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LANZAROTE CONVENTION

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

Replies to the general overview questionnaire

SLOVENIA

Replies registered by the Secretariat on 1 December 2014

Question 1: Definition of “child”

Q: a. Does the notion of “child” under your internal law correspond to that set out in Article 3, letter (a), i.e. “any person under the age of 18 years”?

A: Yes.¹

Q: b. What legislative or other measures have been taken to ensure that when the age of a victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance provided for children are accorded to him or her in accordance with Article 11, para. 2?

A: *Actions taken by the officials in the a/m situation is in accordance with this article (11/2), which is also in accordance with the Article 3 of the UN Convention on rights of the child (principle of the best interest of a child).*²

Q: c. Please state whether the age for legal sexual activities is below 18 years of age and if so, please specify the age set out in internal law.

A: 15 years.

The age of consent to sexual activities is set on 15 years of age. Filming or recording the sexual activities of the minors (any person below age of 18 years) is completely forbidden.³

Question 2: Non-discrimination

Q: Is discrimination, on grounds such as the ones mentioned in the indicative list in Article 2, prohibited in the implementation of the Convention, in particular in the enjoyment of the rights guaranteed by it? If so, please specify. If not, please justify.

- According to the Constitution of the Republic of Slovenia the non-discrimination is guaranteed as follows (Article 14, Equality before the Law):

In Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political, or other conviction, material standing, birth, education, social status, disability, or any other personal circumstance.

All are equal before the law.

- According to the Penal Code the discrimination is against the law and it is the crime offence (Violation of Right to Equality in Article 131):

Whoever due to differences in respect of nationality, race, skin colour, religion, ethnic roots, gender, language, political or other beliefs, sexual orientation, financial situation, birth, genetic heritage, education, social position or any other circumstance deprives or restrains another person of any human right or liberty recognised by the international community or laid down by the Constitution or the statute, or grants another person a special privilege or advantage on the basis of such discrimination shall be punished by a fine or sentenced to imprisonment for not more than one year.

¹ Answer provided by the *Ministry of labour, family and social affairs* - MDDSZ

² Answer provided by the Ministry of the Interior - MNZ

³ MNZ

Whoever prosecutes an individual or an organisation due to his or its advocacy of the equality of people shall be punished under the provision of the preceding paragraph.

In the event of the offence under paragraphs 1 or 2 of this Article being committed by an official through the abuse of office or official authority, such an official shall be sentenced to imprisonment for not more than three years.

- According to the Police Tasks and Powers Act (2013) the Article 13 states the principle of respecting the human personality and dignity, and other human rights and fundamental freedoms:

In performing police tasks, police officers shall respect and protect the right to life, human personality and dignity and other human rights and fundamental freedoms. Police officers shall be particularly considerate in treating victims and persons who need additional attention, assistance and care, such as children, minors, the elderly, persons with disabilities, pregnant women and victims of domestic abuse.

Police officers may never cause, incite or permit torture or other cruel, inhuman or degrading treatment or punishment.

Police officers shall exercise police powers in a manner which does not threaten the life of people who are not subject to a police procedure or impose unnecessary obligations on such people.

Question 3: Overview of the implementation

Please indicate (without entering into details):

Q: a. the main legislative or other measures to ensure that children are protected against sexual exploitation and sexual abuse in accordance with the Convention;

A: - *The Constitution of the Republic of Slovenia*
- *Law on marriage and family relations*
- *Family violence prevention act*
- *Penal Code*⁴

Preventive measures/activities (giving information to public, conferences, lectures & workshops for children, teachers, parents etc., awareness campaigns), criminal proceedings, legislation, coordination among different stakeholders (social service, police, NGOs, public prosecutors), multi-professional and multiagency approach, International cooperation, strategic planning, action plans, resolutions in which the tasks are dealt among partners.⁵

Q: b. whether your country has adopted a national strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children. If so, please specify the main fields of action and the body/bodies responsible for its/their implementation;

A: *Slovenia adopted Resolution on National Plan for Family Violence prevention 2009-2014 which includes measures to combat sexual exploitation and sexual abuse of children.*

⁴ MDDSZ

⁵ MNZ

*National Programme for children and Youth 2013-2016 includes preventive measures as well.*⁶

Slovenia is a partner in a Global Alliance against child sexual abuse online in which many aspects (fields) are covered (preventive, investigative, judicial, legislative, educational, trainings etc.), the responsible body is Ministry of the Interior of the Republic of Slovenia.⁷

Q: c. whether your country has any guidelines to ensure a child-friendly implementation of the laws, measures and strategies referred to in letters (a) and (b) above. If so, please specify. With regard to judicial proceedings, please specify whether the Council of Europe Guidelines on Child-friendly Justice were taken as inspiration for your guidelines.

A: *Slovenia is at the very beginning of this process (MDDSZ)*

Question 4: Child participation

a. Please indicate what steps have been taken to encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children (Article 9, para. 1);

In the context of criminal investigation, the opinion of a child is important (with special attention on how the interview with a child is taken; trained personnel, with psychologist, social services, child advocacy or other way, depending on situation in which the best interest of a child must be protected).⁸

*Ministry of education, science and sport (MIZŠ) reports it encourages the participation of children and young people in several ways, but specifically with this issue we do not have data on the participation of children.*⁹

Q: b. In particular, please indicate whether, and if so, how child victim's views, needs and concerns have been taken into account in determining the legislative or other measures to assist victims (Article 14, para. 1).

A: *In criminal procedures which are taking place due to criminal offenses against sexual inviolability from Chapter XIX of the Penal Code of the Republic of Slovenia, the criminal offense of neglect of minors and cruel treatment under Article 192 and the criminal offense of trafficking in human beings under Article 113 of the Penal Code, the minor-injured party must from the initiation of the criminal procedure onwards have an authorized person to care for their rights, particularly in connection with the protection of their integrity during examination before the court and during the exercising of property-law demands. Minors injured parties who have no authorized person shall be assigned an authorized person from among lawyers by the court ex officio.*

In pre-trial and in criminal proceedings a person may be present at juvenile victim to whom the victim trusts. Such a person may be present at other victim, who is a victim of violence.

