

A stylized, blue-toned illustration serves as the background for the cover. It depicts a group of people in a meeting or discussion. In the foreground, a person is seen from the side, looking towards the right. Behind them, another person is visible, and to the right, a hand is raised in a gesture. The style is graphic and modern, with bold lines and a monochromatic blue color scheme.

**PROSTOVOLJNO POROČILO
REPUBLIKE SLOVENIJE O IZVAJANJU
MEDNARODNEGA HUMANITARNEGA
PRAVA IN SEZNANJANJU Z NJIM
2021–junij 2024**

**VOLUNTARY REPORT OF THE
REPUBLIC OF SLOVENIA ON
THE IMPLEMENTATION AND
DISSEMINATION OF KNOWLEDGE OF
INTERNATIONAL HUMANITARIAN LAW
2021–June 2024**

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Voluntary Report of the Republic of Slovenia on the Implementation and Dissemination of Knowledge of International Humanitarian Law 2021–June 2024

1. elektronska izdaja

1. electronic edition

Uredniki: Mateja Grašek, Peter Podržaj, Alin Jakomin

Editors: Mateja Grašek, Peter Podržaj, Alin Jakomin

Izdajatelj: Ministrstvo za zunanje in evropske zadeve

Za izdajatelja: Tanja Fajon, ministrica

Published by: Ministry of Foreign and European Affairs of the Republic of Slovenia

For the publisher: Tanja Fajon, Minister of Foreign and European Affairs

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Oblikovanje: Zavod Vizar

Design and layout by: Zavod Vizar

Dostopno prek: <https://www.gov.si teme/mednarodno-pravo/>

Accessible at: <https://www.gov.si teme/mednarodno-pravo/>

Ljubljana, 2025

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2021–junij 2024

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»Pomagajmo, ne da bi se spraševali, komu!«
(Henry Dunant)

Predgovor



Slovenija v skladu s prednostnimi nalogami svoje zunanje politike in kot nestalna članica Varnostnega sveta Združenih narodov potrjuje neomajno zavezanost spoštovanju mednarodnega prava, mednarodnega humanitarnega prava in temeljnih načel človečnosti. Posebno pozornost namenja zaščiti civilnega prebivalstva, zlasti otrok in žensk, ki so še vedno najštevilčnejše in najbolj tragične žrtve sodobnih oboroženih spopadov.

V posebno čast mi je predstaviti prvo Poročilo Republike Slovenije o izvajanju mednarodnega humanitarnega prava in seznanjanju z njim na nacionalni ravni, ki odraža trdno zavezanost Slovenije spoštovanju načel mednarodnega humanitarnega prava in njeno predanost, da spodbuja oblikovanje globalnega okolja, v katerem se bodo tudi v zapletenih razmerah oboroženih spopadov ohranili človekove pravice, dostojanstvo in pravičnost.

Kot podpredsednica vlade in ministrica za zunanje in evropske zadeve sem ponosna na dejavna prizadevanja Slovenije za vključitev mednarodnega humanitarnega prava v nacionalni pravni okvir, spoštovanje njegovih načel in učinkovito seznanjanje z njim. Vključevanje mednarodnega humanitarnega prava na različna področja, na katerih delujejo državni in nedržavni akterji, je dokaz celostnega pristopa. Sodelovanje Slovenije v humanitarnih misijah po svetu in njen prispevek k mednarodnim odnosom pa še dodatno poudarjata vlogo naše države kot odgovorne in predane članice mednarodne skupnosti.

Poročilo poleg dokumentiranja dosežkov priznava tudi izzive, s katerimi se Slovenija sooča v spreminjajočem se okolju oboroženih spopadov. Ob novih oblikah spopadov je naša država odločena, da bo še naprej prilagajala svoje strategije in krepila zavezanost mednarodnemu humanitarnemu pravu. Zavedamo se, da dolgoročno varovanje

človekovih pravic in spoštovanje humanitarnih načel zahtevata stalna prizadevanja in sodelovanje.

Na koncu bi se rada iskreno zahvalila vsem, ki sodelujejo pri promociji in izvajanju mednarodnega humanitarnega prava v Sloveniji ter seznanjanju z njim, predvsem članom Stalne koordinacijske skupine za mednarodno humanitarno pravo. Njihova predanost in trdo delo sta neprecenljiva za uresničevanje našega skupnega poslanstva. Slovenija tako potrjuje svojo zavezanost spoštovanju najvišjih standardov mednarodnega humanitarnega prava in s tem prispeva k ustvarjanju sveta, v katerem bodo prevladali mir, pravičnost in človečnost.

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Tanja Fajon
podpredsednica vlade in ministrica za zunanje in evropske zadeve

Povzetek

Nacionalno poročilo o izvajanju mednarodnega humanitarnega prava (v nadaljevanju: MHP) v Sloveniji in seznanjanju z njim v obdobju od leta 2021 do junija 2024 predstavlja najvidnejše primere dobre prakse in sodobne izzive pri izvajanju MHP na nacionalni ravni ter opredeljuje področja, ki terjajo nadaljnje izvajanje v državi. Je tudi eden od ukrepov za izvajanje Resolucije 1, sprejete na 33. mednarodni konferenci Rdečega križa in Rdečega polmeseca decembra 2019, z naslovom »MHP pripeljimo domov: načrt za boljše nacionalno izvajanje MHP«. Poročilo je razdeljeno na pet delov po ključnih temah:

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- 1. Status MHP v slovenskem pravnem sistemu:** V skladu z Ustavo Republike Slovenije se mednarodne pogodbe, tudi pogodbe o MHP, uporabljajo neposredno in imajo prednost pred nacionalnimi zakoni. Taka vključitev zagotavlja učinkovito izvajanje Ženevskih konvencij in dopolnilnih protokolov ter drugih mednarodnih pogodb na področju MHP. Poleg tega ima običajno MHP v slovenskem pravnem sistemu enak pravni status kot za Slovenijo zavezujoče mednarodne pogodbe o MHP.
- 2. Omejitev sredstev in načinov vojskovanja:** Slovenija je pogodbenica večine mednarodnih pogodb MHP, katerih cilj je omejiti sredstva in načine vojskovanja. V poročilu je pregled izvajanja in izzivov pri izvajanju naslednjih konvencij: Konvencije o kasetnem strelivu, Ottawske konvencije (Pogodba o prepovedi protipehotnih min), Konvencije o nekaterih vrstah klasičnega orožja, Konvencije o prepovedi kemičnega orožja, Konvencije o biološkem in toksičnem orožju ter Pogodbe o trgovini z orožjem.
- 3. Posebna zaščita:** Slovenija je sprejela zakone in predpise, ki s stališča MHP določajo posebno zaščito za nekatere kategorije oseb in objektov v oboroženih spopadih. Poročilo prinaša analizo pravnega okvira MHP, izvajanja MHP na nacionalni ravni in primere dobre prakse.
- 4. Sankcioniranje kršitev MHP:** Slovenija je vzpostavila mehanizme za obravnavanje kršitev MHP. Nacionalni pravni sistem vključuje določbe za pregon in kaznovanje vojnih hudodelstev ter drugih hudih kršitev MHP. Za zagotovitev ugotavljanja odgovornosti za take kršitve Slovenija dejavno sodeluje v mednarodnih forumih in podpira mehanizme odgovornosti, med drugim delovanje mednarodnega

kazenskega pravosodja (npr. Mednarodno kazensko sodišče) in medsebojno pravno pomoč (npr. Ljubljansko-haaška konvencija).

5. Seznanjanje z MHP in usposabljanje na tem področju:

Izobraževanje in usposabljanje sta ključni prvini slovenske strategije za spodbujanje kulture spoštovanja MHP in zavezanosti načelom MHP med vsemi državami. Poleg mednarodnih konferenc in dogodkov o MHP sta seznanjanje z MHP in usposabljanje na tem področju vključena v specializirane programe usposabljanja za vojaško in civilno osebje ter v univerzitetne učne načrte. Pri usklajevanju teh prizadevanj ima pomembno vlogo Stalna koordinacijska skupina za MHP.

Kratice in okrajšave

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DP1	Dopolnilni protokol k Ženevskim konvencijam z dne 12. avgusta 1949 o zaščiti žrtev mednarodnih oboroženih spopadov z dne 8. junija 1977
DP2	Dopolnilni protokol k Ženevskim konvencijam z dne 12. avgusta 1949 o zaščiti žrtev nemednarodnih oboroženih spopadov z dne 8. junija 1977
DP3	Dopolnilni protokol k Ženevskim konvencijam z dne 12. avgusta 1949 o sprejetju dodatnega razpoznavnega znaka z dne 8. decembra 2005
MdS	Meddržavno sodišče
MHP	Mednarodno humanitarno pravo
MKS	Mednarodno kazensko sodišče
MORK	Mednarodni odbor Rdečega križa
MO	Ministrstvo za obrambo Republike Slovenije
MZEZ	Ministrstvo za zunanje in evropske zadeve Republike Slovenije
POTC	Center za izobraževanje in usposabljanje za napotitev v mirovne operacije in misije
SKS za MHP	Stalna koordinacijska skupina za mednarodno humanitarno pravo
SV	Slovenska vojska
ŽK1	Ženevska konvencija za izboljšanje položaja ranjencev in bolnikov v oboroženih silah na bojišču z dne 12. avgusta 1949
ŽK2	Ženevska konvencija za izboljšanje položaja ranjencev, bolnikov in brodolomcev v oboroženih silah na morju z dne 12. avgusta 1949
ŽK3	Ženevska konvencija o ravnanju z vojnimi ujetniki z dne 12. avgusta 1949
ŽK4	Ženevska konvencija o zaščiti civilnih oseb med vojno z dne 12. avgusta 1949

UVOD

1. Opredelitev

MHP obsega vsa pravila in načela pogodbenega in običajnega prava¹, ki urejajo ravnanje posameznikov, da bi med oboroženim spopadom čim bolj zmanjšali trpljenje ljudi in škodo na objektih, kulturnih dobrinah in okolju. Ščiti zlasti nekatere kategorije oseb in premoženja ter omejuje sredstva in načine vojskovanja. Kot pravni pojem je MHP del širšega pojma pravo oboroženega spopada ali *ius in bello*, ki je najširša kategorija pravil in načel, ki se uporabljajo v oboroženih spopadih in v zvezi z njimi, ter vključuje tako vojno pravo kot MHP.

MHP se uporablja le v okviru oboroženega spopada, pravnega pojma, ki zajema tako »mednarodne oborožene spopade«, ki potekajo med dvema ali več državami, kot »nemednarodne oborožene spopade«, ki vključujejo oborožen spopad med vladnimi silami in organiziranimi oboroženimi skupinami ali med samimi takimi skupinami. MHP se torej ne uporablja za primere notranjih nemirov in napetosti, kot so posamična nasilna dejanja. MHP vsem stranem nalaga zavezujoče obveznosti od začetka sovražnosti, ne glede na legitimnost, priznanje ali temeljne vzroke spopada.

MHP temelji na Ženevski konvenciji za izboljšanje položaja ranjencev in bolnikov v oboroženih silah na bojišču z dne 12. avgusta 1949 (v nadaljevanju: ŽK1), Ženevski konvenciji za izboljšanje položaja ranjencev, bolnikov in brodolomcev v oboroženih silah na morju z dne 12. avgusta 1949 (v nadaljevanju: ŽK2), Ženevski konvenciji o ravnanju z vojnimi ujetniki z dne 12. avgusta 1949 (v nadaljevanju: ŽK3) in Ženevski konvenciji o zaščiti civilnih oseb med vojno z dne 12. avgusta 1949 (v nadaljevanju: ŽK4) in Dopolnilnem protokolu k Ženevskim konvencijam z

1 Za pregled ustreznih mednarodnih pogodb MHP in običajnega MHP gl. spletno stran MORK: (a) [IHL treaty database](#) in (b) [ICRC's study on customary IHL](#).

dne 12. avgusta 1949 o zaščiti žrtev mednarodnih oboroženih spopadov z dne 8. junija 1977 (v nadaljevanju: DP1), Dopolnilnem protokolu k Ženevskim konvencijam z dne 12. avgusta 1949 o zaščiti žrtev nemednarodnih oboroženih spopadov z dne 8. junija 1977 (v nadaljevanju: DP2) in Dopolnilnem protokolu k Ženevskim konvencijam z dne 12. avgusta 1949 o sprejetju dodatnega razpoznavnega znaka z dne 8. decembra 2005 (v nadaljevanju: DP3), ki jih dopolnjujejo številne druge pogodbe, ki prepovedujejo ali omejujejo uporabo sredstev in načinov vojskovanja ter ščitijo skupine oseb in premoženja.

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Glavno odgovornost za izvajanje MHP imajo države. Skupni prvi člen Ženevskih konvencij in običajno MHP² zavezuje države, da spoštujejo in zagotavljajo spoštovanje MHP v vseh okoliščinah v okviru svojih meja in zunaj njih. Za zagotavljanje spoštovanja teh pravil morajo države sprejeti vrsto pravnih in praktičnih ukrepov, ki se uporabljajo tako v času miru kot med oboroženim spopadom. Na nacionalni ravni morajo države sprejeti ukrepe, s katerimi zagotovijo, da njihove oborožene sile, tisti, ki delujejo v njihovem imenu, in prebivalstvo na splošno spoštujejo MHP. Zunaj svojih meja so države odgovorne za to, da ne spodbujajo strani v oboroženem spopadu h kršitvi MHP ali k dejanjem, ki bi podpirala take kršitve, in da sprejemajo ustrezne ukrepe za prenehanje kršitev. Države morajo tudi storiti vse, kar je v njihovi moči, da take kršitve preprečijo in jih končajo.

2. Status MHP v slovenskem pravnem redu

2.1. Status ustreznih pogodb MHP

Osmi člen [Ustave Republike Slovenije](#) (Uradni list RS, št. 33/91-I, 42/97 – UZS68, 66/00 – UZ80, 24/03 – UZ3a, 47, 68, 69/04 – UZ14, 69/04 – UZ43, 69/04 – UZ50, 68/06 – UZ121, 140, 143, 47/13 – UZ148, 47/13 – UZ90, 97, 99, 75/16 – UZ70a in 92/21 – UZ62a; v nadaljevanju: ustava) določa, da morajo biti zakoni in drugi predpisi v skladu

2 Gl. 139. in 140. pravilo v študiji MORK o običajnem MHP.

s splošno veljavnimi načeli mednarodnega prava in z mednarodnimi pogodbami, ki zavezujejo Slovenijo. V 8. členu je tudi določeno, da se ratificirane in objavljene mednarodne pogodbe uporabljajo neposredno. Poleg tega drugi odstavek 153. člena ustave določa, da morajo biti zakoni v skladu s splošno veljavnimi načeli mednarodnega prava in z veljavnimi mednarodnimi pogodbami, ki jih je ratificiral Državni zbor, ter da morajo biti podzakonski predpisi in drugi splošni akti v skladu tudi z drugimi ratificiranimi pogodbami. Druga točka prvega odstavka 160. člena ustave nadalje določa, da je Ustavno sodišče Republike Slovenije pristojno za odločanje o skladnosti zakonov in drugih predpisov z ratificiranimi mednarodnimi pogodbami in splošnimi načeli mednarodnega prava.

Glede na navedene ustavne določbe se pogodbe uporabljajo neposredno, njihovo izvajanje pa načeloma ne zahteva dodatnega izvajanja na nacionalni ravni, pod pogojem, da so njihove določbe dovolj podrobne, da omogočajo izvajanje. V nasprotnem primeru se sprejmejo ustrezni izvedbeni ukrepi, ki po potrebi omogočijo izvajanje pogodb.

2.2. Status običajnega MHP

V skladu z odločbo Ustavnega sodišča Republike Slovenije³ pojem »splošno sprejeta načela mednarodnega prava« iz 8. člena, drugega odstavka 153. člena in 2. točke prvega odstavka 160. člena ustave vključuje predvsem pravila mednarodnega običajnega prava in splošna pravna načela, ki jih priznavajo civilizirani narodi. Ti viri mednarodnega prava so navedeni v točkah b in c prvega odstavka 38. člena statuta Meddržavnega sodišča (v nadaljevanju: MdS). Običajno MHP ima torej v slovenskem pravnem sistemu enak pravni status kot mednarodne pogodbe, ki zavezujejo Slovenijo.

3 Gl. odločbo Ustavnega sodišča Republike Slovenije U-I-266/04-105 z dne 9. novembra 2006, 14. odstavek.

OMEJITEV SREDSTEV IN NAČINOV VOJSKOVANJA

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V tem poglavju so zbrane splošne informacije o mednarodnih pogodbah o omejitvah sredstev in načinov vojskovanja, ki jih je Slovenija ratificirala in jih izvaja v nacionalni zakonodaji. Podobno kot velja za položaj MHP v slovenskem pravnem sistemu, velja tudi za izvajanje konvencij o uporabi posameznih vrst orožja, ki jih je Slovenija nasledila ali jih ratificirala. Vse zadevne konvencije se praviloma uporabljajo neposredno in se izvajajo v skladu z veljavnimi zakoni in predpisi.

Zakon o obrambi (Uradni list RS, št. 103/04, 95/15 in 139/20; v nadaljevanju: ZObr) v 4. členu (Spoštovanje mednarodnega vojnega prava) določa, da vse oblike vojaške in civilne obrambe temeljijo in se izvajajo v skladu z načeli mednarodnega vojnega prava oziroma sprejetimi mednarodnimi obveznostmi. Poleg tega je v petem in šestem odstavku 48.a člena ZObr (Vojaška služba izven države) določeno, da so pripadniki enot Slovenske vojske (v nadaljevanju: SV), ki opravljajo vojaško službo zunaj države podrejeni nadrejenim poveljnikom, vojaško službo pa opravljajo v skladu s pravili službe v SV, če z mednarodno pogodbo ali drugim aktom, na podlagi katerega se opravlja vojaška služba zunaj države, ni določeno drugače. Pripadnik SV, zoper katerega se uveljavlja disciplinska, kazenska ali odškodninska odgovornost za dejanje, ki je bilo storjeno pri opravljanju nalog vojaške službe zunaj države ali v zvezi z njo, je disciplinsko, kazensko in odškodninsko odgovoren po ZObr in v skladu s slovenskim pravnim redom.

Podobne določbe o spoštovanju MHP, načel in mednarodnih pogodb v zvezi z opravljanjem nalog pripadnikov SV so zapisane v prvem in petem odstavku 25. člena **Zakona o službi v Slovenski vojski** (Uradni list RS, št. 68/07, 58/08 – ZSPJS-I, 121/21 in 40/23; v nadaljevanju: ZSSloV).

V nekaterih primerih izvajanje konvencij zagotavljajo posebne določbe v nacionalni zakonodaji, ki so lahko splošne narave in niso nujno

namenjene izvajanju (samo nekaterih) posebnih določb konvencij, kot so kazenskopravne določbe.

Določba o skladnosti z obveznostmi po mednarodnih pogodbah je zajeta tudi v 315. odstavku [Pravil službe v Slovenski vojski](#) (Uradni list RS, št. 84/09; v nadaljevanju: Pravila službe v SV), in sicer: »Pravila delovanja se morajo vedno uporabljati in izvajati v skladu s pravnim redom Republike Slovenije, sprejetimi mednarodnimi pogodbami oziroma v skladu z mednarodnim vojnim in humanitarnim pravom.« Prav tako v skladu s 320. odstavkom »Slovenska vojska in njeni pripadniki v drugi državi ne smejo izvršiti ukazov in odločitev, če bi s tem storili kaznivo dejanje po predpisih Republike Slovenije oziroma če so v nasprotju z mednarodnim vojnim in humanitarnim pravom.«

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Pripadniki SV in civilni funkcionalni strokovnjaki Ministrstva za obrambo (v nadaljevanju: CFS MO) so disciplinsko odgovorni za kršitve določb nacionalne zakonodaje ali mednarodnih pogodb (ZObr, 57. člen (disciplinska odgovornost), 58. člen in peti odstavek 63. člena) – disciplinski ukrepi vključno z zadržanjem povišanja in odvzemom čina, če so obsojeni zaradi kaznivega dejanja zoper človečnost in mednarodno pravo. V skladu z 69. členom ZSSloV se vojaška oseba, ki je pravno-močno obsojena za kaznivo dejanje zoper človečnost in mednarodno pravo, nečastno odpusti iz SV.

Drugo pomembno področje določb o orožju, sredstvih in načinih vojskovanja je povezano s pravnim pregledom novih orožij. Države zavezujejo običajni elementi zakonodaje o orožjih.⁴ Kot država pogodbenica je Slovenija izrecno dolžna spoštovati določbo o pravnem pregledu iz 36. člena DP1. Pravni pregled vključuje vojaške, pravne, okoljske in zdravstvene okoliščine. Kot že omenjeno, je v 4. členu ZObr določena obveznost spoštovati načela mednarodnega vojnega prava in sprejete mednarodne obveznosti. V 319. odstavku Pravil službe v SV je opredeljena dolžnost pripadnikov SV, da med

4 Haaška konvencija IV, 3. člen, 1907; Države so odgovorne za ravnanje svojih oboroženih sil. A Guide to the Legal Review of New Weapons, Means and Methods of Warfare, Measures to Implement Article 36 of the 1977 Additional Protocol I, MORK, januar 2006.

delovanjem spoštujejo MHP in sprejete mednarodne pogodbe, ne glede na to, ali določila mednarodnega vojnega in humanitarnega prava spoštuje tudi sovražna stran. V določbah 321., 322. in 323. točke so nadalje navedena prepovedana sredstva in načini vojskovanja ter uporaba nekaterih vrst orožja.

Postopek je nadalje določen v [**Uredbi o soglasjih za proizvodnjo in dovoljenjih za promet z vojaškim orožjem in opremo ter predhodnih dovoljenjih za uvoz, izvoz, tranzit in prenos obrambnih proizvodov**](#) (Uradni list RS, št. 59/11, 88/11, 74/12, 46/13, 29/14, 37/15, 62/16, 30/17, 14/18, 36/19, 172/21, 42/23, 46/23 – popr. in 52/24; v nadaljevanju: Uredba o soglasjih za orožje), ki vključuje določbe Direktive 2009/43/ES Evropskega parlamenta in Sveta z dne 6. maja 2009 o poenostavitvi pogojev za prenose obrambnih proizvodov znotraj Skupnosti (UL L št. 146 z dne 10. 6. 2009), zadnjič spremenjena z Delegirano Direktivo Komisije (EU) 2024/242 z dne 27. septembra 2023. Pri nakupih novega orožja in druge opreme je treba upoštevati [**Uredbo o metodologiji za pripravo in obravnavo investicijske dokumentacije na obrambnem področju**](#) (Uradni list RS, št. 105/11 in 54/21, v nadaljevanju: Uredba o metodologiji). Postopke podrobneje opredeljuje Pravilnik o pripravi investicijske dokumentacije in vodenju projektov opremljanja in infrastrukture v Ministrstvu za obrambo (MO, 007-153/2013-1).

