stori dejanje iz prejšnjega odstavka s slabotno osebo, ki še ni stara petnajst let, ali tako, da uporabi silo ali zagrozi z neposrednim napadom na življenje ali telo, se kaznuje z zaporom od petih do petnajstih let.<}63{>(2) Whoever commits the offence under the preceding paragraph against the defenceless person under the age of fifteen or by threatening him/her with imminent attack on life or limb or, by acting in this way, commits the aforementioned offence against another person, shall be sentenced to imprisonment for not less than five and not more than fifteen years.<0}

 {0>(3) Učitelj, vzgojitelj, skrbnik, posvojitelj, roditelj, duhovnik, zdravnik ali druga oseba, ki z zlorabo svojega položaja spolno občuje ali stori kakšno drugo spolno dejanje z osebo, ki še ni stara petnajst let in mu je zaupana v učenje, vzgojo, varstvo ali oskrbo, se kaznuje z zaporom od treh do desetih let.<}0{>(3) A teacher, educator, guardian, adoptive parent, parent, priest, doctor or any other person who through the abuse of his position has sexual intercourse or performs any lewd act with a person under the age of fifteen and whom he is entrusted to teach, educate, give medical treatment, protect or care for shall be sentenced to imprisonment for not less than three and not more than ten years.<0}

 {0>(4) Kdor v okoliščinah iz prvega, drugega in tretjega odstavka tega člena kako drugače prizadene spolno nedotakljivost osebe, ki še ni stara petnajst let, se kaznuje z zaporom do petih let.<}63{>(4) Whoever, under circumstances under paragraphs 1, 2 or 3 of this Article, violates the sexual integrity of the person under the age of fifteen years shall be sentenced to imprisonment for not more than five years.<0}

"(5) The act referred to in paragraph 1 of this Article shall not be illegal if it is committed with a person of comparable age and if it corresponds to the mental and physical maturity of this person

Article 173a

 (1) Whoever proposes, by using information and communication technologies, a meeting to a person under fifteen years of age for the purpose of committing a criminal offence referred to in paragraph 1 of Article 173 or producing pictures or audiovisual or other items of a pornographic or other sexual nature, and where this proposal has been followed by material acts leading to such a meeting, shall be sentenced to up to one year in prison.

 (2) The act referred to in the preceding paragraph shall not be illegal if it is committed for the purposes of committing the act referred to in paragraph 1 of Article 173 and under conditions referred to in paragraph 5 of Article 173 of this Code."

{0>Kršitev spolne nedotakljivost z zlorabo položaja<}0{>Violation of Sexual Integrity by Abuse of Position<0}

{0>Člen 174<}100{>Article 174<0}

 {0>(1) Kdor zlorabi svoj položaj in tako pripravi osebo drugega ali istega spola, ki mu je podrejena ali od njega odvisna, k spolnemu občevanju, ali da stori oziroma trpi kakšno drugo spolno dejanje, se kaznuje z zaporom do petih let.<}0{>(1) Whoever, by abusing his position, induces his subordinate or a person of the same or different sex who depends on him to have sexual intercourse with him or to perform or submit to any lewd act shall be sentenced to imprisonment for not more than five years.<0}

 {0>(2) Učitelj, vzgojitelj, skrbnik, posvojitelj, roditelj ali druga oseba, ki z zlorabo svojega položaja spolno občuje ali stori kakšno drugo spolno dejanje z osebo, staro nad petnajst let, ki mu je zaupana v učenje, vzgojo, varstvo in oskrbo, se kaznuje z zaporom od enega do osmih let.<}82{>(2) A teacher, educator, guardian, adoptive parent, parent or any other person who through the abuse of his position has sexual intercourse or performs any lewd act with a person above the age of fifteen whom he is entrusted to teach, educate, protect or care for shall be sentenced to imprisonment for not less than one and not more than eight years.<0}

{0>Zloraba prostitucije<}0{>Exploitation through Prostitution<0}

{0>Člen 175<}100{>Article 175<0}

 {0>(1) Kdor zaradi izkoriščanja sodeluje pri prostituciji druge osebe ali kdor s silo, grožnjo ali preslepitvijo navede, pridobi ali spodbudi drugo osebo k prostituciji, se kaznuje z zaporom od treh mesecev do petih let.<}0{>(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 given a prison sentence of between three months and five years.<0}

 {0>(2) Če je dejanje iz prejšnjega odstavka storjeno proti mladoletni osebi ali proti več osebam ali v okviru hudodelske združbe, se storilec kaznuje z zaporom od enega do desetih let.<}65{>

"(2) Whoever participates, for purpose of exploitation, in the prostitution of a minor, or exploits the prostitution of a minor, or whoever instructs, obtains or encourages a minor to prostitution by force, threat, deception, recruitment or solicitation shall be sentenced to between one and ten years in prison.".

"(3) If the offences referred to in paragraphs 1 or 2 of this Article were committed against several persons or within a criminal association, the perpetrator shall be sentenced to between one and twelve years in prison."