⁶ MDDSZ

⁷ MNZ

⁸ MNZ

⁹ Answer provided by Ministry of Education, Science and Sport - MIZŠ

Other measures have been taken: information on what next if a person becomes a victim (to be published a renewed brochure on a police website), or if a sexual crime offense was committed (published a brochure on a police website).¹⁰

Following, the structure and process of working with children in educational and care institutions is explained:

In the educational and care institutions the counselling services have an important role to play in working with children. Counsellors are psychologists, educators, social workers, social pedagogues and special pedagogues. Major kindergartens and schools have more counsellors, smaller at least one. Counsellors perform three interrelated and often intertwined types of activities: a) aid, b) development and prevention activities and thirdly c) planning and evaluation. They are engaged in pedagogical, psychological and social counselling work. They help children, pupils, students, educators, teachers, parents and the leadership of the kindergarten or school. They participate in daily life and work in the field of learning and teaching (in kindergarten through activities of games and teaching), culture, educational institution, education, physical, personal and social development of children, pupils and students, in training and career guidance and in the field of socio-economic situations. In addition, they prepare and implement individual programs for children with special needs. It is because of these tasks that counsellors are usually persons whom children trust. Counsellors assist children in the context of educational work in collaboration with other institutions that can help a child-victim.

The procedure in educational institutions in the case of domestic violence when the victim is a child is provided in Rules on dealing with domestic violence for educational institutions (entered into force in 2010), legal basis for the Rules is the L Prevention of Domestic Violence Act. In addition, various instructions and guidelines are put in place for the functioning of the institutions in the fight against domestic violence. Policies concretize the conduct of the institutions when these are confronted with domestic violence in a family of child with the aim of integrating the activities of various departments and ensure effective actions to reduce domestic violence, both through prevention and recognition of domestic violence. Counselling services in educational institutions play an important role. Rules for educational and care institutions in dealing with domestic violence are aimed at professionals and provide for management process in educational institutions in the case of violence against children in the family: the detection and notification of violence. An employee in educational institutions is also a member of a multidisciplinary team at the Social Work Center. The implementation of the Rules is responsibility of the principal of the educational institution. In accordance with the Prevention of Family Violence Act and the said Rules, employees of the educational institutions employees must undergo training for dealing with such cases.

Ministry of education, science and sport, Ministry of labour, family and social affairs and the Police signed an agreement on the implementation of the tasks of the protection of children, arising from the Prevention of Family Violence Act. It is intended for the Social work centers, the educational institutions and the police to carry out the tasks set by the Prevention of Family Violence Act and bylaws on the basis thereof. The agreement stipulates individual activities of each of the institutions in order to protect children in cases of domestic violence.

When an employee of an educational institution recognizes changes in a child that could be the consequences of violence, or a child claims he/she is a victim of violence, or an employee is informed in any way of such violence or is a witness to such violence, he/she must immediately notify the counsellor in educational institution or in his absence, the principal or assistant principal, and make a record of the event, observation, information

¹⁰ MNZ

obtained or of the talk with a child. Record of the event is an official document that is the basis for the application of violence to Social work Center, the police or the public prosecutor and for providing first aid to a child in the framework of educational institution. In the record of the event facts and observations from which it can be concluded that violence has been carried out and that the child is at risk must be provided. The Principal or counselling service must notify Social work center within 24 hours as well as the police or the public prosecutors office. Immediately an in-house team must be set up to help the child. The tasks of the in-house team are:

- To determine on how to support and help a child who is a victim of violence,
- Determination of the functions of each team member and other professionals in order to help a child who is a victim of violence, in dealing with consequences of violence and to help with child's active participation in proceedings in order to ensure child's long-term safety,
- setting deadlines for these tasks,
- Exchange of information on the dynamics of violence against children who are victims of violence, and the consequences of violence,
- Cooperation with the Social work centers, the police and the courts,
- Making a plan of assistance or advice to a child (in educational institution), if necessary, in collaboration with other professionals in educational institution,
- If a team assesses that the child is again/still exposed to the consequences of violence, or that there has been a renewed violence, a new record of violence is made by the principal or counselling service of educational institution,
- An agreement on how to work with the parents or guardians of a child who is a victim of violence.¹¹

Question 5: Specialised bodies/mechanisms

a. Please indicate the independent institution(s) (national or local) in charge of promoting and protecting the rights of the child. Please specify its/their responsibilities and indicate how resources are secured for it/them (Article 10, para. 2, letter (a));

A: In Slovenia, there are 25 specially trained crime investigators for the crimes prescribed by the Lanzarote Convention (status: August 1st, 2014).¹²

b. Which legislative or other measures have been taken to set up or designate mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection? (Article 10, para. 2, letter (b));

A: The Slovene Police collect all related data on committed criminal offenses, therefore even for all to the police reported crimes against sexual integrity of children (data collection contains personal data of each person, the offense, evidences gathered, police unit and officer in-charge, statements of all people in the case, circumstances of the case - time, place, tools used, modus operandi etc.). Data can be provided in statistical form, too.

¹¹ MIZŠ

¹² MNZ

Data collected in statistical form, without possibility to recognize the identity of people involved, are available for public use (e.g. media, researchers, NGOs, academia, students etc.) or for the strategic purposes, to make action plans, to plan police work (e.g. modus operandi used by offenders, activities taken by officials, evaluating the coordinating and monitoring of each particular case, to use the for the police internal training) and to plan various activities of the police in this field of expertise. The access to the police databases is restricted, and allowed to authorized personnel only.¹³

c. Which legislative or other measures have been taken to organise the collection and storage of data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention? What is the national authority in charge of the collection and storage of such data? (Article 37, para. 1).

A: - Within the Police Tasks and Powers Act (2013) the Article 112, para. 4 and 5 states about data collection in accordance with Lanzarote Convention Article 37, para.1:

(4) During a pre-trial investigation concerning the criminal offences referred to in Articles 170 to 176 of the Criminal Code that have been committed against a minor, for the purposes of seeking suspects of such criminal offences, detection of criminal offences and their traces, prosecution and trial of perpetrators of criminal offences, exclusion of persons from the procedure and assistance to the victims of criminal offences, and so as to enable the exchange of personal data with the competent authorities of other countries for these purposes, the police shall collect from the suspect in each individual case data on his identity and genetic profile and save them in the record of DNA tests.

(5) During a pre-trial investigation concerning the criminal offences referred to in the provision of the Act on International Cooperation in Criminal Matters with EU Member States that allows the enforcement of a warrant for arrest and surrender regardless of double criminality, the police shall take fingerprints from the suspect in each individual case for the purposes of seeking suspects of these criminal offences, detection of criminal offences and their traces, prosecution and trial of perpetrators of criminal offences, exclusion of persons from the procedure or assistance to the victims of criminal offences. The fingerprints taken shall be kept in the record of fingerprinted persons, so as to enable the exchange of personal data with the competent authorities of other countries for the aforementioned purposes.