V nadaljevanju bo v skladu z zgornjimi pravnimi podlagami podrobneje obrazloženo izvajanje naslednjih konvencij:

1. Konvencija o kasetnem strelivu;
2. Konvencija o prepovedi uporabe, kopičenja zalog, proizvodnje in prenosa protipehotnih min in o njihovem uničenju (Ottawska konvencija ali Pogodba o prepovedi protipehotnih min);
3. Konvencija o prepovedi ali omejitvi uporabe nekaterih vrst klasičnega orožja, za katere se lahko šteje, da imajo čezmerne travmatične učinke ali da glede ciljev delujejo enako;
4. Konvencija o prepovedi razvoja, proizvodnje, kopičenja zalog in uporabe kemičnega orožja ter o njegovem uničenju;
5. Konvencija o prepovedi izpopolnjevanja, proizvodnje in skladiščenja bakteriološkega (biološkega) in strupenega orožja in o njegovem uničenju;
6. Pogodba o trgovini z orožjem.

1. Konvencija o kasetnem strelivu

Po podatkih nevladnih organizacij in ZN število žrtev kasetnega streliva upada, žrtve pa so večinoma civilisti (po podatkih ZN je 99 % žrtev civilistov). Najbolj problematična so neeksplozirana ubojna sredstva. Kot je navedeno v poročilu Cluster Munition Monitor, je razlog za to v sami naravi orožja, ki ima neselektivne in nečloveške posledice.

Slovenija že več kot deset let dejavno sodeluje v mednarodnih aktivnostih za omejitev uporabe kasetnega streliva. Bila je tudi ena prvih podpisnic Konvencije o kasetnem strelivu (v nadaljevanju: MKKS), ki je začela veljati 1. avgusta 2010. Slovenija je MKKS podpisala 3. decembra 2008.

MKKS opredeljuje vrsto obveznosti pogodbenic (poročanje, zagotavljanje usposabljanja in ozaveščanje, sprejemanje ukrepov za označevanje onesnaženih območij v njeni pristojnosti ipd.). V skladu z 9. členom MKKS vsaka pogodbenica sprejme vse ustrezne pravne, upravne in druge ukrepe za izvajanje te konvencije, vključno z uvedbo kazenskih sankcij za preprečevanje in onemogočanje dejavnosti, ki je državi pogodbenici prepovedana po tej konvenciji in jo opravljajo osebe ali se opravlja na ozemlju v njeni pristojnosti ali pod njenim nadzorom.

V skladu s 7. členom MKKS morata SV in MO poročati tudi o:

- vsem kasetnem strelivu, vključno z eksplozivnim podstrelivom (vrsta, količina, številka serij);
- tehničnih značilnostih vsake vrste kasetnega streliva, ki ga ima trenutno v lasti ali posesti (mere, način aktiviranja, vsebnost razstreliva in kovin itd.);
- stanju in napredku programov za uničenje kasetnega streliva (vrsta in količina);
- zalogah.

Iz poročil⁵ je razvidno, da je SV uničila vse zaloge kasetnega streliva (2017). Zaloge so bile v uničenje poslane že leta 2011. Pozneje se je

5 UN Office for Disarmament Affairs, CCW Compliance Reports Database, <https://disarmament.unoda.org/the-convention-on-certain-conventional-weapons/compliance/ccw-compliance-database/>.

izkazalo, da niso bile v celoti uničene. Leta 2018 pa je Slovenija le prejela potrditev izbranega podjetja, da so vse zaloge uničene. Slovenija nima več nobenega kasetnega streliva.

Na ozemlju Slovenije se kasetno strelivo ne izdeluje, prav tako ni nobenega onesnaženega območja v njeni pristojnosti ali žrtev kasetnega orožja. Za prebivalstvo je zagotovljeno splošno izobraževanje o zmanjševanju tveganj.

Edino (večje) tveganje za morebitne žrtve je med pripadniki SV ali CFS MO, ko so napoteni na mednarodne operacije in misije. Zato so v usposabljanje pred napotitvijo vključene teme varnosti in previdnosti na območjih operacij. Že v prvem obdobju vojaškega izobraževanja in usposabljanja po pridružitvi SV ter pozneje v času praktičnega urjenja ter dodatnega izobraževanja in usposabljanja se pripadniki SV seznanijo s prepovedjo uporabe kasetnega streliva ter z obveznostjo po prvem odstavku 4. člena konvencije o nujnih ukrepih (zaščita območja in poročanje pristojnim institucijam), če v času dela v misiji pridejo v stik s kasetnim strelivom. Prav tako se seznanijo s potencialnimi učinki tega streliva na ljudi. Podoben program usposabljanja se pripravlja za CFS MO.

Izvajanje MKKS:

- 8. člen ustave;
- [Konvencija o kasetnem strelivu](#), (Uradni list RS – Mednarodne pogodbe, št. 14/09);
- 4. člen, peti in šesti odstavek 48a. člena ZObr;
- 323. točka Pravil službe v SV, ki prepoveduje uporabo kasetnega orožja in streliva v SV;
- 307. člen [Kazenskega zakonika](#) (Nedovoljena proizvodnja in promet orožja ali eksploziva) (Uradni list RS št. 50/12, 54/15, 6/16 – popr., 38/16, 27/17, 23/20, 91/20, 95/21, 186/21, 105/22 – ZZNŠPP, 16/23 in 107/24 – odl. US; v nadaljevanju: KZ-1);
- Navodila o varnosti pred eksplozijami, zaščiti in zavarovanju skladišč streliva in eksplozivnih streljšč, SV-INŽ-726, 1. objava;
- Sprejeti dogovori o standardizaciji NATO št. 4440(2) za skladiščenje, št. 4441 za prevoz;
- Direktiva št. 14-10 za upravljanje vojaškega orožja in streliva v SV (Generalštab, 804-171/2020-2, 30. avgust 2021);

- Direktiva št. 14-09 za sistemsko upravljanje streliva in eksplozivnih sredstev v SV (Generalštab, 804-199/2017-1, 12. maj 2017);
- Programi usposabljanja za SV (osnovno poklicno vojaško izobraževanje, poklicna vojaška specializacija, šole, posamezne vojaške veščine, usposabljanje pred napotitvijo in usposabljanje pred delom v mirnodobni strukturi SV v tujini);
- Usposabljanje za CFS MO (MO, št. 8012-29/2024-2, 22. januar 2024).

Izzivi v zvezi z izvajanjem MKKS:

Kljub takojšnji uporabi MKKS še vedno ostaja odprto vprašanje: ali MKKS prepoveduje tudi naložbe v kasetno strelivo. Kot že omenjeno, je Slovenija v preteklosti že izjavila, da ne namerava omogočati naložb v kasetno strelivo. Poleg tega Slovenija zagovarja razlago točke c prvega odstavka 1. člena MKKS, ki prepoveduje naložbe v proizvodnjo kasetnega streliva in njeno financiranje. Kljub temu se lahko podjetje v Sloveniji odloči za naložbo v proizvodnjo kasetnega streliva brez vsakršnih posledic, saj je besedilo konvencije nejasno in ne predvideva sankcij za tovrstno ravnanje.

Slovenija je izrazila svoje stališče o pomembnih vprašanjih, povezanih z razlago in izvajanjem konvencije.⁶ Leta 2011 je slovenski minister za zunanje zadeve zatrdil, da »Slovenija ne bo sodelovala v nobeni skupni vojaški operaciji, ki bi vključevala kasetno strelivo, z državami, ki niso pogodbenice konvencije.« Minister je tudi potrdil stališče Slovenije, da sta prevoz in skladiščenje kasetnega streliva v tujini izrecno prepovedana v skladu s konvencijo in da meni, da so takšna ravnanja »na ozemlju Republike Slovenije prepovedana«. Leta 2012 je slovenski minister za zunanje zadeve obvestil Monitor, da Slovenija »nima namena dovoliti naložb v proizvodnjo kasetnega streliva«. Aprila 2013 je uradnik pojasnil stališče Slovenije, da MKKS v točki (c) prvega odstavka 1. člena prepoveduje naložbe v proizvodnjo kasetnega streliva in njeno financiranje ter da vlada ne bo dovolila naložb v proizvodnjo kasetnega streliva ali njeno financiranje na slovenskem ozemlju. Predstavnik je povedal, da to velja tudi za slovenska podjetja, ki imajo sedež zunaj Slovenije, ter za državljane Slovenije, ki imajo stalno prebivališče v tujini.

6 Landmine and Cluster Munition Monitor, <https://www.the-monitor.org/country-profile/slovenia>

2. Konvencija o prepovedi uporabe, kopičenja zalog, proizvodnje in prenosa protipehotnih min in o njihovem uničenju (Ottawska konvencija ali Pogodba o prepovedi protipehotnih min)

Slovenija je 3. decembra 1997 podpisala Konvencijo o prepovedi uporabe, kopičenja zalog, proizvodnje in prenosa protipehotnih min in o njihovem uničenju (Ottawska konvencija ali Pogodba o prepovedi protipehotnih min), ki je začela veljati 1. marca 1999.

Leta 1998 je slovenska vlada ustanovila mednarodno ustanovo oz. fundacijo (ITF Ustanova za krepitev človekove varnosti), ki je sčasoma postala eden najbolj učinkovitih in dragocenih humanitarnih projektov slovenske vlade, katerega delovanje se financira z rednimi letnimi donacijami ter finančnimi prispevki mednarodne skupnosti.

Slovenija s prostovoljnimi finančnimi prispevki pomaga financirati tudi Enoto za podporo izvajanju (ang. ISU) v Ženevi (od 2019 do 2024 je letno prispevala 5.000 EUR).

Na podlagi 7. člena Ottawske konvencije Slovenija poroča o različnih vidikih izvajanja konvencije.⁷ V skladu z 9. členom konvencije pogodbenica sprejme vse ustrezne pravne, upravne in druge ukrepe za izvajanje te konvencije, vključno z uvedbo kazenskih sankcij, za preprečevanje ali onemogočanje dejavnosti, ki je državi pogodbenici prepovedana po tej konvenciji in jo opravljajo osebe ali se opravlja na ozemlju v njenih pristojnosti ali pod njenim nadzorom.

SV/Slovenija redno poroča o izvajanju Ottawske konvencije. Do 30. aprila 2003 je SV/Slovenija uničila vse protipehotne mine, z izjemo

7 UN Office for Disarmament, podatkovna zbirka po 7. členu (1999–danes), <https://www.un.org/disarmament/anti-personnel-landmines-convention/article-7-reports/article-7-database/>.

3.000 min, ki so namenjene usposabljanju. Te so ustrezno označene in se skladiščijo ločeno. Zaloga je pod stalnim nadzorom upravnika skladišča in o zalogi se letno poroča.

Poznavanje protipehotnih min in njihovega delovanja je del vojaškega usposabljanja vse od osnovnega poklicnega vojaškega usposabljanja naprej. Pripadniki SV se naučijo o sestavi min, načinih detonacije in učinkih min, vključno z označbami minskih polj. Seznanijo se tudi s prepovedjo uporabe protipehotnih min, ki velja tako na ozemlju Slovenije kot tudi v primeru napotitve v tujino na mednarodne operacije in misije. Posebna pozornost je namenjena usposabljanju pripadnikov SV pred napotitvijo v mednarodne operacije in misije ter pred začetkom dela v mirnodobni strukturi SV v tujini. Če pripadniki SV med mednarodnimi operacijami in misijami zaznajo neoznačena območja, ki so onesnažena z minami, morajo ta območja zavarovati, če je to mogoče, in takoj sporočiti lokacijo svojim nadrejenim ali pristojnim organom v skladu z operativnim načrtom (OPLAN).

Osnovno usposabljanje o označbah minskih polj in navodila za osebno varnost na posameznih območjih so zagotovljeni tudi CFS MO).

Izvajanje Ottawske konvencije:

- Ustava Republike Slovenije;
- [Konvencija o prepovedi uporabe, kopičenja zalog, proizvodnje in prenosa protipehotnih min in o njihovem uničenju](#) (Uradni list RS – Mednarodne pogodbe, št. 16/98);
- Operativni načrt in Sklep ministra za obrambo (1. december 1998, št. 016-05-1/191) in Sklep ministra za obrambo o številu protipehotnih min za usposabljanje (15. januar 2002, št. 5/2002-9);
- Ukaz načelnika Generalštaba o uničenju protipehotnih min v Slovenski vojski (14. april 1999, št. Z-871-00-6/99-9);
- 307. člen KZ-1 – Nedovoljena proizvodnja in promet orožja ali eksploziva; ta člen se v slovenskem pravnem sistemu uporablja za sankcioniranje nezakonitih ravnanj v skladu z Ottawsko konvencijo;
- 4. in 48. člen ZObr;
- 323. točka Pravil službe v SV, ki prepoveduje protipehotne mine in mine presenečenja;
- [Zakon o varstvu pred naravnimi in drugimi nesrečami](#) (Uradni list RS, št. 51/06, 97/10, 21/18 – ZNOrg in 117/22; v nadaljevanju:

ZVNDN), ki ureja varstvo ljudi, živali, imetja, kulturne dediščine in okolja pred naravnimi in drugimi nesrečami. Temeljne naloge sistema varstva (2. člen) zajemajo odkrivanje, spremljanje in preprečevanje naravnih in drugih nesreč, obveščanje, opozarjanje in alarmiranje o pretečih nevarnostih, dajanje napotkov za zaščito, reševanje in pomoč, odrejanje zaščitnih ukrepov itn.;

- **Zakon o varstvu okolja** (Uradni list RS, št. 39/06, 49/06 – ZMetD, 66/06 – odl. US, 33/07 – ZPNačrt, 57/08 – ZFO-1A, 70/08, 108/09, 108/09 – ZPNačrt-A, 48/12, 57/12, 92/13, 56/15, 102/15, 30/16, 61/17 – GZ, 21/18 – ZNOrg, 84/18 – ZIURKOE, 158/20 in 44/22 – ZVO-2; v nadaljevanju: ZVO-1), ki ureja veljavne okoljske standarde;
- **Pravilnik o varstvu pred neeksplodiranimi ubojnimi sredstvi** (Uradni list RS, št. 2/15), ki je bil izdan na podlagi omenjenega zakona, opredeljuje načine, postopke in metode dela za odkrivanje, zavarovanje, odstranjevanje, prevoz in uničenje neeksplodiranih ubojnih sredstev, kar ni kaznivo dejanje, na vse to pa ključno vplivajo varnostni ukrepi, registri odkritih in neeksplodiranih ubojnih sredstev ter financiranje varstva proti neeksplodiranim ubojnim sredstvom. Z odlokom ministra za obrambo Pravilnik o varstvu pred neeksplodiranimi ubojnimi sredstvi smiselno velja tudi za SV;
- Programi usposabljanja (osnovno poklicno vojaško izobraževanje, poklicna vojaška specializacija, šole, posamezne vojaške veščine, usposabljanje pred napotitvijo in usposabljanje pred delom v mirnodobni strukturi SV v tujini);
- Usposabljanje za CFS MO (MO, št. 8012-29/2024-2, 22. januar 2024).
- Izvršni načrt za uničenje protipehotnih min v Sloveniji, ki ga je potrdil minister za obrambo (MO, št. 016-05-01/191, 1. december 1998);
- Ukaz načelnika Generalštaba SV o uničenju protipehotnih min v SV (MO, št. Z-871-00-6/99-9, 14. april 1999);
- Veljavni vojaški priročniki o uničenju.

Izzivi v zvezi z izvajanjem Ottawske konvencije:

Vprašanja, ki se zastavljajo, so povezana s stališčem držav pogodbenic glede sodelovanja v operacijah, pri vajah ali drugih vojaških aktivnostih, ki jih odobri ZN ali se izvajajo v skladu z mednarodnim pravom

z zaveznicami, ki niso podpisale Ottawske konvencije in ki pri teh aktivnostih uporabljajo protipehotne mine.⁸

Slovenija o tej temi ni podala razlagalne izjave, prav tako ni razložila pomena izrazov, ki so uporabljeni v točki (c) prvega odstavka 1. člena o rabi, pomoči, spodbujanju in napeljevanju. Toda ob upoštevanju nacionalne zakonodaje in sodne prakse zgolj sodelovanje pripadnikov SV pri načrtovanju ali izvajanju operacij, vaj ali drugih vojaških aktivnosti v sodelovanju z oboroženimi silami držav, ki niso podpisnice Ottawske konvencije in izvajajo dejavnosti, ki jih Ottawska konvencija prepoveduje, samo po sebi ne bi veljalo za pomoč, spodbujanje ali napeljevanje v smislu točke (c) prvega odstavka 1. člena.

3. Konvencija o nekaterih vrstah klasičnega orožja

Konvencija o prepovedi ali omejitvi uporabe nekaterih vrst klasičnega orožja, za katere se lahko šteje, da imajo čezmerne travmatične učinke ali da glede ciljev delujejo enako, je bila sprejeta leta 1980 in navaja dodatne omejitve, ki veljajo v času vojne. Danes to konvencijo sestavlja še pet dodatnih protokolov, zadnji je bil dodan leta 2003:

- Protokol I omejuje uporabo fragmentov, ki jih ni mogoče zaznati z rentgenom. Mednarodni odbor Rdečega križa (v nadaljevanju: MORK) meni, da je protokol del »običajnega prava«, čemur nekatere države, npr. Velika Britanija, nasprotujejo;
- Protokol II omejuje uporabo protipehotnih min, min presenečenja in podobnih priprav;
- Protokol III omejuje uporabo zažigalnega orožja;
- Protokol IV prepoveduje uporabo slepilnega laserskega orožja;
- Protokol V obravnava zaveze in dobre prakse pri odstranjevanju neeksplozivnih ubojnih sredstev.

8 Glej seznam držav podpisnic, UN Treaty Collection, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-5&chapter=26&clang=_en.

Slovenija je leta 1992 z notifikacijo nasledstva postala pogodbenica Konvencije o prepovedi ali omejitvi uporabe nekaterih vrst klasičnega orožja, za katere se lahko šteje, da imajo čezmerne travmatične učinke ali da glede ciljev delujejo enako, in treh protokolov⁹: (I) Protokola o fragmentih, ki jih ni mogoče odkriti, (II) Protokola o prepovedih in omejitvah uporabe min, min presenečenja in drugih priprav ter (III) Protokola o prepovedih ali omejitvah uporabe zažigalnega orožja. Protokol II ostaja edini instrument, ki ureja uporabo protitankovskih min in določa njihovo uničenje po koncu operacij. Slovenija je kasneje postala tudi pogodbenica Protokola IV in V k tej konvenciji, kot je bila spremenjena 21. decembra 2001.

Slovenija zagotavlja redno poročanje v skladu z določbami konvencije. V zvezi s spremembo Protokola II je bilo posredovano podrobno poročilo o mednarodnem sodelovanju pri odstranjevanju min. SV/MO v zvezi s tem nima nobenih posebnih obveznosti. Slovenija je izpolnila tudi svoje obveznosti iz Protokola V. Poleg tega redno uničuje eksplozivna sredstva in ostanke druge svetovne vojne (lokacija: Pivka). Leta 2021 je Slovenija prispevala 5.000 EUR za sponzorski program po Protokolu V.

SV svoje pripadnike usposablja glede omejitev in možnih učinkov ter glede delovanja orožja, ki ga konvencija prepoveduje ali omejuje. Pripadniki SV se učijo tudi o označbah (Protokol II). Med usposabljanjem se znova poudari povezava med alinejo (ii) točke (a) drugega odstavka 57. člena Protokola I in prvim odstavkom 321. točke Pravil službe v SV – uporaba postopkov in orožja za doseganje ciljev s čim manj civilnimi žrtvami in čim manjšo škodo na premoženju civilistov. Precejšnja pozornost je namenjena usposabljanju pred napotitvijo v mednarodne operacije in misije, kjer je med vojaškim služenjem v tujini večja verjetnost izpostavljenosti posebnim vrstam orožja in eksplozivnim sredstvom. Pripadniki se tudi naučijo ustreznega ravnanja, če pridejo v stik z eksplozivnimi sredstvi ali drugimi ostanki vojne (zavarovanje območja, obveščanje pristojnih organizacij itn.). SV je sprejela vse

9 Akt o notifikaciji nasledstva glede konvencij Organizacije združenih narodov in konvencij, sprejetih v Mednarodni organizaciji za atomsko energijo ([Uradni list RS – Mednarodne pogodbe, št. 9/92](#)).

mogoče preventivne ukrepe za uporabo laserskega orožja. Pripadniki SV se (v času miru) med drugim usposabljaajo za preprečevanje morebitnih škodljivih posledic, kot je navedeno v Protokolu IV (usmerjevalec združenih ognjev itn.). Poleg tega tudi navodila za uvedbo teh sistemov v SV vključujejo posebne smernice o uporabi teh sistemov in morebitno zlorabo (glede varnosti in zdravja pri delu ter mednarodnih obveznosti Slovenije). Večina laserjev spada v kategorijo nevidnega spektra ali varno za oči.