{0>Prikazovanje, izdelava, posest in posredovanje pornografskega gradiva<}0{>Presentation, Manufacture, Possession and Distribution of Pornographic Material<0}

{0>Člen 176<}100{>Article 176<0}

 {0>(1) Kdor osebi, mlajši od petnajst let, proda, prikaže ali z javnim razstavljanjem ali kako drugače omogoči, da so ji dostopni spisi, slike, avdiovizualni ali drugi predmeti pornografske vsebine, ali ji pokaže pornografsko ali drugačno seksualno predstavo, se kaznuje z denarno kaznijo ali zaporom do dveh let.<}0{>(1) Whoever sells, presents or publicly exhibits documents, pictures or audiovisual or other items of a pornographic nature to a person under fifteen years of age, enables them to gain access to these in any other way or shows them a pornographic or other sexual performance shall be given a fine or a prison sentence of up to two years.<0}

 {0>(2) Kdor zlorabi mladoletno osebo za izdelavo slik, avdovizualnih ali drugih predmetov pornografske ali drugačne seksualne vsebine, jo uporabi za pornografsko ali drugačno seksualno predstavo ali taki predstavi vedoma prisostvuje, se kaznuje z zaporom od šestih mesecev do petih let.<}0{>

"(2) Whoever, by force, threat, deception, exceeding or abusing powers, recruitment or solicitation, or for purpose of exploitation, instructs, obtains or encourages a minor to produce pictures, audiovisuals or other items of a pornographic or other sexual nature, or uses them in a pornographic or other sexual performance or is knowingly present at such performance, shall be sentenced to between six months and eight years in prison.

 (3) The same punishment as referred to in the preceding paragraph shall be imposed on whoever, for himself or any third person, produces, distributes, sells, imports, exports pornographic or other sexual material depicting minors or their realistic images, or supplies it in any other way, or possesses such material, or obtains access to such material by means of information and communication technologies, or discloses the identity of a minor in such material.".

 {0>(4) Če je bilo dejanje iz drugega ali tretjega odstavka tega člena storjeno v hudodelski združbi za izvrševanje takih kaznivih dejanj, se storilec kaznuje z zaporom od enega do osmih let.<}71{>(4) If an offence from paragraphs 2 or 3 of this Article was committed within a criminal organisation for the committing of such criminal offences, the perpetrator shall be given a prison sentence of between one and eight years.<0}

 {0>(5) Pornografsko ali drugačno seksualno gradivo iz drugega, tretjega in četrtega odstavka tega člena se vzame ali njegova uporaba ustrezno onemogoči.<}0{>(5) Pornographic or other sexual material from paragraphs 2, 3 or 4 of this Article shall be seized or its use appropriately disabled.<0}

1. Based on the wording of those provisions, is the provided definition of rape:

 a. Gender specific, covering women only YES**/NO**

 b. Gender neutral, covering all persons YES/**NO** (covers women and men – two genders)

 c. Based on the lack of consent of victim **YES**/ NO

 d. Based on the use of force or threat **YES**/ NO

 e. Some combination of the above. **YES** / NO

 f. Does it cover only vaginal rape? YES /**NO**

 g. Does it cover all forms of penetration? **YES**/NO. If

 yes, please specify. The law uses legal notion that covers all forms of intercourse.

 h. Is marital rape in this provision explicitly

 included? **YES** / NO

 i. Is the law silent on marital rape? YES/**NO**

 j. Is marital rape covered in the general provisions

 or by legal precedent even if it is not explicitly

 included? **YES**/NO (part of a general provision)

 k. Is marital rape excluded in the provisions, or is

 marital rape not considered as a crime? YES /**NO**

 3. Are there any provisions excluding criminalization of the perpetrator if the victim and alleged perpetrator live together in a sexual relationship/have a sexual relationship/had a sexual relationship? If so, please submit it.

NO.

Art 170/4<0}

{0>(4) Če sta bili dejanji iz prvega ali tretjega odstavka tega člena storjeni proti osebi, s katero storilec živi v zakonski, zunajzakonski skupnosti ali registrirani istospolni skupnosti, se pregon začne na predlog.<}0{>(4) If offences under paragraphs 1 or 3 of this Article have been committed against a spouse or an extra-marital partner or partner of a registered same-sex partnership, the prosecution shall be initiated by a motion.

 4. What is the legal age for sexual consent?

Legal age of consent is 15 years.

 5. Are there provisions that differentiate for sexual activity between peers? If so, please provide them.

YES, para. 5 of the Art. 173 Of Criminal Code (unofficial translation):

(5) The act referred to in paragraph 1 of this Article shall not be illegal if it is committed with a person of comparable age and if it corresponds to the mental and physical maturity of this person

 6. Provide information on criminal sanctions prescribed and length/duration of such criminal sanctions for criminalized forms of rape.

 Rape (Art 170):

 **Rape**

**Article 170**

{0>(1) Kdor prisili osebo drugega ali istega spola k spolnemu občevanju ali z njim izenačenim spolnim ravnanjem, tako da uporabi silo ali zagrozi z neposrednim napadom na življenje in telo, se kaznuje z zaporom od enega do desetih let.<}0{>(1) Whoever compels a person of the opposite or same sex to submit to sexual intercourse or to sexual conduct equal to sexual intercourse by the use of force or by the threat of imminent attack on life or body, **shall be punished by imprisonment of one up to ten years.**<0}

{0>(2) Če je dejanje iz prejšnjega odstavka storjeno grozovito ali posebno poniževalno ali če je dejanje storilo več oseb zaporedoma ali nad obsojenci ali drugimi osebami, ki jim je vzeta prostost, se storilec kaznuje z zaporom od treh do petnajstih let.<}0{>(2) If the offence under the preceding paragraph has been committed in a cruel or especially humiliating manner or successively by several perpetrators or against convicted persons or other persons who are deprived of liberty, the perpetrator **shall be punished by imprisonment of three up to fifteen years.<0}**

{0>(3) Kdor prisili osebo drugega ali istega spola k spolnemu občevanju ali z njim izenačenem spolnemu ravnanju, tako da ji zagrozi, da bo o njej ali njenih bližnjih odkril, kar bi škodovalo njeni ali njihovi časti ali dobremu imenu, ali da bo njej ali njenim bližnjim povzročil veliko premoženjsko škodo, se kaznuje z zaporom od šestih mesecev do petih let.<}0{>(3) Whoever compels a person of the opposite or same sex to submit to sexual intercourse or to sexual conduct equal to sexual intercourse by threatening him/her with disclosure of any matter concerning him/her or his/her close persons which shall damage his/her or their honour or reputation or to cause him/her or his/her close persons large property damage, **shall be punished by imprisonment of six months up to five years.<0}**