The national authority in charge of the collection and storage of such data in Slovenia is the Police, General Police Directorate.¹⁴

Question 6: National or local coordination, cooperation and partnerships

a. Please describe how coordination on a national or local level is ensured between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children. In particular, please provide information on existing or planned coordination between the education sector, the health sector, the social services and the law enforcement and judicial authorities (Article 10, para. 1);

A: In each case of violence against a child (including sexual offences), or in each case where a child is a victim, the multidisciplinary approach is taken to ensure smooth work of experts without any obstruction between institutions (to avoid delays, misleads, misunderstandings). On regional level there are occasional meetings among institutional

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partners (social services, health centres, police, judicial authorities, schools and kindergartens and other educational institutions, and NGOs') to present the past work, to discuss open questions and to get better results in future. Twice a year national wide meetings are held to discover potential system problems in order to solve them, and also to take measures for same treatment of the same issues in the country.

With same partners we establish close cooperation in trainings for law enforcement, and likewise.¹⁵

b. Is cooperation with a view to better preventing and combating sexual exploitation and sexual abuse of children encouraged between the competent state authorities, civil societies and the private sector (Article 10, para. 3)? If so, please specify how;

A: Yes. The police is a partner in the national Centre for safer internet, established at the Faculty of social science University of Ljubljana, where different topics and questions are revealed, in order to make an internet safe place for children, their parents and teachers (preventive measures, conferences, public releases etc.).

The police are encouraged to cooperate with NGOs' and with industry (internet service providers, mobile operators) to safeguard children in Slovenia (and abroad); the cooperating is seen as partnership meetings on various topics to perform tasks better in future.¹⁶

c. Are partnerships or other forms of cooperation between the competent authorities promoted with particular regard to the recipients of intervention programmes and measures for persons subject to criminal proceedings or convicted of any of the offences established in accordance with the Lanzarote Convention (Article 15, para. 2 and Article 16)?

A: There is no law in Slovenia, that the police would have possibilities to advise or send the offender of sexual crime to get involved in intervention programmes. On the other hand, the police are obliged to inform social service that the sexual crime against child is committed and then the further steps are taken from social services.¹⁷

Question 7: International cooperation

Has your country integrated prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states (Article 38, para. 4)? Please give examples.

A: Yes. In year 2011, according to bilateral memorandum among Governments of Republic of Slovenia and Republic of Bosnia and Herzegovina the assistance to BiH's law enforcement was given in Sarajevo by two Slovenian experts (child sexual exploitation on-line).¹⁸

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PREVENTION OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Question 8: Education, awareness raising and training

A: Guidelines for dealing with domestic violence in Health Service were prepared by the Ministry of Health. Guidelines provide for protocol for health professionals in dealing with cases of domestic violence including violence against children. Special Chapters address the sexual abuse of children. Education and awareness raising of health workers regarding the protection and rights (including children) is performed regularly by the Nurses and Midwives Association in the framework of trainings. Trainings include the following topics related to the prevention of violence, including sexual violence against children:

- *The role of health care organizations in the prevention and treatment of domestic violence, defining forms of domestic violence with special care for children with disabilities and the elderly, recognizing signs of domestic violence, case study of recording the case of family violence, duty to notify domestic violence against minors, the elderly and other persons who are materially, socially or emotionally dependent on the perpetrator of violence, informing the victims on the forms of assistance, participation in a multidisciplinary team.*
- *Rules on dealing with domestic violence in health care organizations (familiarization with the specific procedures for action on detection of domestic violence).*
- *Criminal Code provisions*
- *Police act provisions*
- *Restraining order¹⁹*

a. Which legislative or other measures have been taken to:

- ensure that children, during primary and secondary education receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacities? (Article 6, Explanatory Report, paras. 59-62). Please also specify whether this information includes the risks of the use of new information and communication technologies (Article 6, Explanatory Report, para. 63);

A: Yes, the police officers, crime detectives, police PR are making awareness raisings in the primary and secondary schools to children and to teachers, and presentations includes the risk factors at new ICT. The awareness raising is made also with national CERT points, with INHOPE hotlines, and with the partners in Centre for safer internet.²⁰

Part of the curriculum in kindergarten and primary school is »identification and prevention of various forms of violence«.

Preventive activities of high schools contain information on various dangers and risks of different types of violence, and risky sexual behaviour. The school teaches and encourages students to seek appropriate help when they find themselves in danger or distress.

As stated in answer to Question 4, an important role in the educational institutions is played by the counselling service, which is the midpoint between the educational institution and the outside world (centers for counselling services, police, health institutions, etc.). The basic task of counselling services is to be involved in complex pedagogical, psychological and social aspects of educational work in kindergarten or school and thus to help and cooperate

¹⁹ Answer provided by the Ministry of Health - MZ

²⁰ MNZ

with all participants in kindergarten or school, and, where appropriate, with relevant external bodies.

Several projects for education on dangers and pitfalls of using the Internet are established. Some of the workshops are also aimed at the parents. Following are some projects:

Safer Internet Centre Slovenia is the national project promoting and ensuring a better internet for kids. This is an EU initiated and co-financed project, in Slovenia financial support also comes from the Ministry of Education, Science and Sport. The project is run by a consortium of partners coordinated by Faculty of Social Sciences at the University of Ljubljana: Academic and Research Network of Slovenia, Slovenian Association of friends of youth and Youth Information and Counselling Center of Slovenia.

Safer Internet Centre Slovenia has three components:

- *Awareness Centre »Safe.si«*
- *Helpline »Tom telefon«*
- *Hotline »Spletno oko«²¹*

- encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities? (Article 5, para. 1);

A: Yes (see Q8,a.1)²²

Awareness of professionals in education takes place in various ways, such as:

- *Various training programs*
- *The content of professional examinations in the field of education, including the regulations governing human and children's rights and fundamental freedoms,*
- *Awareness-raising, carried out by non-governmental organizations, and the participation of teachers in networks.²³*

- ensure that persons, referred to while replying to the bullet point above, have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility of reporting suspicions of a child being the victim of such acts? (Article 5, para. 2).

Yes.²⁴

A: Ministry of education, science and sport has in the period from 2008 to 2012 funded - with the help of funding from the European Structural Funds and national funds –several training for professionals in education with an aim of education of children / pupils / students on the issue of protection of children's rights in accordance with the Convention on the Rights of the Child. The most important are trainings: "Systemically dealing with domestic violence - training for professionals in education" (2010-2012) and "Professional training for professionals in education for strengthening the competencies for the prevention of violence".