Izvajanje konvencije:

- Ustava Republike Slovenije;
- [Protokol o prepovedih ali omejitvah uporabe min. min prese-
nečenja in drugih priprav, kot je bil spremenjen 3. maja 1996
\(Protokol II, kot je bil spremenjen 3. maja 1996\), priložen h
Konvenciji o prepovedi ali omejitvi uporabe nekaterih vrst kla-
sičnega orožja, za katere se lahko šteje, da imajo čezmerne
travmatične učinke ali da glede ciljev delujejo enako \(MPPOUM\)](#)
(Uradni list RS – Mednarodne pogodbe, št. 24/02; v nadaljevanju: Protokol II);
- [Dodatni protokola h Konvenciji o prepovedi ali omejitvi upora-
be nekaterih vrst klasičnega orožja, za katere se lahko šteje, da
imajo čezmerne travmatične učinke ali da glede ciljev deluje-
jo enako \(MDPKPOO\)](#) (Uradni list RS – Mednarodne pogodbe, št. 24/02; v nadaljevanju: Protokol IV);
- [Protokol o eksplozivnih ostankih vojne, priložen Konvenciji o
prepovedi ali omejitvi uporabe nekaterih vrst klasičnega orož-
ja, za katere se lahko šteje, da imajo čezmerne travmatične
učinke ali da glede ciljev delujejo enako \(Protokol V\) \(MPEOV\)](#)
(Uradni list RS – Mednarodne pogodbe, št. 22/06; v nadaljevanju: Protokol V);
- ZObr;
- Prvi odstavek 321. točke Pravil službe v SV: »Pri tem uporabljajo postopke in orožja, s katerim[i] dosežejo cilj z najmanjšimi žrtvami med civilnim prebivalstvom in najmanjšo škodo na civilnem premoženju« (posebej v zvezi z zažigalnim orožjem); 323. točka: »V SV je prepovedana uporaba: izstrelkov, ki se ob vstopu v telo sploščijo (dum-dum izstrelki); /.../ protipehotnih min in min presenečenja; kasetnih bomb in streliv«; ter 319. točka – »Skladnost s sprejetimi mednarodnimi pogodbami«;

- ZVNDN, ki ureja varstvo ljudi, živali, imetja, kulturne dediščine in okolja pred naravnimi in drugimi nesrečami;
- Pravilnik o varstvu pred neeksplodiranimi ubojnimi sredstvi, ki ureja postopke in način dela ter ukrepe pri najdbi, zavarovanju, odkrivanju, identifikaciji, odstranjevanju, prevozu in uničevanju neeksplodiranih ubojnih sredstev (v nadaljevanju: NUS), ki niso predmet kaznivih dejanj ali prekrškov, ureja pa tudi varnostne ukrepe, evidence najdenih in uničenih NUS ter financiranje varstva pred NUS. Če se tako odloči minister za obrambo, se pravilnik po potrebi uporablja tudi v SV;
- Mednarodna ustanova ITF Ustanova za krepitev človekove varnosti (prej Mednarodna ustanova – Fundacija za razminiranje in pomoč žrtvam min), ki jo je slovenska vlada ustanovila 1998;
- Različna navodila o uporabi posameznih vrst orožja v SV;
- Programi usposabljanja (osnovno poklicno vojaško izobraževanje, poklicna vojaška specializacija, šole, posamezne vojaške veščine, usposabljanje pred napotitvijo in usposabljanje pred delom v mirnodobni strukturi SV v tujini).

4. Konvencija o prepovedi razvoja, proizvodnje, kopičenja zalog in uporabe kemičnega orožja ter o njegovem uničenju

Leta 1993 je bila Slovenija med prvimi podpisnicami Konvencije o prepovedi razvoja, proizvodnje, kopičenja zalog in uporabe kemičnega orožja ter o njegovem uničenju (v nadaljevanju: MPKO). Konvencija je bila ratificirana leta 1997 in je istega leta tudi začela veljati.

Slovenija je pogodbenica MPKO od 1997. Konvencijo je ratificirala istega leta in jo v svoj pravni red vključila leta 1999 s sprejetjem [Zakona o kemičnem orožju](#) (Uradni list RS, št. 36/99, 2/04 – ZZdrI-A in 29/06 – ZNSBPPVZ), ki ga je pozneje zamenjal [Zakon o nadzoru strateškega blaga posebnega pomena za varnost in zdravje](#) (Uradni list RS, št. 29/06 in 8/10 – ZNIBDR-A, v nadaljevanju: ZNSBPPVZ).

V sistemu vojaškega izobraževanja in usposabljanja se pripadniki SV učijo o prepovedanem kemičnem orožju, bojnih strupih in strupenih orožjih ter njihovih posledicah. Ta vsebina je vključena tudi v individualno vojaško usposabljanje / nadaljevalno usposabljanje ter letne osvežitvene tečaje (individualni programi za vojaške veščine). Posebna pozornost je namenjena pripadnikom SV, ki služijo na območjih, kjer je večja verjetnost uporabe takšnega orožja. Pridobijo tudi dodatno osnovno medicinsko usposabljanje, da bi zagotovili ustrezen odziv oziroma vedenje v primeru napada ali stika s takšnim orožjem ali za primer uporabe medicinskih injekcij. Pripadniki SV se usposobijo tudi za uporabo osebne zaščitne opreme, dekontaminacijo, odkrivanje, uporabo orožja in zdravstvenega varstva.

Izvajanje MPKO:

- Ustava Republike Slovenije;
- [Konvencija o prepovedi razvoja, proizvodnje, kopičenja zalog in uporabe kemičnega orožja ter o njegovem uničenju](#) (Uradni list RS – Mednarodne pogodbe, št. 9/97; v nadaljevanju: MPKO)
- ZObr;
- Pravila službe v SV (prepoved uporabe kemičnega orožja v 323. točki);
- ZNSBPPVZ je bil sprejet z namenom ureditve dejavnosti v zvezi s strateškim blagom posebnega pomena za zdravje in varnost v skladu s konvencijo MKPO, Konvencijo o prepovedi izpopolnjevanja, proizvodnje in skladiščenja bakteriološkega (biološkega) in strupenega orožja in o njegovem uničenju in drugimi mednarodnimi obveznostmi Slovenije. Zakon med drugim opredeljuje prepovedane strateške dejavnosti, dolžnosti in omejitve pri izvajanju strateških dejavnosti ter ukrepe za njihov nadzor, da bi preprečili kršitve obveznosti Slovenije po mednarodnih pogodbah. Zakon v 22. členu omenja Komisijo za strateško blago, ki se dejansko ne sestaja več, saj je njeno delo prevzela Komisija za nadzor izvoza blaga z dvojno rabo ([Zakon o nadzoru izvoza blaga z dvojno rabo](#) (Uradni list RS, št. 37/04, 8/10 in 29/23)). Delo komisije je neposredno povezano z izvajanjem zgornjih konvencij, saj ureja izvoz kemikalij, ki bi se lahko uporabljale kot sestavine za kemično orožje;
- [Zakon o kemikalijah](#) (Uradni list RS, št. 110/03, 47/04 – ZdZPZ, 61/06 – ZBioP, 16/08, 9/11, 83/12 – ZFFS-1 in 95/24 – ZFFS-1A; v

nadaljevanju: ZKem); ZKem ureja promet s kemikalijami, določa ukrepe za varovanje zdravja in okolja pred škodljivimi učinki kemikalij ter predpisuje obveznosti in postopke, ki jih morajo izpolnjevati pravne in fizične osebe, ki v Sloveniji proizvajajo ali skladiščijo kemikalije, z njimi opravljajo promet in jih uporabljajo;

- Dovoljenje Urada za kemikalije za opravljanje strateške dejavnosti za usposabljanje pripadnikov SV o ravnanju s strateškim blagom skupine 1 Uredbe o določitvi seznama strateškega blaga in pripadajočih nadzornih režimih (MZ, št. 21601-2022/4);
- Programi usposabljanja (osnovno poklicno vojaško izobraževanje, poklicna vojaška specializacija, šole, posamezne vojaške veščine, usposabljanje pred napotitvijo in usposabljanje pred delom v mirnodobni strukturi SV v tujini).

5. Konvencija o prepovedi izpopolnjevanja, proizvodnje in skladiščenja bakteriološkega (biološkega) in strupenega orožja in o njegovem uničenju

Slovenija je leta 1992 z notifikacijo nasledstva postala pogodbenica Konvencije o biološkem orožju. Aprila 2004 se je pridružila Avstralski skupini, maja istega leta pa je v svoj pravni red vključila Uredbo Sveta (ES) št. 1334/2000 z dne 22. junija 2000 o vzpostavitvi režima *Skupnosti* za nadzor izvoza blaga in tehnologije z dvojno rabo (v nadaljevanju: Uredba 1334/2000/ES). Poleg zgornjih pravnih aktov je Slovenija tudi sprejela posebne dogovore o nadzoru izvoza vojaškega blaga (Wassenaarski sporazum), ki poleg konvencionalnega orožja ureja tudi izvoz posebnih kemikalij, kot so bojni strupi.

Izvajanje konvencije:

- Ustava Republike Slovenije;
- ZObr;
- Pravila službe v SV (prepoved uporabe bojnih strupov, strupenih orožij, kemičnih orožij in bakterioloških orožij v 323. točki);

- ZNSBPPVZ je bil sprejet z namenom ureditve dejavnosti v zvezi s strateškim blagom posebnega pomena za zdravje in varnost v skladu s konvencijo MKPO, Konvencijo o prepovedi izpopolnjevanja, proizvodnje in skladiščenja bakteriološkega (biološkega) in strupenega orožja in o njegovem uničenju in drugimi mednarodnimi obveznostmi Slovenije. Zakon opredeljuje prepovedane strateške dejavnosti, dolžnosti in omejitve pri izvajanju strateških dejavnosti ter ukrepe za njihov nadzor, da bi preprečili kršitve Slovenije po mednarodnih pogodbah. Kot je navedeno že zgoraj, zakon v 22. členu omenja Komisijo za strateško blago, ki se dejansko ne sestaja več, saj je njeno delo prevzela Komisija za nadzor izvoza blaga z dvojno rabo. Delo komisije je neposredno povezano z izvajanjem zgornjih konvencij, saj ureja izvoz kemikalij, ki bi se lahko uporabljale kot sestavine za kemično orožje;
- ZKem;
- Dovoljenje Urada za kemikalije za opravljanje strateške dejavnosti za usposabljanje pripadnikov SV o ravnanju s strateškim blagom skupine 1 Uredbe o določitvi seznama strateškega blaga in pripadajočih nadzornih režimih (MZ, št. 21601-2022/4).

6. Pogodba o trgovini z orožjem

Slovenija je leta 2014 postala pogodbenica Pogodbe o trgovini z orožjem (v nadaljevanju: MPTO). To je prva mednarodna pogodba, ki celovito ureja mednarodno trgovino s konvencionalnim orožjem. Prav tako je MPTO prva pogodba, ki ureja prenos osebnega in lahkega orožja. Določbe MPTO ne urejajo sistema za nabavo orožja, ki velja za športne strelce, lovce in zbiralce orožja. Pogodba ne prepoveduje oboroževanja, saj spoštuje pravico vsake države do samoobrambe. Njen cilj je vzpostaviti več preglednosti v trgovini s konvencionalnim orožjem med državami pogodbenicami.

Za zagotovitev skladnosti z določbami MPTO morajo države pogodbenice uvesti in vzdrževati svoj sistem kontrole, vključno z notranjim kontrolnim seznamom. Vsaka država določi eno ali več nacionalnih točk za stike za izmenjavo informacij o zadevah, povezanih z izvajanjem pogodbe.

Države tudi sprejmejo ustrezne ukrepe za izvajanje nacionalne zakonodaje in pravilnike za izvajanje določb te pogodbe. Države pogodbenice v skladu z nacionalno zakonodajo in pravilniki vodijo evidence konvencionalnega orožja, ki je navedeno v prvem odstavku 2. člena pogodbe. Slovenija redno izpolnjuje svoje obveznosti po pogodbi, vključno s finančnim prispevkom v Sklad MPTO leta 2019 (20.000 EUR za G5 Sahel).

Izvajanje MPTO:

- Ustava Republike Slovenije;
- **Pogodba o trgovini z orožjem** (Uradni list RS – Mednarodne pogodbe, št. 17/13) – predhodno soglasje MO za uvoz, izvoz in prenos orožja ter za proizvodnjo vojaškega orožja in opreme;
- **Zakon o orožju** (Uradni list RS, št. 23/05, 85/09, 125/21 in 105/22 – ZZNŠPP; v nadaljevanju: ZOro-1).

Tako ZObr kot ZOro-1 posredno izvajata določbe MPTO, čeprav sta precej starejša in zaradi ratifikacije te pogodbe nista bila prilagojena. Določbe pogodbe uvajata z vzpostavitvijo nacionalnih kontrolnih sistemov za trgovino z orožjem (uvoz, izvoz in prenos orožja) in hkratno presojo tveganja ob individualnem izvozu.

Izzivi pri izvajanju MPTO:

- nesistematična klasifikacija kategorij konvencionalnega orožja, streliva, min in ubojnih sredstev, sestavnih delov orožja, dejavnosti prenosa ter neustrezen nadzor trgovine s stroji in blagom, ki omogočajo proizvodnjo orožja in streliva;
- odsotnost učinkovitega sistema kaznovanja držav, ki kršijo pogodbene obveznosti;
- glede na to, da se nadzoruje zgolj izvoz streliva, min, ubojnih sredstev, delov in sestavnih elementov, države pogodbenice niso dolžne sprejeti ukrepov za ureditev prenosa in prevoza po svojem ozemlju ali ukrepov za ureditev dejavnosti posrednikov. Določbe o preusmerjanju veljajo le za orožje, mine, ubojna sredstva, dele in sestavne elemente. Orožje samo po sebi, brez streliva, min, ubojnih sredstev ali ustreznih delov in sestavnih elementov, je praktično neuporabno, zato bi pogodba morala uveljaviti strožji nadzor nad temi predmeti. Neustrezen nadzor omogoča domačo proizvodnjo orožja in preusmerjanje orožja na nezakonite trge.

POSEBNA ZAŠČITA

1. Zaščita civilnega prebivalstva, zlasti otrok in žensk

1.1. Izvajanje Izbirnega protokola h Konvenciji o otrokovih pravicah glede udeležbe otrok v oboroženih spopadih s posebnim poudarkom na prepovedi novačenja otrok

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1.1.1. Pravni okvir MHP

23. septembra 2004 je Slovenija ratificirala [Izbirni protokol h Konvenciji o otrokovih pravicah glede udeležbe otrok v oboroženih spopadih](#) (Uradni list RS - Mednarodne pogodbe, št. 23/04; v nadaljevanju: MIPKOPO). Ob deponiranju listine o ratifikaciji je v skladu z drugim odstavkom 3. člena MIPKOPO podala izjavo, v kateri je kot spodnjo starostno mejo za rekrutiranje oseb v svoje oborožene sile navedla starost 18 let. Ta spodnja starostna meja velja za moške in ženske.

1.1.2. Izvajanje MHP na nacionalni ravni

V skladu z 8. členom ustave morajo biti zakoni in drugi predpisi v skladu s splošno veljavnimi načeli mednarodnega prava in z mednarodnimi pogodbami, ki zavezujejo Slovenijo. Ratificirane in objavljene mednarodne pogodbe se uporabljajo neposredno. Drugi odstavek 153. člena ustave določa tudi, da morajo biti zakoni v skladu s splošno veljavnimi načeli mednarodnega prava in z veljavnimi mednarodnimi pogodbami, ki jih je ratificiral državni zbor, podzakonski predpisi in drugi splošni akti pa tudi z drugimi ratificiranimi mednarodnimi pogodbami.

V skladu s 4. členom ZObr vse oblike vojaške in civilne obrambe temeljijo in se izvajajo v skladu z načeli mednarodnega vojnega prava oziroma s sprejetimi mednarodnimi obveznostmi.

Kljub neposredni uporabi mednarodnih pogodb so bile na področju obrambe potrebne nekatere spremembe in dopolnitve predpisov, da veljavne pravne ureditve na tem področju dosledno upoštevajo spodnjo starostno mejo 18 let za rekrutiranje oseb v nacionalne oborožene sile, tako za opravljanje vojaške službe kot za poklicno delo na obrambnem področju.

V skladu s 47. členom ZObr vojaško službo opravljajo pripadniki stalne sestave, vojaški obvezniki, ki so na služenju vojaškega roka, ter pripadniki rezervne sestave, kadar so vpoklicani v vojaško službo. Pravna ureditev v povezavi s primeri opravljanja vojaške službe je podrobneje predstavljena v nadaljevanju.

1.1.2.1. Vojaška služba

V skladu s prenovljenim konceptom popolnitve SV in na podlagi 62a. člena [Zakona o vojaški dolžnosti](#) (Uradni list RS, št. 108/02; v nadaljevanju: ZVojD) ter sklepa Vlade RS je bilo izvajanje nekaterih sestavin vojaške dolžnosti v času miru oktobra 2003 opuščeno. S tem se je prenehalo izvajati zdravniške in druge preglede ter psihološke preiskave nabornikov, nabor in napotitve na služenje vojaškega roka ali opravljanje nadomestne civilne službe. Pozneje, leta 2010, se je prenehalo izvajati obvezno služenje v rezervni sestavi SV.

Namesto zgoraj navedenih sestavin obveznega služenja vojaškega roka so državljani dobili možnost prostovoljnega služenja vojaškega roka in (prostovoljnega) služenja v pogodbeni rezervni sestavi SV. V obeh primerih se v SV lahko prijavijo samo osebe, stare najmanj 18 let.

62.e člen ZVojD določa, da lahko Državni zbor Republike Slovenije ob povečani nevarnosti napada na državo oziroma neposredni vojni nevarnosti ali ob razglasitvi vojnega ali izrednega stanja sprejme odločitev o ponovni uvedbi izvajanja zdravniških in drugih pregledov ter psiholoških preiskav, nabora, napotitve na služenje vojaškega roka oziroma na opravljanje nadomestne civilne službe in obveznega služenja v rezervni sestavi. Določbe ZVojD, ki so trenutno opuščene in se nanašajo na izvajanje tovrstnih nalog, določajo tudi, da se nabor praviloma opravi v koledarskem letu, v katerem nabornik dopolni 18 let; če nabornik to sam zahteva, pa lahko gre na nabor v koledarskem letu, v katerem

dopolni 17 let. Naborniki se praviloma pošljejo na služenje vojaškega roka v koledarskem letu, v katerem dopolnijo 19 let; če sami prosijo, pa se lahko pošljejo na služenje vojaškega roka v prvem napotitvenem roku po vložitvi prošnje, če v tem letu dopolnijo 18 let. Omenjene določbe ZVojD samo v tem primeru teoretično omogočajo, da se osebe, ki še niso dosegle starostne meje, določene v MIPKOPO, v primeru ponovne uvedbe nabora rekrutirajo v SV in teoretično sodelujejo v sovražnostih. Vendar je treba opozoriti, da je to le teoretična možnost in da si je treba te določbe ZVojD razlagati v skladu s 7. členom ZSSloV, ki je začel veljati 14. avgusta 2007, in uvaja načelo varstva mladoletnih, saj strogo določa, da vojaške službe in niti drugega dela v vojski ne sme opravljati oseba, ki je mlajša od 18 let. Ta določba, ki je eno od temeljnih načel vojaške dolžnosti, v miru in tudi v morebitnem primeru vojne ali izrednega stanja zdaj v celoti preprečuje rekrutiranje državljanov, mlajših od 18 let, v njihove nacionalne oborožene sile. Veljavna pravna ureditev tako v primeru ponovne uvedbe služenja vojaškega roka v celoti preprečuje vsakršno rekrutiranje državljanov, mlajših od 18 let, v njihove nacionalne oborožene sile, kar izključuje vsako možnost, da bi bili – kot pripadniki SV – morda udeleženi v oboroženih spopadih.

1.1.2.2. Prostovoljno služenje vojaškega roka in služenje v pogodbenih rezervnih sestavih SV

Kot je bilo že omenjeno, je bila po ukinitvi nabora uvedena možnost prostovoljnega služenja vojaškega roka in (prostovoljnega) služenja v pogodbenem rezervnem sestavu SV. Pogoji, povezani s prostovoljnim služenjem vojaškega roka, vključno s tistimi, ki jih morajo izpolnjevati kandidati za prostovoljno služenje vojaškega roka, so opredeljeni v [**Uredbi o prostovoljnem služenju vojaškega roka**](#) (Uradni list RS, št. 74/21 in 32/24). V zvezi z najnižjo starostjo za prostovoljno služenje vojaškega roka je v prvem odstavku 3. člena (splošni pogoji) strogo določeno, da se na prostovoljno služenje vojaškega roka lahko napoti le kandidate, ki so že dopolnili 18 let. To *smiselno* velja tudi za opravljanje vojaške službe v pogodbeni rezervni sestavi SV. V tem primeru prvi odstavek 3. člena izvedbene uredbe, tj. [**Uredbe o pogodbenem opravljanju vojaške službe v rezervni sestavi Slovenske vojske**](#) (Uradni list RS, št. 95/02, 112/04, 119/07, 30/09, 97/12, 89/20, 28/21 in 98/23), strogo določa, da lahko v rezervni sestavi SV prostovoljno sodelujejo le moški in ženske od dopolnjenega 18. leta starosti.

1.1.2.3. Stalna sestava SV

V Sloveniji ni vojaških šol za osebe, mlajše od 18 let. Osebe, ki se pozneje zaposlijo v SV, se (trenutno) izobražujejo v sistemu rednega izobraževanja. Po končanem rednem izobraževanju kandidati končajo šolo za podčastnike ali šolo za častnike, ki je organizirana v okviru izobraževalnih programov Centra vojaških šol Generalštaba Slovenske vojske.

Stalno sestavo SV sestavljajo poklicni pripadniki vojske, tj. vojaki, podčastniki, častniki in vojaški uslužbenci (vojaške osebe) in civilne osebe, ki so zaposlene v vojski, a ne opravljajo vojaške službe. V skladu s splošnimi in posebnimi pogoji, ki jih morajo izpolnjevati kandidati za poklicno opravljanje vojaške službe, lahko sklenejo pogodbo o zaposlitvi s SV samo osebe, ki so že dopolnile 18 let, kot je navedeno v 88. členu ZObr. Načelo varstva mladoletnih, kot ga navaja 7. člen ZSSloV, velja tudi v tem primeru, saj strogo določa, da vojaške službe in niti drugega dela v vojski ne sme opravljati oseba, ki je mlajša od 18 let.

1.1.3. Dobre prakse

Slovenija redno poroča o izvajanju MIPKOPO Odboru za otrokove pravice v skladu z 244. členom MIPKOPO.

Izvajanje MHP (vključno z zaščito otrokovih pravic v oboroženih spopadih v MIPKOPO) je del rednega izobraževanja in usposabljanja v SV.

Slovenija prispeva k izvajanju MIPKOPO tudi z ustreznim nadzorom nad izvozom orožja. Veljavna pravna ureditev na tem področju preprečuje izvoz orožja v države, v katerih je dovoljeno rekrutiranje in vključevanje otrok v sovražnosti.