{0>(1) Kdor prisili osebo drugega ali istega spola k spolnemu občevanju ali z njim izenačenim spolnim ravnanjem, tako da uporabi silo ali zagrozi z neposrednim napadom na življenje in telo, se kaznuje z zaporom od enega do desetih let.<}0{>

 7. What does the legislation in your country provide in terms of reparation to the victim of rape and/or sexual violence after conviction of the perpetrator?

|  |
| --- |
|  **Crime Victim Compensation Act** (Url. RS. RS, št. [101/05](http://www.uradni-list.si/1/objava.jsp?sop=2005-01-4394), [114/06](http://www.uradni-list.si/1/objava.jsp?sop=2006-01-4831) – ZUE in [86/10](http://www.uradni-list.si/1/objava.jsp?sop=2010-01-4657)). Compensation may be claimed by the victims of the crime or by the victim's relatives if the act resulted in the death of the person in cases provided for by law. The act enumerates the conditions for awarding compensation to a victim of a crime.  |

In 2019 a **Amended Criminal Procedure Act** has been adopted. Part of the changes was focused on provisions for better protection of victims. New provisions are granting the victims rights such as:

The amendment to the law introduces the possibility for the victim to choose the person accompanying him/her in the proceedings, except when the person chosen by the victim would be contrary to the interests of successful criminal proceedings or the benefits of the victim.

The police, the public prosecutor's office and the court are required to ensure that contact with the suspect or accused person is avoided throughout the proceedings, except where such contact is strictly necessary for the successful conduct of the proceedings.

One of the most important amendments is the provision that introduces an individual assessment of a victim to identify specific protection needs. Based on individual assessment, the extent secondary victimization, intimidation and revenge is determined. Upon such an individual assessment the use of certain approaches in the process are determined e.g. use of audio-visual recording, hearing with the help of an expert or hearing in specially adapted premises, protective measures for witnesses, exclusion of the public from the main hearing. Individual assessment must also comprise a list of organizational and procedural measures to prevent re-victimization or protection needs, especially for minors, the disabled, the elderly and victims of sexual and domestic violence.

The amendment also strengthened the victim's rights for the information within the proceedings; among other things, the victim can be informed, when the perpetrator was released or escaped from house arrest or detention.

The amendment also expands the set of documents that are translated into the victim's mother tongue and furthermore enables victim to report the crime in the victim's mother tongue.

The law introduced a new legal term - a victim with special protection needs, which also includes rape victims, who are entitled for more protection measures within procedure than other victims.

The amendment to the law introduces a provision that medical examinations must be kept to a minimum and that they must be carried out only if they are strictly necessary for the purposes of criminal proceedings.

Relevant articles from the amended act to can be found in Act Amending the Criminal Procedure Act (Url RS 22/19) - Act is not yet translated into English.

There has been a special Office for Victims of Crimes established within Ljubljana Court (the largest court in Slovenia) for providing support for of all the victims of crimes. The office works closely with other stakeholders in this area of work and provide all necessary for the victims within the court procedures.

Furthermore, there are also special trainings provided for judges by Judicial Training Centre.

Thera also numerous NGOs financed or co-financed by other relevant ministers (i.e. Ministry of Labor, Family, Social Affairs and Gender Equality) for special support programs for the victims (safe house for women, maternity homes, various help telephone lines, support programs/services for victims)

Predlagam, da se obrnete še na MDDSZ, da dobite informacijo o sofinaciranih programih NVO!

 **Aggravating and mitigating circumstances**

 8. Does the law foresee aggravating circumstances when sentencing rape cases? If so, what are they?

 a. Is rape by more than one perpetrator an

 aggravating circumstance? YES/NO

 b. Is rape of a particularly vulnerable individual an

 aggravating circumstance, or the imbalance of power

 between alleged perpetrator and victims? (for

 example, doctor/patient; teacher/student; age

 difference) YES/NO

 c. Is rape by spouse or intimate partner an

 aggravating circumstance? NO other aggravating circumstances possible

 9. Does the law foresee mitigating circumstances for the purposes of punishment?

YES/NO If yes, please specify.

 {0>(2) Če je dejanje iz prejšnjega odstavka storjeno grozovito ali posebno poniževalno ali če je dejanje storilo več oseb zaporedoma ali nad obsojenci ali drugimi osebami, ki jim je vzeta prostost, se storilec kaznuje z zaporom od treh do petnajstih let.<}0{>

 10. Is reconciliation between the victim and the perpetrator allowed as part of a legal response?

 YES/NO

 If so, at what stage and what are the consequences?

 a. Regardless of the law, is reconciliation permitted

 in practice? YES/NO and what is the practice in

 this regard?

 11. Is there any provision in the criminal code that allows for the non-prosecution of perpetrator?

YES/NO If yes, please specify.

 a. if the perpetrator marries the victim of rape?