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²³ MIZŠ

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*Institute of public health of the Republic of Slovenia has conducted a study in sexual behaviour of adolescents, in which the National Education Institute also participated. In educational institutions seminars on sex education were organized.*²⁵

b. Which policies or strategies have been implemented to promote or conduct awareness-raising campaigns targeted at the general public where the focus is directed especially towards the risks and realities of sexual exploitation and sexual abuse of children? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If there are currently plans for launching a (new) campaign or programme, please provide details (**Article 8, para. 1**);

A: The Ministry of the Interior gives the instructions on which task should police perform during each annual year: so, the task is also to perform various activities to protect children from sexual abuse.

Campaigns:

- *Muppet performance "113 Police for children" (orig. 113 Policija za otroke),*
- *A pictured magazine "Police officer Beno, What now?" (orig. strip Policist Beno, kaj pa zdaj?),*
- *Booklet "Some secrets must not be hidden" (orig. Nekatere skrivnosti ne smejo biti skrite),*
- *Renewed brochure "Sexual Violence" (orig. Spolno nasilje),*
- *Renewed brochure "When I become a victim of a crime" (orig. Ko postanem žrtev kaznivega dejanja),*
- *Campaign "Project Vesna – To Live Life Without Violence", 2013-2015 (EU funded from programme Progress),*
- *Practical Information on domestic violence – Procedures at the Police (see web-site of the Slovene Police).*

Material for a/m is: various brochures, TV video and RA track, booklets, bags, photo-exhibition, several monographs with written lectures from conferences, public performances (TV shows, RA-stations, round tables etc.).

*All of them are well accepted among professionals and experts on these filed, also among children, parents, teachers, counsellors, media; and even the Slovene Ombudsman for human rights gave a positive message.*²⁶

Q: c. Which legislative or other measures have been taken to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention? If so, please provide details (**Article 8, para. 2, Explanatory Report, para. 66**).

*A: Ministry of labour, family and social affairs established a national helpline for children who are victims, perpetrators, or witnesses to all types of violence (sexual, physical, peer etc.). National helpline is called Peter Klepec Telephone 080 1552 and it provides help and counselling 24 hours all days in a week including holidays since 2006.*²⁷

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²⁷ MDDSZ

Question 9: Recruitment and screening

a. Which legislative or other measures have been taken to ensure that the conditions for accessing those professions whose exercise implies regular contact with children, ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children? (**Article 5, para. 3**). Please specify to which professions such measures apply. Please also indicate for how long the criminal record of a person who was convicted for such crimes is kept in your country;

A: According to Penal Code (KZ-1), Article 84, it is not possible to work with children if a person is convicted of sexual offences against children. A person is not allowed to work with children anymore (the working contract is not valid anymore/suspension from work).²⁸

b. Does the screening of candidates apply to voluntary activities (**Explanatory Report, para. 57**)?

A: Yes.²⁹

In Slovenia, there is a general certificate of good conduct. A special Certificate of Good conduct regarding the crime of a sexual nature does not exist. If the person has been convicted of an offense of a sexual nature, this legal fact is evident from the general certificate of good conduct. Usually a certificate of good conduct is obligatory when applying for the job in health care, education, public service etc.

Penal Code enables institutions or associations entrusted with learning, education, protection or care to obtain specific criminal records also for convictions for sexually related offences.³⁰

Law on financing of education and schooling (ZOFVI) provides for specific procedures in cases where the person who commits a sexual offence is already employed in educational institution. A criminal complaint drawn up by the police is sent also to the Inspectorate of Education, if there are reasons to suspect that an employee in the field of education has committed the offense of sexual abuse or assault. Inspector of Education in accordance with the School Inspection Act may impose a suspension of the employee.

An employment contract of a person who is convicted (final conviction) of a sexual offence is terminated.

The person against whom criminal proceedings for a sexual offense are on-going, cannot conclude a contract of employment in the field of education.

Since 2008, a Penal Code provides for a separate register of convicted perpetrators of sexual abuse of children. Educational institutions may obtain extracts from the records of the institution.³¹

Question 10: Preventive intervention programmes or measures

a. Which legislative or other measures have been taken to ensure that persons who fear that they may commit any of the offences established in accordance with the Convention, have

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³¹ MIZŠ

access to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed? Please specify under which conditions, if required (**Article 7, Explanatory Report, para. 64**);

b. Which legislative or other measures have been taken to ensure that persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention, may have access to effective intervention programmes or measures? Please specify under which conditions, if required (**Articles 15 to 17**). Please indicate in particular:

- who has access to these programmes and measures (convicts, persons subject to criminal proceedings, recidivists, young offenders, persons who have not committed a crime yet?);
- how the appropriate programme or measure is determined for each person;
- whether there are specific programmes for young offenders;
- whether persons have a right to refuse the proposed programme/measures?

*A: No such measures exist within the educational institutions.*³²

*Specialized preventive intervention programs for people, who fear they might commit crimes of sexual abuse do not exist within the health service.*³³

Question 11: Participation of the private sector, the media and civil society

What steps have been taken to encourage:

a. the private sector (in particular the information and communication technology sector, the tourism and travel industry, the banking and finance sectors) to participate in the elaboration and implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children? Please indicate which private sectors are concerned and explain how participation takes place. Please also provide information concerning any relevant code of conduct or enterprise charter aimed at protecting children from sexual exploitation and sexual abuse (**Article 9, para. 2, Explanatory Report, paras. 68-73**);

*A: The most encouraging is the ICT sector, which made progress on this topic (blocking, filtering, awareness campaigns, cooperation at conferences and public appearances).*³⁴

b. the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children (**Article 9, para. 3, Explanatory Report, para. 74**);

A: Media are invited on conferences and round tables to actively participate, not just report from the events.

*The experts are giving the explanations, interviews, notices, answers on their requests etc., that is related to prevention on sexual abuse of children.*³⁵

c. the financing, including, where appropriate by the creation of funds, of the projects and programmes carried out by civil society aimed at preventing and protecting children from sexual exploitation and sexual abuse (**Article 9, para. 4, Explanatory Report, para. 75**). May the proceeds of crime be used to finance the above mentioned projects and programmes? Please provide details (**Article 27, para. 5, Explanatory Report, para. 193**).