Promet z vojaškim orožjem in opremo v Sloveniji temelji na režimu izdanih dovoljenj. V skladu z določbami prvega odstavka 77. člena ZObr lahko vojaško orožje in opremo prodaja, izvaža ali uvaža ter opravlja posle posredovanja s tem blagom le gospodarska družba, zavod ali druga organizacija, ki pridobi dovoljenje MO. V skladu z določbami drugega odstavka 77. člena ZObr je za vsak izvoz, uvoz ali tranzit

vojaškega orožja in opreme čez državno ozemlje potrebno predhodno dovoljenje MO, če ni drugače določeno z mednarodno pogodbo. V povezavi s tem tretji odstavek 77. člena ZObr opredeljuje tudi razloge, zaradi katerih MO zavrne dovoljenje za izvoz, uvoz ali tranzit vojaškega orožja in opreme, če bi bilo ogroženo izpolnjevanje mednarodnih obveznosti Republike Slovenije (prva alineja) in če bi takšne dejavnosti pospeševale ali omogočale oborožene spopade v državi, ki je končni uporabnik vojaškega orožja ali opreme (tretja alineja). V skladu z ZObr pa rekrutiranje in vključevanje otrok v sovražnosti v neki državi nista izrecno opredeljena kot razloga za prepoved prodaje in izvoza vojaškega orožja in opreme v zadevno državo. Kljub temu bi takšne okoliščine dejansko lahko uvrstili med že navedene razloge za zavrnitev soglasja MO za izvoz vojaškega orožja v to državo, zlasti razloge iz prve in tretje alineje tretjega odstavka 77. člena ZObr. V zvezi z razlogi, ki se nanašajo na izpolnjevanje mednarodnih obveznosti, je treba omeniti [Skupno stališče Sveta 2008/944/SZVP z dne 8. decembra 2008, ki opredeljuje skupna pravila glede nadzora izvoza vojaške tehnologije in opreme, kakor je bilo spremenjeno s Sklepom Sveta \(SZVP\) 2019/1560 z dne 16. septembra 2019](#). V njem so navedena merila za zavrnitev izvoznega dovoljenja, vključno s spoštovanjem mednarodnih obveznosti in zavez držav članic EU in spoštovanjem človekovih pravic v namembni državi ter spoštovanjem MHP v namembni državi.

Ob drugih morebitnih kršitvah Konvencije o otrokovih pravicah (KOP) in njenega Izbirnega protokola (MIPKOPO) v zvezi z zaščito otrok v oboroženih spopadih zunaj ozemlja Slovenije (na primer neposredno sodelovanje pripadnikov SV v mednarodnih operacijah in misijah, rekrutiranje otrok, ki ga opravljajo nedržavni akterji) bo MO v okviru svojih pristojnosti sodeloval pri dejavnostih, ki so povezane s poročanjem o kršitvah v skladu z MIPKOPO, zlasti tako, da bo zagotovil informacije, potrebne za pripravo odgovorov, poročil ali nadaljnjih sklepov.

Slovenija od leta 2016 podpira Deklaracijo o varnih šolah iz Osla in Smernice iz Lucensa za zaščito šol in univerz pred vojaško uporabo v oboroženih spopadih. Junija 2022 so bili predstavniki MO in SV imenovani za sodelovanje v spletni platformi, ki jo je vodila Norveška – državni mreži izvajalcev Deklaracije o varnih šolah. Leta 2023 je predstavnik SV sodeloval pri usposabljanju, ki ga je v okviru spletne platforme organiziralo špansko ministrstvo za obrambo.

Slovenija odločno podpira tudi izvajanje Pariških načel in smernic o otrocih, ki sodelujejo v oboroženih silah ali skupinah, ter Vancouverskih načel o ohranjanju miru in preprečevanju rekrutiranja in uporabe otrok vojakov.

Leta 2023 sta MO in SV sodelovala pri pripravi Natove politike o otrocih in oboroženih spopadih. Ta politika se dejavno izvaja v okviru usposabljanja o MHP za pripadnike SV in CFS MO.

1.2. Ženske v SV – izvajanje agende o ženskah, miru in varnosti ter vključevanje vidika enakosti spolov v SV

Splošna nacionalna politika enakosti spolov, ki velja tudi za pogoje zaposlitve v SV, je bila sprejeta že ob samem začetku samostojne Republike Slovenije leta 1991 in noben zakon ni določal, da bi bilo v SV katero koli področje prepovedano za ženske ali da bi kateri koli program ali panoga izključevala udeležbo žensk. To velja še danes. Ženske so zastopane v celotni strukturi, od taktične do strateške ravni poveljstva, vključno s položaji odločanja v Sloveniji in tujini. Pripadnice SV sodelujejo v mednarodnih operacijah in misijah že od napotitve prvega slovenskega kontingenta leta 1997.

Prvi dokument, ki je neposredno povezan z izvajanjem resolucije Varnostnega sveta ZN 1325 v SV, je bila Direktiva vodje obrambe za izvajanje resolucij Varnostnega sveta ZN 1325 in 1820, ki jo je Generalštab SV izdal leta 2009. Novo direktivo za izvajanje resolucije 1325 o ženskah, miru in varnosti ter vključevanje vidika spola v SV je Generalštab SV izdal maja 2020. Glavni poudarki in cilji direktive so pomembna vloga pripadnic SV v procesih odločanja, zastopanost moških in žensk v mednarodnih operacijah in misijah, večja ozaveščenost o vidiku spola, preprečevanje spolnega nasilja in nasilja na podlagi spola ter izobraževanje in usposabljanje o resoluciji Varnostnega sveta ZN 1325 in vidiku spola za vse pripadnike SV.

Vključevanje načela enakosti spolov se izvaja po več poteh, kot so izobraževanje, usposabljanje pred napotitvijo in operativno načrtovanje.

Od 2000 do 2023 je bilo v SV od 14 do 17 odstotkov žensk. Z leti se je skupni delež žensk v SV postopoma povečeval. Leta 2023 je bilo med vsemi osebami, napoteni v misije, 9,2 odstotka žensk, v operacijah in misijah pod vodstvom Nata pa 6,3 odstotka. Od leta 2014 so v SV dosegli pomembne uspehe pri sistemskem izobraževanju o ženskah, miru in varnosti ter usposabljanju notranjih svetovalcev za enakost spolov; ob uvedbi stalnega delovnega mesta svetovalca za enakost spolov v Generalštabu SV leta 2015 je bila vse od taktične do operativne in strateške ravni vzpostavljena tudi mreža svetovalcev za enakost spolov.

Prva poveljnica slovenskega kontingenta je vodila kontingent v silah UNIFIL leta 2017, prva obrambna atašejka pa je bila akreditirana za Srbijo, Makedonijo in Romunijo in je svoj mandat zaključila leta 2018. Istega leta je bila akreditirana že druga obrambna atašejka, svoj mandat pa je zaključila v ZDA leta 2023. Od leta 2018 ima najvišji čin generalmajorja v SV ženska, ki je bila istega leta kot prva ženska med Natovimi načelniki generalštabov imenovana za načelnico Generalštaba SV. Leta 2022 je SV imenovala že drugo žensko na položaj brigadirke (bg.) Poveljstva sil SV. Leta 2008 je Slovenija dobila prvo obrambno ministrico, ki je vodila MO do leta 2012. Druga obrambna ministrica Slovenije je prevzela to funkcijo leta 2015 in vodila ministrstvo do leta 2018.

V [Strategiji sodelovanja Republike Slovenije v mednarodnih operacijah in misijah \(2010\)](#) (Uradni list RS, št. 19/10) je bila poudarjena potreba po sprejetju nacionalnega akcijskega načrta za izvajanje resolucij Varnostnega sveta ZN 1325 in 1820 o ženskah, miru in varnosti in istega leta, leta 2010, je Slovenija sprejela prvi akcijski načrt za izvajanje resolucij Varnostnega sveta ZN 1325 in 1820 o ženskah, miru in varnosti. Novembra 2018 je Slovenija sprejela svoj [drugi akcijski načrt za izvajanje resolucij Varnostnega sveta ZN o ženskah, miru in varnosti za obdobje 2018–2020](#) (v nadaljevanju: akcijski načrt). Akcijski načrt je upošteval nove izzive in trende v mednarodni skupnosti (kot so terorizem in nasilni ekstremizem, veliko število migrantov in beguncev ter humanitarne krize; omenjene so tudi podnebne spremembe) in obsega pet prednostnih področij: (1) uresničevanje Agende o ženskah, miru in varnosti in vključevanje vidika spola na področje oz. v politiko miru in varnosti; (2) smiselna participacija žensk;

(3) zaščita žensk in deklic ter odprava spolnega nasilja in nasilja zaradi spola, povezanega s konflikti; (4) izobraževanje in usposabljanje ter (5) odgovornost.

Z vključevanjem SV v sodelovanje med ministrstvi na nacionalni ravni se je porodila zamisel, da se notranji (nacionalni) koncept združi z zunanjim (tujim) prek koncepta vidika spola. [Resolucija o nacionalnem programu za enake možnosti žensk in moških 2015–2020 \(Uradni list RS, št. 84/15\)](#) v luči izvajanja resolucij Varnostnega sveta ZN o ženskah, miru in varnosti prvič vključuje vidik spola. Z »vključevanjem vidika spola v slovenske razvojne, mirovne in druge zunanje-politične pobude« sta resoluciji sledila periodična načrta za obdobji 2016–2018 in 2018–2019, kjer so vidik spola in resolucije Varnostnega Sveta ZN o ženskah, miru in varnosti vključeni v poglavje o ohranjanju in izgradnji miru s tremi glavnimi ukrepi: vključevanje načela enakosti spolov v politike preprečevanja in reševanja konfliktov, vključno z usposabljanjem o vidiku spola in vsebini resolucij Varnostnega sveta ZN o ženskah, miru in varnosti pred napotitvijo; večja vključenost žensk v mednarodne operacije in misije ter postopke odločanja in ukrepanja, vključno z zagotavljanjem po spolu mešanih skupin; ter preprečevanje spolnega nasilja in nasilja nad ženskami in deklicami v spopadih ter njihova zaščita med oboroženim spopadom in po njem.

Resolucija 1325 o ženskah, miru in varnosti ter koncept vidika spola sta vključena v poglavje 2.6. o spodbujanju enakosti spolov in uresničevanju pravic žensk po svetu nove [Resolucije o nacionalnem programu za enake možnosti žensk in moških 2023-2030](#) (Uradni list RS, št. 105/23-8772).

Leta 2019 je Slovenija ustanovila Center za izobraževanje in usposabljanje za napotitev v mirovne operacije in misije (v nadaljevanju: POTC). MO spodbuja vključevanje vidika spola tudi s konferenca-mi in usposabljanjem v okviru POTC. Leta 2020 je bila pod okriljem slovenskega predsedovanja Pobudi za obrambno sodelovanje držav Srednje Evrope (Central European Defence Cooperation – CEDC) in v sodelovanju s POTC organizirana regionalna konferenca »Ženske, mir in varnost«. Leta 2021 in 2022 so predstavniki MO sodelovali in predavali v okviru usposabljanja o vključevanju načela enakosti spolov v mirovne operacije, ki ga je izvedel POTC. Poleg usposabljanja

o vključevanju načela enakosti spolov, ki je potekalo leta 2023, je bil na predlog MO leta 2024 organiziran tudi dogodek za usposabljanje inštruktorjev o presečnih temah v okviru mednarodnih operacij in misij. Zajemal je naslednje teme: ženske, mir, varnost, enakost spolov, trgovina z ljudmi, spolno nasilje, povezano s spopadi, preprečevanje spolnega izkoriščanja in zlorab ter otroci vojaki. Te teme so ključne za pripadnike SV, ki so napoteni na misije v države, v katerih so trgovina z ljudmi ter spolno nasilje in izkoriščanje zelo razširjeni.

1.3. Humanitarna pomoč, humanitarni projekti in dejavno sodelovanje v političnem dialogu o zaščiti otrok in žensk v oboroženih spopadih

1.3.1. Humanitarna pomoč in humanitarni projekti

Slovenija je tudi v obdobju od 2021 do 2024 zagotavljala finančno podporo za projekte, povezane z zaščito žensk in otrok v oboroženih spopadih, zdravstveno in psihosocialno rehabilitacijo ter izobraževanjem in opolnomočenjem žensk v okoljih, ki so jih prizadeli spopadi.

Projekti na Bližjem vzhodu vključujejo ozaveščanje o otroških porokah med begunci v Libanonu ter izobraževanje in opolnomočenje ranljivih žensk v Libanonu pred nasiljem na podlagi spola (230.000 EUR v obdobju 2021–2023). Od leta 2009 Slovenija zagotavlja zdravstveno in psihosocialno rehabilitacijo za otroke z Zahodnega brega in iz Gaze. Leta 2019 je sofinancirala odprtje rehabilitacijskega centra za žrtve v Betlehemu. Dejavnosti, ki jih je financirala v obdobju 2021–2024, so bile osredotočene na izgradnjo zmogljivosti in okrepitev sodelovanja z lokalnimi partnerji (skupaj 200.000 EUR v letih 2023 in 2024).

Od leta 2016 finančno podpira (222.000 EUR v obdobju 2022–2023) polikliniko v Kabulu v Afganistanu, ki izvaja vsestranske zdravstvene storitve predvsem za ženske in otroke. Slovenija je za podporo tem storitvam UNFPA namenila 50.000 EUR.

Novembra 2018 je sprejela navedeni drugi nacionalni akcijski načrt za ženske, mir in varnost v obdobju 2018–2020. Kot že omenjeno, je

ustanovila POTC, ki vsako leto pripravi vsaj en izobraževalni dogodek na temo ženske, mir in varnost. Dejavnosti Slovenije, ki so povezane z Agendo o ženskah, miru in varnosti, v tujini izvaja tudi ITF Ustanova za krepitev človekove varnosti, humanitarna neprofitna organizacija, ki jo je slovenska vlada ustanovila marca 1998 s prvotnim namenom, da bi pomagali Bosni in Hercegovini pri izvajanju mirovnega sporazuma ter ji zagotavljali pomoč in podporo pri obnovi po končanju spopadov.

Vse od začetka ruske agresije na Ukrajino leta 2014 Slovenija zagotavlja podporo pri psihosocialni rehabilitaciji otrok, ki živijo na območjih spopadov v vzhodni Ukrajini. Leta 2022 in 2023 je financirala projekt za krepitev psihosocialne dobrobiti otrok v Ukrajini. Potem ko je Rusija februarja 2024 izvedla obsežne vojaške operacije proti Ukrajini, je Slovenija povečala humanitarno pomoč tej državi. Leta 2023 je finančno podprla dokončanje obnove doma za rehabilitacijo otrok s posebnimi potrebami in mladih v regiji Žitomir (240.000 EUR) ter vzpostavitev centra za psihosocialno pomoč v Žiharju pri Harkovu (200.000 EUR). Leta 2023 je Slovenija namenila 835.000 EUR za pomoč in rehabilitacijo žrtev min v Ukrajini ter 100.000 EUR za pomoč na področju duševnega zdravja in psihosocialno pomoč ukrajinskim otrokom. Za psihosocialno pomoč ukrajinskim otrokom beguncem v Moldaviji je zagotovila 100.000 EUR.

Leta 2022 in 2023 je financirala tudi projekt za psihosocialno rehabilitacijo otrok – žrtev oboroženih spopadov v Gorskem Karabahu (40.000 EUR).

Slovenija še vedno zagotavlja pomoč Bosni in Hercegovini s svojim protiminskim delovanjem, osredotočenim na prebivalstvo, ki živi na območjih, onesnaženih z minami (206.000 EUR v obdobju 2021–2023), s spodbujanjem čebelarjenja med invalidnimi osebami pa žrtvam min zagotavlja možnosti zaposlitve (93.000 EUR v obdobju 2021–2023). V letu 2024 financira projekt za opolnomočenje žensk, žrtev min (17.000 EUR).

Slovenija financira tudi več projektov v Podsaharski Afriki, med drugim projekt *Krepitev odpornosti na krize in opolnomočenje žensk v Južnem Sudanu* (410.000 EUR v obdobju 2023–2025) ter odpravljanje nasilja na podlagi spola na območjih humanitarnih kriz, prehranske

nepreskrbljenosti in revščine v Ugandi (145.000 EUR v obdobju 2021–2022). V obdobju 2023–2025 zagotavlja podporo projektu *Voda, hrana in zaščita pred nasiljem za sožitje in dostojanstvo darfurskih skupnosti v Sudanu* (410.000 EUR).

Slovenska vlada je 11. junija 2024 sprejela sklep o dodelitvi 2,5 milijona EUR za ublažitev posledic spopada med Izraelom in Hamasom in zaščito Palestincev. Slovenija v letu 2024 namenja dodatnih 5 milijonov EUR za humanitarno pomoč in obnovo v Ukrajini ter za ublažitev posledic vojne v tej državi na prehransko varnost v svetu.

Eno od prednostnih vsebinskih področij razvojnega sodelovanja in humanitarne pomoči, kot je zapisano v [Resoluciji o mednarodnem razvojnem sodelovanju in humanitarni pomoči Republike Slovenije](#) (Uradni list RS, št. 54/17) je spodbujanje miroljubnih in vključujočih družb, s poudarkom na dobrem upravljanju, enakih možnostih, vključno z enakostjo spolov, ter kakovostnem izobraževanju. Enakost spolov je ena od dveh presečnih tem razvojnega sodelovanja in humanitarne pomoči Slovenije. Slovenija je leta 2023 sprejela Smernice za vključevanje enakosti spolov v mednarodno razvojno sodelovanje in humanitarno pomoč, ki Ministrstvo za zunanje in evropske zadeve Republike Slovenije (v nadaljevanju: MZEZ) zavezujejo, da bo v skladu z metodologijo OECD DAC do leta 2030 vsaj 85 % dvostranskih razvojnih projektov in programov kot glavni ali pomemben cilj vključevalo aktivnosti za enakost spolov in opolnomočenje žensk.

Slovenija si prizadeva za zaščito žensk in deklet tudi s podpiranjem partnerjev, kot so mednarodne organizacije in skladi. Zaradi omejenega obsega sredstev ter naraščajočih humanitarnih potreb in vse številčnejših kriz odločitev, katere krize podpreti z razvojno in humanitarno pomočjo, ni lahka. Za zagotovitev učinkovitejšega in hitrejšega humanitarnega odziva je Slovenija leta 2023 z MORK sklenila memorandum o soglasju, ki predvideva letne prispevke Slovenije v obdobju 2023–2025 za podporo programov in dejavnosti humanitarne pomoči MORK po svetu. Slovenija je kot podpornica pobude Poziv k ukrepanju za zaščito pred nasiljem na podlagi spola v izrednih razmerah MORK namenila prispevek v višini 120.000 EUR v letih 2022 in 2023 za pomoč pri odpravi nasilja na podlagi spola v Nigeriji.

V obdobju 2023–2025 je namenila 50.000 EUR Skrbniškemu skladu ZN za odpravo nasilja nad ženskami in 50.000 EUR za dejavnosti na področju miru in varnosti. Leta 2023 je prvič namenila prispevek v Mirovni in humanitarni sklad za ženske (WPHF) s 125.000 EUR (100.000 EUR za Sirijo, 15.000 EUR za hitro odzivanje in sodelovanje žensk v mirovnih procesih in 10.000 EUR za zagovornice človekovih pravic v državah, ki se soočajo s humanitarnimi, mirovnimi in varnostnimi izzivi).

V letu 2023 je Slovenija za programe, usmerjene v boj proti nasilju na podlagi spola ter doseganje enakosti spolov in opolnomočenje žensk, namenila skupno 465.000 EUR, in sicer prek MORK (podpora preventivnemu delovanju v Nigeriji in posebnemu pozivu v zvezi s spolnim nasiljem), Agencije ZN za ženske (podpora dejavnosti na področju miru in varnosti), Skrbniškega sklada ZN za odpravo nasilja nad ženskami ter Mirovnega in humanitarnega sklada za ženske. Leta 2024 je Slovenija namenila 200.000 EUR za posebni poziv MORK 2024 o obravnavanju spolnega nasilja.

1.3.2. Sodelovanje v političnem dialogu

Slovenija je s svojim delovanjem v ZN v obdobju 2022–2024 redno prispevala k razpravam Varnostnega sveta ZN o otrocih in oboroženih spopadih, spolnem nasilju v spopadih, ženskah, miru in varnosti ter zaščiti civilistov. Kot nestalna članica Varnostnega sveta v obdobju 2024–2025 je v razpravah še dejavnejša. Agenda za ženske, mir in varnost je eno od štirih prednostnih področij Slovenije v času njenega mandata v Varnostnem svetu ZN.

Od 1. januarja 2021 do 22. aprila 2024 je sodelovala v desetih odprtih razpravah Varnostnega sveta ZN in dveh zasedanjih arria formule o ženskah, miru in varnosti ter spolnem nasilju v spopadih. Slovenija je poudarila pomen močne politične podpore in partnerstva z vsemi deležniki za izvajanje Agende za ženske, mir in varnost, vključujočih prizadevanj za mir in stabilnost, žensk na vodilnih položajih v politiki, ekonomskega opolnomočenja žensk za izgradnjo varnih in stabilnih družb, vključevanja preživelih žensk in žrtev ter njihovih interesov v tranzicijske procese, vse večjih razlik med spoloma na področju prehranske varnosti in degradacije okolja kot enega ključnih dejavnikov, ki

povečujejo ranljivost žensk. Odločno je obsodila tudi povračilne ukrepe proti zagovornicam človekovih pravic in drugim aktivistkam zaradi njihovega sodelovanja z ZN ter pozvala k preučitvi in krepitvi sinergij med Agendo za ženske, mir in varnost ter Konvencijo o odpravi vseh oblik diskriminacije žensk. Slovenija se je jasno opredelila tudi proti uporabi spolnega nasilja kot vojne taktike in/ali orodja za represijo in ustrahovanje, podprla vključitev spolnega nasilja kot merila za določitev ciljno usmerjenih sankcij ter pozvala k preprečevanju takšnega nasilja in odgovornosti zanj. Poudarila je, da je treba učinkovito odpraviti ovire pri prijavljanju, preiskovanju in pregonu spolnega nasilja v spopadih, da mora biti pristop osredotočen na preživele, da morajo biti ženske polno, enakopravno in učinkovito vključene v humanitarne, politične, mirovne, varnostne in razvojne procese in obnovo, ter pozvala, da je treba žrtvam in preživelim zagotoviti dostop do storitev spolnega in reproduktivnega zdravja ter psihosocialne in ekonomske podpore.

V okviru letnih razprav o otrocih in oboroženih spopadih ter brifingov Varnostnega sveta ZN o otrocih, ki nosijo posledice oboroženih spopadov, je Slovenija pozvala k univerzalni ratifikaciji MIPKOPO ter k spoštovanju Pariških načel in zavez, Deklaracije o varnih šolah in Vancouvrskih načel. Slovenija je zaskrbljena zaradi razsežnosti in obsega vseh hudih kršitev nad otroki v oboroženih spopadih, kar je izrazila v poročilih o rekrutiranju in uporabi otrok, napadih na šole in bolnišnice ter uporabi eksplozivnih naprav in njihovih ostankov, ki pogosto ubijejo ali poškodujejo otroke. Boj proti nekaznovanosti in zagotavljanje odgovornosti za kršitve človekovih pravic otrok v oboroženih spopadih ostaja prednostna naloga. Slovenija je dejavna članica ženevske, newyorške, bruseljske in kijevske skupine prijateljev otrok v oboroženih spopadih ter močna podpornica mandata posebnega predstavnika generalnega sekretarja ZN za otroke v oboroženih spopadih (SRSG-CAAC) ter neodvisnega, nepristranskega in verodostojnega mehanizma za spremljanje in poročanje (MRM). Od januarja 2024 se udeležuje zasedanj Delovne skupine Varnostnega sveta ZN za otroke v oboroženih spopadih.

