Icon

Description automatically generated

**Contribution of the Republic of Slovenia**

**to the Questionnaire of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material on Reparation for child victims and survivors of sale and sexual exploitation**

18 November 2022

|  |
| --- |
| **Questionnaire of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material on Reparation for child victims and survivors of sale and sexual exploitation**    **Contribution of the Republic of Slovenia** |

**1. What are the current needs of the child victims and survivors to redress and reparation both in conflict and non-conflict settings?**

There are no conflict settings in Slovenia. The financial compensation to the victims and survivors of trafficking can help victims and survivors to satisfy the need for justice, to recover and prevent re-victimization. However, in the case of child victims and survivors assistance with rehabilitation and social reintegration seems to be much more important than financial compensation. Child victims and survivors of trafficking are particularly vulnerable and in need of special protection and assistance including psychological, medical, legal and social support in order to prevent further trauma.

**3. Who are the duty bearers to define, implement and provide the reparation to child victims and survivors?...**

As for compensation for children who are victims and survivors of (sexual) violence, we point out that the Act on Compensation for Victims of Crime identifies children (minors) who are victims and survivors of violent intentional acts (including sexual violence) as a particularly vulnerable group of victims and survivors. This means that they do not need to first demand compensation from the perpetrator, but can claim compensation as soon as there is a reasonable suspicion that they have been victims of a crime. Therefore, the state recognizes compensation in these cases under the terms of Act on Compensation for Victims of Crime, and the child can also claim compensation from the perpetrator either in criminal proceedings or through a lawsuit in civil proceedings.

In enforcing these requirements, in our experience, Centres for social work also play an important role as custodians or "brokers" for information or other assistance. Since the implementation of the Victims' Rights Directive, the Centres for social work also have a special victim support service, which includes, among other things, psychological support.

As for the compensation itself, it is often a problem because children, victims and survivors of (sexual) violence don't want to claim compensation if the perpetrators are their parents, and they don't want the state to demand it from them either. It is also a problem because various types of abuse, especially sexual, are discovered late, often only after the victims have reached the age of majority; or the legal representatives find out about it late, which can also affect the deadlines.

We would especially point out that there is a children's house - Barnahus - in Slovenia, where children who are victims and survivors of sexual violence are treated in accordance with the most modern international guidelines and standards. Through a multidisciplinary and inter-institutional approach, all relevant services are brought together under one roof, which prevents re-victimization of children and provides a coordinated and effective legal response to all children. The main purpose of Barnahus Children's House is to coordinate concurrent criminal investigation procedures and child protection procedures and support children who are victims or witnesses of violence in a child-friendly and safe environment.

**5. What measures are put in place to hear and understand how child victims and survivors would percieve meaningful reparation?**

Procedures for child victims and survivors of trafficking are defined in Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings, which was adopted by the Government of the Republic of Slovenia in May 2016. Child victims have the right to assistance and support, taking into account their specific circumstances. The best interests of the child, which are the overriding consideration, are assessed on a case-by-case basis, and a child-sensitive approach must prevail, taking due account of the age and maturity level of the child and his or her views, needs and concerns. The child is also provided with a legal representative and subsequently with a guardian who takes appropriate care to protect the child's interests and rights. The child and the holder of parental responsibility or other legal representative, if any, are informed of any measures or rights specifically directed towards the child.

**7. What are the good practices initiated by the stakeholders, and what remaining areas of intervention need to be introduced and/or improved?**

All victims and survivors of trafficking in Slovenia (adults and children) are informed of their right to legal assistance, free legal aid and compensation during the initial identification interviews, first by the NGOs involved in the identification and then by the Police. All information is given in a language that they can understand. This obligation is defined in the Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings which was adopted by the Government of the Republic of Slovenia in May 2016.

All victims of trafficking in Slovenia have a right to claim compensation in accordance with general provisions of the Civil Code, the Criminal Procedure Act and Crime Victim Compensation Act. The Crime Victim Compensation Act regulates the payment of compensation to victims of crime by the State. The act sets out the conditions under which compensation is awarded for physical pain or impairment of health, mental pain, loss of livelihood, medical expenses, funeral expenses, damages for destroyed medical devices and the costs of claiming compensation.

Currently, only citizens of the Republic of Slovenia and citizens of another Member State of the European Union are entitled to the compensation under this act. Relevant amendments are planned to be made in 2023 as regards the condition of citizenship.

In all cases involving children, the Slovenian Police act with the primary focus of protecting the child victim, which if needed includes their removal from the environment where they are in danger. In all investigations into the existence of a criminal offence, the necessary evidentiary procedures are carried out swiftly and different types of support are ensured to the child. The child victims as well as their families (provided they are not suspected of committing the investigated criminal offence) are afforded psychosocial assistance.

**8. How can States and other stakeholders deliver more effectively with respect to amplifying the effective implementation of meaningful reparation to child victims and survivors? …..**

Trafficking in human beings is most often an internationally organised criminal activity and therefore requires cooperation with countries in nearby regions and in the wider international environment in order to combat this phenomenon effectively. International cooperation, especially with the countries of origin, is even more important in the event that the victim is a child, in order to assess the best interests of the child and decide on the most appropriate durable solution. Therefore, national authorities should adopt crucial measures for effective implementation of reparation to child victims of trafficking such as clarifying roles and responsibilities of relevant stakeholders, ensuring a national focal point for child protection matters, adopting specific protocols and exchange of information with countries of origin.