



**Convention on the  
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD  
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**WRITTEN REPLIES BY THE GOVERNMENT OF SLOVENIA TO THE LIST OF  
ISSUES (CRC/C/OPSC/SVN/Q/1) TO BE TAKEN UP IN CONNECTION WITH THE  
CONSIDERATION OF THE INITIAL REPORT OF SLOVENIA SUBMITTED  
UNDER ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE  
CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN,  
CHILD PROSTITUTION AND CHILD PORNOGRAPHY (CRC/C/OPSC/SVN/1)\* \*\***

[Replies received on 14 April 2009]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\* Late submission.

1. *Please provide, if available, statistical data (disaggregated by nationality, age, sex, ethnic origin, religion, geographic location and social-economic status) for the years 2006, 2007 and 2008, on:*
  - (a) *The number of reported cases of the sale of children (including the purpose), child prostitution and child pornography; the number of cases prosecuted and the outcome of the cases, including withdrawals; any institutional measures adopted to investigate the cases, sanctions for perpetrators; as well as rehabilitation programmes provided for victims.*

## **Sale of children**

In 2006, the police did not report any cases of human trafficking in which victims were children or minors.

In 2007, new forms of human trafficking emerged in Slovenia, beggary being in the foreground. The police reported two cases of child beggary. In each of the cases two children were involved. Children or minors begged for a parent or other adult who then collected the money. In such cases the police establish the responsibility of an adult for violation or criminal offence. In article 201, the Penal Code defines the criminal offence of "Neglect and Maltreatment of Minors". A serious criminal offence is committed when a parent, adoptive parent, guardian or other person forces a minor to work excessively or to perform work unsuitable for his age, or who, out of greed, inures a minor to begging or other conduct prejudicial to his proper development. The offence is punishable by imprisonment for not more than three years. Similarly, article 388 of the Penal Code defines the criminal offence of "Enslavement".

In 2008, the police reported one criminal offence in which the victims were three minors.

In 2008, State prosecutors received five criminal complaints against 12 persons for the criminal offence of human trafficking pursuant to article 387a of the Penal Code. Victims were mostly women: there were 21 of them, 5 of whom were minors. All criminal complaints, aside from one, were solved by the district State prosecutors. One criminal complaint against one person was withdrawn, 10 persons were subjected to investigation, after which charges against two persons were filed. Charges were also filed against three persons against whom criminal proceedings had already been initiated in the past. In one of the criminal cases, the entire procedure from the criminal complaint to the judgement was ended at the first instance, in 2008, because immediately after the hearing and during the investigation, detention was ordered against both persons charged with criminal offences.

Due to the criminal offence of enslavement pursuant to article 387 of the Penal Code, in 2008, one criminal complaint was issued against two persons and a report was filed against one person. The criminal complaint raised suspicion that a father had sold one of his daughters with the intention of marriage, and that he intended to sell another daughter as well. This plan was not realized since the second daughter ran away. In urgent investigations, three daughters of the suspect were interviewed: two used their legal right not to testify, while one completely relieved her father of guilt. The criminal complaints against both, the suspected father and the girl's buyer, were dismissed. In their report, the police were not able to collect enough evidence

in the case of a suspected Romanian citizen who was transferring nine persons, among them three minors, to prosecute him for any official criminal offence. Regardless of this fact, the police stopped the transfer of minors, and in order to protect their rights in line with the Convention on the Rights of the Child and its Optional Protocol, they were accommodated in the Crisis Centre where they were collected by their parents. In the reporting year, on the grounds of a criminal complaint and initiated criminal proceedings, charges were filed against one person. The decision with respect to this case is final; the person charged with criminal offence has received a penalty of three and a half years of imprisonment.

Due to the criminal offence of exploitation through prostitution, pursuant to article 185 of the Penal Code, in the reporting year, six criminal complaints were filed against 16 persons, of which the criminal complaints against 13 people were withdrawn, investigation was initiated against four persons and charges were filed against two persons. Both persons facing charges were in detention when charges were filed. Also detained was a person against whom proceedings had been initiated, together with his accomplice, at a more distant time. However, in 2008, charges were filed and a final judgement was passed, imposing on him a penalty of four years of imprisonment.

The connection between actual statuses and conducts of people charged with human trafficking pursuant to article 387a of the Penal Code and exploitation through prostitution pursuant to article 185 of the Penal Code is illustrated by the case handled in 2008, when a criminal complaint was filed against seven people charged with human trafficking. Data and evidence from the criminal offence gave grounds for suspecting human trafficking, thus an investigation was conducted. At the end of the investigation, the data gave grounds to file charges against 6 people, accusing them of exploitation through prostitution according to article 185(1) and (3) of the Penal Code. This was an exemplary case of how difficult it is to provide evidence, since 12 women, among them minors, in a relatively short period of time taken by the criminal proceedings, drastically changed their depositions. During the investigation, when the accused was in detention and the women were entitled to protection to any extent, they presented aggravated depositions. During the women's testimonies at the main hearing, the accused was in house arrest, which substituted for detention during the objection procedure, and their depositions changed drastically.

### **Child pornography**

In 2006, the police submitted 21 criminal complaints to the competent State prosecutor relating to presentation, manufacture, possession and distribution of pornographic material; in 2007, the number of such complaints was 32 and last year, 56.

From the above-mentioned cases, a case should be presented for which a criminal complaint was filed against five adults and four minors, charging them with the criminal offence pursuant to article 187(3) of the Penal Code.

Investigation was ordered against one accused on the grounds of two criminal offences according to article 187(2) of the Penal Code, and criminal offence in line with article 187(1) of the Penal Code. Detention was ordered.

Investigation was requested against one accused due to reasonable suspicion that he committed criminal offences pursuant to article 187(3) and (2) of the Penal Code and the Court approved the proposal for an investigation. The accused faces allegations that he created an internet page on which 30 photographs of naked children were found; while on his computer disc he had a total of 500 files containing child pornography including several photographs of a small naked boy in different poses.

