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COMMITTEE ON THE RIGHTS OF THE CHILD

Fifty-first session

SUMMARY RECORD (PARTIAL)* OF THE 1408th MEETING

Held at the Palais Wilson, Geneva,
on Friday 29 May 2009, at 3 p.m.

Chairperson: Ms. AIDOO (Vice-Chairperson)

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* No summary record was prepared for the rest of the meeting.

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In the absence of Ms. Lee, Ms. Aidoo (Vice-chairperson) took the chair.

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Slovenia under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) (continued) (CRC/C/OPSC/SVN/1, CRC/C/OPSC/SVN/Q/1 and Add.1)

1. At the invitation of the Chairperson, the members of the delegation of Slovenia resumed their places at the Committee table.

2. The CHAIRPERSON invited the delegation of Slovenia to answer questions raised by Committee members at the morning meeting with respect to its implementation of the Optional Protocol on the sale of children, child prostitution and child pornography.

3. Ms. KOPAČ MRAK (Slovenia) said that although her Government had procedures in place for implementing the Optional Protocol, it welcomed suggestions for improvement. A question had repeatedly been raised as to whether the matters covered by the Optional Protocol were sufficiently incorporated into the Slovenian concept of human trafficking; her delegation would attempt to clarify that matter.

4. Ms. VOGRINČIČ (Slovenia) said that the Optional Protocol considered the sale of children to mean any transfer of a child for pecuniary purposes. The Slovenian legislation read as follows: Whoever due to the exploitation of prostitution or other sexual practice, or enslavement or trade in tissues, human organs or blood, sells, buys, accommodates, transfers or holds another person in his possession is punishable by imprisonment from 1 to 10 years. That was one of the most severe crimes covered by the Slovenian Criminal Code. The sale of children per se was punishable by imprisonment for up to 15 years.

5. Mr. CITARELLA enquired whether under the Slovenian Criminal Code the crime of human trafficking depended on the presence of another act. The Optional Protocol, articles 2 and 3, called for the criminalization of the sale of children without taking into consideration any other factor or motive. He would like to know, for example, whether a couple who sold their child to another couple was punishable under the Slovenian law.

6. Ms. VOGRINČIČ (Slovenia) said that her delegation would answer that question subsequently in writing, if the Committee so agreed.

7. Mr. ARNEJČIČ (Slovenia), replying to questions raised about education, said that the content of the Optional Protocol was incorporated into the curricula of such subjects as homeland education, sociology, history and citizenship education. Through grade 8, attention was given to democracy, human rights, and the obligations of citizens of member States of the European Union. In secondary school, emphasis was placed on awareness-raising, and developing the right attitudes and perceptions. There was no specific course devoted to the Optional Protocol.

8. Turning to the question of prevention, he said that human rights-related projects, training programmes and materials had been developed for teachers and social workers. The human rights education project concentrated on raising awareness among teachers. Conferences in human rights education had been held at the international and national levels. The Government was currently drafting a protocol for educational institutions on the matter of family violence, in accordance with the Family Violence Act adopted in 2008. There were also programmes for teachers in gender equality, emphasizing the analysis of stereotypes with a view to decreasing the incidence of sexual violence and prostitution.

9. A project initiated in 2009, also for teachers, dealt with the recognition of violence, and covered the following topics: recognition and prevention of violence in schools; human trafficking and sexual exploitation for the purpose of prostitution and pornography; and sexual violence. The focus was on awareness-raising.

10. The Government of Slovenia was aware of the special needs of vulnerable groups, and was implementing a strategy for the education and training of Roma in that country, which had been prepared by experts along with members of the Roma community. Adopted in 1994, it was financed by the European Social Fund, among other groups.

11. Mr. GAZDIC (Slovenia), turning to questions raised about pornography, said that although Slovenian law forbade the presentation of pornographic material by the media, it could not control the Internet. Therefore the Government was concentrating on raising awareness among teachers and students, with the assistance of initiatives by NGOs. The Consumer Protection Society also oversaw media activities. Slovenian universities were involved in the efforts to combat pornography, through a programme called SAFE-SI, within the European Safer Internet programme, which monitored Internet content. Moreover, during the Slovenian presidency of the European Union, the Government had successfully promoted the continuation of its "Web Eye" programme, which allowed for anonymous reporting of potentially illegal and harmful web activity.