Redno sodeluje tudi pri interaktivnih dialogih s SRSG-CAAC na zasedanjih Sveta ZN za človekove pravice in Tretjega odbora Generalne skupščine ZN, kjer podaja izjave o poročilih SRSG-CAAC ter izraža podporo delovanju urada in mandatu posebnega predstavnika.

Redno poziva k spoštovanju MHP in prava človekovih pravic v teh in drugih okvirih. Prav tako poziva h kazenski odgovornosti za kršitve in zlorabe človekovih pravic.

Slovenija se je 5. in 6. junija 2023 v Oslu udeležila konference za zaščito otrok v oboroženih spopadih, na kateri je sprejela svoje zaveze.

Kot je bilo že omenjeno, posveča pozornost tudi humanitarnim vidikom problematike otrok v oboroženih spopadih v posameznih državah. Slovenija že dolgo podpira programe, projekte in dejavnosti za zaščito otrok v oboroženih spopadih ter psihosocialno in fizično rehabilitacijo otrok, ki nosijo posledice oboroženih spopadov.

Na mednarodni ministrski konferenci o preprečevanju spolnega nasilja v spopadih, ki je potekala novembra 2022 v Londonu, je Slovenija podpisala politično deklaracijo o spolnem nasilju v spopadih ter sprejela nacionalne zaveze za ukrepanje in podprla prizadevanja na tem področju. Nacionalne zaveze vključujejo prizadevanja za okrepitev globalnega odziva na spolno nasilje v spopadih, njegovo preprečevanje, izboljšanje dostopa do pravnega varstva za žrtve in preživele ter podporo preživelim in otrokom, ki so se rodili kot posledica takšnega nasilja. Slovenija je v skladu s svojimi zavezami prevedla Muradov kodeks v slovenščino in z ustreznimi informacijami iz kodeksa seznanila vse ustrezne nacionalne institucije.

Marca 2023 je skupaj z Norveško organizirala regionalno konferenco o ženskah, miru in varnosti, na kateri so se zbrali predstavniki vlad, neodvisnih agencij, civilne družbe in akademske sfere, strokovnjaki iz Slovenije, Norveške, jugovzhodne Evrope in Ukrajine ter predstavniki mednarodnih in regionalnih organizacij, da bi nadaljevali izmenjavo mnenj in izkušenj o izvajanju Agende o ženskah, miru in varnosti.

2. Zaščita znaka Rdečega križa, drugih razpoznavnih oznak ali znamenj

2.1. Pravni okvir MHP

Ženevske konvencije in njihovi dopolnilni protokoli ter običajno MHP navajajo, da so osebe ali objekti, ki nosijo ali imajo naštete razpoznavne znake ali oznake, posebej zaščiteni po MHP in v nobenem primeru ne smejo biti legitimen cilj napada ali nasilnega dejanja.¹⁰ Za te razpoznavne znake velja poseben status zaščite po MHP. Ta presega splošno zaščito po MHP, ki prepoveduje neposredne napade na civiliste, ne predvideva pa posebnega razpoznavnega znaka ali oznake za civiliste, zgradbe ali material.

Da bi zaščitili razpoznavni znak pred zlorabo, Ženevske konvencije, njihovi dopolnilni protokoli in običajno MHP urejajo splošno uporabo vseh razpoznavnih ali zaščitnih znakov in znamenj, ki jih priznavajo in varujejo Ženevske konvencije in njihovi dopolnilni protokoli,¹¹ še posebej pa jasno določajo, kdaj je njihova uporaba prepovedana.¹²

2.2. Izvajanje MHP na nacionalni ravni

SV upošteva določbe IV. poglavja (21.–25. člen) [Zakona o Rdečem križu Slovenije](#) (Uradni list RS, št. 7/93 in 79/10; v nadaljevanju: ZRKS), ki urejajo uporabo in varstvo razpoznavnega znaka Rdečega križa. Osebnе izkaznice zdravstvenega osebja v SV (status zaščitene osebe je opredeljen v 8.b členu) ureja že [Pravilnik o službenih izkaznicah na obrambnem področju](#) (Uradni list RS, št. 26/00, 93/04, 20/11, 23/13 in 32/24). Poleg tega [Pravilnik o registraciji in označevanju vozil, zrakoplovov in vodnih plovil Ministrstva za obrambo](#)

10 ŽK1: členi 24, 33, 35, 38–44, in Priloga I; ŽK2: členi 41–45; ŽK4: členi 18–22; DP1: členi 18, 37–39, 85, in Priloga I; 30. pravilo študije MORK o običajnem MHP.

11 Glej na primer ŽK1, VII. poglavje, in ŽK2, VI. poglavje.

12 DP1, 37.–39. člen, in študija MORK o običajnem MHP, 58.–63. pravilo.

(Uradni list RS, št. 116/07, 21/09, 111/09, 106/10 – ZMV, 42/16, 58/19 in 67/23) opredeljuje označevanje transportnih sredstev SV (toda samo za reševalna vozila). Ne glede na navedeno se v skladu s 37. členom ZRKS do začetka veljavnosti novih izvedbenih določb uporabljata pravilnik o načinu uporabe znamenja rdečega križa (Uradni list SFRJ, št. 59/83) ter pravilnik o uporabi znamenja rdečega križa in posebni osebni izkaznici sanitetnega osebja v oboroženih silah SFRJ (Uradni list SFRJ, št. 30/84; v nadaljevanju: Pravilnik SFRJ).

Po pregledu vsebine prvih dveh pravilnikov in primerjavi z vsebino Pravilnika SFRJ je MO ugotovilo, da slovenska pravilnika vsebine ne zajemata v celoti, kot to predpisuje Pravilnik SFRJ (ali ZRKS), in da ju bo treba dopolniti oziroma razmisliti o tem, da bi omenjeno vsebino združili v enem pravnem aktu. MO bo nadaljeval dejavnosti za spremembo oziroma pripravo osnutka uredbe, ki so bile prekinjene konec leta 2018.

V skladu s 36. členom ZRKS so MO, Ministrstvo za zdravje in Rdeči križ Slovenije začeli pripravljati tudi nov pravilnik, ki bi celovito urejal uporabo znaka Rdečega križa v SV, vključno z zaščito sanitetnega in verskega osebja. Priprava Pravilnika o uporabi znaka Rdečega križa v SV, ki bo nadomestil zdaj veljavni zastareli Pravilnik SFRJ, je v zaključni fazi.

2.3. Dobre prakse

Posvet o pravnem okviru za izvajanje MHP med slovensko Stalno koordinacijsko skupino za mednarodno humanitarno pravo (v nadaljevanju: SKS za MHP)¹³ in nemškim odborom za MHP, ki je potekal 21. in 22. novembra 2018 in na katerem je bil navzoč pravni svetovalec MORK, je dober primer regionalnega in mednarodnega sodelovanja za izmenjavo informacij in dobrih praks.

¹³ Sestavljajo jo predstavniki Ministrstva za zunanje in evropske zadeve, Ministrstva za obrambo, Ministrstva za zdravje, Ministrstva za notranje zadeve, Ministrstva za kulturo, Ministrstva za javno upravo, Ministrstva za izobraževanje, Rdečega križa Slovenije in Pravne fakultete Univerze v Ljubljani.

Ena od obravnavanih tem¹⁴ je bila nacionalna zakonodaja in dobre prakse v zvezi z zaščito razpoznavnih znakov v nacionalni zakonodaji Slovenije in Nemčije ter s tem povezane dobre prakse (npr. sistem kaznovanja zlorabe razpoznavnih znakov, organizacija letnih seminarjev, ozaveščanje o tej temi na lokalni ravni).

3. Zaščita vojaškega zdravstvenega osebja, vojaških zdravstvenih enot, ustanov, prevoznih sredstev in verskega osebja

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3.1. Pravni okvir MHP

Ustrezne konvencije in protokoli MHP, ki se nanašajo na zaščito vojaškega zdravstvenega osebja, vojaških zdravstvenih enot, ustanov, prevoznih sredstev in verskega osebja, vključujejo:

- ŽK1, ki od III. poglavja do vključno IX. poglavja opredeljuje zaščito vojaških zdravstvenih enot in ustanov, osebja, zgradb in materiala, zdravstvenega prevoza, uporabo in zaščito prepoznavnih znakov, izvajanje konvencije ter kaznovanje zlorab in kršitev;
- ŽK2, ki v 22. členu opredeljuje bolnišnične ladje in njihovo zaščito, v 23. členu pa opredeljuje zaščito vseh ustanov in sredstev iz prve Ženevske konvencije pred napadi in bombardiranjem z morja. V 36. členu je opredeljena zaščita bolnišničnih ladij in njihovih posadk, v 38. členu so opredeljeni zdravstveni prevozi, v 39. členu zdravstveni zrakoplovi izključno za evakuacijo ranjenih, bolnikov in brodolomcev ter za prevoz medicinskega osebja in opreme, v

14 Teme posveta: 1) zaščita razpoznavnih znakov, 2) zdravstveno varstvo v oboroženih spopadih, 3) kazenske sankcije za kršitve MHP, 4) varstvo kulturnih dobrin v primeru oboroženih spopadov, 5) mednarodne pogodbe o orožju, 6) kibernetiski napadi, 7) delovanje SKS za MHP in nemškega nacionalnega odbora za MHP, 8) zaščita otrok v oboroženih spopadih, 9) zaščita novinarjev v oboroženih spopadih in 10) zaščita vojnih ujetnikov.

41. členu uporaba razpoznavnega znaka, 43. člen pa zahteva vidne oznake bolnišničnih in drugih plovil;
- ŽK3 v 33. členu opredeljuje pravice in dolžnosti vojaškega zdravstvenega in verskega osebja, zadržanega v sovražnostih, da pomaga vojnim ujetnikom, v 34. in 35. členu pa ureja status in pravice verskega osebja;
 - DP1, katerega 8. člen (Opredelitev izrazov) opredeljuje pojme »ranjenci«, »bolniki« in »brodolomci«, »zdravstveno osebje«, »versko osebje«, »zdravstvene enote«, »zdravstveni prevoz«, »razpoznavni znak« itn. in tako zagotavlja njihovo splošno zaščito, ki se nanaša tako na vojaške kot civilne osebe. V 38. členu je opredeljena prepo-ved zlorabe priznanih znakov;
 - DP2, ki temelji na skupnem 3. členu Ženevskih konvencij iz leta 1949 in ga dopolnjuje ter se uporablja za vse oborožene spopade, razen za tiste, ki so zajeti v 1. členu DP1. V 9. členu je opredeljena zaščita zdravstvenega in verskega osebja, v 10. členu splošna zaščita oseb, ki opravljajo zdravstvene dejavnosti, v 11. členu zaščita zdravstvenih enot in prevozov, v 12. členu uporaba razpoznavnega znaka tudi v nemednarodnih oboroženih spopadih;
 - DP3, s katerim so visoke pogodbenice želele dopolniti obstoječe določbe Ženevskih konvencij iz leta 1949 (zlasti 26., 38., 42. in 44. člen ŽK1) in dopolnilnih protokolov z dne 8. junija 1977 (zlasti 18. in 38. člen DP1 ter 12. člen DP2) o uporabi razpoznavnih znakov, da se poveča njihova zaščitna vrednost.

3.2. Izvajanje MHP na nacionalni ravni

V tem razdelku so navedeni samo pravni akti, ki se nanašajo na zaščito vojaškega zdravstvenega osebja, vojaških zdravstvenih enot, ustanov, prevoznih sredstev in verskega osebja v primeru oboroženega spopada:

- V 4. členu ZObr je določeno, da vse oblike vojaške in civilne obrambe temeljijo na načelih mednarodnega vojnega prava oziroma sprejetih mednarodnih obveznostih in se izvajajo v skladu z njimi.
- V osmem odstavku 43. člena ZObr je nadalje določeno, da nihče ne sme izdati, niti ni dolžan in ne sme izvršiti povelja, če je očitno, da bi s tem storil kaznivo dejanje ali kršil določbe mednarodnega vojnega prava.

- V 25. členu ZSSloV je določeno, da SV opravlja vojaško službo v tujini v skladu z ZObr in na njegovi podlagi izdanimi predpisi, mednarodnimi pogodbami, načeli mednarodnega vojnega in humanitarnega prava ter v skladu s pravili, ki veljajo znotraj zavezništva, in pravili, ki veljajo v drugih mednarodnih organizacijah, v okviru katerih se naloge izvajajo.

V zvezi z dolžnostjo spoštovanja mednarodnih pogodb ter določb vojnega in humanitarnega prava je treba opozoriti, da so pomembne tudi določbe 319. in 320. točke Pravil službe v SV. S 321. točko Pravil službe v SV je določeno spoštovanje verskih in drugih objektov, varovanih po mednarodnem pravu, spoštovanje zaščitene osebe, vključno s sanitetnim, verskim in drugim osebjem, varovanim z vojnim in humanitarnim pravom, ter spoštovanje nedotakljivosti objektov, ki so označeni z razpoznavnimi znaki, določenimi po mednarodnem pravu, in prepoved napada na te objekte. V 322. točki Pravil službe v SV je nadalje opredeljena prepoved nepravilne ali lažne uporabe znakov, ki so po mednarodnem pravu določeni za zaščitene objekte in osebe; pretvarjanja posameznika, da je zaščiteno osebe; napada na označena zaščitena območja ali objekte, kot so bolnišnice, demilitarizirana ali varna območja, nebranjeni kraji ter kulturni, zgodovinski in naravni spomeniki ter verski in drugi objekti, zaščiteni po mednarodnem pravu; in izrabe navzočnosti civilnih ali drugih zaščiteneh oseb za odvrnitev vojaškega napada.

3.3. Dobre prakse

Zakonodajne določbe se v prakso uvajajo z usposabljanji. Osnove in načela mednarodnega vojnega in humanitarnega prava – in v tem okviru poznavanje pristojnosti MOR, nacionalnih društev Rdečega križa, možne zlorabe znaka (rdeči križ, rdeči polmesec, rdeči kristal, rdeči lev) ali zastave (zaščitene statusa vojaškega zdravstvenega osebja, vozil, prostorov, posledic zlorabe itn.) – so vsebina programov usposabljanja in izobraževanja, ki jih odobri minister za obrambo za vse ravni, od osnovnega usposabljanja za vojake do usposabljanja za generalštab (čin polkovnika in višji). Dodatno usposabljanje je zagotovljeno tudi pred napotitvijo na mirovne operacije in misije ter za delo v tujini. Ta pravila in načela se vsako leto uporabljajo tudi v scenarijih

različnih nacionalnih in mednarodnih vojaških vaj. Usposabljanje se izvaja ob upoštevanju mednarodnih konvencij in strokovne literature ter tudi na podlagi slovenskega vojaškega standarda STANAG 2449(1) in študije MORK o običajnem pravu.

Slovenska vojska in Ministrstvo za obrambo sodelujeta s svojimi predstavniki tudi v SKS za MHP, ki ji predseduje MZEZ in razpravlja o novostih in pomembnih vprašanjih na področju MHP.

Maja 2021 je SKS za MHP izvedel drugi krog posvetovanj z nemškim odborom za MHP, na katerem so obravnavali tudi temo z naslovom Napadi na zdravstveno in humanitarno osebje ter njihove ustanove. Namen izbrane teme je bilo ozaveščanje o pomenu spoštovanja pravil MHP o zaščiti zdravstvenega in humanitarnega osebja v oboroženih spopadih tudi na podlagi izkušenj Zdravnikov brez meja.

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4. Zaščita vodne infrastrukture

4.1. Pravni okvir MHP

MHP zagotavlja zaščito vodne infrastrukture med oboroženimi spopadi, saj priznava bistveno vlogo vode za preživetje civilnega prebivalstva. V 54. členu DP1 in 14. členu DP2 je opredeljena prepoved uničenja ali prekinitve delovanja vodovodov, zalog pitne vode ter namakalnih naprav, s posebnim namenom, da se odvzamejo civilnemu prebivalstvu zaradi vrednosti, ki jo imajo za preživetje, saj te dobrine veljajo za civilne dobrine, ki so nujne za preživetje civilnega prebivalstva. S 56. členom DP1 in 15. členom DP2 so izrecno zaščitene napeljave za pitno vodo in namakalne naprave pred napadi, sabotazo ali vojaškimi operacijami, ki bi lahko ogrozili njihovo delovanje. Poleg tega 52. člen (Splošna zaščita civilnih objektov) in 57. člen DP1 (Previdnostni ukrepi pri napadu) ter običajno MHP¹⁵ zahtevajo, da vse strani v spopadu

15 Študija MORK o običajnem MHP, 7.–10. in 15.–24. pravilo.

sprejmejo potrebne previdnostne ukrepe, da se izognejo škodi na taki infrastrukturi in je civilistom še naprej zagotovljena varna voda.

4.2. Mehka zakonodaja

Leta 2022 je 83 držav, med njimi Slovenija, sprejelo Politično deklaracijo o krepitevi zaščite civilistov pred humanitarnimi posledicami, ki izhajajo iz uporabe eksplozivnih sredstev v naseljenih območjih.

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4.3. Izvajanje MHP na nacionalni ravni

V 70.a členu ustave, ki je bil dodan leta 2016, je opredeljeno, da je pravica do pitne vode temeljna človekova pravica in da je voda zaščitena kot naravni vir. S tem, ko je Slovenija svoji ustavi dodala 70a. člen, je zavzela odločno stališče do zaščite in pravične porazdelitve vodnih virov ter priznala vodo kot temeljno pravico in javno dobro, kar bi veljalo tudi v primeru oboroženega spopada.

Slovenija pripravlja prevod [Ženevskega seznama načel za varstvo vodne infrastrukture](#) v slovenščino zaradi njegove morebitne vključitve v vojaško politiko in usposabljanje.

4.4. Dobre prakse

Slovenija si v partnerstvu z organizacijo Geneva Water Hub (v nadaljevanju: GWH) prizadeva za oblikovanje [globalnega zavezništva za varnost vode v oboroženih spopadih](#). Njen cilj je zmanjšati škodo na vodnih virih, zaradi katere je prizadeto civilno prebivalstvo. S svojo zavezanostjo in strokovnim znanjem članic za uresničitev skupno opredeljenih ciljev se bo zavezništvo zavzemalo za spoštovanje mednarodnega prava, ki ščiti pitno vodo in vodne objekte, ter izpopolnjevalo znanje in politike, ki so podlaga za to pravo. Za opredelitev mandata in področja delovanja zavezništva sta Slovenija in GWH v Ženevi organizirala strokovno delavnico (november 2023).

Zaščita vode v oboroženih spopadih je eno od področij slovenske vodne diplomacije v okviru prednostne naloge Voda, mir in varnost. Za večji vpliv in prepoznavnost slovenske vodne diplomacije je ministrica za zunanje in evropske zadeve septembra 2022 imenovala posebno odposlanko za vodno diplomacijo.

5. Varstvo okolja

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5.1. Pravni okvir MHP

Leta 1976 je bila sprejeta Konvencija o prepovedi vojaškega ali vsakega drugega sovražnega delovanja, ki povzroča spremembe okolja (v nadaljevanju: MKPSO). V 1. členu MKPSO so se države pogodbenice te konvencije zavezale, da vojaško ali kakor koli drugače ne bodo sovražno delovale tako, da bi z uničevanjem, povzročanjem škode ali poškodb drugim državam pogodbenicam povzročile spremembe okolja z dolgotrajnimi in hudimi učinki na širšem območju. Vsaka država pogodbenica se zavezuje, da nobeni drugi državi, skupini držav ali mednarodni organizaciji ne bo pomagala pri dejavnostih, ki so v nasprotju s prvim odstavkom 1. člena, je k temu spodbujala ali napeljevala. Slovenija je pogodbenica [Konvencije o prepovedi vojaškega ali vsakega drugega sovražnega delovanja, ki povzroča spremembe okolja](#) (Uradni list RS – Mednarodne pogodbe, št. 17/04)

Med temeljnimi pravili o sredstvih in načinih vojskovanja sta tretji odstavek 35. člena in 55. člen DP1 za strani v oboroženem spopadu uvedla prepoved sredstev ali načinov vojskovanja, ki bi povzročila obsežno, dolgoročno in veliko škodo naravnemu okolju ali za katere se lahko pričakuje, da bodo povzročila tako škodo (kemična, bakteriološka, jedrska itn.). Prepovedani so tudi povračilni napadi na okolje. Pri preučevanju, razvoju, pridobivanju ali sprejemanju novih vrst orožja je treba upoštevati vse omejitve glede uporabe dovoljenih vrst orožja.

Določbe DP1 in MKPSO, ki so posebej omenjene zgoraj, zagotavljajo posebno zaščito naravnega okolja v oboroženih spopadih. Vzporedno s temi pravili je naravno okolje zaščiteno tudi z drugimi splošnimi pravili

MHP (pravila o sorazmernosti, razlikovanju in obvezni uporabi prevladnostnih ukrepov) ter pravili, katerih namen je preprečiti ali omejiti škodo naravnemu okolju. Med njimi so pravila o posebej zaščitenih gradnjah ali objektih, v katerih so nevarne sile (jezovi, nasipi, jedrske elektrarne itn.), o dobrinah, ki so nujne za preživetje civilnega prebivalstva, pravila o prepovedi uporabe nekaterih vrst orožja (strupi in strupeno vojno orožje, biološko, kemično, bakteriološko orožje, protipehotne mine, kasetne bombe in strelivo itn.).

Poleg tega Seznam običajnih pravil MHP, ki je bil objavljen v Mednarodni reviji MORK, letnik 87, številka 857, marec 2005 (avtor: Jean-Marie Henckaerts, prevod v slovenščino Vasilka Sancin), vsebuje ugotovitve pravnih strokovnjakov, ki so preučevali običajno MHP v mednarodnih in nemednarodnih oboroženih spopadih. Za zaščito naravnega okolja veljajo naslednja običajna pravila MHP (43., 44., 45., 74., 75. in 76. pravilo).

5.2. Mehka zakonodaja

Leta 2020 je MORK posodobil Smernice o zaščiti naravnega okolja v oboroženih spopadih. Dve leti pozneje sta Komisija za mednarodno pravo in posledično Generalna skupščina ZN sprejeli 27 pravnih načel o zaščiti okolja v oboroženih spopadih.