 YES/NO<0}

 b. if the perpetrator loses his “socially dangerous”

 character or reconciles with the victim? YES/NO

 **Prosecution**

 12. Is rape reported to the police prosecuted ex

 officio (public prosecution)? YES/NO

{0>(4) Če sta bili dejanji iz prvega ali tretjega odstavka tega člena storjeni proti osebi, s katero storilec živi v zakonski, zunajzakonski skupnosti ali registrirani istospolni skupnosti, se pregon začne na predlog.<}0{> If the offences of rape have been committed against a spouse or an extra-marital partner or partner of a registered same-sex civil partnership, the prosecution shall be initiated upon a complaint by a spouse or partner.<0} When the complaint is submitted the procedure must be executed ex offico nonmatter if the complaint is withdrawn. In case of aggravating circumstances (para 2 of Art 170) the rape is prosecuted ex officio, also in a case of a rape committed against a spouse or an extra-marital partner or partner of a registered same-sex civil partnership

In all other circumstances the offence of rape is prosecuted ex officio.

 13. Is rape reported to the police prosecuted ex parte

 (private prosecution)? YES/NO

 14. Are plea bargain or “friendly settlement” of a case allowed in cases of rape of women? YES/NO

 15. Are plea bargain or “friendly settlement” of a case allowed in cases of rape of children? YES/NO

 16. Please provide information on the statute of limitations for prosecuting rape.

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{0>Zastaranje kazenskega pregona<}0{>Limitation of Criminal Prosecution is embedded in <0}{0>Člen 90<}100{>Art 90<0} of Criminal Code.

 {0>(1) Če ni v tem zakoniku drugače določeno, kazenski pregon ni več dovoljen, če je poteklo:<}0{>(1) Except where otherwise determine in this Penal Code, criminal prosecution is barred from taking place:<0}

1) {0>petdeset let od storitve kaznivega dejanja, za katero se sme po zakonu izreči zapor tridesetih let, razen če ni nezastarljivo kaznivo dejanje;<}0{>fifty years from the committing of a criminal offence, for which a prison sentence of thirty years may be imposed under the statute unless non-applicability of statute of limitations applies to the offence;<0}

**2) {0>trideset let od storitve kaznivega dejanja, za katero se sme po zakonu izreči zapor nad deset let;<}58{>thirty years from the committing of a criminal offence, for which a prison sentence of over ten years may be imposed under the statute  *- relevant for Article 170/2 (rape)* <0}**

**3) {0>dvajset let od storitve kaznivega dejanja, za katero se sme po zakonu izreči zapor nad pet let;<}90{>twenty years from the committing of a criminal offence, for which a prison sentence of over five years may be imposed under the statute;  *- relevant for Article 170/1 (rape)* <0}**

**4) {0>deset let od storitve kaznivega dejanja, za katero se sme po zakonu izreči zapor nad eno leto;<}88{>ten years from the committing of a criminal offence, for which a prison sentence of over one year may be imposed under the statute; *- relevant for Article 170/3 (rape)* <0}**

5) {0>šest let od storitve kaznivega dejanja, za katero se sme po zakonu izreči zapor do enega leta ali denarna kazen.<}70{>six years from the committing of a criminal offence, for which a prison sentence of up to one year or a fine may be imposed under the statute.<0}

 {0>(2) Če je za kaznivo dejanje predpisanih več kazni, se zastaralni rok določi po najhujši predpisani kazni.<}0{>(2) If more than one sentence is prescribed for a criminal offence, the time limit referring to the most severe sentence shall apply to the offence in question.<0}

  **{0>(3) Ne glede na prvi odstavek tega člena pri kaznivih dejanjih zoper spolno nedotakljivost in kaznivih dejanjih zoper zakonsko zvezo, družino in mladino, storjenih proti mladoletni osebi, začne rok za zastaranje kazenskega pregona teči od polnoletnosti oškodovanca.<}0{>(3) Irrespective of paragraph 1 of this Article, the time limit for statute of limitations in criminal offences against sexual inviolability and criminal offences against marriage, family or youth, committed against a minor, shall begin when the injured person becomes an adult.<0}**

 17. Are there provisions allowing a child who was the victim of rape and to report it after reaching adulthood? YES/NO

Criminal code - Art 90/ para 3 - Irrespective of paragraph 1 of this Article, the time limit for statute of limitations in criminal offences against sexual inviolability and criminal offences against marriage, family or youth, committed against a minor, shall begin when the injured person becomes an adult.<0}

 18. Are there mandatory requirements for proof of rape, such a medical evidence or the need for witnesses?

 YES/NO If yes, please specify.

 19. Are there rape shield provisions aimed at preventing judges and defense lawyers from exposing a woman’s sexual history during trial? YES/NO

 20. Are there procedural criminal law provisions aimed to avoid re-victimizations during the prosecution and court hearings? YES/NO. If yes, please specify.

See answers under point 7.

 War and/or conflict

 21. Is rape criminalized as a war crime or crime against humanity? YES/NO

{0>Hudodelstva zoper človečnost<}0{>Crimes against Humanity<0}

{0>Člen 101<}100{>Article 101<0}

 {0>Kdor ukaže ali stori dejanja, ki so sestavni del velikega ali sistematičnega napada na civilno prebivalstvo ob vednosti storilca, da gre za tak napad:<}0{>Whoever orders or carries out the following acts, which are part of a larger systematic attack against the civilian population and of which the perpetrators is aware:<0}

- {0>umor;<}0{>murder;<0}

- {0>iztrebljanje, ki pomeni ustvarjanje takih življenjskih razmer, med drugim kratenje dostopa do hrane in zdravil, ki naj privedejo do delnega uničenja prebivalstva;<}0{>extermination, which means creating such living conditions, inter alia deprivation of access to food and medical supplies, that would lead to partial destruction of population;<0}

- {0>zasužnjevanje, ki pomeni izvajanje posameznega ali vseh upravičenj, ki izhajajo iz lastninske pravice nad osebo in vključujejo tudi izvajanje takih upravičenj pri trgovanju z ljudmi, zlasti z ženskami in otroki;<}0{>enslavement, which means performing of a particular or all justifications arising from the property right over a person and also include carrying out such justification in trafficking in human beings, especially women and children;<0}

