

Global Alliance against Child Sexual Abuse Online

Slovenia

Policy target No. 1: Enhancing efforts to identify victims and ensuring that they receive the necessary assistance, support and protection

Operational Goal:	Increase the number of identified victims in the International Child Sexual Exploitation images database (ICSE database) managed by INTERPOL by at least 10% yearly
Actions ALREADY UNDERTAKEN	
Description of the actions already undertaken	<p>As the Republic of Slovenia is not yet connected with the ISCE DB, a new team of people was put together to start activities for getting linked up (solutions for technical, organizational, personnel support, enquiries as to the dates and specifics concerning training).</p> <p>The cooperation between the police and state prosecutor's office (law enforcement authorities) is very good; there are direct personal contacts, meetings, conferences, investigative groups (if needed), exchange of experience, opinions and guidelines. The cooperation is defined in the Criminal Procedure Act – Article 160.a; some issues relating to the cooperation are governed by the Decree on the cooperation of the state prosecutorial service, Police and other competent state bodies and institutions in detection and prosecution of perpetrators of criminal offences and operation of specialised and joint investigation teams. Guidelines and instructions are binding for the police.</p> <p>The police take part in Interpol efforts for victim identification (Interpol's project of upgrading ISCE DB v2; Slovenia is participating) and contributes materials to this database, for now by using the official classic channel (on data carriers).</p>
Actions that WILL BE UNDERTAKEN	
Description of the actions that will be undertaken and timeframe	<ul style="list-style-type: none"> • Linking up with ISCE DB (in two years); • Setting up a national database regarding CAM (NSCE DB) (optional, in four years), which will be connectable to ISCE DB; • Monitoring the needs to change legislation in the area of personal data, electronic communications, protection and security of victims, use of covert investigative measures, competences of the police and other authorities while respecting human rights and fundamental freedoms (a permanent duty); • Training investigators, prosecutors and judges at home and abroad (a permanent duty); • Acquiring the necessary funds from the national budget or through calls for proposals, e.g. of the European Commission (a permanent task); • Performing own or joint international operations (a permanent

	<p>task);</p> <ul style="list-style-type: none"> • Improving cooperation with Internet service providers (ISP) and mobile network operators (a permanent task); • Searching for solutions to improve work methods and tactical approaches (a permanent task); • Efforts for improvement of the existing number of qualified investigators (a permanent task); • Efforts for setting-up of a National Victim Identification Point, by taking into account Interpol resolution no. AG-2011-RES-08 (a permanent task); • Implementation of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA. (Time frame: 18. December 2013). • Implementation of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. (Time frame: 6. April 2013). • Implementation Of Directive 2012/29/EU Of The European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (Time frame: 16. November 2015). • Implementation of future Directive on attacks against information systems, replacing Framework Decision 2005/222/JHA (Time frame: 2 years after adoption). • Ratification of Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse CETS No.: 201 (Time frame: august 2013).
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Policy target No. 2: Enhancing efforts to investigate cases of child sexual abuse online and to identify and prosecute offenders

<p>Operational Goal:</p>	<p>Establish the necessary framework for the criminalization of child sexual abuse online and the effective prosecution of offenders, with the objective of enhancing efforts to investigate and prosecute offenders</p>
<p>Operational Goal:</p>	<p>Improve the joint efforts of law enforcement authorities across Global Alliance countries to investigate and prosecute child sexual abuse online</p>
<p>Actions ALREADY UNDERTAKEN</p>	
<p><i>Description of the actions already undertaken</i></p>	<p>When Slovenia became an independent state, the Convention on the Rights of the Child immediately entered into force and children are defined in accordance with the provisions of this Convention (persons under 18 years of age). Slovenia has a special constitutional provision on the rights of children (Art. 56 of the Constitution of the Republic of Slovenia):</p> <p>(1) Children shall enjoy special protection and care. Children shall enjoy human rights and fundamental freedoms consistent with their age and maturity.</p> <p>(2) Children shall be guaranteed special protection from economic, social, physical, mental or other exploitation and abuse. Such protection shall be regulated by law.</p> <p>(3) Children and minors who are not cared for by their parents, who have no parents or who are without proper family care shall enjoy the special protection of the state. Their position shall be regulated by law.</p> <p>Since gaining independence in 1991 Slovenia has adopted a number of legislative changes enabling relatively effective detection and prosecution of criminal offences against sexual inviolability of children:</p> <ul style="list-style-type: none"> • Sexual Assault on a Person Below Fifteen Years of Age Article 173 of the Penal Code <p><i>(1) Whoever has sexual intercourse or performs any lewd act with a person of the same or opposite sex under the age of fifteen years shall be sentenced to imprisonment for not less than three and not more than eight years.</i></p> <p><i>(2) Whoever commits the offence under the preceding paragraph against the defenceless person under the age of fifteen or by threatening him/her with imminent attack on life or limb shall be sentenced to imprisonment for not less than five and not more than fifteen years.</i></p> <p><i>(3) A teacher, educator, guardian, adoptive parent, parent, priest, doctor or any other person who through the abuse of his position has sexual intercourse or performs any lewd act with a person under the age of fifteen and whom he is entrusted to teach, educate, protect or care for shall be sentenced to imprisonment for not less than three and not more than ten years.</i></p> <p><i>(4) Whoever, under circumstances under paragraphs 1, 2 or 3 of this</i></p>