Leta 2021 sta bila oba dokumenta predmet obravnave na regionalnih posvetovanjih o aktualnih vprašanjih MHP, ki so jih organizirali slovenska SKS za MHP, avstrijski, francoski in nemški nacionalni odbori za MHP ter portugalsko zunanje ministrstvo. Na posvetovanjih so poudarili tudi pomen izvajanja obeh dokumentov na nacionalni ravni.

5.3. Izvajanje MHP na nacionalni ravni

V tem razdelku so navedeni le pravni akti, ki so pomembni za vojaški vidik zaščite okolja in obrambe v primeru oboroženega spopada:

V 5. členu ZObr je varstvo pred naravnimi in drugimi nesrečami opredeljeno kot sistem, ki obsega varstvo ljudi, živali, premoženja, kulturne

dediščine ter okolja pred naravnimi in drugimi nesrečami. Naravne nesreče so tiste, ki jih povzročijo naravne sile, druge nesreče pa so tiste, ki jih povzroči človek s svojo dejavnostjo in ravnanjem, pa tudi vojna, izredno stanje in druge oblike množičnega nasilja.

S 17. členom ZSSloV je uvedeno splošno načelo ekološke ozaveščenosti pripadnikov SV, ki določa, da morajo ravnati ekološko ozaveščeno in tako vplivati tudi na sodelavce.

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To se ponovi v 207. točki Pravil službe v SV, v kateri je opredeljena dolžnost rednega vzdrževanja vojaških nepremičnin, kar vključuje tudi požarno varstvo in varstvo okolja, za kar skrbijo uprave vojašnic in vsi uporabniki vojaških nepremičnin. V 210. točki je neposredno urejeno varstvo okolja; v SV je to urejeno s predpisi in akti poveljevanja, ki določajo organiziranost, pristojnost, odgovornost in naloge poveljstev, enot in zavodov na vseh ravneh poveljevanja, dejavnosti, postopke in ukrepe za varovanje okolja pri uporabi vojaških nepremičnin, okoljsko usposabljanje pripadnikov SV ter sodelovanje pri izvajanju ukrepov varstva okolja v mednarodnih operacijah in misijah. V zvezi z delovanjem SV 320. točka določa, da SV in njeni pripadniki v drugi državi ne smejo izvrševati ukazov in odločitev, če bi s tem storili kaznivo dejanje po predpisih Republike Slovenije oziroma če so v nasprotju z mednarodnim vojnim in humanitarnim pravom (kar vključuje tudi varstvo okolja). V 322. točki je nadalje izrecno prepovedano uporabiti načine vojskovanja, katerih izrecni namen ali verjetna posledica je obsežna, dolgotrajna in velika škoda v naravnem okolju.

Pravila prava oboroženih spopadov se v SV izvajajo tudi na podlagi drugih dokumentov, kot so notranji akti, priročniki za usposabljanje in dokumenti zveze Nato. Skupna Natova doktrina o varstvu okolja med Natovimi operacijami in vajami (JMS STANAG 7141) (7) (MO, št. 860-424/2011-15 z dne 9. avgusta 2018) določa, da sile Nata pri izvajanju vojaških vaj v največji možni meri varujejo okolje z načrtovanjem varovanja okolja med vojaškim usposabljanjem in urjenjem, ugotavljanjem vplivov na okolje, ki je namenjeno usposabljanju, ter poudarkom na okoljskem usposabljanju. Za trajnostno rabo vojaških vadišč je pomemben tudi slovenski vojaški standard STANAG 2594 (1) / AJEPP-7 Najboljše okoljske prakse za trajnostno rabo vojaških vadišč (GŠSV, št. 860-10/2015-15 z dne 17. junija 2020). Standard je zasnovan kot

priročnik o najboljših okoljskih praksah, povezanih s trajnostno rabo vojaških vadišč. Namenjen je poveljnikom enot in upravljavcem vojaških poligonov.

Vsebina standardov je zajeta tudi v Aktu o poveljevanju in kontroli – Direktiva o varstvu okolja v Slovenski vojski (GŠSV, št. 804-90/2017-1 z dne 12. maja 2017; v nadaljevanju: direktiva). Direktiva opredeljuje dejavnosti SV na tem področju v miru ter dejavnosti, postopke in ukrepe za varstvo okolja pri uporabi vojaške infrastrukture, zagotovitev okoljskega usposabljanja vseh zaposlenih v SV, sodelovanje pri izvajanju ukrepov varstva okolja pri delovanju SV v tujini ter sodelovanje v okviru načrtovanih ukrepov SV ob nesrečah in naravnih katastrofah.

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Januarja 2024 je MO sprejel [Dolgoročne usmeritve za povečanje odpornosti proti podnebnim spremembam do leta 2050](#) (v nadaljevanju: usmeritve), v katerih so določeni cilji in ukrepi za prilagajanje na podnebne spremembe in blaženje njihovih posledic. Usmeritve se nanašajo na dejavnosti za povečanje energetske učinkovitosti, zmanjšanje ogljičnega odtisa in drugih škodljivih posledic ter druge ukrepe varstva okolja in ukrepe za vzpostavitev sistema za predvidevanje, preprečevanje in obvladovanje tveganj v spremenjenih podnebnih razmerah. Obravnavajo tudi prispevek MO k mednarodni varnosti z delovanjem na kriznih območjih (npr. tudi z okoljskimi svetovalci, ki jih bo mogoče napotiti v mednarodne operacije in misije) ter krepitvijo vojaške podpore sistemu varstva pred naravnimi in drugimi nesrečami ter civilnim oblastem pri odpravljanju posledic.

SV izvaja spremljanje okoljskih vplivov vojaških dejavnosti na okolje, ki vključuje tudi ukrepe za zaščito okolja pred takšnimi dejavnostmi. Spremljanje okolja je pomembno, saj se na podlagi tega lahko izločijo drugi vplivi na okolje, ki bi jih sicer lahko pripisali SV, vendar jih povzročajo drugi deležniki na tem območju.

V postopku usklajevanja se vsi dogovori za izvedbo vojaških vaj in usposabljanj, načrtovanih v letnih načrtih vaj v obrambnem sistemu in sistemu varstva pred naravnimi in drugimi nesrečami, s katerimi je seznanjena tudi Vlada Republike Slovenije, posredujejo v mnenje in pregled pristojnim ministrstvom v medresorsko usklajevanje, vključno z ministrstvom, ki je pristojno za okolje in prostor.

Priloga o varstvu okolja je vključena tudi v povelje za izvedbo operacije za mednarodne operacije in misije.

5.4. Dobre prakse

Slovenska vojska ni vključena v oborožene spopade, zato se Ženevske konvencije in dopolnilni protokoli ne izvajajo neposredno v operativnem kontekstu. Skladnost z mednarodnimi obveznostmi in nacionalno zakonodajo je razvidna iz postopkov nabave in nakupa novega orožja in opreme ter stalnega zagotavljanja usposabljanja in izobraževanja tudi na tem področju na vseh ravneh delovanja SV. Osnovno zavedanje o varstvu okolja v primeru oboroženega spopada pridobijo kandidati za SV že med usposabljanjem, vključeno pa je tudi v izobraževanje v šoli za podčastnike in šoli za častnike ter v nadaljnje tečaje (s poudarkom na prepovedi uporabe nekaterih vrst orožja in načinov vojskovanja).

Usposabljanje o varstvu okolja je tudi sestavni del usposabljanja o pravu oboroženih spopadov v mednarodnih operacijah in misijah (v nadaljevanju: MOM) pred napotitvijo. V sklopu posameznih MOM se usposabljanje izvaja tudi za področje operacij, vsebine s področja varstva okolja pa so vanj vključene glede na naloge MOM.

MO se zaveda novih dejstev, izzivov in tveganj zaradi posledic podnebnih sprememb, zato si prizadeva za doseganje nacionalnih podnebnih ciljev v skladu z zavezami EU in Nata ter aktivno pristopa k izvajanju ukrepov za prilagajanje podnebnim spremembam in blaženje njihovih posledic. Ti bodo v okviru MO prispevali k zmanjšanju škodljivih posledic, zagotovili boljšo organiziranost pri odzivanju, izboljšali energetske učinkovitosti ter vzpostavili sistem obvladovanja tveganj v spremenjenih podnebnih razmerah.

Kot je bilo že omenjeno, je MO sprejel dolgoročne usmeritve za povečanje odpornosti proti podnebnim spremembam na področju obrambe do leta 2050, katerih namen je prispevati k doseganju podnebne nevtralnosti in izboljšanju energetske učinkovitosti MO in SV z oblikovanjem koherentnega niza podnebnih ukrepov, ki bodo skladni z zavezami in cilji EU in Nata. Za doseg ciljev učinkovitega boja proti

podnebnim spremembam so nujne prilagoditve SV ter organizacijskih enot in organov v sestavi MO energetske učinkovitosti delovanja, zniževanju izpustov toplogrednih plinov, krepitvi energetske odpornosti ter ohranjanju biotske raznovrstnosti. Cilj je zmanjšati izpuste toplogrednih plinov do leta 2030, upoštevajoč različne rodove SV. Hkrati si bo MO prizadeval za več ozaveščenosti in strokovnega znanja o podnebnih spremembah v obrambnem resorju ter sodelovanje in povezovanje z drugimi državami članicami EU in zaveznicami Nata, tudi z izmenjavo dobrih praks in pridobljenih izkušenj.

Glede na vse pogostejše pojave naravnih in drugih nesreč v Sloveniji se bo morala SV prilagoditi in pripraviti tudi na pogostejše potrebe po vojaški pomoči sistemu varstva pred naravnimi in drugimi nesrečami za podporo civilnim oblastem ob naravnih in drugih nesrečah. MO si prizadeva doseči podnebne cilje EU glede vključevanja vidika podnebnih sprememb v razvoj vojaških zmogljivosti ter izvaja dejavnosti in uvaja rešitve na področjih podnebnih sprememb in ohranjanja biotske raznovrstnosti. Dejavnosti MO vključujejo tudi področja energetske učinkovitosti, energetske sanacije infrastrukturnih zmogljivosti, zmanjševanja odvisnosti od zunanjih virov energije, zmanjšanja ogljičnega odtisa, vključevanja trajnostne mobilnosti in digitalizacije, vključevanja vsebin o podnebnih spremembah v načrtovanje in izobraževalne programe, vključevanje v projekte krožnega gospodarstva ter vlaganje v raziskovalno-razvojne in inovacijske projekte s področja energetske učinkovitosti in varstva okolja. MO tesno sodeluje z raziskovalnimi in gospodarskimi organizacijami za strateški in celovit pristop k okoljskim in energetskim izzivom. V letu 2020 sklenjeno [Slovensko partnerstvo za energijo in okolje na obrambnem področju](#) (SiEnE) predstavlja strateški in celovit pristop k zelenemu prehodu ter energetskim in okoljskim izzivom na obrambnem področju. Na tem področju MO sodeluje tudi v številnih mednarodnih pobudah in povezavah.

Leta 2022 je POTC pripravil usposabljanje o povezavi med podnebnimi spremembami in globalno varnostjo, ki je bilo prilagojeno za osebe, napotene v mirovne misije in operacije. Usposabljanje poteka dvakrat letno in se ga lahko brezplačno udeležijo tudi napotene osebe iz drugih držav.

6. Varstvo kulturnih dobrin

6.1. Pravni okvir MHP

60 Temeljno delo mednarodnega pravnega okvira za varstvo kulturnih dobrin v oboroženih spopadih je Konvencija o varstvu kulturnih dobrin v primeru oboroženega spopada iz leta 1954 (v nadaljevanju: Haaška konvencija iz leta 1954) s protokoloma, ki velja za prvi mednarodni instrument, namenjen temu, da izključno in celovito ureja varstvo kulturnih dobrin v oboroženih spopadih. Haaška konvencija iz leta 1954 določa, da varstvo kulturnih dobrin obsega njihovo zavarovanje in varstvo, pri čemer zavarovanje zavezuje države pogodbenice, da že v miru poskrbijo za zavarovanje kulturnih dobrin pred možnimi posledicami oboroženega spopada na njihovem ozemlju in sprejmejo potrebne pripravljalne ukrepe za varstvo kulturnih dobrin.

Slovenija je z notifikacijo nasledstva postala pogodbenica Haaške konvencije iz leta 1954 s pravilnikom o njenem izvajanju in protokolum (Uradni list RS - Mednarodne pogodbe, št. [15/92](#)). Slovenija je tudi pogodbenica [Drugega protokola k Haaški konvenciji iz leta 1954 o varstvu kulturnih dobrin v primeru oboroženega spopada](#) (Uradni list RS – Mednarodne pogodbe, št. 22/03; v nadaljevanju: Drugi protokol).

Na področju boja proti nedovoljeni trgovini s kulturnimi dobrinami je Slovenija pogodbenica Unescove Konvencije o ukrepih za prepoved in preprečevanje nedovoljenega uvoza in izvoza kulturnih dobrin ter prenosu lastninske pravice na njih iz leta 1970 (v nadaljevanju: Unescova Konvencija iz leta 1970) ter Konvencije UNIDROIT-a o ukradenih ali nezakonito izvoženih predmetih kulturne dediščine iz leta 1995¹⁶ (v nadaljevanju: Konvencija UNIDROIT-a iz leta 1995). Konvencijo Sveta Evrope o kaznivih dejanjih v zvezi s kulturnimi dobrinami iz leta 2017 je Slovenija podpisala 4. 7. 2017, vendar je še ni ratificirala.

16 [Konvencija UNIDROIT-a o ukradenih ali nezakonito izvoženih predmetih kulturne dediščine](#) (Uradni list RS – Mednarodne pogodbe, št. 6/04).

6.2. Izvajanje MHP na nacionalni ravni

V okviru slovenske nacionalne zakonodaje predstavlja [Zakon o varstvu kulturne dediščine](#) (Uradni list RS, št. 16/08, 123/08, 8/11 – ORZVKD39, 90/12, 111/13, 32/16, 21/18 – ZNOrg in 78/23 – ZUNPEOVE; v nadaljevanju: ZVKD-1) temeljni predpis, ki določa postopke in mehanizme za varstvo kulturne dediščine, vključno z varstvom v primeru oboroženega spopada.

ZVKD-1 na več ravneh upošteva določbe Haaške konvencije iz leta 1954, ki se nanašajo na pripravljalne ukrepe za varstvo kulturnih dobrin v primeru oboroženega spopada:

- predvideva vzpostavitev registra kulturnih dobrin kot osrednje zbirke podatkov o dediščini, ki jo vodi Ministrstvo za kulturo (65. do 72. člen ZVKD-1);
- pri pripravi akta o razglasitvi kulturnega spomenika predvideva obveznost določitve ukrepov za varstvo posameznega kulturnega spomenika pred naravnimi in drugimi nesrečami in za primer oboroženega spopada (24. člen ZVKD-1);
- predvideva ustanovitev [Javnega zavoda za varstvo kulturne dediščine Republike Slovenije](#) (v nadaljevanju: ZVKDS), ki opravlja javno službo varstva nepremične dediščine in ima med drugim nalogo sodelovati pri varstvu dediščine v primeru oboroženega spopada in pri varstvu pred naravnimi in drugimi nesrečami. ZVKDS sodeluje tudi pri označevanju kulturnih spomenikov z označevalnimi tablami, v vojnem času pa bi sodeloval pri označevanju spomenikov s transparenti na njihovih strehah in izpostavljenih pročeljih ter pri ocenjevanju škode, ki bi na spomenikih nastala zaradi oboroženih spopadov itd. (83. in 84. člen ZVKD-1). Tudi ob izbruhu bojov med jugoslovansko vojsko in slovenskimi osamosvojitelji so na takratnem ZVKDS izdelali večje transparente iz tkanine z dobro vidnim belim in modrim ščitom. Ob pomoči lastnikov spomenikov so te oznake namestili na izpostavljene kulturne spomenike v Ljubljani (cerkve, muzeji, galerije) in drugod. Podoben način označevanja so pozneje uporabili za zaščito kulturnih spomenikov na Hrvaškem in v Bosni, vendar so si napadalci iz različnih vojaških formacij za cilj pogosto namerno izbrali prav označene objekte (npr. Dubrovnik, Mostar);

- določa obveznost označevanja kulturnih spomenikov z označevalnimi tablami, katerih sestavni del je razpoznavni znak Haaške konvencije iz leta 1954 (58. člen ZVKD-1).

Za lažje izvajanje določbe ZVKD-1 o označevanju kulturnih spomenikov je bil leta 2021 sprejet [Pravilnik o označevanju kulturnih spomenikov](#) (Uradni list RS, št. 94/21; v nadaljevanju: pravilnik), ki je nadomestil [Pravilnik o označevanju nepremičnih kulturnih spomenikov](#) (Uradni list RS, št. 57/11 in 94/21). Bistvena novost novega pravilnika je, da omogoča označevanje objektov, v katerih so shranjeni premični kulturni spomeniki (zbirke knjižničnega, muzejskega in arhivskega gradiva) in ne zgolj nepremičnih kulturnih spomenikov (1. člen pravilnika). Spomenike se označi z označevalno tablo, katere obvezni del je razpoznavni znak Haaške konvencije iz leta 1954. Pravilnik predvideva tudi, da se ob nevarnosti oboroženega spopada kulturni spomeniki in objekti označijo z razpoznavnim znakom v obliki večjih tabel ali transparentov na tkanini ali plastični foliji, na katere je natisnjen ali narisana razpoznavni znak v velikosti najmanj 100 × 70 cm (8. člen pravilnika). Sestavni del pravilnika je priročnik za označevanje nepremičnih kulturnih spomenikov, ki natančno določa obliko, velikost, materiale in vsebino oznake (6. člen pravilnika).

Slovenija je z določbami ZVKD-1 začela v celoti izvajati tudi Unescovo Konvencijo o ukrepih za prepoved in preprečevanje nedovoljenega uvoza in izvoza kulturnih dobrin ter prenosa lastninske pravice na njih iz leta 1970 (5. do 13. člen konvencije):

- za pripravo ustreznih predpisov, izdajo izvoznih dovoljenj in usklajevanje vračanja protipravno odstranjenih predmetov kulturne dediščine je v Sloveniji pristojno Ministrstvo za kulturo, Direktorat za kulturno dediščino, ki pri tem sodeluje z muzejskimi organizacijami in drugimi deležniki;
- področje nedovoljenega trgovanja in vračanja je v skladu z Unescovo konvencijo iz leta 1970 urejeno v 45. do 51. členu ZVKD-1, status predmetov kulturne dediščine (nacionalno bogastvo, kulturni spomenik, neodkrite arheološke najdbe) pa je urejen v 6., 10., 17. in 18. členu ZVKD-1;
- v skladu z določbami ZVKD-1 morajo muzeji skrbno preverjati izvor premične dediščine (89. člen ZVKD-1), kar velja tudi za trgovce, ki trgujejo s premično dediščino (45. člen ZVKD-1). Kdor z dolžno

skrbnostjo ne preveri izvora predmetov, stori prekršek, ki se kaznuje z globo;

- trgovci, ki trgujejo s kulturno dediščino, morajo v skladu z ZVKD-1 in podzakonskim predpisom obvezno voditi evidenco vseh poslov s kulturno dediščino (45. člen ZVKD-1);
- izvoz in uvoz kulturne dediščine sta urejena v 56. in 47. členu ZVKD-1, z vstopom Slovenije v EU pa je v veljavi tudi [Uredba Sveta \(ES\) št. 116/2009 z dne 18. decembra 2008 o izvozu predmetov kulturne dediščine](#), ki velja neposredno.

Določbe Konvencije UNIDROIT-a iz leta 1995 se v slovenskem pravnem redu izvajajo s členi od 48. do 51. ZVKD-1 ter z [Zakonom o vračanju protipravno odstranjenih predmetov kulturne dediščine](#) (Uradni list RS, št. 126/03 in 8/16); sicer pa v Sloveniji še ni bila zabeležena praksa vračanja po tej konvenciji.

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Z vojaškega vidika je za varstvo kulturnih dobrin v primeru oboroženih spopadov pomembna naslednja zakonodaja:

- v 4. členu ZObr je določeno, da vse oblike vojaške in civilne obrambe temeljijo na načelih mednarodnega vojnega prava in sprejetih mednarodnih obveznostih in se izvajajo v skladu z njimi;
- ta vsebina se ponovi v 319. točki Pravil službe v SV, ki določa, da pripadniki SV med delovanjem spoštujejo ZObr in ZSSloV, ta pravila službe, sprejete mednarodne pogodbe ter mednarodno vojno in humanitarno pravo, ne glede na to, kako je v skladu z mednarodnim pravom opredeljen konflikt ali operacija, v kateri so udeleženi, in ne glede na to, ali določila mednarodnega vojnega in humanitarnega prava spoštuje tudi sovražna stran. V zvezi z varstvom kulturnih dobrin je bistvena 9. alineja 321. točke, ki določa, da pripadniki in enote SV spoštujejo kulturne, zgodovinske in naravne spomenike ter verske in druge objekte, varovane po mednarodnem pravu. Poleg tega 6. alineja 322. točke Pravil službe v SV določa, da je prepovedano napadati označena zaščitena območja ali objekte, kot so bolnišnice, demilitarizirana ali varna območja, nebranjeni kraji ter kulturni, zgodovinski in naravni spomeniki ter verski in drugi objekti, zaščiteni po mednarodnem pravu;
- pravila prava oboroženih spopadov se v SV izvajajo tudi na podlagi drugih dokumentov, kot so notranji akti, priročniki za usposabljanje in dokumenti zveze NATO, kot je STANAG 2449.

6.3. Dobre prakse

Slovenija tudi v praksi izvaja ukrepe za varstvo kulturnih dobrin tako v miru kot tudi v primeru oboroženih spopadov.

Vzpostavila je [register kulturne dediščine](#), ki ga vodi predvsem zaradi informacijske podpore izvajanju varstva dediščine. V register je vpisanih več kot 30.000 enot nepremične kulturne dediščine, med katerimi je 8230 enot razglašenih za spomenike lokalnega pomena in 343 enot za spomenike državnega pomena ter 124 enot in 375 nosilcev nesnovne kulturne dediščine. Register temelji na zasnovi [geografskega informacijskega sistema \(GIS\)](#) in poleg glavnih opisnih podatkov o posamezni enoti vsebuje tudi geolokacijske podatke (koordinate in območje enote), kar uporabnikom omogoča, da lažje najdejo lokacijo kulturne dobrine na ozemlju Slovenije, predvidijo morebitne nevarnosti ter ukrepajo in zaščitijo kulturno dediščino v primeru naravnih nesreč in oboroženih spopadov. Kar zadeva premično kulturno dediščino, muzeji, arhivi in knjižnice v okviru državne javne službe izvajajo inventarizacijo gradiva v skladu s strokovnimi standardi.

