

# Slovenia

## National Child Protection Legislation

### National Legislation

- Age of Child – **Age of child is under 18 years of age**  
[Law on Marriage and Family Relations](#)  
**Art. 117 – Ceasing of parental rights**
  1. Parental rights shall cease with the child reaching full age, that is when it reaches eighteen years of age, or if the child concludes marriage prior to reaching full age.
  2. A juvenile shall achieve full business competence on concluding marriage.
  3. Full legal capacity may also be acquired by a juvenile who has become a parent if there are compelling reasons for this. The court shall decide thereon in a non-litigious procedure.
  
- Age of Consent – **15 years of age**  
[Penal Code of the Republic of Slovenia](#)  
**Art. 173 – Sexual assault on a person younger than fifteen**
  1. Anyone who sexually engages in or engages in any other sexual activity with a person of another or the same sex, who is not fifteen years old, shall be punished with imprisonment of three to eight years.
  
- Age of Marriage – **18 years of age**  
[Law on Marriage and Family Relations](#)  
**Art. 18 (Conditions for concluding and the validity of marriage)**  
Marriage may not be concluded by persons below the age of eighteen.
  
- Age of Criminal Responsibility – **14 years of age**  
[Penal Code of the Republic of Slovenia](#)  
**Art. 21 – Limitation of criminal liability according to the age of perpetrators**  
Anyone who has committed an unlawful act, when he was not yet fourteen (children), cannot be a perpetrator of a crime.

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- **Extraterritoriality**

- [Penal Code of the Republic of Slovenia](#)

- Art. 10 – The validity of the Penal Code of the Republic of Slovenia for anyone committing a criminal offense on its territory**

- 1. The Penal Code of the Republic of Slovenia shall apply to any person who commits a criminal offense in the territory of the Republic of Slovenia.
    2. The Penal Code of the Republic of Slovenia shall also apply to any person who commits a criminal offense on a domestic vessel regardless of its location at the time of the commission of the offense.
    3. The Penal Code of the Republic of Slovenia shall also apply to any person who commits a criminal offense on a domestic civil aircraft in flight or on a domestic military aircraft regardless of its location at the time of the committing of the offense.

**Art. 12 – The validity of the Penal Code of the Republic of Slovenia for a citizen of the Republic of Slovenia who commits a criminal offense abroad**

The Penal Code of the Republic of Slovenia shall apply to a citizen of the Republic of Slovenia, even if he commits another offense abroad in addition to the offenses listed in the previous article.

**Art. 13 – The validity of the Penal Code of the Republic of Slovenia for a foreigner who commits a criminal offense abroad**

1. The Penal Code of the Republic of Slovenia shall also apply to a foreigner who commits an offense outside the Republic of Slovenia, a criminal offense against a third country or any of its citizens, although these are not the offenses referred to in Article 11 of this Code.
2. The Penal Code of the Republic of Slovenia also applies to a foreigner who commits an offense in a foreign country or against a foreigner abroad if he/she has been apprehended in the territory of the Republic of Slovenia, but not extradited to that foreign country. In such cases, the court shall not impose a sentence on the perpetrator heavier than the sentence prescribed by the law of the country in which the offense was committed.
3. The Penal Code of the Republic of Slovenia shall also apply to anyone who commits any other offense abroad that is prosecuted in all countries, according to the international treaty or the general principles of law recognized by the international community, regardless of where it is committed.

▪ **Dual Criminality**

[Penal Code of the Republic of Slovenia](#)

**Art. 14 – Special Conditions for Prosecution**

1. If, in the cases referred to in Article 10 and the first indent of Article 11 of this Code, criminal proceedings have begun or have ended abroad, the perpetrator is prosecuted in the Republic of Slovenia with the permission of the Minister (hereinafter: the Minister for Justice) with a warning, under what conditions the prosecution does not violate the ban on retrial in the same case.
2. In the cases referred to in Article 12 and the first and second paragraphs of Article 13 of this Code, the perpetrator shall not be prosecuted:
  - 1) if the punishment for which he was convicted abroad has been completely served or was in accordance with the international treaty stipulated a sentence sent abroad will be served in the Republic of Slovenia;
  - 2) if he was exempted from the final judgment abroad or was sentenced to a penalty or the execution of the sentence was time-barred;
  - 3) if the offense under the foreign law is prosecuted at the request of the injured party, such a request has not been filed or has been withdrawn.
3. In the cases referred to in Article 12 and the first and second paragraphs of Article 13 of this Code, the perpetrator shall be prosecuted only if the offense is also punishable by the law of the country in which it was committed.
4. If in the case referred to in Article 12 of this Code, the act according to the law of the State in which it was committed is not punishable, but this act done against the Republic of Slovenia or its citizen may be prosecuted only with the permission of the Minister of Justice.
5. In all other cases, with the exception of the cases referred to in the second indent of Article 11, the third paragraph of Article 13 and the fourth paragraph of this Article, when the offense is committed abroad, in the State in which it was committed, the perpetrator may be prosecuted with the permission of the Minister of Justice if the act, when committed,