³² MIZS

³³ MZ, MIZŠ

³⁴ MNZ

³⁵ MNZ

A: Public sector proactively cooperates in the projects of civil society, public sector finances NGO sector as well (for instance: the police carries its own expenses and civil society does not need to spend any finance on this).³⁶

Question 12: Effectiveness of preventive measures and programmes

a) Please specify whether an assessment of the effectiveness and impact of the preventive measures and programmes described in replies to questions 4, 10 and 11 is regularly carried out;

A. To the Q11, the answer is Yes (it is a permanent task).³⁷

In this regard there are two important projects in educational sector, called: "Systemically dealing with domestic violence - training for professionals in education" (2010-2012) and "Professional training for professionals in education for strengthening the competencies for the prevention of violence«.

Based on the comments of professionals taking part in the trainings, a working group was established that prepared the Agreement on the implementation of the tasks for the protection of children in accordance with Prevention of Family Violence Act.

b) Please provide examples of the good practices in preventing sexual exploitation and sexual abuse of children.

A: Best practice (multiagency approach):

- *Sexual abuse off-line: multidisciplinary and multi-institutional approach, where experts are gathered to discuss each particular case of child's abuse in order to achieve the best goals/results to protect each particular child (with special view on major principles of CRC).*
- *Sexual abuse on-line: see point 1, and to cooperate in wider expert centric approach in Centre for safer Internet in Slovenia, where all the stakeholders are working hand to hand to protect children; and also taking measures in international cooperation (EU, global).³⁸*

In the field of education, above mentioned training titled "Systemically dealing with domestic violence - training for professionals in education" (2010-2012), was attended and completed by 1,400 professionals working in educational institutions.

In the framework of the project "Professional training for professionals in education for strengthening the competencies for the prevention of violence" following programs were carried out:

- *The program for the prevention of child abuse: "CAP program"*
- *The program "Strengthening Families"*
- *CAP program "Without violent, victimless"*
- *"Select nonviolence" programme*

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³⁷ MNZ

³⁸ MNZ

- "Volunteering - strengthening the values of non-violence." Programme 3,380 participants (multipliers) were included in the project.³⁹

PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN VICTIMS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Question 13: Reporting suspicion of sexual exploitation or sexual abuse

a. Are professionals working in contact with children bound by confidentiality rules? Do these rules constitute an obstacle for reporting to the services responsible for child protection any situation where they have reasonable ground for believing that a child is a victim of sexual exploitation or sexual abuse? Please indicate the criteria or guidelines which allow for the waiving of confidentiality rules (**Article 12, para. 1, Explanatory report, para. 89**);

A: Yes, not just bounded by law, but with ethical measures, too. The police has a proactive approach and provides trainers to specific populations.⁴⁰

b. Are there any rules encouraging any person who knows about or suspects, in good faith, sexual exploitation and sexual abuse of children to report the facts to the competent authorities? If so, please specify under which conditions and to which authorities (**Article 12, para. 2, Explanatory Report, para. 91**). Please provide examples of good practice.

A: Everyone is entitled to report of sexual abuse of children. If accusation is void but made in a good faith, there are no legal consequences.⁴¹

Notification of suspected sexual abuse: The health worker is, in accordance with the Law on Prevention of Domestic Violence Act and the Penal Code, obliged to inform the competent institution of the detection/suspicion of domestic violence.

Upon detection of suspected domestic violence, in accordance with the law, a health institution must inform the competent social work center or the police or the public prosecutor's office within 24 hours. Where there is no direct threat to the life of the victim or her children it is recommended to primarily inform the competent Social work Center.

Potential dilemmas regarding health workers confidentiality are specifically addressed in the Professional guidelines for health care workers on dealing with domestic violence.⁴²

Prevention of Domestic Violence Act provides the obligation of the authorities, governmental and non-governmental organizations when they become aware of the circumstances under which it can be concluded that violence is being carried out, to immediately inform the Social work center or the police, except in cases where the victim expressly objects and there is no suspicion of a criminal offense that is prosecuted ex officio. Everyone, including the staff in childcare and educational institutions, notwithstanding the provisions of professional secrecy shall immediately inform the center for social work, police or the public prosecutor's office, where it suspects that a child is a victim of violence.

³⁹ MIZŠ

⁴⁰ MNZ

⁴¹ MNZ

⁴² MZ

Report of domestic violence is prescribed also by the Rules on dealing with domestic violence for educational institutions (Official Gazette of RS, no. 104/2009) and by an Agreement relating to the implementation of tasks in order to protect children.⁴³

Question 14: Helplines

Which legislative or other measures have been taken to encourage and support the setting up of information services, such as telephone or internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity? (**Article 13, Explanatory Report, para. 92**).

A: Authorities and organizations are obliged to carry out all procedures and actions which are required for protecting victims, according to the level of hazard and for protecting their benefits, as well as ensuring respect for the integrity of the victim. If a child is a victim of violence, the child's benefits and rights have advantage over benefits and rights of any other participant in the proceedings. Authorities and organisations that come across circumstances on basis of which it is reasonable to assume that violence is being inflicted, are obliged to report immediately to the Social Work Centre, except in cases where the victims themselves oppose expressly to such a report and there is no suspicion of criminal offence which should be prosecuted ex officio.⁴⁴

Police officers can provide the general information, or with acceptance of the victims, they can contact other institution in their behalf.⁴⁵

Some projects financed by Ministry of education, health and sport:

Safer Internet Centre Slovenia is the national project promoting and ensuring a better internet for kids. This is an EU initiated and co-financed project, in Slovenia financial support also comes from the Ministry of Education, Science and Sport. The project is run by a consortium of partners coordinated by Faculty of Social Sciences at the University of Ljubljana: Academic and Research Network of Slovenia, Slovenian Association of friends of youth and Youth Information and Counselling Center of Slovenia.

Safer Internet Centre Slovenia has three components:

- *Awareness Centre »Safe.si«*
- *Helpline »Tom telefon«*
- *Hotline »Spletno oko«*

Question 15: Assistance to victims

a. Please indicate which types of assistance described in **Article 14** are provided to victims of sexual exploitation and sexual abuse of children. (**Explanatory Report paras. 93-100**) Please specify:

- how the assistance is adapted to the victims' age and maturity;
- how due account is taken of the child's views, needs and concerns;
- if the assistance (in particular emergency psychological care) is also provided to the victims' close relatives and persons responsible for their care.

