



Response to the Call for input for the Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material: “Addressing the vulnerabilities of children to sale and sexual exploitation in the framework of the Sustainable Development Goals”

Dear Madam/Sir,

Please find attached the following contribution on “Addressing the vulnerabilities of children to sale and sexual exploitation in the framework of the Sustainable Development Goals” in Slovenia, prepared and collected by the Ministry of Justice, containing contributions from the Analysis and Research Division of the Case-law Department of the Supreme Court of the Republic of Slovenia, Ministry of the Interior of the Republic of Slovenia, and the Supreme State Prosecutor’s Office of the Republic of Slovenia.

1. Legislation

Slovenian legislation regarding the protection of children from sexual exploitation is defined in the Penal Code of the Republic of Slovenia (Kazenski zakonik, KZ-1¹).

- **OFFENCES AGAINST SEXUAL INTEGRITY OF CHILDREN**

Art. 173 – Sexual assault on a person under the age of fifteen

(1) Whoever has sexual intercourse or commits any other sexual act with a person of the other or the same sex who is not yet fifteen years of age shall be punished by imprisonment for a term between three and eight years.

(2) Whoever commits the act referred to in the preceding paragraph with a weak person under the age of fifteen, or by using force or threatening to directly attack life

¹ <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050>

or body , or in such a way obtain the commission of the act with another person , shall be punished by imprisonment for five to fifteen years.

(3) A teacher, educator, guardian, adoptive parent, parent, priest, doctor or other person who, by abusing his position, has sexual intercourse or commits another sexual act with a person under the age of fifteen and entrusted with learning, education , treatment, protection or care, shall be punishable by imprisonment for a term of three to ten years.

(4) Whoever, in the circumstances referred to in the first, second and third paragraphs of this Article, otherwise affects the sexual integrity of a person under the age of fifteen, shall be punished by imprisonment for a term not exceeding five years.

(5) The act referred to in the first paragraph of this Article shall not be unlawful if it was committed with a person of comparable age and if it corresponds to the level of his mental and physical maturity.

Art. 173a – Acquisition of persons under the age of fifteen for sexual purposes

(1) Whoever persuades a person under the age of fifteen to meet through information or communication technologies with the intention of committing the criminal offense referred to in the first paragraph of Article 173 of this Code or for producing images, audiovisual or other objects of pornographic or other sexual content, and the solicitation was followed by concrete actions to make the meeting possible, shall be punishable by imprisonment for up to one year.

(2) The act referred to in the preceding paragraph shall not be unlawful if it was committed for the purpose of committing the act referred to in the first paragraph of Article 173 and under the conditions referred to in the fifth paragraph of Article 173 of this Code.

Art. 174 – Violation of sexual integrity by abuse of position

(1) Whoever abuses his position and thus prepares a person of the other or the same sex to whom he is subordinate or dependent on him for sexual intercourse, or to commit or suffer any other sexual act, shall be punished by imprisonment for a term not exceeding five years.

(2) A teacher, educator, guardian, adoptive parent, parent or other person who, by abusing his or her position, has sexual intercourse or commits another sexual act with a person over fifteen years of age entrusted with learning, education, care and care, shall be punishable by imprisonment for a term of one to eight years.

Art. 175 – Abuse of prostitution

(1) Whoever, for the purpose of exploitation, participates in the prostitution of another person or who by force, threat or deception induces, acquires or incites another person to prostitution, shall be punished by imprisonment for a term between three months and five years.

(2) Whoever, for the purpose of exploitation, participates in the prostitution of a minor or intervenes in the prostitution of a minor, or who by force, threat, deception, recruitment or solicitation induces, acquires or incites a minor to prostitution, shall be punished by imprisonment for one to ten years.

(3) If the acts referred to in the first or second paragraph of this Article were committed against several persons or within a criminal association, the perpetrator shall be punished by imprisonment for a term between one and twelve years.

Art. 176 – Display, production, possession and distribution of pornographic material

(1) Whoever sells, displays, displays or otherwise makes available to a person under the age of fifteen or otherwise makes available to him documents, images, audiovisual or other objects of pornographic content, or shows him a pornographic or other sexual representation, shall be punished by a fine or imprisonment for up to two years.

(2) Whoever, by force, threat, deception, exceeding or abuse of power, recruitment, solicitation or exploitation, induces, acquires or encourages a minor to produce images, audiovisual or other objects of pornographic or other sexual content, to participate in pornographic or other sexual a performance or who knowingly attends such a performance shall be punished by imprisonment for a term between six months and eight years.

(3) As in the previous paragraph, whoever acquires, produces , disseminates, sells, imports, exports or otherwise offers pornographic or other sexual material involving minors or their realistic images, or who possesses such material, shall be punished. , gains access to or intentionally accesses such material through information or communication technologies, or discloses the identity of a minor in such material.