In 2007, in four cases dealing with criminal offences pursuant to article 187(2) of the Penal Code, the district State prosecutor requested an investigation; in one case the court has not yet passed its decision: in two cases investigations have not yet been concluded; while in one case for which investigation was concluded in 2007, charges were filed against one offender after the evidence collected confirmed reasonable suspicion that a minor was abused for a pornographic show.

Similarly to other areas, in the cases of internet child pornography and human trafficking, there is the problem of lengthy court proceedings. Additionally, a hindrance can also appear in the form of unavailable accused or witnesses, therefore quick and efficient international cooperation of the relevant bodies is indispensable for resolving problems during court proceedings, which are becoming increasingly common.

### **Child prostitution**

In last years the police did not register any committed penal cases of abuse of prostitution in which victims were children or minors.

***(b) The number of child victims provided with recovery and assistance and compensation as defined in article 9, paras. 3 and 4, of the Optional Protocol.***

In 2006, the non-governmental organization Ključ provided assistance to three children who were allegedly victims of trafficking. In 2007 three accommodations were provided, out of which to two minors and one child, and in 2008 Ključ provided assistance to one minor.

In 2008, Caritas Slovenia provided assistance to five children who were victims of trafficking in persons. In 2008, the Ministry of Labour, Family and Social Affairs published an invitation to tender to implement the project Care for Victims of Trafficking in Human Beings in Slovenia - Urgent Accommodation. For the years 2008 and 2009, the envisaged amount for the project was EUR 35,000 per year. Caritas Slovenia was selected as a result of the tender. The project includes providing assistance to victims of human trafficking in their physical, psychological and social recovery, after they are urgently removed from their present situation. It also includes assistance to child victims of human trafficking. Implementation of the project Care for Victims of Trafficking in Human Beings - Urgent Accommodation received EUR 44,993.94 in 2008. Caritas Slovenia provided assistance to 19 victims, five of them children.

A Slovenian citizen, mother of a pre-school child, unemployed and forced into prostitution, was provisionally accommodated at the Caritas Maternity Home. She was included in crisis accommodation at the recommendation of social services, and after the competent Social Work

Centre intervened, the child received the necessary care and the foster care procedure was initiated. After the three-day police investigation had been completed, the victim left the crisis accommodation of her own accord.

Individual treatment of a mother with four children (all Albanian citizens); assistance in the care for victims of human trafficking was requested by a counsellor working at the Safe House in Slovenj Gradec. The family were victims of the father/husband who forced them to live in Slovenia and used physical and psychological violence against them, and restricted their personal freedoms and social contacts with the environment. For these actions, he was convicted by final judgement to two years of imprisonment. Caritas Slovenia offered the victims material assistance in paying for travel expenses to their home country and regulated their status in Slovenia. The case was handled in cooperation between expert workers of Caritas Slovenia and the Safe House in Slovenj Gradec, where accommodation was provided for them.

Victims-users/individual treatments	No	Accommodation	Duration (in days)	Material assistance
Men	1	1	22	1
Women	13	9	14	11
Children	5	-	-	4
Total	19	10	36	16

## Compensation

Subject to Article 65 of the Criminal Procedure Act, a minor involved in a criminal procedure initiated for criminal offences against sexual integrity, criminal offence of child neglect and maltreatment or criminal offence of human trafficking, is entitled to, from the time the procedure has been initiated, an authorized person to take care of the minor's rights, especially to protect the integrity of the minor during the court hearing and when bringing up a property rights claim. During the pre-criminal or criminal procedure periods, the presence of a person whom the victim trusts may also be required. A minor who does not have an authorised representative at the beginning of the procedure is appointed defence counsel ex officio by the court, who selects an attorney from a special list. In a criminal case, the court decides on the property rights claim, but when data in the criminal procedure does not give grounds for partial nor for complete judgement concerning the compensation claim, the victim is directed by the court to pursue litigation. It is evident from the above that the number of cases for which children were offered assistance in accordance with article 9(4) of the Optional Protocol is equal to the number of such criminal offences committed against minors; however, data on the actual number of such cases is not available.

2. ***Please provide a brief and updated on the implementation of the Action Plan on fighting human trafficking for 2007, and indicate whether such an Action Plan has been adopted also for the year 2008. If yes, please indicate if any financial or human resources have been allocated for its implementation. In particular, please indicate whether the Action Plan includes specific actions or measures in relation to the sale of children and child prostitution and/or whether the State party has or intends to have a specific plan for action in relation to the issues covered by the Optional Protocol. If so, please also provide most relevant information on the competent authorities responsible for the implementation and the resources allocated for the implementation.***

In the first half of 2007, the work of the interdepartmental working group focused on the preparation of an action plan for the 2008-2009 period, which was adopted by the Government at its regular session on 12 July 2007 (Decision No. 23100-2/2007/6). One of the defined tasks of the Action Plan was the preparation of an invitation to tender a project with respect to care for victims of human trafficking. This was the first envisaged plan of this kind meant to last for a period of two years.

### **Legislative context**

The interdepartmental working group was acquainted with the proposal of a new Penal Code prepared by the Ministry of Justice, which defines the same criminal offences as the Penal Code of 2004. At the beginning of 2007, the Act ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment came into force.

### **Prevention**

In 2007, prevention activities included raising awareness of the public at large and target population - potential victims of human trafficking - and the education and training of experts from the field. Prevention also includes research activities and other forms of monitoring the phenomenon, including the mechanisms of control by the competent institutions. Among prevention programmes, three programmes for the target population (children) should be mentioned: Vijolica, CAP and PATS.