12. Ms. KHATTAB (Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) enquired what measures the Government was taking to educate parents about guiding and monitoring their children's Internet use. She would also like to know whether the Government censored any Internet sites.

13. Ms. ORTIZ asked whether Slovenia had concluded bilateral and multilateral agreements with a view to prosecuting pornography-related Internet crimes, and with which countries. She would also like to know whether the Government of Slovenia was holding meetings with other countries to facilitate the prosecution of such crimes where necessary.

14. Mr. GAZDIC (Slovenia) said that SAFE-SI and Web Eye were designed so that all users, adults as well as children and adolescents, could detect and report a breach of law. In Slovenia, there were various options for censoring Internet content, including web browsers that filtered unsuitable content.

15. The figures showed that those programmes had been successful: in 2007, there had been a 130 per cent increase in the number of reports of child pornography. Webmasters checked to ensure that complaints were genuine, and then transferred the information to the police. Forty-three per cent of the complaints dealt with the abuse of children; 84 per cent of the total number of complaints were turned over to the police.

16. Ms. KHATTAB (Rapporteur for the OPSC) asked what measures were taken to protect children whose parents did not use the Internet.

17. Ms. MŮSIČ (Slovenia) said that the Government did not block or censor Internet content, and therefore awareness-raising was essential. In 2008, training had been provided to 3000 teachers, who later passed on their knowledge to parents. Although in fact parents often did not have as much familiarity with the Internet as children, they could certainly comprehend the potential dangers. Programmes for filtering dangerous content were offered free of charge.

18. Web Eye was the only NGO that was formally monitoring illegal Internet material. It had a cooperation agreement with the police, and the procedures were in place. The Government assisted with the training of Web Eye experts. In the last few years, 350 items with illegal content had been turned over to the police. Of those, ten cases, involving production or possession, had been traced to Slovenian citizens. Other cases originated abroad.

19. There were no bilateral or multilateral agreements because they were not necessary. The Slovenian Government cooperated with Interpol and Europol, and meetings were held several times a year, as well as frequent training sessions on new technologies. The rules were clear and binding, and deadlines allowed for the quick, effective exchange of information on child pornography. Two hundred and forty items of information had been transferred to other countries, resulting in the suspension of a number of websites with harmful content, and possibly in the disruption of a pornography network.

20. She wished to make a clarification with regard to paragraph 32 of the report, which used the obsolete phrasing, “possession with the purpose of dissemination”. Under current Slovenian law, any possession was regarded as a criminal offence.

21. Another correction was also necessary. Prior to 2008, persons possessing pornography were prosecuted if they showed pornographic materials to persons under the age of 14; that age had been raised to 15. The law had been changed on the grounds that consensual relations were permissible in Slovenia from the age of 15.

22. Ms. KHATTAB (Rapporteur for the OPSC) said she would like more information on the three children convicted of pornography offences. In particular, she would like to know whether victims were criminalized in Slovenia. She also wondered what measures the Government had taken to ensure that young asylum-seekers and unaccompanied minors were treated as victims rather than offenders.

23. Mr. FILALI said he would like clarification of the term “reasonable suspicion.” It would be useful to know how a file was compiled in the absence of hard evidence.

24. Ms. MŬSIČ (Slovenia) said that the police was the first instance to receive information on an illegal activity, which gave rise to a "suspicion." The police were then responsible, together with the prosecutor's office, for developing the "suspicion" into a "reasonable suspicion," by gathering as much evidence as possible.

25. She wished to state again, categorically, that victims were never subject to criminal prosecution. The case mentioned by Ms. Khattab needed explaining. The three minors who had been prosecuted were not victims. They were boys aged 17 and 18 accompanied by other young men of legal age, 19 and older. Together they had assaulted a 16-year old girl, filmed the event, and published it on the Internet. All of them were charged with sexual violence and the abuse of a minor girl with intent to produce pornography; the three younger boys were prosecuted under special provisions for minors.