- was considered a criminal offense under the general principles of law recognized by the international community.
6. In the case referred to in Article 10 of this Code, under the conditions laid down by law, the alien's persecution may be resigned to a foreign country.
  7. In the cases referred to in the third paragraph of Article 13 of this Code, the perpetrator shall be prosecuted only with the permission of the Minister of Justice.

▪ **Mandatory reporting requirements**

[Penal Code of the Republic of Slovenia](#)

**Art. 281 – Failure to Provide Information of Crime or Perpetrator**

1. Whoever knows of a perpetrator of a criminal offense for which the sentence of not less than fifteen years' imprisonment is prescribed, or whoever knows of the commission of such a criminal offense and fails to inform the competent authorities thereof whereby such information is decisive to the discovery of the perpetrator of the crime, shall be sentenced to imprisonment for not more than three years.
2. An official who knowingly fails to submit a report of a criminal offense of which he comes to know during the performance of his official duties, and for which the punishment of more than three years' imprisonment is prescribed under the statute, the perpetrator whereof is prosecuted ex officio, shall be sentenced to imprisonment for not more than three years.
3. No punishment shall be imposed on whoever fails to submit information about a crime, provided that they are either the spouse, extra-marital partner, a partner with whom he lives in a registered same-sex partnership, lineal relative, brother, sister, adoptive parent, adopted child, defense counsel, doctor or confessor of the perpetrator. If any of these persons referred to in this paragraph, except the defense counsel, doctor or confessor, is not to be punished for failure to submit information about the crime under paragraph 1 of this Article, neither shall his spouse or extra-marital partner or a partner with whom he lives in a registered same-sex partnership, be punished for committing such an offense.

[Family Violence Prevention Act](#)

**Art. 5 – Duty to Act**

Bodies and organizations are obliged to carry out all the procedures and measures necessary to protect the victim according to the level of its vulnerability and protect its benefits, while ensuring respect for the integrity of the victim. If it is a victim of child violence, the benefits and rights of the child are an asset against the benefits and rights of other participant or participants in the procedure.

**Art. 6 – Obligation to Report**

1. Bodies and organizations and non-governmental organizations which, in their work, have learned of the circumstances on the basis of which it can be concluded that violence is being carried out is obliged to immediately notify the Social Work Center, unless the victim explicitly objects.

- **Obligations of Educational Institutions**

- [Family Violence Prevention Act](#)

- **Art. 6 – Obligation to Report**

- 2. Everyone, and in particular medical professionals and staff, education institutions and social institutions, as well as content providers for children in sports and cultural associations, regardless of the provisions on the protection of the professional secrecy, inform the Social Work Center, the police or the public prosecutor's office immediately when he/she suspects that is a victim of child violence or a person who, due to personal circumstances, is unable to take care of herself.

- **Prohibition to hold certain positions**

- [Penal Code of the Republic of Slovenia](#)

- **Art. 71 – Prohibition of pursuing a profession**

- 1. The court may prohibit the perpetrator from pursuing a certain profession, self-employed activity or any duty if he has abused his profession, position, activity, or duty for a criminal offense, and if the court has reason to conclude that it would be dangerous to continue such activity.
    2. The court shall determine the length of the duration of the measure referred to in the preceding paragraph; this may not be less than one year and not more than five years counted from the day the judgement became final, whereby the time spent in prison or in a medical institution for treatment and detention shall not be credited towards the term of such a measure.
    3. When pronouncing a conditional conviction, the court may order that such a sentence be revoked if the perpetrator violates the prohibition of pursuing a profession.
    4. The court may decide to terminate such safety measure if two years have elapsed since the beginning of its implementation. The court shall decide on this at the request of the convicted person if he finds that the reasons for imposing this measure have ceased.