The Government Communication Office provided for communicational support to the Regional Consultation for the United Nations Study on Violence against Children held in Ljubljana in July 2005. The office participates in the work of the interdepartmental working group on the fight against human trafficking, in the framework of which it makes efforts to inform the public on the topic and manages the website presenting the problems in the fight against human trafficking. In 2007, the office commissioned and financed the creation of a logo and slogan: "Let's take action against human trafficking", contributing to visual recognition of the activities intended to fight human trafficking. In 2008, all elementary and secondary schools in Slovenia were sent a poster created by the Ključ Society - Centre for taking action to combat trafficking in human beings, with an imprint of the logo and phone numbers of the Caritas Slovenia and the Ključ Society as well as the slogan "Let's take action against human trafficking".

### **Prosecution of criminal offences concerning human trafficking**

In line with well-established practice, the phenomenon of human trafficking in the Republic of Slovenia is monitored on the basis of measurable data of Police and State Prosecution for criminal offences of human trafficking pursuant to article 387a of the Penal Code, enslavement pursuant to article 387 of the Penal Code and exploitation through prostitution pursuant to article 185 of the Penal Code. The interdepartmental working group monitored criminal complaint proceedings with respect to human trafficking and indirect indexes of non-governmental institutions, especially concerning the treatment of victims of human trafficking.

### **Assistance and protection of victims of human trafficking**

In 2007, the “Care for victims of human trafficking” was implemented. The tender commission of the Ministry of the Interior and the Ministry of Labour, Family and Social Affairs have, based on invitations to tenders, decided that the 2007 contractor for “crisis accommodation” was to become Caritas Slovenia and for “accommodation in a safe place”, the Ključ Society. Caritas Slovenia provided crisis accommodation to three persons while the Ključ Society similarly offered safe accommodation to three persons. The cases were not linked.

In 2007, the Government of Slovenia adopted a new Action Plan by the interdepartmental working group for the fight against human trafficking, for the 2008-2009 period, which is a continuation of the good practices of the projects that have proven efficient and demand continuation due to the nature of the work. The Action Plan stresses prevention, education and training of experts from different fields, such as policemen, State prosecutors and the judiciary on one side and teachers, social workers and employees of consular posts on the other. For the 2008-2009 period, the Action Plan envisages EUR 190,000 for the implementation of projects. In the field of prevention, raising awareness of the young population is envisaged in the sense of information material that will point to the dangers and traps of human trafficking and inform the young and the staff who work with them. In the framework of the continuous task of caring for victims of human trafficking, informing the children of victims of human trafficking on their rights is also envisaged.

**3. *Please provide the definitions of sale of children, child prostitution and child pornography under the Slovenian legislation. Please also indicate whether the State party has introduced or intends to introduce into the Criminal Code a specific prohibition of child prostitution in accordance with article 3(1) of the Optional Protocol.***

*Sale of children* is included under the criminal offence of trafficking in human beings (article 113 of the Penal Code - 1), which stipulates that a prison sentence between one and ten years is given to whoever purchases another person, takes possession of them, accommodates them, transports them, sells them, delivers them or uses them in any other way, or acts as a broker in such operations for the purpose of exploitation through prostitution or another form of sexual exploitation, forced labour, enslavement service or trafficking in organs, human tissue or blood. If such offence is committed against a minor, the offender is sentenced to imprisonment for between 3 and 15 years.

*Child prostitution* is included under the criminal offence of exploitation through prostitution (article 175 of the Penal Code - 1), which stipulates that whoever participates, for exploitative purposes, in the prostitution of another or instructs, obtains or encourages another to engage in prostitution with force, threats or deception shall be given a prison sentence of between three months and five years. If the offence is committed against a minor or against more than one person or as part of a criminal association, the perpetrator shall be given a prison sentence of between one and ten years.

*Child pornography*: Presentation, manufacture, possession and distribution of pornographic material is regulated by the Penal Code - 1 in article 176. It is stipulated that a fine or a prison sentence of up to two years shall be given to whomever sells, presents or publicly exhibits documents, pictures or audiovisual or other items of a pornographic nature to a person

under 14 years of age, enables them to gain access to these in any other way or shows them a pornographic performance. Whoever abuses a minor in order to produce pictures or audiovisual or other items of a pornographic nature, or uses them in a pornographic performance, shall be given a prison sentence of between six months and five years. Whoever produces, distributes, sells, imports or exports pornographic material depicting minors, supplies it in any other way, or possesses such material with the intention of producing, distributing, selling, importing, exporting or supplying it in any other way, shall be subject to the same sentence.

Article 3 (1) of the Optional Protocol calls upon the contracting States to incriminate offering, obtaining, procuring or providing a child for child prostitution. Article 2 defines child prostitution as the use of a child in sexual activities for remuneration or any other form of consideration. Considering the fact that our Criminal Code incriminates the cooperation of a minor in prostitution on grounds of exploitation, we believe that such a definition is in line with article 3 (1) of the Optional Protocol.

It should be noted that besides the above-mentioned, other articles of the Penal Code also touch upon the sale of children, child prostitution and child pornography: sexual assault on a person below 15 years of age - article 173; violation of sexual integrity by abuse of position - article 174; neglect and maltreatment of minors.

**4. *Please indicate if there are any legal provisions, which application might lead to a prosecution of a child victim of sale, prostitution or pornography, and if so, do exist, under which conditions.***

The State prosecutor is obliged to initiate prosecution if there is reasonable suspicion that a criminal offence has been committed for which the perpetrator is prosecuted ex officio. Younger minors, aged between 14 and 16 years, may only receive the following disciplinary sanctions: censure; instructions and prohibitions imposed by the court; supervision by a social security body; inclusion in a reformatory home, a re-education home or a centre for training. Older minors, aged between 16 and 18 years, may receive disciplinary measures described in the previous paragraph or penalties. Penalties that may be imposed on older minors include the following: criminal fine and youth detention; secondary sentences may constitute prohibition of driving a motor vehicle and expulsion of a foreign national from the country.

Minors may also receive the following detention orders: compulsory psychiatric treatment in a health establishment, compulsory psychiatric treatment at liberty, compulsory treatment of alcoholics and drug addicts, confiscation of driver's licence and confiscation of objects.