Article, violates the sexual integrity of the person under the age of fifteen years shall be sentenced to imprisonment for not more than five years.

(5) The act under paragraph 1 of this Article is not unlawful if it is committed with a person of comparable age and if it corresponds to their mental and physical maturity.

- Criminal offence of child grooming (Article 173.a of the Penal Code):

(1) Whoever solicits a person under the age of fifteen, via information and communication technologies, to meet them with the purpose of committing a criminal offence under paragraph 1 of Article 173 of this Code against them or to take photographs, audiovisual or other materials of pornographic or otherwise sexual contents, and carries through the solicitation with concrete acts to bring about a meeting, shall be sentenced to imprisonment for not more than one year.

(2) The act under the preceding paragraph is not unlawful if it is committed in order to carry out an act under paragraph 1 of Article 173 and under the conditions under paragraph 5 of Article 173 of this Code.

As the Penal Code was amended it introduced the above criminal offence of grooming, when the perpetrator arranges a meeting with the victim through information and communication technologies, in order to carry out an unlawful sexual act. If such arrangement is followed by a concrete act towards the commission, e.g. perpetrator's arrival at the agreed meeting place, the indications of a criminal offence have been fulfilled.

Also amended was Article 175 of the Penal Code (Exploitation through Prostitution). In amended paragraph 2, an aggravated form of the criminal offence was defined against a minor (which is separate from the commission of this criminal offence against several persons or in the framework of a criminal organisation), and a manner of commission – exploiting prostitution of a minor.

- Presentation, Manufacture, Possession and Distribution of Pornographic Material (Article 176 of the Penal Code)

(1) Whoever sells, presents or publicly exhibits documents, pictures or audiovisual or other items of a pornographic nature to a person under fifteen years of age, enables them to gain access to these in any other way or shows them a pornographic or other sexual performance shall be given a fine or a prison sentence of up to two years.

(2) Whoever abuses a minor in order to produce pictures or audiovisual or other items of a pornographic or other sexual nature, or uses them in a pornographic or other sexual performance or is knowingly present at such performance, shall be given a prison sentence of between six months and five years.

(3) Whoever produces, distributes, sells, imports or exports pornographic or other sexual material depicting minors or their realistic images, supplies it in any other way, or possesses such material, or discloses the identity of a minor in such material shall be subject to the same sentence

