



28th CONFERENCE OF EUROPEAN MINISTERS OF JUSTICE

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**“Emerging issues of access to justice for vulnerable
groups, in particular:**

- migrants and asylum seekers;**
- children, including children perpetrators of crime”**

Address by

Mr Robert MAROLT
State Secretary
Minister of Justice of Slovenia

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Honourable Ministers of Justice, representatives of the Council of Europe, Ladies and Gentlemen.

I have the honour and the pleasure to represent the Minister of Justice at this Conference.

Regarding this year's agenda for the Conference of Ministers of Justice of the Council of Europe, we need to be conscious of the delicate nature of the topics, especially taking into account issues regarding children. Children are the most vulnerable group, on which institutional and non-institutional measures have wide-ranging consequences. We agree with those opinions, which recommend a multidisciplinary approach to the legislation solution, as with implementation in practice. In the context of the above mentioned, it is crucial, that all the accepted measures are well considered and applied in the right context.

1. General aspect of children, including child perpetrators of crime from a Slovenian point of view

At this moment, the geo-strategic position of the Republic of Slovenia does not cause great problems regarding child-population immigration. However, situation may change in the near future, because of the abolition of systematic border controls between participating countries in the Schengen Acqis, which enables the free movement of the population to a greater extent. Besides this, many influences of globalisation are also recognisable in this area, so also children could have unauthorized access to the internet and similar media which would have a negative influence on them. We have had the opportunity to detect certain serious forms of crime committed on the basis of internet suggestive patterns in Slovenia. This is why effective supervisory measures over children should be established and calls for a preventive approach towards children in their adolescent period, especially in the educational process.

The immediate reaction approach is of essential importance also after the commission of crime of juvenile offenders. Course of time in the case of juvenile offenders compared to adult offenders is even more important, because this particular situation (criminal offence) presents the right opportunity to develop their personality.

The above stated positions also represent grounds for particular provisions regarding juvenile offenders in the Criminal Code of the Republic of Slovenia. The basic approach is education and re-education, which are considered as alternative criminal sanctions for juvenile offenders. Such educational measures include; reprimands; instruction and prohibitions; supervision by social services; committal to an educational institution; committal to a juvenile detention centre; committal to an institution for physically or mentally handicapped youths.

This and other criminal sanctions are rendered only to juveniles in the age group of 14 to 18, taking into account that juvenile prison may also be rendered to older juveniles, aged 16 to 18. Children under the age of 14 cannot be subject to criminal liability, and as such, not the subject of criminal sanctions.

Parents of children under 14 years of age are held liable for the commission of criminal offences of their children in accordance with civil liability provisions. The number of children under 14 years of age, who commit criminal offences, is rising, which poses additional questions, on how to involve parents with the educational process of their children and to emphasize their potential criminal liability.

We are of the opinion, that the family is a crucial factor involved with the educational process of youths, and that is why we have to strive towards a whole and multidisciplinary approach in general family matters. One further aspect of an adequate educational process is also closely connected with a suitable school system. We recognise certain difficulties in this area, because of growing school violence among school children. This phenomena caused a need for security services to be present within the school area. It is apparent that this field will have to be addressed in the near future.

2. Children in Criminal proceedings in Slovenian criminal procedure law

International conventions and recommendations have been the role model for Slovenian provisions, regarding the subject matter. On the one hand, we have particular provisions, regarding juvenile offenders and their position in the criminal proceedings; on the other hand we have particular provisions, which regulate procedural rights of the juvenile victims and witnesses.

The juvenile perpetrator is processed before a panel, which comprises of one professional judge and two lay judges, elected from among professors, teachers, educators and other persons who have experience in the education of minors.

The juvenile offender is summoned to the Court through their parents. The social welfare agency has a significant role in the procedure, such as submitting proposals and evidence, in order to achieve a just decision, taking into account particular subjective and objective circumstances of juveniles.

Minor victims of sexual or domestic violence criminal offences are protected through an appointed *ex officio* defence counsel, who takes care of a minor's procedural rights and their personal integrity. Such a victim may be examined as a witness, with suitable cooperation of a psychologist or other expert on minors.

A witness under the age of 15 in connection with the above stated offences may not be examined at the trial, their statement may only be read in the course of the trial.

3. Conclusion

In order to strengthen the care of children, especially when they are involved in criminal justice systems, Slovenia strongly welcomes all efforts in this context. We have just recently submitted a new revised Criminal Code into public debate, which deals with subject matters in a way that provisions regarding the said, shall be enhanced in a new special law on juvenile crime. This law shall taken into consideration all the latest developments in this area.