Under no circumstances are victims criminally prosecuted.

**5. *Please inform the Committee if any research has been carried out on the issue of children used in Slovenia for prostitution; state the conclusions of the research and the estimated number of children used in prostitution disaggregated according to age, sex, ethnic origin, religion, nationality, geographic location and socio-economic status.***

In Slovenia, several researches and analyses have been conducted on the topic of human trafficking. The research conducted by the IOM in Ljubljana and the Peace Institute Ljubljana "Where in the Puzzle: Human trafficking, from, to and through Slovenia", establishes that

neither UNHCR nor IOM possess data on child trafficking. There has been no direct reporting on child trafficking made yet. The Ključ NGO reported on the provision of assistance (in 2002) to one victim and three potential victims from Slovenia who left the country when they were still minors, aged 16. Data from the criminal police from 2001 shows that among the victims of human trafficking, there were two minors and one child.

“Situation analysis of the position of children and youth in Slovenia”, written by the Child Monitor at the Social Protection Institute in September 2005, includes a special chapter on child trafficking. The analysis, which summarizes the Slovenian legislation and analyses the scope of child trafficking in Slovenia (identification of victims of child trafficking, appointment of a guardian, hearing, interviews and temporary measures, accommodation and return of victims) establishes that in Slovenia, the problem of large-scale child trafficking has not been encountered. The awareness on the seriousness of the problem is unsurprisingly low in the Slovenian public. Data shows (in the period between 2002 and 2004) that the detected victims of child trafficking in Slovenia were always underage girls, intended to be sexually abused. Other forms of child trafficking (begging, forced labour and other) were not detected.

Slovenia was also included in the research “Child Trafficking in Europe” prepared by the UNICEF Innocenti Research Centre. It analysed the situation regarding collection of data in Europe, the relevant legislation and the responses of policies, and it proposed guidelines in the field.

In Slovenia, the most recent research was conducted by the Peace Institute. The research “Establishment and Monitoring of Internationally Comparable Indicators on Trafficking in Human Beings” published in 2007 was financed by the Ministry of Foreign Affairs. The research establishes different approaches in individual countries regarding the coordination of the phenomenon, legislation and programmes. The research partially includes children and reveals that in 2004 in Slovenia four children were identified as victims of child trafficking; in 2005, the police recorded one victim and the NGOs five victims, while in 2006, three victims detected. Furthermore, the research establishes that Slovenia has no national action programme for preventing child trafficking, similarly to Albania, Bosnia and Herzegovina, Bulgaria, Macedonia, Romania and Montenegro. Instead of conclusions, it gives indicators for monitoring activities from the field of preventing human trafficking.

The international project “Ways of Implementing the EU Directives on Violence against Women, Children and Youth: Good Practices and Recommendations” funded by the European Commission will come to an end in September 2009. It will, among other things, analyse the situation of victims of child pornography.

Finally, we would like to mention the PATS project: *“Introducing the mechanism for recognition, assistance and protection of victims of trafficking in human beings and/or sexual violence in asylum procedures in Slovenia”*. The project, funded by the Ministry for Foreign Affairs and implemented by the Ključ NGO, is being implemented for the fifth consecutive year at the Asylum Centre of the Ministry for Foreign Affairs. The purpose of the project is to inform potential Victims of human trafficking, especially single women and unaccompanied children, on human trafficking and possibilities for seeking protection and assistance.

6. ***Please provide information on rules regarding deportation and repatriation of children who may have been trafficked to Slovenia for the purpose of sale within the meaning of article 2 paragraph (a) of the Optional Protocol or of child prostitution. Please also provide statistical data, covering years 2004 to 2008, on children victims of child trafficking deported or repatriated from Slovenia disaggregated, as explained above.***

The police registered cases, in which trafficking in children was suspected, where children and minors were stopped at border crossing points and also within the territory of a State. Most often they were minors accompanied by adults travelling to Italy. We do not keep records on these cases and thus we have no accurate statistical data available.

7. ***Please provide information on the relevant legal framework on domestic and inter-country adoption procedures, including the measures indicated in paragraph 19 subparagraph 8 (a) to (f), of the revised guidelines regarding initial reports to be submitted by States parties under article 12 of the Optional Protocol (CRC/C/OPSC/2, 3 November 2006).***

The main legal source regulating adoption in the Republic of Slovenia is the Marriage and Family Relations Act (Official Gazette of the RS No. 69/04 - official consolidated text, 101/07 - decision by the Constitutional Court of the RS).

Competence for working in the field of adoption and decision-making on adoptions lies exclusively with Social Work Centres, of which there are 62. The professional doctrine of working with eventual future adoptive parents is quite clear. Besides an estimate of objective possibilities for adoption (health condition, housing situation, material conditions, criminal record statement and confirmation that parental rights have not been withdrawn from the future adoptive parent), it is of extreme importance to estimate motives for adoption, expectations and personal characteristics pointing to the fact that the couple will make good parents to the adopted child. A good knowledge of the married couple as well as the child and his/her family of origin is a guarantee that the adoption will be successful and will benefit the child and future parents. Legislation of the Republic of Slovenia only knows one type of adoption - complete adoption - by which the adoptive parents and the adopted child establish an identical relationship to that between natural parents and their children. Complete adoption cannot be untied.

At the beginning of 2002, the Republic of Slovenia signed and ratified the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption which came into force on 1 May 2002. The central authority in line with the Convention is the Ministry of Labour, Family and Social Affairs.

The Republic of Slovenia signed and ratified the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Macedonia on Intercountry Adoption which came into force on 4 January 2008. The Slovenian Central Authority in line with the Agreement is the Ministry of Labour, Family and Social Affairs.