- {0>deportacija ali prisilna preselitev prebivalstva, ki pomeni prisilno odstranitev oseb z izgonom ali drugimi prisilnimi dejanji z območja, na katerem zakonito prebivajo, brez razlogov, dovoljenih po mednarodnem pravu;<}0{>deportation or forcible transfer of population, which means forcible removal of people by deportation or other forcible acts from the area, in which they have been legally residing, without any reasons allowed according to international law;<0}

- {0>zapor ali drug strog odvzem prostosti ob kršitvi temeljnih pravil mednarodnega prava;<}0{>imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;<0}

- {0>mučenje, ki pomeni naklepno povzročitev hude bolečine, telesnega ali duševnega trpljenja osebi, ki jo je storilec pridržal, pri čemer mučenje ne vključuje bolečine ali trpljenja, ki je izključno posledica izvrševanja zakonitih sankcij ali je z njimi povezano;<}0{>torture, which means intentional infliction of severe pain, physical or mental suffering on a person whom the perpetrator detained, whereby the torture does not include pain or suffering which is exclusively the result of implementation of legal sanction or is connected thereto.<0}

- **{0>posilstvo, spolno suženjstvo, vsiljena prostitucija, prisilna nosečnost, ki pomeni protipravno pridržanje ženske, ki je zanosila pod prisilo, z namenom vplivati na etnično sestavo katerega koli prebivalstva ali izvajati druge hude kršitve mednarodnega prava, prisilna sterilizacija ali katera koli druga oblika primerljivo hudega spolnega nasilja;<}0{>rape, sexual slavery, enforced prostitution, forced pregnancy which means illegal detention of a woman who got pregnant by duress with the intention to affect ethnical structure of any population or to perform other severe violations of international law, enforced sterilization, or any other form of sexual violence of comparable gravity;<0}**

- {0>preganjanje, ki pomeni naklepno ali hudo kratenje temeljnih pravic v nasprotju z mednarodnim pravom zaradi prepoznavne lastnosti skupine ali skupnosti, in sicer zaradi političnih rasnih, narodnih, kulturnih, verskih razlogov, razlogov, povezanih s spolom, ali drugih razlogov, ki so po mednarodnem pravu splošno priznani kot nedopustni, če je tako preganjanje povezano s kaznivimi dejanji po tem členu ter po 100., 102. in 103. členu;<}0{>persecution, which represents intentional or severe encroachment of fundamental rights contrary to the international law, against any identifiable group or community on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any criminal offence referred to in this Article and in Articles 100, 102 and 103;<0}

- {0>prisilno izginotje oseb, ki pomeni prijetje, pridržanje ali ugrabitev osebe po nalogu države ali politične organizacije ali z njenim pooblastilom, podporo ali soglasjem, ki potem takega odvzema prostosti ne prizna ali noče dati podatkov o usodi teh oseb ali o tem, kje so, z namenom odvzeti tem osebam pravno varstvo za daljši čas; <}0{>forced disappearance of persons, which means capture, detention or kidnapping of a person carried out by the agents of the State or political organisation, or under its authorisation, support or consent, which then will not admit to this kind of capture or will not provide information on the fate of these persons or their location, with the purpose to deny these persons legal protection for a long period of time;<0}

- {0>apartheid, ki pomeni nečlovečna dejanja, podobna navedenim v tem členu, storjena v okviru institucionaliziranega režima sistematičnega zatiranja in nadvlade ene rasne skupine nad kakšno drugo rasno skupino ali skupinami z namenom, da se ohrani tak režim,<}0{>the crime of apartheid, which means inhumane acts of a character similar to those mentioned in this Article, committed in the context of an institutionalised regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;<0}

- {0>druga podobna nečlovečna ravnanja, s katerimi se naklepno povzroča veliko trpljenje ali hude telesne poškodbe ali okvare duševnega ali telesnega zdravja<}0{>other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.<0}

{0>se kaznuje z zaporom najmanj petnajstih let.<}100{>shall be sentenced to imprisonment for not less than fifteen years.<0}

{0>Vojna hudodelstva<}0{>War Crimes<0}

{0>Člen 102<}100{>Article 102<0}

 {0>Kdor ukaže ali stori vojna hudodelstva, zlasti če so storjena kot sestavni del načrta ali politike ali kot del obsežnega izvrševanja takih hudodelstev, ki so:<}0{>Whoever orders or commits war crimes, especially if they are committed as part of an integral plan or policy, or as part of an extensive implementation of such crimes, namely the following:<0}

1) {0>hude kršitve ženevskih konvencij z dne 12. avgusta 1949 (Akt o notifikaciji nasledstva glede konvencij Sveta Evrope, Ženevskih konvencij in dodatnih protokolov o zaščiti žrtev vojne in mednarodnih sporazumov s področja kontrole oborožitve, za katere so depozitarji tri glavne jedrske sile, (Uradni list RS, št.<}0{>grave breaches of Geneva Conventions on 12 August 1949 (Act on notification of succession concerning the Council of Europe conventions, the Geneva Conventions and additional protocols regarding the protection of victims of war and international agreements in the field of arms control, the depositors of which are the three main nuclear forces (Official Gazette of the Republic of Slovenia, No<0} {0>14/1992)) in sicer katero koli navedeno dejanje zoper osebe ali premoženje, ki jih varujejo ustrezne ženevske konvencije:<}0{>14/1992)), namely any mentioned act against persons or property, which are protected by appropriate Geneva Conventions:<0}