- **Art. 174 – Violation of sexual integrity with abuse of position**

- 1. Anyone who abuses his position in order to prepare a person of another or the same sex who is subordinate or dependent on him to sexual intercourse or to commit or suffer another sexual act shall be punished with imprisonment of up to five years.
    2. Teacher, educator, guardian, adoptive parent, parent or other person who, through the abuse of his or her position, sexually interferes with or engages in any other sexual activity with a person older than fifteen years entrusted with learning, education, care and care, shall be punished with imprisonment of one to eight years.

- **Employment Law**

- [Employment Relations Act 2007](#)

- **Art. 88 – Reasons for Ordinary Termination**

- - (1) The reasons for ordinary termination of a worker's employment contract by the employer are as follows:
      - cessation of the need to carry out certain work, under the conditions pursuant to the employment contract, owing to economic, organisational, technological, structural or similar reasons on the employer's side (hereinafter: business reason), or

- non-achievement of expected work results because the worker failed to carry out the work in due time, professionally and with due quality, or non-fulfilment of the conditions for carrying out work provided by laws and other regulations issued on the basis of law, for which reason the worker fails to fulfil or cannot fulfil the contractual or other obligations arising from the employment relationship (hereinafter: reason of incapacity),
  - violation of a contractual obligation or other obligation arising from the employment relationship (hereinafter: reason of culpability)
  - inability to carry out the work under the conditions set out in the employment contract owing to disability in accordance with the regulations governing pension and disability insurance, or with the regulations governing employment rehabilitation and the employment of disabled persons.
- (2) The employer may terminate the worker's employment contract only if there is a substantiated reason referred to in the previous paragraph which prevents the continuation of work under the conditions set out in the employment contract between the worker and the employer.
- (3) In the case of terminating the employment contract for reasons of incapacity or for a business reason, the employer must check whether it is possible to employ the worker under changed conditions or in other work, and/or whether it is possible to additionally train the worker for the work he carries out or to retrain the worker for other work. If such possibility exists, the employer must offer the worker a new contract. If the worker refuses the employer's offer to conclude a new employment contract for appropriate work and for an indefinite period of time and his employment relationship terminates, he shall have no right to severance pay pursuant to Article 109 of this Act.
- (4) The employer must act in accordance with the preceding paragraph only in the event that the duration of the employment contract which is being terminated, exceeds six months. The obligation referred to in the preceding paragraph shall not apply to smaller employers.
- (5) If in the event of termination for business reasons the employer cannot offer the worker a new employment contract pursuant to the third paragraph of this article, starting in the notice period the employer may notify the employment service of the termination of the worker's employment contract.
- (6) The employer must give notice of termination no later than within six months of a substantiated reason arising. In the event of reasons of culpability, the employer must give notice of termination no later than 60 days from identifying the substantiated reason and no later than six months from the substantiated reason arising. If the reasons of culpability on the part of the worker have all the characteristics of a criminal offense, the employer may give notice of termination of the employment contract within 60 days of the employer identifying the substantiated reason of culpability for ordinary termination, and regarding the offender for the entire period in which he may be subject to criminal prosecution.
- (7) In the case of termination for reasons of culpability on the part of the worker which have all the characteristics of a criminal offense, the employer may prohibit the worker from carrying out work for the duration of the proceedings. During such period of prohibition on carrying out work, the worker shall be entitled to wage compensation amounting to half of his average wage received in the last three months prior to the instigation of the termination procedure.

**Art. 6(a) – Prohibition on sexual and other harassment and bullying at the workplace**

- (1) Sexual and other harassment is prohibited. Sexual harassment is any form of undesired verbal, non-verbal or physical action or behaviour of a sexual nature with the effect or intent of adversely affecting the dignity of a person, especially where this involves the creation of an intimidating, hateful, degrading, shaming or insulting environment.

Harassment is any undesired behaviour associated with any personal circumstance with the effect or intent of adversely affecting the dignity of a person or of creating an intimidating, hateful, degrading, shaming or insulting environment.

- (2) Sexual and other harassment referred to in the preceding paragraph shall be deemed to be discrimination pursuant to the provisions of this Act.
- (3) Rejection of action and behaviour referred to in the first paragraph of this article on the part of an affected candidate or worker may not serve as grounds for discrimination in employment and work.
- (4) Bullying at the workplace is prohibited. Bullying at the workplace is any repetitive or systematic, reprehensible or clearly negative and insulting action or behaviour aimed at individual workers in the workplace or in connection with work.