In Slovenia, the competence in the field of adoption and decision-making on adoptions lies exclusively with Social Work Centres. There are no agencies or other intermediaries which would have any authorizations in the field of adoption and making decisions on adoptions. Considering the provision contained in article 141 of the Marriage and Family Relations Act,

adoption of a child may be performed if the child's parents are unknown or their place of residence has been unknown for a year, or if they consented to the competent authorities to give their child up for adoption. Consent of a parent whose parental rights have been withdrawn or who is permanently unable to express his/her will is not necessary. Consent of a woman to give her child up for adoption, but not in front of the Social Work Centre, has no legal effect.

In Slovenia, the competence in the field of adoption and decision-making on adoptions lies exclusively with Social Work Centres; no other legal or natural persons have competence in this field.

Child theft could, considering the circumstances in which it has been committed, and according to the purpose of the perpetrator, represent more established criminal offences stated in the Penal Code of the Republic of Slovenia. Child theft, in principle, fulfils the statutory elements for a criminal offence of abduction of minors as it is laid down in article 190 of the Penal Code of the Republic of Slovenia and is listed among criminal offences against marriage, family and youth. The elements of a criminal offence are thereby met if a person unlawfully abducts a child from his parent or from the person to whom the child was entrusted, detains a minor or prevents him from living with a person he is entitled to live with. In the case of permanent abduction of a minor, the alteration of family status of a child would most probably occur; therefore the elements of a criminal offence against alteration of family status, which are defined in article 189 of the Penal Code of the Republic of Slovenia, would be fulfilled. The same criminal offence could also be substitution of a child, if theft was committed. Insofar as a child was abducted in order to compel parents or a child to perform an act or to omit to perform an act or to suffer any harm, the criminal offence of kidnapping laid down in article 134 of the Penal Code is in question; and if the child was deprived of freedom of movement, this is defined as the criminal offence of false imprisonment laid down in article 133 of the Penal Code. Insofar as the elements of several criminal offences are given, a criminal offence is established and the fine is pronounced according to the concurrence rules.

Fraudulent birth registration could most probably represent the above-mentioned criminal offence of Alteration of Family Status, while also fulfilling statutory elements for criminal offence of falsifying documents laid down in article 251 of the Penal Code of the Republic of Slovenia or falsification and destruction of a public document, book, file or archive files as in article 259 of the Penal Code of the Republic of Slovenia - the latter would be true if the offence was committed by an official.

The Marriage and Family Relations Act provides, in article 141, that a child can only be given up for adoption if his parents are not known or are of unknown place of residence for a year or have given consent in front of competent bodies to give their child up for adoption. Consent from a parent is not required if his parental right has been taken away or if he is not able to express his will on a permanent basis.

One of the tasks of the Social Work Centres is to work with biological parents wishing to give their child up for adoption. In this regard, the Social Work Centre offers expert help to parents and gives them time to think and to make a competent final decision about whether or not they are going to give their child up for adoption. The consequences of their decision are explained and information on alternatives is offered to parents.

In the Republic of Slovenia, the Social Work Centres have exclusive competence to make decisions regarding adoptions and perform such activities on the basis of public mandate.

**8. *Please indicate whether special training, in particular legal and psychological, is provided for professionals, such as judges, prosecutors, police officers, social workers and health care, media and other professionals, who may come into contact with children victims of the offences under the Optional Protocol.***

Education and training of the above-mentioned experts is a permanent task performed by the interdepartmental working group for the fight against human trafficking. Accordingly, in 2007 the Ključ Society educated about 400 young people and their parents and teachers on the issue of how to avoid the traps of human trafficking. The training was organized by the Ključ Society for social workers as well. In addition, in the field of prevention of child exploitation, training and education were organized for about 250 children, their parents and school staff. At the Office of the State Prosecutor General and at the Gotenica training centre seminars on human trafficking took place for prosecutors, judges, criminal police officers and representatives of non-governmental organizations. Seminars for representatives of religious communities were organized as well. Consular staff were also able to attend training sessions. Topics connected to human trafficking are included in the curriculum of Civic education and ethics, especially in the framework of the thematic unit: children's rights and responsibilities.

This year, the judicial training centre, operating in the framework of the Ministry of Justice, is planning to organize a seminar for judges on the topic of trafficking children, prostitution and child pornography. Next year, training with the same topic will be organized for State prosecutors.

Every year, the Criminal Police Directorate of the General Police Directorate and the Association of State Prosecutors of Slovenia organize a two-day intradepartmental consultation session and training on violence against children and minors. The purpose of the consultation session is to gain new knowledge for investigating criminal offences against children and minors on all levels covered by the prosecuting authorities as well as promoting the exchange of experiences and strengthening good practice among criminal police officers, prosecutors, authorized officers for representing child victims, and judges responsible for the treatment and prosecution of criminal offences against children.

In cooperation with other institutions and organizations, the police have trained 40 multipliers for knowledge transmission in the field of violence in families or against children. By the beginning of 2008, all policemen had successfully completed a starting programme with plans to implement further training. After having completed certified programmes, the policemen have acquired new skills to prevent and investigate family violence i.e. violence against women, children and other family members. Understanding and recognition of a problem, support and help for the victims of violence are stressed. Both programmes intended for multipliers as well as for the training of policemen are laid down in the Regulation for compulsory police training.

In the framework of the annual plan of police training and education, group training was organized for crime police officers and members of non-governmental organizations - the Ključ Society and the Caritas Slovenia - on the topics of human smuggling and trafficking. The training took place at the police training centre in Gotenica in November 2008.

Police activities were directed towards raising awareness of wider and expert public via the media and through participation in technical consultations.

9. *Please provide information, if any, on target measures to prevent the offences referred to the Optional Protocol, including those set forth in the programmes and projects referred to in paragraphs 81-86. Please also indicate whether any specific measures have been taken to prevent particularly vulnerable children - Roma children, street children, unaccompanied asylum-seeking children and children residing in institutions such as orphanages, boarding schools and similar settings from becoming victims of such offences.*

Target measures for preventing criminal offences included in the Optional Protocol encompass permanent education of professional staff as well as children, youth and parents on human trafficking. This education is a part of the preventive measures put forth by the interdepartmental working group for the fight against human trafficking.