- {0>naklepno pobijanje;<}0{>wilful killing;<0}

- {0>mučenje ali nečloveško ravnanje, tudi biološki poskusi;<}0{>torture or inhumane treatment, as well as biological experiments;<0}

- {0>naklepno povzročanje velikega trpljenja ali hudih telesnih poškodb ali okvar zdravja;<}0{>intentional causing of great suffering or serious injury to body or health;<0}

- {0>obsežno uničevanje ali prilaščanje premoženja, ki ga vojaške potrebe ne opravičujejo in je izvedeno protipravno in samovoljno;<}0{>extensive unlawful wanton destruction or appropriation of property;<0}

- {0>prisiljenje vojnega ujetnika ali druge zaščitene osebe, da služi v sovražnikovih oboroženih silah;<}0{>forcing a prisoner of war or other protected person to serve in the forces of a hostile power;<0}

- {0>naklepen odvzem pravice vojnemu ujetniku ali drugi zaščiteni osebi do poštenega in pravilnega sojenja;<}0{>depriving a prisoner of war or other protected person of a fair trial;<0}

- {0>protipravna deportacija ali protipravno pridržanje; <}0{>unlawful deportation or confinement;<0}

- {0>jemanje talcev;<}0{>taking hostages;<0}

2) {0>druge kršitve zakonov in običajev, ki se uporabljajo v mednarodnih oboroženih spopadih po veljavnem mednarodnem pravu, in sicer katero koli navedeno dejanje:<}0{>other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:<0}

- {0>naklepni napadi na civilno prebivalstvo na splošno ali na posamezne civilne osebe, ki neposredno ne sodelujejo pri sovražnostih;<}0{>intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;<0}

- {0>naklepni napadi na civilne objekte, to je na objekte, ki niso vojaški cilji;<}0{>intentionally directing attacks against civilian objects, that is, objects which are not military objectives;<0}

- {0>naklepni napadi na osebje, objekte in naprave, material, enote ali vozila, vključena v človekoljubno pomoč ali mirovno misijo v skladu z Ustanovno listino Združenih narodov, dokler so po mednarodnem pravu oboroženih spopadov upravičeni do enakega varstva kot civilne osebe ali civilni objekti;<}0{>intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;<0}

- {0>naklepna sprožitev napada z vednostjo, da bo tak napad povzročil tudi smrt in telesne poškodbe civilnih oseb ali civilnih objektov ali obsežno, dolgoročno in hudo škodo za naravno okolje, ki bi bila čezmerna v primerjavi s skupnimi pričakovanimi, konkretnimi in neposrednimi vojaškimi prednostmi;<}0{>intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;<0}

- {0>napad ali bombardiranje nebranjenih mest, vasi bivališč ali zgradb, ki niso vojaški cilji, s kakršnimi koli sredstvi;<}0{>attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;<0}

- {0>umor ali ranitev borca, ki se je vdal na milost ali nemilost, potem ko je odložil orožje ali nima več sredstev za obrambo;<}0{>killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;<0}

- {0>zloraba bele zastave ali zastave ali vojaških oznak ali uniforme sovražnika ali Združenih narodov, znamenja ali zastave Rdečega križa ali znamenj, ki tem ustrezajo ter drugih razpoznavnih znakov po ženevskih konvencijah ali zaznamovanj kulturnih dobrin po haaški konvenciji (Konvencija o varstvu kulturnih dobrin v primeru oboroženega spopada s Pravilnikom za njeno izvajanje (Uradni list FLRJ – Mednarodne pogodbe, št.<}0{>making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, or insignia or the flag of the Red Cross, or insignia that conform to them, as well as of the distinctive emblems of the Geneva Conventions or markings of cultural property according to the Hague Convention (The Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict with the Rules for its implementation (Official Gazette of FPRY - International agreements, No<0} {0>4/56) in Drugi protokol k Haaški konvenciji iz leta 1954 o varstvu kulturnih dobrin v primeru oboroženega spopada (Uradni list RS, št.<}0{>4/56) and the Second Protocol to the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict (Official Gazette of the Republic of Slovenia, No<0} {0>22/2003)), katere posledica je smrt ali huda poškodba osebe;<}0{>22/2003)), resulting in death or serious personal injury;<0}

- {0>neposredna ali posredna premestitev dela civilnega prebivalstva zasedbene sile na zasedeno ozemlje ali deportacija ali preselitev vsega ali dela prebivalstva zasedenega ozemlja na to ozemlja ali zunaj njega;<}0{>the transfer, directly or indirectly, by the occupying power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;<0}

- {0>naklepni napadi na zgradbe, namenjene veri, izobraževanju, umetnosti, znanosti ali dobrodelni dejavnosti, kulturne ali zgodovinske spomenike, kulturne dobrine s posebnim spoznavnim znamenjem, naravne znamenitosti, bolnišnice in kraje, kjer se zbirajo bolniki in ranjenci, če ti objekti niso vojaški cilji;<}0{>intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;<0}

- {0>izpostavljanje oseb, ki jih ima nasprotna stran pod svojo oblastjo, telesnemu pohabljanju ali kakršnim koli medicinskim ali znanstvenim poskusom, ki niso upravičeni kot zdravstvena, zobozdravstvena ali bolnišnična oskrba prizadetih oseb, niti niso storjeni v interesu teh oseb in povzročajo smrt ali resno ogrozijo zdravje take osebe ali oseb;<}0{>subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;<0}

- {0>zahrbten umor ali ranitev posameznikov, ki pripadajo sovražni državi ali vojski;<}0{>killing or wounding treacherously individuals belonging to the hostile nation or army;<0}

- {0>protipravno jemanje stvari ubitim in ranjenim na bojišču;<}0{>illegal taking of objects from the dead or wounded in the battlefield;<0}