⁴³ MIZŠ

⁴⁴ MDDSZ

⁴⁵ MNZ

A: As partially mentioned at Q14, the police can give assistance depending on circumstances of the case, victim and facts of the crime/situation; in general, escorting the victim to other institution, giving explanations on the case, informing of the NGOs, safe houses/shelters, other activities according the victims' emblematic (needs, age, maturity, views etc.).⁴⁶

Slovenia is successfully implementing a pilot project »Child Advocate - Voice of the Child« allowing the child to be accompanied by the Child Advocate, a trained professional offering him emotional support and care in all proceedings affecting him. Its main task is to assist the child in proceedings to express his opinion.⁴⁷

Assistance to victims:

In case of suspected sexual violence against the child it is required to refer the child to the hospital with paediatric section, where a review of the child in accordance with the "Protocol for the examination of the child, suspected to be a victim of sexual abuse".

In accordance with this protocol it is mandatory to refer the child for further consideration and assessment to the pedopsychiatrist or clinical psychologist with additional skills and experience in dealing with children, victims of abuse.

The paediatrician has existing possibilities: to place a child in the hospital, to place him in a safe house (in cooperation with the Social Work Center) or together with mother in the crisis center for women and children victims of violence or crisis center for children and teens. In this way the removal of the victim from the threatening environment is ensured.⁴⁸

b. Please specify if and to what extent internal law provides for the possibility of removing (**Article 14, para. 3, Explanatory Report, para. 99**):

- the alleged perpetrator, when the parent or persons caring for the child are involved in his or her sexual exploitation or sexual abuse;
- the victim from his or her family environment when parents or persons caring for the child are involved in his or her sexual exploitation or sexual abuse.

A: The basic principle is not to remove victim, but the perpetrator.

The police have possibility to give restraining order (from 48hrs up to 60 days, with the courts' prolongation), the victim has possibility to get the restraining order from court very quickly (valid up to one year). With the assistances of social services and NGOs' the special care for a child victim is ensured.

Both is possible, but the circumstances of the case is important, especially the victims circumstances.⁴⁹

Under the provisions of Marriage and Family Relations Act (Uradn/ list RS, No. 69/2004 official consolidated text and 101/07, 122/07 and 84/12 - Decisions of the Constitutional Court of RS) a social work centre shall be obliged to take necessary measures which are required for the upbringing and care of a child or the care of its assets and other rights and benefits (Article 119).

⁴⁶ MNZ

⁴⁷ MDDSZ

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⁴⁹ MNZ

A social work centre may take a child from its parents and give it into the upbringing and care of another person or institute if the parents neglect the child's upbringing and care, or if this is to the child's benefit for other important reasons. With such a removal, the other obligations and rights of parents to the child do not cease.

c. If internal law does provide for this:

- are the conditions and duration of such removal to be determined in accordance with the best interests of the child?

A: Yes.

- are social programmes and multidisciplinary structures in place to provide the necessary support for victims, their close relatives and for any person responsible for their care? **(Article 11, Explanatory Report, paras. 87-88).**

A: In Slovenia, there are 24 safe-houses and maternity homes for women, providing approximately 120 rooms and 350 beds; however, it has to be emphasised that maternity homes fundamentally aren't intended for the solving of family Violence issues. Besides the indicated programmes, there are some other social assistance programmes within the framework of prevention of violence.

The procedure for decisions made on actions from the Family Violence Prevention Act is initiated by the court in cases when the victim is a child, on request of the child who is older than fifteen years, on request of parents, that is, one of the parents if their right to parental care was not taken away, or on request made by the Social Work Centre. If the specified actions are issued for childcare sake, then the respective implementation is monitored by the Social Work Centre. The Social Work Centre is also obliged to perform all other required actions related to childcare in accordance with the act governing family relationships. Regarding empowering programmes and programmes for different kind of help for victims (children, women) and perpetrators, NGOs in Slovenia are very well organised.⁵⁰

d. Which legislative or other measures have been taken to ensure that victims of an offence established in accordance with the Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence? **(Article 38, para. 2, Explanatory Report, paras. 258-259).**

The victim may make a complaint 24/7, by visiting the police stations, send e-complaint, by sending text messages (deaf victim), call emergency police phone 113. Each police officer is obliged to accept the complaint from a victim, and it does not matter if the officer has other tasks to perform.⁵¹

⁵⁰ MDDSZ

⁵¹ MNZ

PROSECUTION OF PERPETRATORS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE OF CHILDREN

Question 16: Criminal law offences

a. Please indicate whether the intentional conducts in the box below are considered criminal offences in internal law;

Yes

b. Wherever the intentional conduct which is criminalised differs from the Lanzarote Convention benchmark, please justify;

/

c. Please highlight whether there are any other offences not included in the box below incriminating sexual exploitation and sexual abuse of children in your country? Please provide their definitions and specify in which act these are included;

/

d. Please also specify whether the age of a child plays a role in determining the gravity of the offence.

The legal age for sexual activity is 15 years. Sexual assault on a child of any age below 15 years of age is of the same gravity.

Question 17: Corporate liability

Does your system provide that a legal person may be held liable for an offence established in accordance with **Article 26**? Please specify under which conditions.

A: Yes.

The Liability Of Legal Persons For Criminal Offences Act Prescribes in article 4 grounds for the Liability of the Legal Person:

A legal person shall be liable for a criminal offence committed by the perpetrator in the name of, on behalf of or in favour of the legal person:

1. If the committed criminal offence means carrying out an unlawful resolution, order or endorsement of its management or supervisory bodies;

2. If its management or supervisory bodies influenced the perpetrator or enabled him to commit the criminal offence;

3. If it has at its disposal unlawfully obtained property benefit or uses objects obtained through a criminal offence;

4. If its management or supervisory bodies have omitted due supervision of the legality of the actions of employees subordinate to them.

Question 18: Sanctions and measures

a. Please indicate which sanctions internal law provides for the criminal offences established in accordance with the Convention with regard to both natural and legal persons. Please specify whether the sanctions are criminal, civil and/or administrative sanctions (**Article 27, Explanatory Report, paras. 182-193**);

A: Natural persons: criminal sanctions (prison sentences)

Legal persons: administrative sanctions (financial penalties, termination of legal person)

b. Which legislative or other measures have been taken to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with the Convention? Please provide details and describe any good practice resulting from the taking of these measures (**Article 29, Explanatory Report, paras. 203-208**).

A: Yes, art. 14/2 of the Penal Code.

Question 19: Jurisdiction

With regard to the offences referred to in question 16, please indicate which jurisdiction rules apply. Please specify under which conditions, if required (**Article 25, Explanatory Report, paras. 165-176**).

