[SI] New Penal Code Introduces Amended Provisions on Pornography and Child Pornography

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The Parliament of the Republic of Slovenia passed into law the new Penal Code (*Kazenski zakonik* KZ-1) on 20 May 2008, which came into force on 1 November 2008. The new provision on pornography, child pornography, and sexual exploitation of children in commercial sex performances (Article no. 176) changes substantially the previous legislative concepts in this field.

The most outstanding amendment of the provision refers to the juridical treatment of the possession of child pornography. Possession is now punishable without being conditional on the intention of the possessor to produce and/or disseminate the illegal material (as was stipulated in the previous Penal Code which came into force in 2004 (*Kazenski zakonik*, KZ-UPB1, Article no. 187)). Another change relates to the age of the children exposed to pornography in the criminal act. It is stipulated that anyone who exposes a child under fifteen to pornography or other sexual content or a sex show is to be fined or sentenced to prison (Article no. 176, para. 1). In comparison to the previous provision, the age of a child has been raised from fourteen to fifteen years. There is also a new departure in regard to pornographic images in child pornography. They have proliferated in the past few years, therefore in addition to actual images of children, simulated but realistic-looking images of them are also considered as criminal materials. Furthermore it is stipulated that anyone who reveals the identity of a child shown in child pornography is to be punished (Article no. 176, para. 3).

The sanctions are as followings:

- exposing a child under fifteen to pornography or other sexual material, or a pornographic show: fine or imprisonment of up to two years (Article no. 176, para. 1);

- exploiting a minor under eighteen for the production of pornography or other sexual content, or in the production of a sex show, or being knowingly present at a sex show, involving a minor: imprisonment from six months up to five years (Article no. 176, para. 2);

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- production, dissemination, import or export of pornography or other sexual material, which involve minors or the aforementioned realistic-looking images, the possession of such material, or the revelation of the identity of a minor, exploited in the production of such material: prison from six month up to five years (Article no. 176, para. 3);

- if a criminal act, as defined in paras. 2 and 3 occurs within a criminal association: imprisonment from one year up to eight years (Article no. 176, paras 4).

Kazenski zakonik KZ-1

http://www.uradni-list.si/1/content?id=86833

Penal Code (2008)

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