The programme by the Government of the Republic of Slovenia for 2009 includes a draft of an action plan for the Programme for Children and Youth 2006-2016.

### **Protection of children against Internet abuse**

In recent years, many successful projects have taken place in Slovenia in the field of safe use of the internet, namely the SAFE-SI awareness node and the Slovenian website hotline *Spletno oko* for receiving anonymous reports on child pornography and hate speech on the internet. The two projects are operated in the framework of the EU Community programme *Safer internet plus* and are financed by the Directorate General for Information Society at the European Commission and Directorate for Information Society operating within the Ministry of Higher Education, Science and Technology.

SAFE-SI ([www.safe.si](http://www.safe.si)) is an awareness node on safer use of the Internet in Slovenia. The project is being implemented by the coordinator - University of Ljubljana, Faculty of Social Sciences in cooperation with the Academic and Research Network of Slovenia (ARNES) and the Slovene Consumers Association. This project is part of a wider European network of awareness nodes called INSAFE. The goal of the project is to raise awareness and digital literacy of selected target populations of children, minors, their parents and teachers. Since 2005, the project has promoted, through different informative and counselling activities, an efficient, responsible and safe exploitation of the advantages brought by new technologies such as the internet and mobile phones. The following activities are included in the mission of the project SAFE-SI: maintenance of the central website intended for children, minors, parents and teachers; educating teachers on how to teach and how to download content safely from the internet; preparation and distribution of information leaflets (pamphlets for children and minors, brochures for parents, posters for minors); organization and implementation of media presentations (press conferences, round tables, seminars, events); providing presence of media and annual organization and implementation of events on Safer Internet Day.

One of most important SAFE-SI project objectives is to educate Slovenian teachers on the safe use of the internet at schools. It is of key importance to include the syllabus covering the aspects of safe use of IT technologies at schools into the regular programme of IT education for

teachers and into IT seminars organized by the Ministry of Education and Sport and by the National Education Institute. Accordingly, in 2008, 35 multipliers competent for primary school education performed 23 seminars with 297 participants.

The project has proven to be successful in the long-term because it achieved the set goals, which can also be confirmed by the conclusions of independent revisers from the European Commission. The revision was conducted in 2008 and the revisers share the opinion that the project SAFE-SI, with its activities, significantly contributes to raising awareness within Slovenian society. The project is well covered by the media and distinguished for its quality educational and promotional materials for target groups such as children and their parents and teachers. The SAFE-SI project cooperates with different non-governmental and governmental organizations and industrial partners.

The SPLETNO-OKO.SI hotline (<http://www.spletno-oko.si>) collects anonymous reports of child pornography and hate speech on the internet and forwards them to prosecuting authorities. The anonymous report can be given by any internet user who thinks he has come across child pornography or hate speech on the internet. The reporting person must first fill out a short form. The key information in the form is the address of the website where the alleged illegal content was found. The *Spletno oko* hotline checks the report and if it estimates that alleged illegal content is in question, it reports it to the police. During this procedure (from the moment that the report is given on illegal websites to when appropriate action is taken) the hotline and the police deal exclusively with the content of the report. The data on the reporting person is not recorded.

The project *Spletno oko* is being implemented by the coordinator - University of Ljubljana, Faculty of Social Sciences in cooperation with the Slovene Consumers Association and the Academic and Research Network of Slovenia (ARNES).

*Spletno oko* is an important operator on the international level, because it is closely connected to the European Commission as well as the INHOPE association. INHOPE is an umbrella organization of internet hotline points for illegal content and takes care of cooperation and integration between the points. *Spletno oko* became an associated member of the INHOPE association in March 2007 at the general assembly meeting in Madrid, and a full member at the assembly meeting in May 2008.

During the period when the first reports were received in March 2007 until the end of February 2009, *Spletno oko* received a total of 1,180 reports of alleged illegal contents on the internet. 334 of them were reported to the police after they had been checked by the competent internal persons. The structure of the received reports to *Spletno oko* shows an equal share of reports on child pornography and hate speech, while the structure of the reports forwarded to the police has shown a majority (about 85%) on child pornography.

In the framework of both projects, the Council of SAFE-SI and *Spletno oko* has also been active and includes 23 institutions having an interest in providing safety on the internet and wishing to participate in its promotion. Members of the advisory body participating in the project also include the Office of the State Prosecutor General of the Republic of Slovenia, the police, the Chamber of Commerce and Industry of Slovenia, media representatives and other organizations actively participating in the field of human rights protection and the protection of children's and minors' rights.

The project SIP-SI is a logical continuation of the projects Safe.si and *Spletno oko*. Besides the awareness node on safer use of the internet and the hotline for children pornography and hate speech, an anonymous phone number (080 22 80) called Nasvet za net was launched in 2009 for assistance to young people in case of web problems at the website <http://www.nasvetzanet.si> coordinated by the Consumers Association of Slovenia.

### **Human rights education**

The Ministry of Education and Sport is active in the field of human and children's rights education, namely by means of subjects at school, cross-curricular activities, and through a whole-school approach. The objective is to strengthen children's and young people's knowledge of human rights and children's rights and to highlight the role of school in this field. This is also a field in which teachers receive additional education. Students learn about human rights and children's rights in cross-curricular teaching (within civil education and ethics, geography, religions and ethics, history etc.). A whole-school approach allows a school to foresee activities and projects on the level of annual planning which systematically contribute to strengthening the knowledge of children and minors on human rights. In addition, many projects are conducted for which children learn to respect human rights (for example in the framework of the ASP - network of Unesco's schools, through officially published research topics within the Hidden Treasure project and through activities included in the Healthy school project). The education of teachers on the topic of human and children's rights takes place during regular seminars organized by the Pedagogical Institute and the National Education Institute of Slovenia. Human rights are integrated in tenders in the field of educating target research programmes financed by the Ministry of Education and Sport. The Ministry also participated in the preparation of didactic material (posters on the topic of human rights) and organised/co-organized many counselling sessions on the topic of human rights, including the meeting of Slovenian history teachers in March 2006 on teaching of human rights in history lessons. The organizational committee for managing the project Teaching human rights and history lessons 2006-2007, run by the Minister, was set up within the Ministry of Education and Sport.