Tudi na področju označevanja kulturnih spomenikov je Slovenija v praksi dosegla pomemben napredek. V letu 2011 je začela poenoteno označevati kulturne spomenike državnega in tudi lokalnega pomena. Po dogovorih z zainteresiranimi občinami in posameznimi potencialnimi izdelovalci oznak je Ministrstvo za kulturo naročilo več kot 320 enotno oblikovanih označevalnih tabel. Pooblaščen izvajalci ZVKDS v soglasju z lastniki te table nameščajo na spomenike državnega pomena. Zgledu države sledijo občine, ki same naročajo enako zasnovane označevalne table. Pri tem velja omeniti, da je na označevalnih tablah tudi QR koda z interaktivno povezavo na Register kulturne dediščine. Kode omogočajo dodajanje podatkov za obiskovalce, zato da samih spomenikov ne preobremenjujemo z drugimi informacijskimi oznakami, panoji ali reklamnimi sporočili.

Po znanih podatkih druge države EU še niso razvile podobnega enotnega in večplastnega sistema označevanja kulturnih spomenikov, pri katerem bi bile upoštewane zahteve Haaške konvencije iz leta 1954 in njenih protokolov (razpoznavni znak Haaške konvencije) in varovanja dediščine (neagresivna oznaka za pročelja) ter možnost odčitavanja

QR kod za gibalno ovirane osebe in več drugih elementov, vključno z večjezičnimi napisi za območja, kjer živita narodni skupnosti, in možnostmi za dodatne turistične informacije.

V Sloveniji je bila leta 2015 ustanovljena Podskupina za obravnavo vprašanj, povezanih z uresničevanjem Haaške konvencije o varstvu kulturnih dobrin v primeru oboroženega spopada in njenih protokolov, ki deluje v okviru SKS za MHP. Sestavljajo jo predstavniki Ministrstva za kulturo, MO, Generalštaba SV, MZEZ, Uprave RS za zaščito in reševanje ter predstavniki muzejev, Pravne fakultete Univerze v Ljubljani in Slovenske nacionalne komisije za Unesco. Naloge podskupine so spremljati in spodbujati aktivnosti v Sloveniji, povezane z izpolnjevanjem in spoštovanjem njenih obveznosti na področju varstva kulturnih dobrin v primeru oboroženega spopada, ter povečevati ozaveščenost in razumevanje o MHP na nacionalni ravni za področje varstva kulturnih dobrin. Med njenimi nalogami sta tudi pregled in podaja mnenj o osnutku poročila o implementaciji Haaške konvencije iz leta 1954 za Unesco.

Slovenija je začela širiti poznavanje in znanje o MHP tudi z izvajanjem dvostranskih posvetovanj z drugimi nacionalnimi odbori za MHP. Prvi krog posvetovanj med slovensko SKS za MHP in nemškim odborom za MHP je potekal leta 2018 v Ljubljani. Namen dogodka je bila primerjava slovenske in nemške zakonodaje za izvajanje MHP. Posvetovanj so se udeležili člani slovenskega in nemškega odbora ter zunanji strokovnjaki. Slovenski in nemški predstavniki so razpravljali o različnih temah, med drugim tudi o varstvu kulturnih dobrin v času miru in v primeru oboroženega spopada.

Kot primer dobre prakse v zvezi z izvajanjem Unescove Konvencije iz leta 1970 lahko posebej omenimo primer vračanja enega najdragocenejših primerkov bronastodobnega orožja – bronastega bodala z lga, ukradenega iz Narodnega muzeja Slovenije leta 1985. Slovensko policijo je o prodaji bodala na dražbi v Londonu obvestil Interpol Manchester, ki je v sodelovanju z zasebnim londonskim podjetjem Register ukradenih umetnin (Art Loss Register) prepoznal bodalo kot ukradeno, saj je bilo še vedno objavljeno v Interpolovi bazi ukradenih umetnin. Čeprav je zastaralni rok za pregon kaznivega dejanja že potekel, je bilo bodalo lahko vseeno vrnjeno v Slovenijo, ker je bil

predmet še vedno zabeležen v Interpolovi bazi ukradenih predmetov in prepoznan na podlagi identifikacijske dokumentacije, ki jo je posredoval Narodni muzej Slovenije. To je lep primer pozitivne in povezovalne moči skupne kulturne dediščine ter prizadevanj mednarodne skupnosti in posameznih držav za njeno zaščito.

Kar zadeva vojsko, se Ženevske konvencije in dopolnilni protokoli v SV ne izvajajo neposredno, saj SV ni vključena v oborožene spopade; toda izobraževanje in usposabljanje, tudi na tem področju, je stalno zagotovljeno na vseh ravneh delovanja SV. Osnovno usposabljanje o varstvu kulturnih dobrin v primeru oboroženega spopada je že sestavni del usposabljanja kandidatov za SV, vključeno pa je tudi v izobraževanje v šoli za podčastnike in šoli za častnike ter v nadaljnje tečaje. Vsi pripadniki SV so tako seznanjeni z razpoznavnim znakom, kot je opredeljen v 16. členu Haške konvencije iz leta 1954.

Izobraževanje o varstvu kulturne dediščine je tudi sestavni del usposabljanja pred napotitvijo za MOM v okviru usposabljanja o pravu oboroženih spopadov. V sklopu posameznih MOM se usposabljanje izvaja tudi za področje operacij, vsebine s področja varstva kulturne dediščine pa so vanj vključene glede na naloge na območju MOM. Ena od nalog pripadnikov SV v okviru delovanja Kforja je bilo tudi varstvo kulturne dediščine s posebnim statusom. POTC približno enkrat letno organizira usposabljanje o varstvu kulturne dediščine in tako je leta 2024 organiziral usposabljanje za člane civilnih misij EU v Gruziji in Armeniji.

Leta 2023 je bilo v sodelovanju s POTC izvedeno usposabljanje o MHP za strateško, operativno in taktično raven SV ter upravni del MO, pri katerem so prvič uporabili digitalno simulacijo na podlagi študij primerov aktualnih oboroženih spopadov. Sestavni del tega usposabljanja je bilo tudi predavanje o pravnem varstvu kulturnih dobrin v oboroženih spopadih. Teoretični del usposabljanja, skupaj s pregledom in odzivom na odgovore, podane v praktičnih primerih, so izvedli strokovnjaki s Katedre za mednarodno pravo Pravne fakultete Univerze v Ljubljani. Udeleženci so izjemno pozitivno sprejeli to kombinacijo teorije in praktične izkušnje na podlagi simulacij.

SANKCIONIRANJE KRŠITEV MHP

1. Sankcioniranje kršitev MHP na nacionalni ravni

1.1. Zaščita civilnega prebivalstva, zlasti otrok in žensk

Na podlagi veljavne pravne ureditve se s tem na institucionalni ravni preprečujejo kršitve določb MIPKOPO v zvezi z rekrutiranjem otrok ali njihovo udeležbo v oboroženih spopadih. Kot že omenjeno, po slovenski zakonodaji v nobenem primeru ni dovoljeno rekrutiranje kandidatov, mlajših od 18 let, v SV. V skladu s KZ-1 je novačenje otrok inkriminirano v okviru kaznivih dejanj iz 102. člena (Vojna hudodelstva) in 106. člena (Novačenje vojaških najemnikov in oseb, mlajših od osemnajst let). V skladu z drugim odstavkom 102. člena (Vojna hudodelstva) med hude kršitve zakonov in običajev, ki se uporabljajo v mednarodnih oboroženih spopadih po veljavnem mednarodnem pravu, sodita nabor ali vključevanje otrok, mlajših od 15 let, v državne oborožene sile ali njihovo izrabljanje za dejavno sodelovanje pri sovražnostih. V skladu s četrtim odstavkom 102. člena hude kršitve zakonov in običajev, ki se po veljavnem mednarodnem pravu uporabljajo v oboroženih spopadih, ki niso mednarodni, vključujejo nabor ali vključevanje otrok, mlajših od 15 let, v oborožene sile ali skupine ali njihovo izrabljanje za dejavno sodelovanje pri sovražnostih. V skladu s 106. členom KZ-1 je novačenje vojaških najemnikov ali oseb, mlajših od 18 let, celo močno inkriminirano. V skladu s prvim odstavkom 106. člena se z zaporom od desetih do petnajstih let kaznuje, kdor med vojno, oboroženim spopadom ali zasedbo ali kdor pri izvajanju ali v podporo politiki kakšne države ali organizacije kot del velikega sistematičnega napada ukaže novačenje ali novači osebe, mlajše od 18 let, v državne ali druge oborožene sile in jih izrablja za dejavno sodelovanje pri sovražnostih.

Poleg kazenske odgovornosti so vojaške osebe tudi disciplinsko odgovorne za kršitve MHP (57. člen ZObr).

V skladu s 63. členom ZObr se lahko vojaški osebi čin odvzame, če je obsojena zaradi kaznivega dejanja zoper vojaške dolžnosti, varnost Republike Slovenije in njeno ustavno ureditev, obrambno moč države ali zoper človečnost in mednarodno pravo.

V 69. členu ZSSloV je opredeljeno, da se vojaška oseba, ki je pravno-močno obsojena za kaznivo dejanje zoper človečnost in mednarodno pravo, zoper obrambno moč države, zoper varnost Republike Slovenije in njeno ustavno ureditev, zoper vojaško dolžnost, zoper spolno nedotakljivost, za kaznivo dejanje zbujanja sovraštva, razdora ali nestrpnosti, ki temelji na kršitvi načela enakosti, ali za kaznivo dejanje umora, nečastno odpusti iz Slovenske vojske.

Poleg tega je disciplinska odgovornost za vse kršitve vojaške discipline opredeljena v 57.–59. členu ZObr in v 14. členu III. poglavja Pravil službe v SV. Kršitev MHP je tudi kršitev vojaške discipline (57. člen ZObr). Disciplinski in varnostni ukrepi so podrobneje opredeljeni v 58. in 59. členu ZObr. Disciplinski postopek je podrobneje opredeljen v 14. členu III. poglavja Pravil o službi v SV.

1.2. Zaščita znaka Rdečega križa

Zloraba razpoznavnih znakov rdečega križa, rdečega polmeseca, rdečega kristala ter rdečega leva in sonca ali drugih zaščitnih znakov, ki so priznani po Ženevskih konvencijah in njihovih dopolnilnih protokolih, pomeni hudo kršitev vojnega prava v skladu s točko (d) prvega odstavka 37. člena in točko (f) tretjega odstavka 85. člena DP1 ter točko (vii) pododstavka (b) drugega odstavka 8. člena Rimskega statuta (Vojna hudodelstva).

Države pogodbenice Ženevskih konvencij in dopolnilnih protokolov so dolžne sprejeti zakone in sankcije, ki zlorabo teh znakov preprečujejo in kaznujejo na nacionalnih sodiščih.¹⁷ Slovenija je zato inkriminirala zlorabo znamenja ali zastave Rdečega križa ali znamenj, ki tem

17 54. člen ŽK1 in 45. člen ŽK2.

ustrezajo, kar predstavlja kaznivo dejanje v skladu s 7. alinejo drugega odstavka 102. člena KZ-1.

1.3. Zaščita vojaškega zdravstvenega osebja, vojaških zdravstvenih enot, ustanov, prevoznih sredstev in verskega osebja

V skladu z določbo petega odstavka 63. člena ZObr se vojaški osebi lahko odvzame čin, če je obsojena za kaznivo dejanje zoper vojaške dolžnosti, varnost Republike Slovenije in njeno ustavno ureditev, obrambno moč države ali zoper človečnost in mednarodno pravo.

ZSSloV v 69. členu določa, da se vojaška oseba, ki je bila obsojena zaradi kaznivega dejanja zoper človečnost in mednarodno pravo, nečastno odpusti iz SV.

Kršitev mednarodnega prava pomeni tudi kršitev vojaške discipline (57. člen ZObr).

Prav tako lahko zloraba znamenja ali zastave rdečega križa ali pripadajočih znakov; namerni napadi na bolnišnice in kraje, kjer se zbira jo bolniki in ranjenci, če ti objekti niso vojaški cilji; naklepni napadi na zgradbe, material, sanitetne enote in prevoze ter osebje, ki uporablja razpoznavne znake po Ženevskih konvencijah in dopolnilnih protokolih, predstavljajo kaznivo dejanje po 102. členu KZ-1. Vojaški poveljnik je lahko kaznovan tudi po 104. členu KZ-1, ker ni pravilno opravljal nadzora nad posameznikom ali enoto in ni izvedel vseh primernih in potrebnih ukrepov za preprečitev kaznivih dejanj (odgovornost poveljstva).

1.4. Varstvo okolja

Disciplinska odgovornost za kršitev aktov poveljevanja je opredeljena v 57., 58. in 59. členu ZObr ter v 14. členu III. poglavja Pravil službe v SV.

KZ-1 opredeljuje naslednja kazniva dejanja, povezana s kršitvijo določb mednarodne in nacionalne okoljske zakonodaje:

- v 102. členu je določeno, da se kaznuje, kdor ukaže ali stori vojna hudodelstva, zlasti če so storjena kot sestavni del načrta ali politike ali kot del obsežnega izvrševanja takih hudodelstev, ki so kršitve zakonov in običajev, ki se uporabljajo v mednarodnih oboroženih spopadih po veljavnem mednarodnem pravu, in sicer se naklepna sprožitev napada z vednostjo, da bo tak napad povzročil tudi smrt in telesne poškodbe civilnih oseb ali civilnih objektov ali obsežno, dolgoročno in hudo škodo za naravno okolje, ki bi bila čezmerna v primerjavi s skupnimi pričakovanimi, konkretnimi in neposrednimi vojaškimi prednostmi, kaznuje z zapornom najmanj petnajstih let;
- v 104. členu je opredeljena odgovornost vojaških poveljnikov in drugih nadrejenih za kazniva dejanja, povezana s kršitvijo določb mednarodnega prava (vključno s kršitvami iz 102. člena): Vojaški poveljnik ali oseba, ki dejansko nastopa kot vojaški poveljnik, ali oseba, ki v civilni organizaciji ali podjetju dejansko izvaja vodstveno oblast in nadzorstvo, je odgovorna za kazniva dejanja, ki so jih storile enote pod njegovim dejanskim poveljstvom in nadzorom, ker ni pravilno opravljal nadzora nad temi enotami in ni izvedel vseh primernih in potrebnih ukrepov v okviru svojih pooblastil za preprečitev ali ustavitve teh kaznivih dejanj ali za predložitev zadeve pristojnim organom v preiskavo in pregon, čeprav je vedel, da so njegove enote storile ali bi v danih okoliščinah lahko storile taka kazniva dejanja, se kaznuje z zapornom od enega do osmih let. Za takšna dejanja se vojaški poveljnik ali oseba, ki dejansko nastopa kot vojaški poveljnik, ali oseba, ki v civilni organizaciji ali podjetju dejansko izvaja vodstveno oblast in nadzorstvo, ki bi moral ali mogel vedeti, da so njegove enote storile ali bi v danih okoliščinah lahko storile taka kazniva dejanja, kaznuje z zapornom od šestih mesecev do petih let.

Vsakdo je lahko odgovoren za kazniva dejanja, povezana s kršitvijo določb mednarodnega prava (vključno s kaznivimi dejanji iz 102. člena KZ-1). V 105. členu KZ-1 je jasno določeno, da kdor ustanovi hudodelsko združbo za izvrševanje kaznivih dejanj iz 102. člena zakonika, odgovarja za kaznivo dejanje iz 102. člena KZ-1 in se kaznuje z zapornom od enega do desetih let. Kdor poziva ali ščuva k neposredni storitvi kaznivih dejanj iz 102. člena KZ-1, se kaznuje z zapornom od šestih mesecev do petih let.

Po razpoložljivih podatkih takih kršitev doslej ni bilo.

1.5. Varstvo kulturnih dobrin

V skladu z 28. členom Haaške konvencije iz leta 1954 in 15. členom Drugega protokola so s slovenskim KZ-1 posebej inkriminirana kazniva dejanja, ki so v nasprotju z obveznostmi Slovenije iz Haaške konvencije iz leta 1954 in Drugega protokola. Jurisdikcija KZ-1 je določena tudi v skladu s 16. členom Drugega protokola.

Kazniva dejanja, povezana s kršitvijo določb mednarodnega in nacionalnega prava o varstvu kulturnih dobrin, so inkriminirana v 218. in 219. členu KZ-1.

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V skladu s 102. členom KZ-1 se kot vojno hudodelstvo štejejo naslednja dejanja:

- zloraba zaznamovanj kulturnih dobrin po Haaški konvenciji iz leta 1954 in Drugem protokolu, katere posledica je smrt ali huda poškodba osebe;
- naklepni napad na zgradbe, namenjene veri, izobraževanju, umetnosti, znanosti ali dobrodelni dejavnosti, kulturne ali zgodovinske spomenike, kulturne dobrine s posebnim spoznavnim znamenjem, naravne znamenitosti, bolnišnice in kraje, kjer se zbirajo bolniki in ranjenci, če ti objekti niso vojaški cilji;
- uporaba kulturnih dobrin pod razširjenim varstvom ali njihovo neposredno okolico v podporo vojaškemu delovanju.

Kot v prejšnjem podpoglavju 104. člen KZ-1 opredeljuje odgovornost vojaškega poveljnika za kazniva dejanja, ki so jih storile enote pod njegovim dejanskim poveljstvom in nadzorom. V 105. členu KZ-1 je opredeljena odgovornost članov in vodij hudodelske združbe. Po razpoložljivih podatkih takih kršitev doslej ni bilo.

V skladu z določbami Unescove Konvencije iz leta 1970 je v KZ-1 inkriminirano nedovoljeno posedovanje stvari, ki so posebnega kulturnega pomena, ali naravne vrednote, in trgovanje z njimi (218. člen KZ-1) ter poškodovanje, odstranitev ali uničenje stvari, ki so posebnega kulturnega pomena ali naravne vrednote (219. člen KZ-1). Po KZ-1 je na primer za izvoz dobrin posebnega kulturnega pomena predvidena zaporna kazen do treh let. Kazniva dejanja izvoza brez dovoljenja, uvoza brez dovoljenja in nepreverjanja izvora so opredeljena kot prekrški

(127. člen ZVKD). Po 124. členu je možen tudi zaseg dokumentacije ali predmetov zaradi zavarovanja dokazov.

Podobno so kazniva dejanja, inkriminirana s Konvencijo Sveta Evrope o kaznivih dejanjih v zvezi s kulturnimi dobrinami, opredeljena v slovenskem KZ-1, npr. tatvina v drugem odstavku 205. člena, zatajitev v četrtem odstavku 208. člena in prikrivanje v tretjem odstavku 217. člena.

2. Mednarodno kazensko pravosodje in sodelovanje

Slovenija podpira delovanje mednarodnega kazenskega pravosodja, medsebojno pravno pomoč in dejavnosti za delovanje pravne države, zagotavljanje odgovornosti ter preprečevanje kršitev pravic in zakonov, s čimer spodbuja spoštovanje človečnosti in človekovih pravic.

Slovenija podpira polno izvajanje Rimskega statuta, njegovo univerzalnost in celovitost. Podpira delo in učinkovito delovanje, neodvisnost in nepristranskost Mednarodnega kazenskega sodišča (v nadaljevanju: MKS).

Pravočasno se odziva na sprejetje sprememb Rimskega statuta. Leta 2022 je ratificirala spremembe Rimskega statuta, ki se nanašajo na uporabo orožja z mikrobnimi ali drugimi biološkimi agensi ali strupi, na uporabo orožja, katerega glavni učinek je poškodovanje z delci, ki jih v človeškem telesu ni mogoče zaznati z rentgenskimi žarki, na uporabo laserskega orožja in na naklepno stradanje civilnih oseb kot način vojskovanja. Te spremembe so v Sloveniji začele veljati 1. decembra 2023.

Sporazum med Republiko Slovenijo in MKS o izvrševanju kazni MKS, sklenjen leta 2019, je začel veljati 1. aprila 2022.

Slovenija redno sodeluje v Skupščini držav pogodbenic Rimskega statuta. Na 22. zasedanju v New Yorku decembra 2023 je bila Slovenija

tretjič izvoljena za članico urada Skupščine držav pogodbenic z mandatom do vključno 25. skupščine leta 2026.

Na tem zasedanju je bila kandidatka iz Slovenije, Beti Hohler, izvoljena za sodnico MKS. Marca 2024 je slovesno zaprisegla kot sodnica MKS.

Glavno vodilo sistema Rimskega statuta je zaščita žrtev. Slovenija je zato leta 2022 in 2023 namenila še dodaten prostovoljni prispevek v skrbniški sklad za žrtve, da bi z odškodninami, ki jih je odredil MKS, in drugimi programi za njihovo podporo, pomagala pri odpravi škode, ki so jo utrpele žrtve grozodejstev.

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Redno izraža podporo MKS in na splošno boju proti nekaznovanosti tako na dvostranskih srečanjih kot v multilateralnih forumih.

Minister, pristojen za zunanje in evropske zadeve, sodeluje na letnih neformalnih srečanjih ministrske mreže v podporo MKS ob robu visokega tedna Generalne skupščine ZN. Slovenski visoki uradniki se redno srečujejo s predstavniki MKS ter tako spodbujajo medsebojno sodelovanje in podporo MKS.

Poleg tega Slovenija ob različnih priložnostih v okviru sistema ZN vedno znova izraža neomajno podporo boju proti nekaznovanosti in MKS, vključno ko podaja svoje izjave, se pridružuje drugim izjavam ali je med njihovimi predlagateljicami ter s podporo resolucij, npr. resolucije po predstavitvi poročila MKS v Generalni skupščini ter zaznamovanju 20. obletnice začetka veljavnosti Rimskega statuta julija 2022 in 25. obletnice sprejetja Rimskega statuta julija 2023.

Januarja 2024 je Slovenija postala nestalna članica Varnostnega sveta ZN. V dvoletnem mandatu posebno pozornost namenja preprečevanju spopadov ter zaščiti civilistov in najbolj ranljivih skupin v oboroženih spopadih. Ob zavezanosti načelom Ustanovne listine ZN, mednarodnega prava in človekovih pravic se zavzema tudi za dialog, mir, varnost in stabilnost.

Slovenija s sodelovanjem v Delovni skupini za mednarodno javno pravo (COJUR-ICC) Sveta EU podpira izvajanje akcijskega načrta EU za spodbujanje splošne podpore Rimskemu statutu.

V okviru dvostranskih forumov z državami, ki niso pogodbenice Rimskega statuta, vedno izraža podporo MKS v zvezi z bojem proti nekaznovanosti, potrebo po splošnem priznanju pomena Rimskega statuta, sodelovanjem s sodiščem ter zaščito njegove celovitosti in neodvisnosti.