▪ **Criminal Law – Defamation**

[Penal Code of the Republic of Slovenia](#)

**Art. 159 – Defamation**

- 1) Whoever claims or misuses some that is false, which may harm the honor or good name of another person, even though he knows that what he alleges or misconstrues is untrue, shall be punished by a fine or imprisonment of up to six months.
- 2) If the offense referred to in the preceding paragraph is committed by the press, by radio, by television or by other means of public information or on websites or public gatherings, the perpetrator shall be punished by a fine or imprisonment of up to one year.
- 3) If what is untruthful or misleading is of such nature as to have serious consequences for the injured party, the perpetrator shall be punished with imprisonment of up to two years.

▪ **Private Fostering**

No information found.

Sexual Offenses Against Children

[Penal Code of the Republic of Slovenia](#)

**Art. 112 – Enslavement**

1. Anyone who, in violation of the rules of international law, brings another in slavery or similar relationship or in such a relationship, acquires, sells, gives to another person or intervenes in the purchase, sale or extradition of such a person or the sting of another, to sell his freedom or the freedom of the person who is living or cares for him shall be punished by imprisonment of one to ten years.
2. Whoever transports persons in a slave or similar relationship from one State to another shall be punished by imprisonment of six months to five years.
3. Whoever commits an act referred to in the first or second paragraph of this Article against a minor shall be punished by imprisonment of three to fifteen years.

**Art. 113 – Trafficking in Human Beings**

1. Whoever, for the sake of exploitation of prostitution or other forms of sexual abuse, forced labor, slavery, servitude, criminal activities or trade in organs, human tissues or blood, acquires, takes over, takes on, conducts, sells, gives birth or otherwise enters it disposes of, or transfers such person to, removes or transfers control over it or intervenes in such conduct, regardless of the possible consent of that person, shall be punished with imprisonment of one to ten years.
2. If an act referred to in the preceding paragraph is committed against a minor or by force, threat, deception, kidnapping or abuse of a subordinate or dependent position or by giving or receiving

payments or benefits in order to achieve the consent of a person who has control over another person, or for the purpose of forcing pregnancy or artificial insemination, the perpetrator shall be punished with imprisonment of three to fifteen years.

3. The punishment referred to in the preceding paragraph shall be imposed on anyone who commits an act referred to in the first or second paragraph of this article as a member of a criminal organization for the purpose of carrying out such acts, or if this act has acquired a material proceeding.

#### **Art. 170 – Rape**

1. Whoever forces a person of the same sex or sex to sexual intercourse or sexual intercourse by using force or provoking a direct attack on a person's life or body shall be punished by imprisonment of one to ten years.
2. If the act referred to in the preceding paragraph is committed in a terrible or particularly humiliating manner, or if the offense committed by several persons in succession or over the prisoners or other persons taken into custody, the perpetrator shall be punished with imprisonment of three to fifteen years.
3. Whoever forces a person of the same sex or sex to sexual intercourse or sexual intercourse by causing him or her to discover about her or her loved ones, which would harm her or their honor or good name, or that she or her she has caused great harm to her neighbors, shall be punished by imprisonment of six months to five years.
4. If the acts referred to in the first or third paragraph of this article were committed against a person with whom the perpetrator lives in a marital, extra-marital union or registered same-sex community, the prosecution shall begin on the motion.

#### **Art. 171 – Sexual Violence**

1. Anyone who uses force or causes a person of another or the same sex to a direct attack on a person's life or body and forcing him to commit or suffer any act not covered by the preceding article shall be punished by imprisonment of six months to ten years .
2. If the act referred to in the preceding paragraph is committed in a terrible or particularly humiliating manner, or if the offense committed by several persons in succession or on convicts or other persons taken into custody, it shall be punished by imprisonment of three to fifteen years.
3. Whoever forces a person of the same or same gender to commit or suffer any kind of sexual activity referred to in the first paragraph of this Article by causing him or her to discover about her or her relatives what would harm her or their honor or good name, or that he or she or her relatives will cause great financial damage, shall be punished by imprisonment up to five years.
4. If the acts referred to in the first or third paragraph of this article were committed against a person with whom the perpetrator or the perpetrator lives in a marriage, a marital union or a registered same-sex partnership, the prosecution shall begin on the motion.

