

Article 23 of the Lanzarote Convention – Grooming in the Slovenian Criminal Code

Solicitation of persons under fifteen years of age for sexual purposes (Article 173a of the Criminal Code of the Republic of Slovenia)

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

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

Question 16 of the General Overview Questionnaire:

- a) Yes, the intentional conduct in the Art. 23 of the Convention constitutes a criminal offence in Slovenian Criminal Code (see above Art.173a of the Criminal Code);
- b) No, the conduct in Art. 23. of the Convention is entirely criminalized (see above, art. 173a of the Slovenian Criminal Code);
- c) The age of a victim is not an additional qualifier of criminal offence (given the age is under fifteen years of age). There is however a provision in general part of a Criminal Code which provides that the perpetrator shall be sentenced for a criminal offence with respect to the gravity of his offence and his culpability (within the limits of the statutory terms provided for such an offence).

In fixing the sentence, the court considers all circumstances, which have an influence on the grading of the sentence (mitigating and aggravating circumstances), in particular: the degree of the perpetrator's criminal liability; the motives, for which the offence was committed; the intensity of the danger or injury caused to the property protected by law; the circumstances, in which the offence was committed; the perpetrator's past behavior; his personal and pecuniary circumstances; his conduct after the committing of the offence and especially, whether he recovered the damages caused by the committing of the criminal offence; and other circumstances referring to the personality of the perpetrator.