A: With regard to the offences referred to in question 16, jurisdiction rules from art. 25/1 a-d apply. As for the case when offence is committed by a person who has habitual residence in the territory of Slovenia, jurisdiction is applied under conditions of Art. 10 and 13 of the Penal Code.

Question 20: Aggravating Circumstances

Please indicate which of the circumstances referred to in **Article 28**, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration in your legal system as aggravating circumstances in the determination of the sanctions in relation to the offences established in accordance with this Convention (**Explanatory Report, paras. 194-202**).

A: In some cases they are constituent (aggravating) elements of an offence. As far as they do not form part of such constituent elements of the offence, all of the circumstances from Article 28 of the Convention can be taken into consideration. See Article 49/2 of the Penal Code.

Question 21: Measures of protection for the child victim

a. Please describe the measures taken to inform child victims of their rights, the services at their disposal, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role as well as the outcome of their cases (**Article 31, para. 1, letter (a) and para. 2**). Please also indicate what is done to provide all relevant information in a manner adapted to the child's age and maturity and in a language that he/she may understand;

A: The police made several steps toward victims. On police web-site the information on police proceedings in cases of domestic violence is published, which contains the relevant information even when a child is a victim of violent crime e.g. sexual abuse definitely is. The police officers are instructed by the General Police Directorate to present rights to every victim they have addressed to. And if the victim wishes a written information, the victim will receive it from the police (right after criminal complaint by getting the issue of victim's statement or by official letter, or when the investigation is concluded; if the victim wishes to get official information on the progress of one's case, it can be issued, too). The information to victim can also be given verbally, if the victim does not wish to get it in written, or the written one can be sent to the address expressed by the victim (avoidance from perpetrator to reveal the intimate information for the victim).

If the victim is a child or minor, the information to him/her is given on the level of their understanding and even to one's trustee.⁵²

b. Please also indicate which measures have been taken to enable the child victim to be heard, to supply evidence and to choose the means of having his/her views, needs and concerns presented, directly or through an intermediary, and considered (**Article 31, para. 1, letter (c)**);

A: This principle "child victim to be heard" is well accepted in the police work; it is understood the right of the child to express one's views, needs, and concerns, or even not to express these by child's own, not influenced wish. If the latter situation occurs, especially if influenced or it is seen as not objective child's expression, then the police has to deal with the perpetrator's potential threat, given promises, or even exploitation of a child's naivety.

The opinion of a child is of a great importance in one's case, especially when the child is a victim of the (sexual) crime or witnesses it. The opinion is taken from a child as a free and open conversation, with preparations on the interview by trained professionals, with special approach to a child and to respect the best interest of a child. The statements of a child are recorded in many occasions, the law provides the legal baseline for recording.

If the parents or trustees are suspects of the crime against one's child, the social service will look after the child rights in first proceedings. The child latter gets a lawyer to protect one's rights, even in front of child's parents (the child is heard, the specially trained lawyer is paid by the state/ombudsman).⁵³

c. What kind of support services are provided to child victims and their families so that their rights and interests are duly presented and taken into account? (**Article 31, para. 1, letter (d)**);

A: The police can assure that accompanied trustee or officials who will grant their rights, are always present for the child, when the police (trained crime detectives) has to interview a child.⁵⁴

d. Please describe the measures taken to protect the privacy, the identity and the image of child victims (**Article 31, para. 1, letter (e)**);

⁵² MNZ

⁵³ MNZ

⁵⁴ MNZ

A: *The police must provide necessary information of its work and activities to the wider public, but it does not need to disclosure information on which the identity of the child would be revealed.*

According to the Criminal Code of the Slovenia, Article 287, para. 2, the identity of the child must not be disclosure to the public. The diction states: who publicizes a personal data of a minor who is a party in a judicial, administrative, or in any other process, or publish other information on the basis of which it would be possible to identify one's identity, shall be punished by a fine or imprisonment up to three years.⁵⁵

e. Please describe the measures taken to provide the safety of the child victims and witnesses and their families from intimidation, retaliation and repeat victimisation (**Article 31, para. 1, letter (f)**);

f. Please specify whether the victim and his/her family are informed when the person prosecuted or convicted is released temporarily or definitely from detention or custody. Please indicate who delivers this information and how (**Article 31, para. 1, letter (b)**);

A: *If the offender is released from detention by the police, the police is in-charged to inform victims or his/her families on this. It is made verbally or by different communication means (depending on the case: by phone, e-mail etc.).⁵⁶*

g. Please also indicate what measures have been taken to ensure that contact between victims and perpetrators, within court and law enforcement agency premises, is avoided. Please specify under which conditions the competent authorities may authorise such contact in the best interests of the child or when the investigations or proceedings require such contact (**Article 31, para. 1, letter (g)**);

The police has no authority to make such contacts. The police is not making such contacts.⁵⁷

h. Please specify under which conditions child victims of the offences established according to the Convention have access to legal aid provided free of charge (**Article 31, para. 3**).

A: *Art. 65/3 of the Criminal Procedure Code:*

In criminal proceedings conducted as a result of criminal offences against sexual inviolability referred to in Chapter XIX of the Penal Code, a criminal offence of neglect of minors and cruel treatment referred to in Article 201 of the Penal Code or a criminal offence of trafficking in human beings pursuant to Article 387.a of the Penal Code, an injured party who is a minor shall, from the initiation of the criminal proceedings onwards, have an attorney to care for his rights, particularly in connection with the protection of his integrity during examination before the court and during the assertion of a claim for indemnification. To injured parties who are minors without an attorney the court shall assign ex officio an attorney from among the members of the Bar.