(4) If the act referred to in the second or third paragraph of this Article was committed in a criminal association for the commission of such criminal offenses, the perpetrator shall be punished by imprisonment for a term between one and eight years.

(5) The act referred to in the third paragraph of this Article in the part which means acquiring, producing, possessing or acquiring access to pornographic or other sexual material by means of information or communication technologies shall not be unlawful if it was committed among minors of comparable age agreed to the act, corresponds to the degree of their mental and physical maturity, and depicts such persons.

(6) Pornographic or other sexual material referred to in the second, third and fourth paragraphs of this Article shall be taken or its use shall be appropriately prevented.

- **ENSLAVEMENT AND TRAFFICKING IN HUMAN BEINGS**

Art. 112 – Enslavement

(1) Whoever, in violation of the rules of international law, enslaves or has another in a slave or similar relationship, buys, sells, hands over to another person or mediates in the purchase, sale or extradition of such person or urges another to sell his freedom or the liberty of a person who is supported or cared for shall be punishable by imprisonment for a term of one to ten years.

(2) Whoever transports persons in a slave or similar relationship from one state to another shall be punished by imprisonment for a term between six months and five years.

(3) Whoever commits an act referred to in the first or second paragraph of this Article against a minor shall be punished by imprisonment for a term between three and fifteen years.

Art. 113 – Trafficking in Human Beings

(1) Whoever, for the purpose of exploitation of prostitution or other forms of sexual abuse, forced labor, slavery, servitude, commission of criminal offenses or trafficking in organs, human tissues or blood, buys, takes over, settles, transports, sells, surrenders or otherwise whether it disposes of such a person, exchanges or transfers control over it or intervenes in such actions, shall be punishable by imprisonment of one to ten years and a fine, notwithstanding the possible consent of that person.

(2) If the act referred to in the preceding paragraph is committed against a minor or by force, threat, deception, kidnapping or abuse of a subordinate or dependent position or by giving or receiving payments or benefits in order to obtain the consent of a person in control of another person, or for the purpose of forcing pregnancy or artificial insemination, the perpetrator shall be punished by imprisonment for a term between three and fifteen years.

(3) Whoever, for the purpose of committing the act referred to in the first or second paragraph of this Article, detains, confiscates, conceals, damages or destroys a public document proving the identity of a victim of trafficking, shall be punished by imprisonment for up to three years and a fine.

(4) Whoever knows that a person is a victim of trafficking in human beings and uses his services as a result of the exploitation of that person described in the first and second paragraphs of this Article shall be punished by imprisonment for up to three years and a fine.

(5) Whoever commits an act referred to in the first, second or third paragraph of this Article as a member of a criminal association for the commission of such acts or if a large material gain has been obtained by such act shall be punished by imprisonment for three to fifteen years and a fine.

- **MANDATORY REPORTING**

According to **Article 5 (duty to act) of the Domestic Violence Prevention Act** (Zakon o preprečevanju nasilja v družini, ZPND²),

Authorities and organizations are obliged to carry out all procedures and measures necessary to protect the victim according to the level of his / her threat and to protect his / her interests, while ensuring respect for the integrity of the victim. If the victim of violence is a child, the benefits and rights of the child take precedence over the benefits and rights of other participants in the proceedings.

Additionally, according to **Article 6 (duty to register) of the Domestic Violence Prevention Act**,

(1) Bodies and organizations and non-governmental organizations which, in their work, find out about the circumstances on the basis of which it can be concluded that violence is committed, are obliged to immediately inform the Center for Social Work, unless the victim explicitly objects. and there is no suspicion of committing a crime prosecuted ex officio.

(2) Everyone, in particular health care professionals and staff of educational, social and social institutions, and providers of content for children in sports and cultural associations, regardless of the provisions on the protection of professional secrecy,

² <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5084>

shall immediately inform the social work, the police or the public prosecutor's office when they suspect that the victim of violence is a child or a person who is unable to take care of himself or herself due to personal circumstances.

2. Child-friendly justice

In 2021, the National Assembly unanimously passed a bill on the protection of children in criminal procedures, setting up the country's first Barnahus for children. The Children's house will provide full treatment to children involved in criminal procedures as victims, witnesses, or perpetrators (under special conditions).

Barnahus or Children's House is a special institute where children who are victims of sexual abuse or other criminal offences or have witnessed them are treated holistically. The hearing of the victim or witness is conducted in a separate room and recorded so that the child no longer has to give a number of statements to various experts. This will mitigate the child's struggles or victimisation in relevant procedures. The Children's house would also provide psycho-social and crisis support to children and perform medical examinations.