26. Ms. VOGRINČIČ (Slovenia), returning to the matter of "reasonable suspicion," said that once the police handed the case over to the state prosecutor, the latter made a proposal to the judge to initiate an investigation. An indictment was then drawn up and proceedings commenced.

27. Ms. VOUKŽELEZNIK (Slovenia) said that the Anti-Trafficking Action Plan included several measures aimed at implementing the Optional Protocol. The Plan was overseen by the inter-ministerial Working Group on combating trafficking in human beings. Victims of human trafficking were given assistance and protection by two NGOs, who provided services including a 24-hour telephone hotline, shelter, food, psychosocial assistance, information on victims' rights, and help with contacting social services. The services were financed on the basis of public tenders, as specified in the Action Plan.

28. The Ministry of Labour, Family and Social Affairs also operated a telephone helpline for children who were affected by violence. Brochures were distributed in schools to inform them about the helpline. Crisis centres for children were open 24 hours a day, and several other children's help lines were run by NGOs, offering advice in the case of domestic or other violence. Many such schemes were co-financed by the Government.

29. According to a 2005 study conducted by the International Organization for Migration and the Peace Institute in Ljubljana, there had been no trafficking in children in Slovenia that year. Further research had revealed that no sale of children or other forms of trafficking in children, such as begging and forced labour, had been identified in Slovenia.

30. Ms. VOGRINČIČ (Slovenia) said that the Ministry of Justice provided continuous training for all staff of the judiciary. The provisions of the Optional Protocol were included in the training programme.

31. Children and adults of all ages could provide witness statements in criminal cases. Child victims were then provided with special protection.

32. In the light of the judgement of the European Court of Human Rights in the Lukenda v. Slovenia case, a programme had been set up to eliminate the backlog in judicial proceedings by 2010. The Lukenda case had also resulted in the enactment of new legislation on the right to due process.

33. The CHAIRPERSON, speaking as a member of the Committee, requested additional details on the type of protection given to child victims in court cases.

34. Ms. VOGRINČIČ (Slovenia) said that, under the Criminal Code, victims of sexual abuse or human trafficking did not provide direct evidence at the main hearing in a court case. Main hearings could be closed to the public if that was beneficial to the victim, and in exceptional circumstances, the accused was not allowed to enter the court if the victim was unwilling to give evidence in his or her presence. Legal assistance was provided throughout the whole judicial proceedings for victims of sexual exploitation or human trafficking.

35. Mr. FILALI asked how the media and advertising agencies had adapted to the new legislation incorporating the Optional Protocol on the sale of children, child prostitution and child pornography. It would be useful to learn if any cases had been taken to court on the grounds of the new legislation.

36. Ms. VOGRINČIČ (Slovenia) said that, to her knowledge, no such cases had yet been reported.

37. Ms. MUŠIČ (Slovenia) said that public awareness of potentially harmful depictions of children in advertising was noticeably higher than it had been. A complaint by a member of the public had resulted in a heavy fine for a public media company, which had set a clear precedent.

38. Ms. KOPAČ MRAK (Slovenia) said that the headquarters of the Human Rights Ombudsman were located in Ljubljana, with regional offices throughout the country. Much work was done to inform the public of the assistance available from that office, including visits to schools by the deputy Ombudsman responsible for children's rights, in order to raise children's awareness of their rights and where they could turn for help if necessary.

39. Ms. MUŠIČ (Slovenia) said that the children's rights advocate worked with the deputy Ombudsman to raise awareness among individuals and institutions of the need to listen to children, and to encourage children to make their voices heard.