- {0>izjava, da ne bo nikomur prizaneseno;<}0{>declaring that no quarter will be given;<0}

- {0>uničenje ali zaseg sovražnikovega premoženja, razen če takega uničenja ali zasega neizogibno ne zahtevajo vojne nujnosti;<}0{>destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;<0}

- {0>izjava, da so pravice in tožbe državljanov sovražne strani na sodišču odpravljene, začasno ustavljene ali nedopustne;<}0{>declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;<0}

- {0>prisiljevanje državljanov sovražne strani, da sodelujejo pri vojnih operacijah proti svoji lastni državi, tudi če so bili pred začetkom vojne pripadniki njenih oboroženih sil;<}0{>compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;<0}

- {0>plenjenje mesta ali kraja, tudi če je bilo zavzeto z napadom;<}0{>pillaging a town or place, even when taken by assault;<0}

- {0>uporaba strupa ali zastrupljenega orožja;<}0{>employing poison or poisoned weapons;<0}

- {0>uporaba dušljivih, strupenih ali drugih plinov in vseh podobnih tekočin, sredstev ali naprav;<}0{>employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;<0}

- {0>uporaba krogel, ki se v človeškem telesu hitro razpršijo ali sploščijo, kot so krogle s trdim ovojem, ki ne pokriva jedra v celoti ali je narezan;<}0{>employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;<0}

- {0>uporaba takega orožja, izstrelkov ter sredstev in načinov vojskovanja, ki povzročijo odvečne poškodbe ali nepotrebno trpljenje ali že po svoji naravi učinkujejo brez razločevanja in s tem kršijo mednarodno pravo oboroženih spopadov, če so tako orožje, izstrelki in sredstva in načini vojskovanja v celoti prepovedani;<}0{>employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are fully prohibited;<0}

- {0>napadi na osebno dostojanstvo, še posebej poniževalno in zaničevalno ravnanje;<}0{>committing outrages upon personal dignity, in particular humiliating and degrading treatment;<0}

- **{0>posiljevanje, spolno suženjstvo, vsiljena prostitucija, prisilna nosečnost, ki pomeni protipravno pridržanje ženske, ki je zanosila pod prisilo, z namenom vplivati na narodno sestavo katerega koli prebivalstva ali izvajati druge hude kršitve mednarodnega prava, prisilna sterilizacija ali katera koli druga oblika spolnega nasilja, ki je tudi huda kršitev ženevskih konvencij; <}83{>committing rape, sexual slavery, enforced prostitution, forced pregnancy which means illegal detention of a woman who got pregnant by duress with the intention to affect ethnical structure of any population or to perform other grave breaches of international law, enforced sterilization, or any other form of sexual violence, also constituting a grave breach of the Geneva Conventions;<0}**

- {0>izraba navzočnosti civilne ali kakšne druge zaščitene osebe za odvrnitev vojaških operacij od določenih točk, območij ali vojaški enot;<}0{>utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;<0}

- {0>uporaba kulturnih dobrin pod razširjenim varstvom ali njihovo neposredno okolico v podporo vojaškemu delovanju;<}0{>use of cultural property under extended protection or their immediate surroundings to support military actions;<0}

- {0>naklepni napadi na zgradbe, material, sanitetne enote in prevoze ter osebje, ki uporablja razpoznavne znake po ženevskih konvencijah;<}0{>intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions;<0}

- {0>naklepno stradanje civilnih oseb kot način vojskovanja, tako da se jim odvzamejo stvari, nujne za njihovo preživetje, vključno z naklepnim preprečevanjem dobav pomoči, kot so predvidene po ženevskih konvencijah;<}0{>intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;<0}

- {0>nabor ali vključevanje otrok, mlajših od petnajst let, v državne oborožene sile ali njihovo izrabljanje za dejavno sodelovanje pri sovražnostih;<}0{>conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities;<0}

3) {0>v oboroženem spopadu, ki ni mednaroden, vendar ne pomeni notranjih nemirov in napetosti, kot so neredi, posamična in občasna dejanja nasilja ali druga podobna dejanja, ob hudih kršitvah 3. člena, skupnega štirim ženevskim konvencijam z dne 12. avgusta 1949, in sicer katero koli od navedenih dejanj, storjenih zoper osebe, ki pri sovražnostih ne sodelujejo dejavno, vključno s pripadniki oboroženih sil, ki so odložili orožje, in tistimi, ki ne morejo sodelovati v boju zaradi bolezni, ran, pridržanja ali drugega vzroka:<}0{>in the case of an armed conflict not of an international character, which, however, does not constitute internal disturbance and tensions like riots, individual and occasional acts of violence and other similar acts, serious violations of Article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:<0}

- {0>napadi na življenje in telo, še posebej umori vseh vrst, pohabljenje, okrutno ravnanje in mučenje;<}0{>violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;<0}

- {0>napadi na osebno dostojanstvo, še posebej zaničevalno in poniževalno ravnanje;<}95{>committing outrages upon personal dignity, in particular humiliating and degrading treatment;<0}

- {0>jemanje talcev;<}100{>taking hostages;<0}

- {0>izrekanje obsodb in izvrševanje smrtnih kazni brez predhodne sodbe pravilno ustanovljenega sodišča, ki zagotavlja vsa pravna jamstva, ki so splošno priznana kot nujna;<}0{>the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable;<0}

4) {0>druge hude kršitve zakonov in običajev, ki se po veljavnem mednarodnem pravu uporabljajo v oboroženih spopadih, ki niso mednarodni, in sicer katero koli navedeno dejanje:<}77{>other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:<0}