Question 22: Investigations and criminal measures to protect the child victim

a. What protective approach towards victims has been adopted to ensure that the investigations and criminal proceedings do not aggravate the trauma experienced by the

⁵⁵ MNZ

⁵⁶ MNZ

⁵⁷ MNZ

child and that the criminal justice response is followed by assistance, where appropriate? (**Article 30, para. 2, Explanatory Report, paras. 211-215**);

A: As explained above: see Q21, 14, 15.⁵⁸

b. Which legislative or other measures have been taken to ensure that investigations or prosecutions of offences established in accordance with the Convention shall not be dependent upon the report or accusation made by a victim and that the proceedings may continue even if the victim has withdrawn his or her statement? (**Article 32, Explanatory Report, para. 230**);

A: *The major step is to get more information on the dynamics of the violence, statements from witnesses, reports from various institutions (e.g. health centres, social services, educational institutions, NGOs, others), to confirm and to find the evidences on what a criminal complaint is made of. But most of all, the great importance is to provide necessary information for the victim and for the trustee, where the special care or treatment can be provided, and empowering the victim in following procedures.*⁵⁹

c. Which legislative or other measures have been taken to ensure that the statute of limitation for initiating proceedings with regard to the offences established in accordance with **Articles 18, 19, paragraph 1.a and b, and 21, paragraph 1.a and b**, shall continue for a period of time sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority and which is commensurate with the gravity of the crime in question? (**Article 33, Explanatory Report, paras. 231-232**);

A: *Penal Code prescribes, that irrespective of general statute of limitations for criminal prosecution, 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.*

d. Please clarify whether your judicial authorities may appoint a special representative for the victim who may be party, where the holders of parental responsibility are precluded from representing the child in proceedings related to sexual exploitation or sexual abuse of children as a result of a conflict of interest between them and the victim. Please specify who may be appointed as a representative and what are his/her tasks (**Article 31, para. 4**). Please also describe under which conditions it is possible;

A: *Art. 65/3 of the Criminal Procedure Code:*

In criminal proceedings conducted as a result of criminal offences against sexual inviolability referred to in Chapter XIX of the Penal Code, a criminal offence of neglect of minors and cruel treatment referred to in Article 201 of the Penal Code or a criminal offence of trafficking in human beings pursuant to Article 387.a of the Penal Code, an injured party who is a minor shall, from the initiation of the criminal proceedings onwards, have an attorney to care for his rights, particularly in connection with the protection of his integrity during examination before the court and during the assertion of a claim for indemnification. To injured parties who are minors without an attorney the court shall assign ex officio an attorney from among the members of the Bar.

e. Please describe how your internal law allows for groups, foundations, associations or governmental or non-governmental organisations assisting and/or supporting victims to

⁵⁸ MNZ

⁵⁹ MNZ

participate in legal proceedings (for example, as third parties) (**Article 31, para. 5**). Please specify under which conditions, if so required;

A: Part of the answer is given in Q15/a and in 21/c (escorting the victim to the institutions).⁶⁰

f. Please describe under which circumstances the use of covert operations is allowed in relation to the investigation of the offences established in accordance with the Convention (**Article 30, para. 5**);

*A: According to Police Tasks and Authority Act the principle of proportionality (Article 16) must be taken into consideration, when police powers are used. The a/m provision states:
"(1) When various police powers may be employed for the effective performance of a police task, police officers shall employ only those powers whereby the police task can be carried out with the least damaging consequences.
(2) Police officers may employ harsher police powers only in the event that the exercising of more lenient police powers has been ineffective or would be impossible owing to the circumstances and the provision of safety of life, personal safety or protection of property.
(3) Police officers shall immediately cease exercising police powers when the reasons for exercising them cease to exist."*

The basic rule for the covert investigative measures to be used is, each measure must be focused on precise suspect (knowing one's identity or reasonably focusing the suspect with other identification remarks).

Covert measures, which can be used for gathering evidences of the crimes mentioned in Lanzarote Convention, too, are defined in Criminal Procedure Act. Below is the list of covert measures, which can be executed only by the law enforcement agency (Slovene Police):

- *Surveillance (Article 149.a CPA);*
- *Data acquisition and display data from an electronic communications network (Article 149.b CPA);*
- *Surveillance of electronic communications by eavesdropping and recording and control and preservation of evidence on all forms of communications that are transmitted in an electronic communications network (Article 150, para. 1, point 1 CPA);*
- *Control letters and other consignments (Article 150, para. 1, point 2 CPA);*
- *Control of the computer system of the bank or other entity that performs financial or other economic activity (Article 150, para. 1, point 3 CPA);*
- *Tapping and recording of conversations with the consent of at least one person involved in the conversation (Article 150, para. 1, point 4 CPA);*
- *Listening and observation in a foreign apartment or other foreign places, using technical means for documenting and, if necessary, by secret entry into those premises (Article 151 CPA).*

Written order for a/m measures is issued by the court on the basis of a written proposal of the public prosecutor.

CPA defines different conditions that must be for-filled, so the covert measures can be ordered:

- *there must be reasonable grounds to suspect, as the standard of proof that a particular person has committed or is preparing or organizing the commission of any of the serious crimes, in respect of which the measures apply;*

⁶⁰ MNZ

- *the relevance of specific circumstances: in respect of the measures that interfere with the content of the communication, there must be reasonable grounds for believing that the communication in connection with this crime using certain means of communication or computer system that may otherwise not be possible to collect evidence or that it will be in a specific area obtained evidence;*
- *proportional principle: the covert measures can be ordered only, if there is no other way to collect evidences, or if its collecting in a usual way would put lives of people in danger or their health (covert measures can be used as ultima ratio);*
- *time duration of the measures - must cease as soon as the reasons for which they have been ordered (usually duration is ordered for up to one month, on reasonable grounds the duration may be extended by one month each time); max. duration period is between 3 to 6 months, depending on the ordered measure.*

Results as an income from foreign LEA when they took covert measures may be used in Slovenia, if the covert measures are in accordance with the laws of other countries, where the measures were taken, and in accordance with national constitution.

As presented, the CPA provides a variety of covert investigative measures, which may be used by the police under specific conditions. The decision on which one to use, shall be adopted in accordance with article 16 PTAA as well.⁶¹

g. Please also describe what techniques have been developed for examining material containing pornographic images of children (**Article 30, para. 5**).

A: Evaluating the seized material (content, metadata, exif, analysing), evaluating the case as a whole and in depth, especially when the perpetrators are in many cases people, who are known to the child victims.⁶²

Question 23: Child friendly interviewing and proceedings

a. Please describe how interviews (**Article 35**) with child victims are carried out, indicating in particular whether:

- they take place without unjustified delay after the facts have been reported to the competent authorities;
- they take place, where necessary, in premises designed or adapted for this purpose;
- they are carried out by professionals trained for this purpose;
- the same persons are, if possible and where appropriate, conducting all interviews with the child;
- the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of proceedings;
- the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.

A: Part of the answer is given in Q21/b.⁶³

b. Please also specify whether all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and whether these videotaped interviews may be accepted as evidence during the court proceedings;

⁶¹ MNZ

⁶² MNZ

⁶³ MNZ

See Q21/b.⁶⁴

a. Please describe under which conditions the judge may order the hearing to take place without the presence of the public and the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies? **(Article 36)**.

A: Art. 331/5 of the CPA:

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

⁶⁴ MNZ