One of the important roles of the Children's house is developing and adopting programmes and carrying out the training and assessments of knowledge of professionals who assist in the interviews of children and counsellors who provide crisis and psychosocial support to children and their family members, and to ensure the uniformity and development of professional methods and procedures of the comprehensive treatment of children and developing and implementing multidisciplinary and interagency training programmes for this purpose.

In the process of implementing the Barnahus model, Slovenia collaborates closely with the Council of Europe and EU DG Reform.

3. Investigations

Slovenian police deal with and investigate the offences against sexual integrity of children ex-officio and in cooperation with social services, healthcare institutions, schools and other educational institutions and non-governmental organisations. Child abuse is a serious offence, causing life-long trauma to the child (persons below 18 years of age) victims.

Pursuant to Slovenian legislation, the most frequent offences against sexual integrity of children are:

- Sexual Assault on a Person Below Fifteen Years of Age (Article 173 of Slovenian Criminal Code; Official gazette of the Rep. Of Slovenia no. 50/12, official consolidated text, 6/16 – amendments 54/15, 38/16, 27/17, 23/20, 91/20, 95/21 and 186/21);
- Presentation, Manufacture, Possession and Distribution of Pornographic Material (Article 176 of Slovenian Criminal Code).

The occurrence of the latter offences coupled with the use of the internet and electronic devices is particularly on the rise. Due to irresponsible use of increasingly accessible electronic devices and wide availability of internet connections, we have been noting a growing risk of children becoming victims of these offences. Prevention and awareness raising among children as well as their carers (parents) are essential for prevention of online sexual abuse offences. Police represent but one link in the entire chain of awareness-raising activities. Police officers and criminal investigators play an important role thanks to the experience and lessons learnt from previous investigations. On the grounds of their knowledge and experience, the police are able to highlight the most relevant issues in the presentation of preventive content. Raising awareness about more 'traditional' forms of child abuse among children and their carers remains equally important.

Slovenian police are actively involved in the 'Children's house' (Hiša za otroke) project, led by the Slovenian Ministry of Justice. The project is an institution based on the principles of the »Barnahus« method. The purpose of the Children's house is to provide one-stop treatment for the victims of child sexual abuse and prevent secondary victimisation. In cooperation with the Ministry of Justice and the Council of Europe, several Slovenian police criminal investigators have also received training on how to conduct forensic interviews with children in the framework of the project.

Number of offences as per year investigated by Police:

	2017	2018	2019	2020	2021
Sexual Assault on a Person Below Fifteen Years of Age (Article 173 CC)	114	96	145	100	121
Presentation, Manufacture, Possession and Distribution of Pornographic Material (Article 176)	189	141	134	150	176

The spreadsheet below presents number of cases of sexual abuse offences committed on minors in the year of 2021 by Supreme State Prosecutor.

Criminal offence	Article of the Criminal Code	Number of cases
Sexual assault on a person below fifteen years of age	173	176
Solicitation of persons below fifteen years of age for sexual purposes	173.a	2
Violation of sexual integrity by abuse of position	174/2	13
Exploitation through prostitution	175/2	1
Exploitation through prostitution	175/3	1
Presentation, manufacture, possession, and distribution of pornographic material	176	136
	Total:	329

4. Actions at the global sphere undertaken by Slovenia in 2021

In the course of the Slovenian Presidency of the Council of EU in 2021, we specifically addressed the EU Strategy on the Rights of the Child, pushing very strongly for the adoption of the Council Conclusions. Unfortunately, consensus in the Council could not be reached, which was a big disappointment.

Additionally, at the informal meeting of Ministers of Justice, which took place in Slovenia in July 2021, the ministers discussed child-friendly justice and focused on the issue of the protection of children and their rights in court proceedings.

We have also reached an agreement in the Council and gained a positive response from the European Parliament to the accession of Bolivia and Jamaica to the Hague Convention on the Civil Aspects of International Unlawful Deprivation of Children. (The adoption of the decisions of the Council of the EU made it possible to establish a legal basis for the return of unjustly transferred or detained children to their country of habitual residence through a system of cooperation between central authorities designated by the signatories to the Convention.)

5. Additional resources:

Links to prevention campaign videos by the Slovenian Police:

- <https://www.facebook.com/policijaSI/videos/378727224044866>
- <https://www.facebook.com/policijaSI/videos/3518602944880495/>
- <https://www.facebook.com/policijaSI/videos/670228440406335/?type=3&theater>
- <https://www.facebook.com/policijaSI/videos/864241544381868>
- <https://www.facebook.com/policijaSI/videos/191158009635919>
- <https://youtu.be/VI-kmRcyxGQ>
- <https://youtu.be/QgPCPiYZBMc>
- <https://youtu.be/pJ6p13Z-52I>