

## National Laws

Legislation of Interpol member states on sexual offences against children

# Slovenia - Slovénie - Eslovenia

Ljubljana

The information on this page is up to date as of spring 2006

## I. Ages for legal purposes

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### Age of simple majority

The legal age of majority is eighteen (18) years.

### Age of consent for sexual activity

The legal age of consent for sexual activity is fifteen (15) years.

### Age of consent for marriage

The legal age of consent for marriage is eighteen (18) years. Under certain conditions the age of consent is sixteen (16) years.

## II. Rape

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### Section 180 (Chapter 19)

'(1) Whoever compels a person of the same or opposite sex to submit to sexual intercourse with him by force or threat of imminent attack on life or limb, shall be sentenced to imprisonment for not less than one (1) and not more than ten (10) years.

(2) If the offence under the preceding paragraph has been committed in a cruel or extremely humiliating manner or successively by at least two perpetrators or against an offender serving sentence in a closed or semi-open type of penal institution, the perpetrator (s) shall be sentenced to imprisonment for not less than three (3) years.

(3) Whoever compels a person of the same or opposite sex to submit to sexual intercourse by threatening him/her with large loss of property to him/her or to his/her relatives or with the disclosure of any matter concerning him/her or his/her relatives which is capable of damaging him/her or his/her relatives' honor and

reputation shall be sentenced to imprisonment for not less than six (6) months and not more than five (5) years.

(4) If offences under the first or third paragraphs of the present article have been committed against a spouse or an extra-marital partner, the prosecution shall be initiated upon a complaint.'

### **III. Other forms of child sex abuse**

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#### **'Sexual violence', Section 181 (Chapter 19)**

'(1) Whoever uses force or threatens a person of the same or opposite sex with imminent attack on life or limb thereby compelling that person to submit to any lewd act not covered by the preceding article or to perform such an act, shall be sentenced to imprisonment for not less than six (6) months and not more than five (5) years.

(2) If the offence under the preceding paragraph has been committed in a cruel or extremely humiliating manner or successively by at least two perpetrators, the perpetrator(s) shall be sentenced to imprisonment for not less than three (3) years.

(3) Whoever compels a person of the same or opposite sex to perform or submit to any lewd act by threatening him/her with a large loss of property to him/her or to his/her relatives or with the disclosure of any matter concerning him/her or his/her relatives which is capable of damaging his/her relatives' honor and reputation shall be sentenced to imprisonment for not more than five (5) years.

(4) If offences under the first or third paragraphs of the present article have been committed against a spouse or an extra-marital partner, the prosecution shall be initiated upon a complaint.'

#### **'Sexual abuse of a defenceless person', Section (Chapter 19)**

'(1) Whoever has sexual intercourse or performs any lewd act with a person of the same or opposite sex by abusing the fact of his/her mental disease temporary or graver mental disorder or sickness or any other state owing to which that person is not capable of resisting shall be sentenced to imprisonment for not less than six (6) months and not more than five (5) years.

(2) Whoever, under circumstances under the preceding paragraph, violates the sexual integrity of another person in any other way, shall be sentenced to imprisonment for not more than three (3) years.'

#### **'Sexual assault on a person below 15 years of age', Section 183 (Chapter 19)**

'(1) Whoever has sexual intercourse or performs any lewd act with a person of the same or opposite sex under the age of fifteen (15) years where there is a marked discrepancy between the maturity of the perpetrator and that of the victim shall be sentenced to imprisonment for not less than six (6) months and not more than five (5) years.

(2) Whoever has sexual intercourse with a defenceless person under the age of fifteen (15) or by threatening him/her with imminent attack on life or limb, shall be sentenced to imprisonment for not more than three (3) years.

(3) A teacher, educator, guardian, adoptive parent, parent 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 (15) whom he is entrusted to teach, educate, protect or care for, shall be sentenced to imprisonment for not less than one (1) and not more than eight (8) years.

(4) Whoever, under circumstances under the first, second and third paragraphs, violates the sexual integrity of another in any other way, shall be sentenced to imprisonment for not more than three (3) years.'

#### **'Violation of sexual integrity by abuse of position', Section 184 (Chapter 19)**

'(1) Whoever, by abusing his position, induces his subordinate or a person of the same or different sex who depends on him to have sexual intercourse with him or to perform or to submit to any lewd act, shall be sentenced to imprisonment for not more than three (3) years.

(2) A teacher, educator, guardian, adoptive parent, parent or any other person who through the abuse of his position has sexual intercourse or performs any lewd act with a person above the age of fourteen whom he is entrusted to teach, educate, protect or care for, shall be sentenced to imprisonment for not less than six (6) months and not more than five (5) years.'

## **IV. Child prostitution**

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#### **'Pimping', Section 185 (Chapter 19)**

'(1) Whoever engages in pimping or procures the opportunity for sexual intercourse or other lewd acts for money shall be sentenced to imprisonment for not less than three (3) months and not more than five (5) years.

(2) Whoever acts as a pimp for a minor shall be sentenced to imprisonment for not more than one (1) year and not more than ten (10) years.'

#### **'Presenting persons for prostitution', Section 186 (Chapter 19)**

'(1) whoever incites, solicits, lures or entices other persons to prostitution or is in any other way engaged in presenting these persons for prostitution to a third person, shall be sentenced to imprisonment for not less than six (6) months and not more than five (5) years.

(2) If the offence under the preceding paragraph has been committed by force, threat or deception, the perpetrator shall be sentenced to imprisonment for not less than one (1) and not more than ten (10) years.'

## **V. Child pornography**

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### **'Presentation and manufacturing of pornographic material', Section 187 (Chapter 19)**

'(1) Whoever by sale or public exhibition provides a person under the age of fourteen (14) with access to writings, pictures, audio-visual or other objects of pornographic content or whoever presents a pornographic performance to such a person, shall be punished by a fine or sentenced to imprisonment for not more than one (1) year.

(2) Whoever abuses a minor for the production of pornographic pictures, audio-visual or other objects of pornographic content or whoever presents a pornographic performance to such a person, shall be punished by a fine or sentenced to imprisonment for not more than three (3) year.'

The possession of child pornography is not an offence in Slovenia.

## **VI. Internet**

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For the moment there are no special legal provisions for 'Sexual offences against children using the Internet'. Such offences are punishable according to Art. 187 of the Slovenian Penal Code. Currently there are efforts to change the Penal Code and it is expected that it will be amended in such a way to include provisions which cover these problems.