	<p><i>as in the preceding paragraph.</i></p> <p><i>(4) If an offence from paragraphs 2 or 3 of this Article was committed within a criminal organisation for the committing of such criminal offences, the perpetrator shall be given a prison sentence of between one and eight years.</i></p> <p><i>(5) Pornographic or other sexual material from paragraphs 2, 3 or 4 of this Article shall be seized or its use appropriately disabled.</i></p> <p>The amendment of the Penal Code also criminalised, in Article 176, the (intentional) acquisition of access to pornographic materials by means of information and communication technologies. It is clearly stated that it refers to acquisition of materials for oneself or another person. From general provisions of the Code it follows that the acquisition of materials or access to materials has to be intentional, which excludes cases when materials or access are obtained unintentionally, for example when they are sent to an e-mail address of a person without their knowledge or against their will. On the other hand, conclusions on deliberate action are justified especially in cases of access to charged-for contents or access with systematic or repeated viewing of child-abuse materials, or to websites that require log-in with a password.</p> <p>In Slovenia also other offences against sexual inviolability are criminalised, such as rape (Art. 170 of the Penal Code), sexual violence (Art. 171 of the Penal Code), sexual abuse of defenceless person (Art. 172 of the Penal Code) and violation of sexual integrity by abuse of position (Art. 174 of the Penal Code). In case of sexual abuse of minors over the age of 15 years, perpetrators can be prosecuted under these provisions.</p> <p>We estimate that the acts, which presents child abuse material (CAM), in many cases are linked to other crimes, such as Child grooming, Sexual assault on a person under 15 years of age, Exploitation through Prostitution, Rape, Criminal organization, Kidnapping, etc.</p> <ul style="list-style-type: none"> • The Penal Code also determines a special criminal record on sexual crime convictions (Art. 84), on the basis of which reservations and bans on working with children can be checked. The provision of Article 84 reads as follows: <p><i>(1) The information on judgements shall be kept in a criminal record. The extent of information and release of information from the criminal record before the removal shall be determined by the statute.</i></p> <p><i>(2) On the basis of a request by institutions or associations justified by law, to which the children or minor were entrusted to be educated, schooled, protected and cared for, the information from the criminal record shall be released for the removed convictions for criminal offences under Article 173, paragraph 2 of Article 175, committed against a minor, and under Article 176 of this Penal Code.</i></p> <p><i>(3) It shall be determined by the statute that the convictions for criminal offences under the preceding paragraph shall be entered in a special record and the conditions, limitations and procedure to release information on such convictions shall be prescribed; in cases not covered</i></p>
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in the preceding paragraph, the conviction shall be deemed removed despite being preserved in a special record (paragraph 1 of this Article).

Perpetrators who view child abuse materials often abuse children as well. The new Police Tasks and Powers Act made it easier to record and store data on convicted sex offenders. In Article 112 the Act lays down that in cases when there is pre-trial procedure for criminal offences against sexual integrity under Chapter 19 of the Penal Code and they are committed against a minor, the police in each such case take and store data on their identity and genetic profile in the DNA examination record, in order to facilitate the search for suspects of these offences, uncovering of criminal offences and traces, prosecution or trial of perpetrators of these offences, exclusion of persons from the procedure, assistance to victims of criminal offences by exchanging personal data with the competent authorities of other countries.

Slovenia has ratified the Convention on Cybercrime (Budapest Convention).

In the Medium-term development and work plan for the period 2013 – 2017 and the Work plan of the police for 2013 the police defined their tasks regarding the setting up of ISCE database. The police use in their work an internal document (the so-called criminal offence catalogue), on the basis of which they decide the responsibility for investigating criminal offences against sexual integrity of children (it makes possible a clear determination that these offences are investigated by specialised police units).

At the national level an inter-agency document was adopted – Action plan for the prevention of family violence for the period 2012-2013 (it is extended by two years every time), which shows a high level of coordination between different authorities. Among other measures it covers the assistance to victims of abuse, appropriate response to information on violence, preventive programmes and awareness-raising for wide public and risk groups on violence (especially children) as well as research into these issues.

The police have professional and specialised units dealing with online sexual abuse. They have about 35 specialised criminal investigators for juvenile crime, who investigate sexual crimes against children (they investigate domestic violence cases, maltreatment of children, disabled persons etc.) and cooperate with other services of the police (computer investigation centre, international police cooperation centre, etc.) and external services (state prosecutor's office, courts, social work centres, schools, inspection services and agencies, NGOs, internet providers and mobile phone operators, etc.). The police also cooperate with police forces of other countries in joint investigations and working groups.