#### **Art. 173 – Sexual assault on a person younger than fifteen**

1. Anyone who sexually engages in or engages in any other sexual activity with a person of another or the same sex, who is not fifteen years old, shall be punished with imprisonment of three to eight years.
2. Anyone committing the offense referred to in the preceding paragraph with a weak person not older than fifteen years, or by using force or causing a direct attack on a person's life or body, or thereby reaching the service of an act with another person shall be punished by a prison of five to fifteen years.
3. A teacher, a teacher, a guardian, an adoptive parent, a parent, a priest, a doctor, or another person who, through the abuse of his or her position, sexually engages in or engages in any other sexual act with a person who is not under fifteen years old and entrusted with the teaching, treatment, care or care, shall be punished by imprisonment of three to ten years.

4. Anyone who, in the circumstances referred to in the first, second and third paragraphs of this article, otherwise affects the sexual integrity of a person not older than fifteen years, shall be punished by imprisonment up to five years.
5. The act referred to in the first paragraph of this Article shall not be unlawful if it has been committed with a person of comparable age and if it corresponds to the level of her mental and physical maturity.

**Art. 173a – Obtaining persons under fifteen years of age for sexual purposes**

1. Whoever, through information or communication technologies, addresses a person under fifteen years of age for a meeting with the intention of committing an offense referred to in the first paragraph of Article 173 of this Code against him or for the production of images, audiovisual or other objects of pornographic or other sexual content, and following the concrete actions to accomplish the meeting followed by persuasion, shall be punished with imprisonment of up to one year.
2. The act referred to in the preceding paragraph shall not be unlawful if it was committed in order to carry out the act referred to in the first paragraph of Article 173 and under the conditions referred to in the fifth paragraph of Article 173 of this Code.

**Art. 174 – Violation of sexual integrity with abuse of position**

1. Anyone who abuses his position in order to prepare a person of another or the same sex who is subordinate or dependent on him to sexual intercourse or to commit or suffer another sexual act shall be punished with imprisonment of up to five years.
2. Teacher, educator, guardian, adoptive parent, parent or other person who, through the abuse of his or her position, sexually interferes with or engages in any other sexual activity with a person older than fifteen years entrusted with learning, education, care and care, shall be punished with imprisonment of one to eight years.

**Art. 175 – Abuse of prostitution**

1. Whoever, for exploitation, participates in the prostitution of another person, or whoever, by force, threat or deception, indicates, acquires or instigates another person to prostitution, shall be punished by imprisonment of three months to five years.
2. Whoever, for exploitation purposes, participates in the prostitution of a minor or for the prostitution of a minor or who by force, threat, deception, recruitment or solicitation mentions, acquires or incites a minor to prostitution, shall be punished with imprisonment of one to ten years.
3. If the acts referred to in the first or second paragraph of this article were committed against several persons or within a criminal organization, the perpetrator shall be punished with imprisonment of one to twelve years.

**Art. 176 – Display, manufacture, possession and distribution of pornographic material**

1. Anyone who is selling, displaying or publicly exhibiting, or otherwise allowing a person to access files, images, audiovisual or other objects of pornographic content, or to show him a pornographic or other sexual act, shall be punished by a person who is less than fifteen a fine or imprisonment of up to two years.
2. Anyone who, by force, threat, deception, abuse or misuse of powers, recruitment, solicitation or exploitation, acquires or instigates a minor person to create images, audiovisual or other objects of pornographic or other sexual content, to engage in pornographic or other sexual acts present or whoever such performances are present, shall be punished by imprisonment of six months to eight years.
3. The same as in the preceding paragraph shall be punished, whoever produces, extends, sells, imports, exports or otherwise offers pornographic or other sexual material involving himself or herself, for himself or for another, including minors or their realistic images, or whoever possesses



such material or obtain access to such material through information or communication technologies, or discloses the identity of a minor in such material.

4. If an act referred to in the second or third paragraph of this article was committed in a criminal organization for the commission of such criminal offenses, the perpetrator shall be punished with imprisonment of one to eight years.
5. Pornographic or other sexual material referred to in the second, third and fourth paragraphs of this Article shall be taken or the use of it is appropriately disabled.

#### **Art. 195 – Incest**

A person who has sexual intercourse with a minor blood relative in a straight line or with a minor brother or sister shall be punished with imprisonment of up to two years.

- **Female Genital Mutilation (FGM)**

No specific legislation concerning FGM was found.