In 2008, modernized curricula, with a highlighted competitive and cross-curricular approach, were adopted for primary schools and general upper secondary schools. In Slovenia, cross-curricular dimensions, including education and schooling in human and children's rights are taught by means of:

- Integral development plan, school management and ethos
- A specially drafted curriculum (flexible schedule of subjects) with theme days, activity weeks or events focused on one of the cross-curricular dimension
- Curricular projects with partner schools at home and abroad (innovative projects, ecological schools, healthy schools, UNESCO ASP net, Comenius etc.)
- School subjects with cross-curricular activities on the basis of common topics or issues:
  - Primary school - environmental education (1st, 2nd and 3rd grade), social, natural and technical sciences (4th and 5th grade), geography (6th, 7th, 8th and 9th grade), new curriculum of civil and homeland education and ethics (8th and 9th grade), history (6th to 9th class) and numerous optional subjects

- Secondary school: Besides sociology, we can underline history, because the latter provided many measures to strengthen human rights education. The curriculum for general upper secondary school contains goals related to developing relationships, behaviour, attitude and views

Additionally, compulsory and optional activities may include different areas of social and citizenship competences.

Activities included into routine schoolwork such as organisation of exhibitions, work with parents, etc., educational visits, meetings, learning beyond school lessons and participation of external experts and a combination of all above mentioned activities.

Schools build cross-curricular dimensions into their curricula in a way that reflects their specific needs and interests and that considers the personal needs of their students.

The Ministry of Education and Sport has financed a project related to didactic material in the field of education and schooling for sustainable development. All the material is free of charge and professional workers received it for free. Public tenders of the European Social Fund (ESF) have been published for developing research models in this field, for Educational Institutions Network (EIN) and for training professional workers. All activities should lead to more efficient and constructive cooperation within social and vocational life and better solving of possible disputes and individuals should be able to participate fully in social life.

In July 2007, the ministry of education and sport adopted a strategy for education for sustainable development in pre-school education and pre-university education. The main purpose of the strategy is to highlight the significance of education and schooling for sustainable development and to point to possibilities of how to realise sustainable development in the field of formal and informal learning. The strategy applies to kindergartens and schools as well as to the Ministry of education, public institutes, non-governmental organizations and local communities.

## **Surveys and projects**

### *ESF tenders*

In 2008, in the public tender for implementation of projects in the field of social and citizenship competences, the bids for the following topics were awarded for development and implementation of models in Educational Institutes: healthy life style, recognition and prevention of violence and active citizenship. The projects were launched on 1 December 2008 and will last until 31 August 2010. EUR 438,000 will be allocated for all four projects.

Successful tenders were awarded to seven educational institutes networks and, for the purpose of preparation and implementation of projects, they had to include external partners (faculties, research institutions, non-governmental organizations etc.) who deal with the selected topics: recognition and prevention of violence, active leisure time and intergeneration harmony, environment and space towards sustainable development, active citizenship and education for gender equality. The projects were launched on 1 January 2008 and will finish on 31 October 2010. The total value of the projects amounts to EUR 714,000.

“Professional training of professional workers employed at Educational Institutes in 2008, 2009, 2010 and 2011 in the area of social and citizenship competences” is a project whose holder of activities is the Faculty of Education of the University of Ljubljana, and in the framework of this project professional workers will receive the following professional training:

- Healthy life style
- Active citizenship
- Intergenerational harmony
- Promoting intercultural dialogue
- Equal opportunities
- Protection of the environment and space significance in the framework of education for sustainable development
- Recognition and prevention of violence
- The Bailiff Yerney and His Rights or how I am deprived of rights in “my country”
- New generations without a planet?

*The Tender target research projects 2008*

In the framework of target research projects on the topic of “Key competences”, the Ministry of Education and Sport opened an invitation to tender for several projects related to social and citizenship competences:

- Impact of educational institutes on interpersonal relationships, gender differences and related topics (for example, health and violence)
- Concept development for intercultural dialogue in educational institutes
- Civil education
- Possible educational impacts on responsible leisure time spending
- Scientific basis for introducing intergenerational dialogues in the field of education and schooling

Based on the results of the projects, appropriate documents and programmes for developing social and citizenship competences will be prepared.

**Didactic material**

The publication *Education for human rights* was issued along with a guide on education for human rights on the 60th anniversary of the Universal Declaration of Human Rights and

brings reflections and valuations of what has to be done in the future regarding education for human rights. At this occasion, the Ministry of Education and Sports, along with the Educational Research Institute, invited experts, practitioners and representatives of governmental institutions and non-governmental organizations to present their views on education for human rights.

Other prepared and distributed material included:

- A book written by Lučka Kajfež Bogataj, *Kaj nam prinašajo podnebne spremembe* (Effects of climate change)
- A calendar by professor Gams on climate change
- A Publication on cultural education *Kultura in umetnost v izobraževanju - popotnica 21. stoletja* (Culture and art in education - a companion to the 21st century)
- Orbis Lusus - a modern three-dimensional computer game in virtual reality with exceptional historical and geographical roles

In the framework of the project “Teaching about human rights and history lessons”, many activities were included:

- Two surveys on education for human rights in history lessons were performed; the first one on a European level and the second one on a national level
- Two expert conferences for history teachers were prepared: In 2006 on the national level and in 2007, a European conference; about 250 teachers participated in the two conferences
- Two publications of written contributions were published for teachers, in Slovenian and English, comprising articles on education for human rights in history lessons and numerous examples of good practice
- Members of the project group participated as experts in the committee for the years 2006 and 2007 and were responsible for modernising curricula for primary schools and general upper secondary schools