40. Turning to the issue of immigration data, she said that in 2008, some 40 unaccompanied minors had been given shelter in the centre for foreigners. Subsequently, 15 of them had been transferred to an asylum centre, once they had submitted the appropriate applications and the authorities had verified that they fulfilled the basic criteria. A further 22 had been returned to their countries of origin, in accordance with the relevant procedures. The remaining three minors had left the centre for foreigners of their own free will; as minors, they had the right to free movement. In all cases, unaccompanied minors who arrived at the Slovenian border were treated as vulnerable individuals, and their situations were assessed accordingly. In the same year, some 39 minors had entered the country with their families. Seven of them had been transferred to an asylum centre; several others had been returned to their countries of origin, and 13 families with children had remained in the country, having qualified for temporary visas and work permits for the adults. No cases of human trafficking involving children had been identified, and under no circumstances were children returned to a country where they might be exposed to violence.

41. Ms. ORTIZ asked whether there had been any prosecutions or sentences passed against traffickers of children's human organs or illegal adoption agents. It would be useful to learn whether those activities were classed as offences under the Criminal Code.

42. The CHAIRPERSON, speaking as a member of the Committee, asked whether child sex tourism existed in the State party. She also wished to know whether the authorities knew of Slovenian nationals who went abroad for that purpose, and if so, what action was taken against them.

43. Ms. KHATTAB (Rapporteur for the OPSC) asked whether the data on unaccompanied minors and other child immigrants was disaggregated. It would also be useful to know whether the State party had any mechanisms to check that children who were returned to their countries of origin arrived safely.

44. Ms. MUŠIČ (Slovenia) said that data were not disaggregated. All children returned to their countries of origin were accompanied by a member of a Slovenian NGO. Checks were carried out in advance to verify that appropriate care was available to children before they were returned to their families or the relevant authorities.

45. There had been no cases of persons entering Slovenia for the purpose of child sex tourism. In 2008, evidence had come to light of a Slovenian national travelling abroad with that intention. The suspect had committed suicide during the investigations. There had been no convictions or cases of trafficking in children's organs, or of forced or illegal adoption.

46. Mr. KOOMPRAPHANT said that the sale of children and child prostitution were often difficult to identify. States should be aware that such cases were invariably linked to family and social problems. Child victims of trafficking and prostitution required good protection programmes, including procedures for their care, given that it was usually inappropriate to return a child who had been trafficked or sold to its family.

47. Ms. MUŠIČ (Slovenia) said that one safeguard to protect children who were returned to their country of origin was to involve the relevant social services in the country of origin in the checks that were made. In some cases, children had been returned and had been cared for by the social services in their country of origin, after it had been established that the families were not fit to protect them.

48. All cases involving child victims of abuse were reported to the social services by whichever institution received the complaint. Within 24 hours of receiving such an alert, a multidisciplinary expert team was gathered, including doctors and teachers who knew the child, in order to provide the best possible individual treatment for each child in the short and long term. All victims were provided with appropriate information on their rights and were assisted in preparing to give evidence against those who had violated their rights.

49. The CHAIRPERSON invited the two Rapporteurs to give their conclusions concerning the Optional Protocols.

50. Mr. KRAPPMANN (Rapporteur for the OPAC) commended the State party for its national and international commitment to the provisions of the Optional Protocol on the involvement of children in armed conflict. In addition to the questions that had been raised in the first part of the previous meeting, he recalled that the Committee would welcome English translations of the revised articles 102 and 106 of the Criminal Code, if they were available.

51. Ms. KHATTAB (Rapporteur for the OPSC) said that, while the State party had achieved significant progress in improving the enjoyment of the majority of children's rights in political, economic, and social terms, under the Optional Protocols, the Committee focused on vulnerable children. They were rights-holders, and attention should be paid to non-discrimination and the best interests of the child as much for them as for other children. She urged the Government and the inter-ministerial Working Group in particular to focus as much on the other offences under the Optional Protocol on the sale of children, child prostitution and child pornography as on human trafficking. While the plans for the children's rights advocate were most welcome, the State party should also consider establishing an Ombudsman for children's rights.

52. Ms. KOPAČ MRAK (Slovenia) said that her delegation appreciated the Committee's questions and suggestions on how to improve the situation of all children, including those who were vulnerable and marginalized.

The discussion covered in the summary record ended at 4.45 p.m.