- {0>naklepni napadi na civilno prebivalstvo na splošno ali na posamezne civilne osebe, ki ne sodelujejo neposredno pri sovražnostih;<}99{>intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;<0}

- {0>naklepni napadi na zgradbe, material, sanitetne enote in prevoze ter osebje, ki uporablja razpoznavne znake po ženevskih konvencijah v skladu z mednarodnim pravom;<}83{>intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;<0}

- {0>naklepni napadi na osebje, objekte in naprave, material, enote ali vozila, vključena v človekoljubno pomoč ali mirovno misijo v skladu z Ustanovno listino Združenih narodov (Akt o notifikaciji nasledstva glede konvencij za katere je depozitar vlada ZDA, haaških konvencij in konvencij o intelektualni lastnini (Uradni list RS, št.<}57{>intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations (Act on notification of succession concerning the Council of Europe conventions, for which the USA government is the depositary, the Hague Conventions, and the intellectual property conventions (Official Gazette of the Republic of Slovenia, No<0} {0>24/1992)), dokler so po mednarodnem pravu oboroženih spopadov upravičeni do enakega varstva kot civilne osebe ali civilni objekti;<}0{>24/1992)), as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;<0}

- {0>naklepni napadi na zgradbe, namenjeni veri, izobraževanju, umetnosti, znanosti ali dobrodelni dejavnosti, kulturne spomenike, bolnišnice in kraje, kjer se zbirajo bolniki in ranjenci, če ti niso vojaški cilji;<}68{>intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;<0}

- {0>plenjenje mesta ali kraja, tudi če je bilo zavzeto z napadom;<}100{>pillaging a town or place, even when taken by assault;<0}

- {0>posiljevanje, spolno suženjstvo, vsiljena prostitucija, prisilna nosečnost, ki pomeni protipravno pridržanje ženske, ki je zanosila pod prisilo, z namenom vplivati na narodno sestavo katerega koli prebivalstva, prisilna sterilizacija ter katera koli druga oblika spolnega nasilja, ki je tudi huda kršitev 3. člena, skupnega štirim ženevskim konvencijam;<}77{>committing rape, sexual slavery, enforced prostitution, forced pregnancy which means illegal detention of a woman who got pregnant by duress with the intention to affect ethnical structure of any population, enforced sterilization, or any other form of sexual violence, also constituting a grave breach of Article 3, common to the four Geneva Conventions;<0}

- {0>nabor ali vključevanje otrok, mlajših od petnajst let, v oborožene sile ali skupine ali njihovo izrabljanje za dejavno sodelovanje pri sovražnostih;<}88{>conscripting or enlisting children under the age of fifteen years into the armed forces or groups, or using them to participate actively in hostilities;<0}

- {0>ukaz o izselitvi civilnega prebivalstva zaradi razlogov, ki so povezani s spopadom, razen če tega ne zahteva varnost vpletenih civilnih oseb ali nujni vojaški razlogi;<}0{>ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;<0}

- {0>zahrbten umor ali ranitev borca nasprotne strani;<}0{>killing or wounding treacherously a combatant adversary;<0}

- {0>izjava, da ne bo nikomur prizaneseno;<}100{>declaring that no quarter will be given;<0}

- {0>izpostavljanje oseb, ki jih ima druga stran v spopadu pod svojo oblastjo, telesnemu pohabljenju ali kakršnim koli medicinskim ali znanstvenim poskusom, ki niso upravičeni kot zdravstvena, zobozdravstvena ali bolnišnična oskrba prizadetih oseb, niti niso storjeni v njihovem interesu in povzročijo smrt ali resno ogrozijo zdravje take osebe ali oseb;<}88{>subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;<0}

- {0>uničenje ali zaseg nasprotnikovega premoženja, razen če takega uničenja ne zahtevajo nujnosti spopada,<}63{>destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;<0}

{0>se kaznuje z zaporom najmanj petnajstih let.<}100{>shall be sentenced to imprisonment for not less than fifteen years.<0}

 22. Is there a statute of limitations for prosecuting rape in war or in conflict contexts? YES/NO

 23. Is there explicit provisions excluding statutes of limitation for rape committed during war and armed conflict? YES/NO

{0>Nezastarljivost kaznivih dejanj<}67{>Inapplicability of the Statute of Limitations to Criminal Offences<0}

{0>Člen 95<}100{>Article 95<0}

 {0>(1) Kazenski pregon in izvršitev kazni ne zastarata za kazniva dejanja, za katera se sme po tem zakoniku izreči kazen dosmrtnega zapora, za kazniva dejanja iz 100. do 105. člena tega zakonika in tudi ne za tista kazniva dejanja, za katera po mednarodnih pogodbah zastaranje ni mogoče.<}0{>(1) Criminal prosecution and implementation of a sentence shall not be prevented for criminal offences, for which a life sentence may be imposed pursuant to this Penal Code, for criminal offences under Articles 100 to 105 of this Penal Code, as well as for the criminal offences, the prosecution of which may not be prevented under international agreements.<0}

 {0>(2) Izvršitev kazni dosmrtnega zapora ne zastara.<}0{>(2) Implementation of a life sentence shall not fall under the statute of limitations.<0}

 24. Has the Rome Statute of the International Criminal Court (ICC) been ratified? YES/NO

 Data

 25. Please provide data on the number of cases of rape that were reported, prosecuted and sanctioned, for the past two to five years.

Data for convicted and sentenced persons for rape under Art 170: (source SURS)

2015 - 15

2016 – 6

2017 – 11

2018 - 6

 Other

 26. Please explain any particular and additional barriers to the reporting and prosecution of rape and to the accountability of perpetrators in your legal and social context not covered by the above.