In 2008, the Ministry of Education and Sport started to draft a protocol for educational institutes when treating violence in family according to the Family Violence Act aimed at professional male and female workers employed at educational institutes. It defines the procedures of how to proceed at an educational institute in the case of violence against a child: violence recognition, reporting violence, action to be taken at an educational institute after a report has been received, and membership of a professional worker in a multidisciplinary team within the Social Work Centre. The headmaster is responsible for the implementation of the protocol. In line with the Family Violence Act and according to the draft protocol, all professional workers should be trained to work with a child in cases of family violence. In the framework of an invitation to tender from the European Social Fund for implementing projects from the field of social and civil competences at the end of 2008, the Ministry of Education and

Sport selected the project presented by a network of educational institutions on the topic of “Education for Gender Equality”, the objectives of which are the following:

- Analysis of conditions, situation and values concerning equal possibilities of the sexes at the participating educational institutions) and in society at large
- Raising awareness about stereotypes, establishing causes and creating responses at the educational institutions
- Forming strategies for eliminating stereotypes and diminishing the amount of sexual violence and prostitution
- Analysis of sexual balance when enrolling in certain programmes at the participating secondary schools and establishment of the status value of various programmes
- Analysis of the educational structure of our society with respect to gender and gender connection with the state of employment and unemployment

The project aims to search for ways to work with children and youth to eliminate the impacts that create inequality: workshops, thematic lessons, parent meetings, project days and lectures. EUR 102,000 is envisaged for project implementation for the period between the beginning of December 2008 and the end of October 2010. Since the activities have only recently begun, there are no reports on spent resources.

In the framework of the second ESF project entitled “Specialist training of professional staff of educational institutions in the years 2008, 2009, 2010 and 2011 in the field of social and civil competences”, implementation of the *Equal Opportunities for Women and Men* specialist training programme has been notified. The programme includes the following topics:

- Equal opportunities of the sexes during schooling and in vocational and public life
- Diverse, active and directed methods for encouraging girls and boys to enrol in the same secondary (vocational) programmes and faculties and to participate in the same in and out-of-school activities

In 2008, preparatory activities were conducted; implementation of phase 1 is envisaged for 2009. The resources allocated for the programme amount to approx. EUR 170,000. Information on spent resources was not available in 2008.

In the framework of the same project, implementation of a specialised training programme “Recognizing and preventing violence” has been prepared. The following topics are included:

- Recognizing and preventing violent behaviour on school premises
- Victims of peer violence - recognition and possibilities for assistance
- Non-violent communication for better personal relations
- Ways of non-violent resolution of conflicts

- New approaches to working with children and minors with unacceptable conduct
- Violence and sexual abuses in families - recognition and possibilities for assistance
- Human trafficking and sexual exploitation for the purposes of prostitution or pornography - raising awareness and providing information
- Sexual violence - raising awareness, providing information and prevention

In 2008, preparatory activities were conducted; implementation of phase 1 is envisaged for 2009. The resources allocated for the programme amount to approx. EUR 184,000. Information on spent resources was not yet available in 2008.

In April 2008, based on the Strategy of Education of Roma in the Republic of Slovenia adopted in 2004, the Ministry of Education and Sport published an ESF invitation to tender for “Successful inclusion of Roma in education”, the purpose of which is to develop forms and ways of education as well as mechanism and instruments at the day care and elementary school levels that will enable a more successful inclusion of Roma in pre-school and elementary school education. In schools and day care centres attended by Roma children and pupils, realisation of objectives of providing knowledge of the Roma culture, history and identity is necessary. This may be implemented in several different ways: through the Roma culture class (optional subject), in all other classes, in implementing various school activities and by creating a school atmosphere that accepts Roma pupils, puts them in an equal position and casts away all prejudices. To this end, in day care centres and elementary schools, project teams must be established and must include, besides managerial and professional staff, Roma assistants. Successful activities of project teams are dependent on training courses and manuals for the managerial staff, teachers and Roma assistants, as well as on learning material and didactic accessories for children and pupils.

Selected was a project coordinated by the Slovenian Roma Association, which will continue until the end of 2011, its total value amounting to EUR 1,595,000.

Subject to the Strategy for inclusion of children and pupils of migrants in the educational system of the Republic of Slovenia adopted in 2007, the Ministry of Education and Sport published, in 2008, an ESF invitation to tender for “Successful inclusion of children and pupils of migrants in education”, the purpose of which is to provide conditions for realising the measures from the strategy and to develop mechanisms that lead to more efficient inclusion of pupils of migrants into the school system with the aim to achieve better inclusion in society and improve their position on the labour market. A more efficient inclusion in the educational system should contribute to a higher quality of life of children and adolescents of migrants. Among other things, in the framework of the selected projects, proposals should be made on the scope, form and ways of making adjustments to the curriculum for a more rapid and quality inclusion of children of migrants in the education process and strategies for working with migrant parents and their inclusion. The projects encourage intercultural learning and positive attitude towards understanding and accepting cultural diversity.

The total value of the invitation to tender amounts to EUR 444,764 and the projects will last until the end of 2010.

### **Launch of publication and informing the public**

In 2008, the Ministry of Foreign Affairs launched a selection of documents entitled “Reports of Slovenia in line with United Nations International Agreements on Human Rights”. The collection includes both optional protocols and introductory reports of the Republic of Slovenia. The Ministry of Labour, Family and Social Affairs published both introductory reports on its website and informed the competent ministries, offices and non-governmental organizations.

***10. Please provide information on international judicial and police cooperation activities for the prevention, detection, investigation, prosecution and punishment of responsible persons for acts involving sale of children, child prostitution and child pornography in Slovenia.***

At the incentive of the Ukrainian security authorities, bilateral cooperation has been established with the Slovenian police with the intention of a more rapid and efficient exchange of data concerning human trafficking. Furthermore, the foundation for future joint investigations of these criminal offences has been created.

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