The police organise training, courses, seminars and other forms of knowledge sharing for investigators working on cases of sexual abuse of children (participation at international training events: CEPOL seminar, EUROPOL seminars and conferences, other national training courses: own training, conferences and seminars with international participation in the framework of INHOPE point /NGO/, traditional courses for

	<p>criminal investigators, prosecutors, judges and child representatives on the topics of violence against children; visits of experts from the GS Interpol Lyon, EU and neighbouring countries). Slovenia, i.e. the Slovenian police provided bilateral technical assistance in training investigators from Bosnia and Herzegovina in 2011; for social and education workers, and by exchanging good practices and experience. Slovenian police also organise workshops and talks for children and youngsters at schools (safe use and dangers of the Internet).</p>
<p>Actions that WILL BE UNDERTAKEN</p>	
<p><i>Description of the actions that will be undertaken and timeframe</i></p>	<ul style="list-style-type: none"> • Accurate and up-to-date keeping data collection under Art. 84 of the Penal Code (permanent task); • Proposals for amendments of relevant legislation in different fields or legal dilemmas (data retention, faster data transmission, introduction of legitimate and legal covert investigative measures), (permanent task); • Categorisation of child abuse material (CAM) by levels from milder forms to the most serious form (in three years); • Improving and upgrading the level of cooperation with Internet service providers and mobile telephony operators as well as other interest groups (permanent task); • Training of investigators, prosecutors and judges in the field of CAM at home and abroad (permanent task); • Acquiring appropriate equipment for covert investigative measures and inspection of seized CAM materials (in three years).

Policy target No. 3: Enhancing efforts to increase public awareness of the risks posed by children's activities online, including grooming and self-production of images that results in the production of new child pornography that may be distributed online

Operational Goal:	Develop, improve, or support appropriate public awareness campaigns or other measures which educate parents, children, and others responsible for children regarding the risks that children's online conduct poses and the steps they can take to minimize those risks
Operational Goal:	Share best practices among Global Alliance countries for effective strategies to inform the public about the risks posed by online, self-exploitative conduct in order to reduce the production of new child pornography
Actions ALREADY UNDERTAKEN	
<i>Description of the actions <u>already undertaken</u></i>	Constant awareness-raising on the burning issue of the Internet and children: in the media, at meetings in primary and secondary schools, with NGOs; acquainting regional criminal police officers with new developments, carrying out preventive activities, posting information on Police website.
Actions that WILL BE UNDERTAKEN	
<i>Description of the actions that <u>will be undertaken and timeframe</u></i>	<ul style="list-style-type: none"> • Performance of preventive activities (a permanent task); • Cooperation with the media and press releases (a permanent task); • Teaching and training, lectures for school staff, school headmasters, counselling service staff (permanent task); • Publication of relevant information on government websites (a permanent task); • Updating the brochure on sexual violence (by end 2013); • Updating the brochure "When I am a victim of a criminal offence" (by end 2013).

Policy target No. 4: Reducing as much as possible the availability of child pornography online and reducing as much as possible the re-victimization of children whose sexual abuse is depicted

Operational Goal:	Encourage participation by the private sector in identifying and removing known child pornography material located in the relevant State, including increasing as much as possible the volume of system data examined for child pornography images.
Operational Goal:	Increase the speed of notice and takedown procedures as much as possible without jeopardizing criminal investigation
Actions ALREADY UNDERTAKEN	
<i>Description of the actions already undertaken</i>	<p>The police cooperate very well with INHOPE point Slovenia in solving concrete cases of postings on the Internet, consistent demands for administrators to immediately remove posts, or using official channels to inform competent services in order to remove the material.</p> <p>Anybody can inform the Police on the existence of inappropriate material on the Internet or submit a report (in writing, orally, by e-mail, by using on-line form of the police, on-line form of other state bodies, anonymously, etc).</p>
Actions that WILL BE UNDERTAKEN	
<i>Description of the actions that will be undertaken and timeframe</i>	<ul style="list-style-type: none"> • Encouraging establishment of public-private partnerships in the area of identifying child abuse contents and their removal (permanent task), • Studying national legislation from the point of view of 'the existence of obstacles for the private sector in connection with the identification of child abuse contents and their removal' (permanent task); • Promoting, within Slovenian competence, the development and use of technologies for the identification and removal of pictures depicting sexual abuse of children (permanent task); • Maintaining good international cooperation in the field of strategic planning for the removal of child abuse contents so that countries can develop consistent approaches and exchange information (permanent task); • Establishing mechanisms and adopting a common legal and formal definition of cooperation between the police and INHOPE point in Slovenia (in 2013).