Eno ključnih načel Rimskega statuta je komplementarnost. Glede na dejstvo, da so za privedbo storilcev kaznivih dejanj pred sodišče v prvi vrsti odgovorne države, je treba okrepiti boj proti nekaznovanosti ter izboljšati sodelovanje med nacionalnimi sodišči različnih držav.

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Slovenija je v okviru jedrne skupine držav pobude MLA več kot desetletje pomembno prispevala k prizadevanjem za sprejetje novega večstranskega instrumenta na tem področju. V ta namen je od 15. do 26. maja 2023 v Ljubljani gostila diplomatsko konferenco, na kateri je bila 26. maja 2023 sprejeta Konvencija o mednarodnem sodelovanju pri preiskavah in pregonu genocida, hudodelstev zoper človečnost, vojnih hudodelstev in drugih mednarodnih hudodelstev (Ljubljansko-haaška konvencija). Konvencijo je doslej podpisalo 34 držav, med njimi tudi Slovenija.

Ljubljansko-haaška konvencija je prelomna pogodba, ki bo pomagala zagotoviti pravico žrtvam grozodejstev. Je tudi zgodovinska priložnost za okrepitev mednarodnega pravnega sodelovanja. Slovenija dejavno promovira konvencijo kot učinkovito orodje za pospeševanje in podporo mednarodnega pravnega sodelovanja, da bi zagotovili odgovornost storilcev mednarodnih zločinov in pravico za žrtve ter prispevali k preprečevanju grozodejstev.

SEZNANJANJE Z MHP IN USPOSABLJANJE NA TEM PODROČJU

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Seznanjanje z MHP in usposabljanje na tem področju sta ključna in nujna za učinkovito izvajanje MHP, saj spodbujata širše sprejemanje načel MHP kot civilizacijskega in kulturnega dosežka človeštva. Za zagotavljanje spoštovanja MHP je treba z njegovo vsebino seznaniti vse državne in nedržavne deležnike, SV in širšo javnost. Kot država pogodbenica Ženevskih konvencij iz leta 1949 in vseh treh dopolnilnih protokolov ter drugih zadevnih pogodb, povezanih z MHP, je Slovenija dolžna čim bolj širiti poznavanje njihovih določb.¹⁸

1. Stalna koordinacijska skupina za MHP

1.1. Splošne informacije

SKS za MHP je vključena med [119 nacionalnih odborov in drugih nacionalnih organov za MHP](#) v mednarodni skupnosti. Ti nacionalni odbori imajo ključno vlogo pri izvajanju MHP na nacionalni ravni, kar je ključno za izpolnjevanje mednarodne obveznosti držav, da upoštevajo MHP in zagotavljajo njegovo spoštovanje.

Slovenija je bila prva država v srednji in vzhodni Evropi, ki je po padcu Berlinskega zidu leta 1999¹⁹ ustanovila nacionalni odbor za MHP – Medresorsko komisijo za MHP, ki je delovala do leta 2012, ko je

18 Glej na primer: ŽK1, 47. člen; ŽK2, 48. člen; ŽK3, prvi odstavek 127. člena; ŽK4, prvi odstavek 144. člena; DP1, prvi odstavek 83. člena in DP2, 19. člen.

19 Sklep vlade št. 762-01/99-1 z dne 2. aprila 1999.

bila s sklepom vlade ukinjena. Leta 2014 je Medresorsko komisijo za MHP nasledila SKS za MHP, medresorsko delovno telo za MHP, ki ji predseduje MZEZ, sestavljajo pa jo predstavniki številnih ministrstev, Rdečega križa Slovenije, profesorica mednarodnega prava na Pravni fakulteti Univerze v Ljubljani in docent za mednarodno pravo in mednarodne odnose na Fakulteti za družbene vede Univerze v Ljubljani ter predstavniki drugih strokovnih institucij in organizacij. Zaradi uporabe novih tehnologij, njihovih potencialov in pravnih izzivov je SKS za MHP med člane nedavno dodala dva strokovnjaka s področja satelitskih tehnologij oziroma zajema slik in umetne inteligence.

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Leta 2015 je SKS za MHP ustanovila podskupino za obravnavo vprašanj, povezanih z uresničevanjem Haaške konvencije o varstvu kulturnih dobrin v primeru oboroženega spopada in njenih protokolov, ki ji predseduje predstavnik Ministrstva za kulturo.

V praksi se je izkazalo, da je koristno ustanoviti podskupine ali delovne skupine za posamezna področja, saj vključujejo strokovnjake z različnih področij, ki sistematično pripravljajo strokovno gradivo za nacionalne odbore za MHP. Pozitivne učinke takega dela je opaziti tudi v slovenski podskupini, kar dokazujejo številne uspešno izvedene naloge.²⁰

1.2. Pristojnosti in dejavnosti SKS za MHP

1.2.1. Na nacionalni ravni

Pristojnosti in dejavnosti SKS za MHP na nacionalni ravni obsegajo:

- spremljanje, spodbujanje, oblikovanje, usklajevanje in vodenje aktivnosti Slovenije, povezanih z uresničevanjem in spoštovanjem MHP. Poudarek je na izvajanju zavez Slovenije na področju MHP, predvsem Ženevskih konvencij iz leta 1949 in dopolnilnih protokolov;
- spodbujanje ratifikacij mednarodnih pogodb s področja MHP;

20 Glej poglavje III.6. tega poročila: »Varstvo kulturnih dobrin«.

- redakcije slovenskih prevodov mednarodnih pogodb s področja MHP²¹ in mehke zakonodaje;
- seznanjanje o MHP na nacionalni ravni s tematskimi seminarji, simpoziji, mednarodnimi konferencami, posvetovanji itn.

1.2.2. Na mednarodni ravni

SKS za MHP deluje tudi na mednarodni ravni. Njeni člani pogosto sodelujejo v slovenskih delegacijah na dogodkih, kot so:

- univerzalni²² in regionalni²³ sestanki nacionalnih odborov za MHP, ki so odlična priložnost za izmenjavo strokovnih stališč in dobrih praks v zvezi z delovanjem odborov, sodobnimi temami MHP in izvajanjem MHP na nacionalni ravni;
- dvostranska posvetovanja med SKS za MHP in drugimi nacionalnimi odbori, npr. dvostranska posvetovanja z nemškim odborom za MHP v letih 2018 in 2021 o sodobnih temah s področja MHP;
- mednarodne konference Rdečega križa in Rdečega polmeseca ter drugi dogodki na temo MHP.

Med predsedovanjem Svetu EU je Slovenija 16. in 17. novembra 2021 prvič organizirala regionalna posvetovanja v okviru resolucije »MHP pripeljimo domov«. Na teh posvetovanjih so sodelovali slovenski, avstrijski, nizozemski, francoski in nemški odbor za MHP ter portugalsko zunanje ministrstvo. Glavna govorka je bila dr. Helen Durham, direktorica za mednarodno pravo in politiko MORR. Predsedujoči petih nacionalnih odborov za MHP so primerjali pooblastila, naloge, sestavo

21 Člani SKS za MHP so zaradi svojega strokovnega znanja o MHP neprecenljivi za delo redakcijske komisije za MHP. Leta 2015 je ta komisija opravila redakcijo [slovenskega prevoda Haaške konvencije iz leta 1954 in njenega Prvega protokola](#), leta 2019 pa je dokončala redakcijo [slovenskega prevoda Ženevskih konvencij](#) in njihovih [Dopolnilnih protokolov](#). Uradni slovenski prevod teh konvencij in protokolov je bil objavljen ob 70. obletnici sprejetja Ženevskih konvencij v Uradnem listu Republike Slovenije in v knjigi (Zbirka Mednarodno pravo), ki jo je sofinanciral MO.

22 Zadnji univerzalni sestanek je potekal leta 2021.

23 Regionalni sestanek z naslovom *Regional Conference of European NCiHLs* je potekal na Dunaju 13. in 14. marca 2023. Predsedujoča SKS za MHP je uvodoma predstavila delovanje in izzive nacionalnih odborov za MHP.

in izzive svojih odborov. Izmenjali so si tudi dobre prakse, izkušnje in pridobljena spoznanja.

Taka posvetovanja promovirajo in krepijo vlogo in delo nacionalnih odborov ter sodelovanje med njimi, s čimer se izboljšujeta izvajanje in seznanjanje o MHP. Slovenija meni, da so posvetovanja med nacionalnimi odbori za MHP izvrstno orodje za izmenjavo dobrih praks, izkušenj in spoznanj, ter močno spodbuja redna posvetovanja v prihodnje.

1.3. Izzivi na nacionalni ravni

Člani SKS za MHP so pri svojem delu prišli do nekaterih ugotovitev v zvezi z izvajanjem MHP na nacionalni ravni, zlasti:

- smiselno bi bilo oblikovati elektronsko zbirko slovenskih predpisov o izvajanju MHP, ki bi predstavnikom ministrstev služila kot vodilo pri pripravi raznovrstnih poročil o izvajanju MHP in organizaciji mednarodnih konferenc o MHP ter kot orodje za seznanjanje o MHP;
- Slovenija še vedno nima predpisa, ki bi celovito urejal uporabo znaka rdeči križ v SV. Še danes velja zastareli pravilnik SFRJ o načinu uporabe znamenja rdečega križa. V zvezi s tem pa je dosežen napredek. V skladu s 36. členom ZRKS so MO, Ministrstvo za zdravje in Rdeči križ Slovenije začeli pripravljati nov predpis, ki bo celovito uredil uporabo znaka rdeči križ v SV in bo nadomestil zastarele predpise SFRJ. Novi pravilnik je v zaključni fazi.

2. Ozaveščanje o MHP in vloga institucij

2.1. Ministrstvo za zunanje in evropske zadeve

Na virtualnem dogodku, ki sta ga 8. septembra 2021 skupaj pripravili Slovenija in Portugalska kot predsedujoči Svetu EU v letu 2021, je bilo prvič javno predstavljeno Četrto poročilo o smernicah EU glede promocije spodbujanja spoštovanja MHP. Na dogodku, ki je bil namenjen ozaveščanju o dejavnostih EU na področju MHP, je sodelovalo več kot sto udeležencev z vsega sveta. Panelisti, med katerimi so bili tudi posebni

predstavnik EU za človekove pravice ter predstavnika Evropske službe za zunanje delovanje in Evropske komisije, so se strinjali, da lahko le ukrepi, ki so celoviti, usklajeni in se vzajemno dopolnjujejo, prispevajo k učinkovitemu spoštovanju MHP na terenu.

Leta 2021 je MZEZ v sodelovanju s Fakulteto za družbene vede objavil knjigo z naslovom [Mednarodno humanitarno pravo: Zbornik ob 70-letnici sprejema Ženevskih konvencij](#), v katerem so prispevki pravnih in drugih strokovnjakov s področja MHP in je – skupaj s slovenskimi prevodi [Ženevskih konvencij iz leta 1949](#), njihovih [Dopolnilnih protokolov](#) in [Seznama običajnih pravil mednarodnega humanitarnega prava](#) – bistvenega pomena za seznanjanje o MHP v Sloveniji.

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MZEZ je organiziral mednarodni dogodek s področja MHP z naslovom [Pravni izzivi 21. stoletja: humanitarne krize, zaščita kritične infrastrukture in okolja med oboroženimi spopadi in v povezavi z ukrepi za izgradnjo miru](#), ki je v hibridni obliki potekalo 19. januarja 2023 v Ljubljani. Na dogodku, ki je bil namenjen ozaveščanju o sodobnih vprašanih MHP in spodbujanju spoštovanja mednarodnega prava, so sodelovali številni ugledni govorci.

Slovenija je poseben mejnik dosegla leta 2023 z organizacijo prvega slovenskega humanitarnega foruma. Dogodek, ki je potekal 2. oktobra v Ljubljani, je z uvodnim nagovorom odprla predsednica Republike Slovenije Nataša Pirc Musar, na panelu na visoki ravni pa so razpravljali Janez Lenarčič, evropski komisar za krizno upravljanje, Mirjana Špoljarić Egger, predsednica MORK, in Ute Klamert, pomočnica izvršnega direktorja za partnerstva in zagovorništvo Svetovnega programa za hrano (WFP).

MZEZ je v sodelovanju z MO in pod pokroviteljstvom predsednice Republike Slovenije Nataše Pirc Musar organiziral mednarodno konferenco o MHP z naslovom [Krepitev zaščite civilnega prebivalstva: Izzivi sodobnih oboroženih spopadov](#), ki je potekala 11. in 12. junija 2024 na Fakulteti za družbene vede Univerze v Ljubljani. Dogodek je bil namenjen iskanju rešitev za boljšo zaščito civilistov, ki so najštevilčnejše in najbolj tragične žrtve današnjih zapletenih in ponavljajočih se oboroženih spopadov. Na petih panelih so obravnavali aktualna in pereča vprašanja s področja MHP. V ospredju prve panelne razprave na

visoki ravni je bil pomen Ženevskih konvencij v današnjih kompleksnih, ponavljajočih se in urbaniziranih oboroženih spopadih, sledile pa so še štiri panelne razprave na strokovni ravni, in sicer:

- zaščita civilistov in kulturne dediščine v obleganih mestih;
- kibernetški napadi na civilno kritično infrastrukturo;
- zaščita civilistov pred napačnimi informacijami, dezinformacijami in sovražnim govorom med oboroženimi spopadi ter
- zagotavljanje odgovornosti za kršitve MHP.

Na mednarodni konferenci o MHP, na kateri se je zbralo več kot 150 udeležencev, so sodelovali predsednica Republike Slovenije Nataša Pirc Musar, ministrica za zunanje in evropske zadeve Tanja Fajon, minister za obrambo Marjan Šarec, predstavniki mednarodnih organizacij in agencij (npr. UNICEF, UNESCO, UNIDIR, OVSE), MORK, nacionalnih odborov za MHP in zasebnega sektorja (Microsoft), diplomati, pravni svetovalci zunanjih ministrstev držav članic EU in študenti.

Slovenija se tudi kot nestalna članica Varnostnega sveta ZN v mandatu 2024–2025 še naprej zavzema za izvajanje in spoštovanje MHP ter seznanjanje z njim na globalni ravni ter si prizadeva, da bi postal sestavni del vseh dokumentov, razprav in dejavnosti.

Memorandum o sodelovanju, ki ga je leta 2023 podpisala z MORK, vsebuje tudi določbo o podpori, promociji in spoštovanju MHP.

2.2. Ministrstvo za obrambo

Leta 2023 je MO ustanovil delovno skupino za mednarodno pravo oboroženih spopadov, ki usklajuje dejavnosti ministrstva na področju prava oboroženih spopadov in zagotavlja usklajeno sodelovanje predstavnikov MO v SKS za MHP, ki jo je imenovala Vlada Republike Slovenije. Delovna skupina spremlja predvsem razvoj in izvajanje prava oboroženih spopadov, sodeluje pri pripravi rednih in izrednih poročil ter mnenj s področja prava oboroženih spopadov, za katera je pristojen MO, pripravlja predloge in pobude v zvezi z izvajanjem prava oboroženih spopadov ter usklajuje druge dejavnosti na področju prava oboroženih spopadov v okviru MO.

Leta 2023 je MO v sodelovanju s POTC izvedel usposabljanje, na katerem so strateško, operativno in taktično raven SV ter upravni del MO seznanili z MHP. Osnovno usposabljanje se je posvetilo tudi uporabi MHP pri novih sredstvih in načinih vojskovanja. Leta 2023 je SV v usposabljanje prvič uvedla digitalno simulacijo na podlagi študij primerov aktualnih oboroženih spopadov, da so udeleženci pridobili globlji vpogled v svojo vlogo. Teoretični del usposabljanja, skupaj s pregledom in odzivom na odgovore, podane v praktičnih primerih, so izvedli strokovnjaki s Katedre za mednarodno pravo Pravne fakultete Univerze v Ljubljani.

2.3. Center za izobraževanje in usposabljanje za napotitev v mirovne operacije in misije

Leta 2019 so slovensko zunanje, obrambno in notranje ministrstvo ustanovili POTC, ki izvaja certificirano usposabljanje za vojaško, policijsko in civilno osebje pred napotitvijo na mirovne operacije in misije v okviru ZN, EU, Nata in OVSE.

POTC organizira specialistično usposabljanje in usposabljanje pred napotitvijo, pri čemer je MHP redna vsebina specialističnega usposabljanja, še posebej usposabljanja o MHP za vojaško osebje.

POTC je pripravil celovito usposabljanje za zaščito civilistov, posebej prilagojeno za policijo ZN, in decembra 2023 pridobil zanj certifikat službe ZN ITS (ang. Integrated Training Service).

POTC je prispeval k promociji in razumevanju MHP tudi z drugim specialističnim usposabljanjem osebja. MHP je redna vsebina usposabljanj o vključevanju načela enakosti spolov, varstvu kulturne dediščine ter podnebju, miru in varnosti.

2.4. Rdeči križ Slovenije

Rdeči križ Slovenije (v nadaljevanju: RKS) v skladu z ustaljeno prakso in v duhu statuta Mednarodnega gibanja Rdečega križa ter v skladu z določili Ženevskih konvencij in dopolnilnih protokolov aktivno udeležanje svojo dolžnost ozaveščanja o gibanju in MHP tako med člani vodstvenih struktur, zaposlenimi in specifičnimi skupinami, prostovoljci, pripadniki oboroženih in policijskih sil, zdravstvenim osebjem, univerzami, šolami, mediji in širšo javnostjo, saj tako prispeva k zmanjšanju trpljenja, zaščiti žrtev, k bolj učinkovitim humanitarnim akcijam in nena zadnje k promociji kulture strpnosti in zagotavljanju miru.

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Na ravni območnih združenj je udejstvovanje v programu seznanjanja o MHP zelo različno. RKS ves čas krepi svoje aktivnosti na področju organizacijske kulture – prav vsi sestavni deli nacionalnega društva morajo nenehno skrbeti za poznavanje ustroja in zgodovine RKS in predvsem za dosledno udeležanje temeljnih načel gibanja, saj se s tem ne povečuje le ugled organizacije, temveč se zagotavlja tudi učinkovito in nemoteno izvajanje humanitarnih programov in dejavnosti.

V obdobju poročanja je RKS v tesnem sodelovanju z MZEZ in predsedujočo SKS za MHP poročal Mednarodni federaciji Rdečega križa (MFRK) o resolucijah in zavezah, sprejetih na 33. mednarodni konferenci Rdečega križa in Rdečega polmeseca, in iz njih izhajajočih obveznosti tako za RKS kot za Republiko Slovenijo. Zaveze, ki jih je sprejel RKS, se nanašajo na naslednje resolucije: MHP pripeljimo domov: načrt za boljše nacionalno izvajanje MHP; Obnavljanje družinskih vezi ob spoštovanju zasebnosti, tudi varstva osebnih podatkov; Duševno zdravje in psihosocialne potrebe ljudi, ki jih prizadenejo oboroženi spopadi, naravne katastrofe in druge nesreče; Zakoni in politike za odzivanje na nesreče, ki nikogar ne pustijo ob strani; Čas za ukrepanje: z roko v roki proti epidemijam in pandemijam; Ženske in vodenje v humanitarni akciji gibanja; Z ukrepi danes oblikujemo svoj jutri ter Izvajanje operativnega dogovora med izraelsko reševalno službo Magen David Adom (MDA) in Palestinskim Rdečim polmesecem (PRCS) z dne 28. novembra 2005.

Strokovna služba RKS skrbi za dobre partnerske odnose z vsemi relevantnimi institucijami, organizacijami in/ali posamezniki, ki delujejo na področju MHP in ozaveščanja o organizacijski kulturi gibanja doma

(SKS za MHP in MZEZ) in v tujini, ter za dosledno uvajanje novosti v delo organizacije, predvsem na področju zaščite in spoštovanja znaka Rdečega križa. RKS je bil uspešen tudi pri spremljanju kršitev uporabe znaka Rdečega križa.

Sodeloval je na več mednarodnih srečanjih, delavnicah in usposabljanjih.

Znanje in zavedanje o pomenu MHP se lahko krepi na več načinov. S tem ciljem potekajo v okviru celotne mednarodne družine Rdečega križa in Rdečega polmeseca tekmovanja, na katerih študenti preverjajo svoje znanje. Tako Pravna fakulteta Univerze v Ljubljani pod vodstvom prof. dr. Vasilke Sancin v sodelovanju z MORK, UNHCR in RKS redno organizira Vseevropsko mednarodno tekmovanje s področja humanitarnega prava in prava beguncev. Pravna strokovnjakinja RKS za pravne zadeve je sodelovala pri organizaciji tega mednarodnega tekmovanja v vlogi sodnice.

Za predstavnike slovenske in nizozemske vojske je bilo v letu 2023 izvedeno tudi predavanje oziroma predstavitev dejavnosti RKS tako na področju MHP kot na drugih področjih.

RKS je ustanovil Službo za poizvedovanje RKS. Njeno osnovno poslanstvo je preprečevanje stisk oseb, ki so ločene od svojcev zaradi vojne, oboroženih spopadov, nasilja, naravnih in drugih nesreč ter migracij. V ta namen so bile izvedene dejavnosti za oblikovanje zbirk podatkov, izdajo potrdil, iskanje pogrešanih oseb, posredovanje družinskih sporočil in sodelovanje pri obnavljanju družinskih vezi.

Služba je ustanovljena na podlagi ZRKS ter deluje v skladu z Ženevskimi konvencijami in njihovimi dopolnilnimi protokoli, zakonodajo in notranjimi pravili. Na podlagi konvencij in ZRKS služba vodi nekatere zbirke podatkov in je v skladu z njimi zavezana izdajati potrdila in druge listine. Pri izvajanju svojih nalog in v okviru Mreže za obnavljanje družinskih vezi (ODV) redno sodeluje z drugimi nacionalnimi društvi Rdečega križa in Rdečega polmeseca, Mednarodno službo za iskanje pogrešanih (ang. ITS) v nemškem Bad Arolsu, Centralno agencijo za poizvedovanje MORK (ang. CTA) in regijsko delegacijo MORK v Beogradu. Hitro spreminjajoča se družba, podnebne spremembe ter naraščajoče število nesreč in humanitarnih kriz narekuje sprotno prilagajanje, ob razvoju

umetne inteligence pa posebno skrb za ustrezno ravnanje na področju varstva osebnih podatkov.

2.5. Pravna fakulteta, Univerza v Ljubljani

Člani Katedre za mednarodno pravo Pravne fakultete Univerze v Ljubljani redno izvajajo predmete s področja MHP. Poleg velikega števila ur, namenjenih MHP v okviru obveznega predmeta Mednarodno javno pravo (prvostopenjski študij), izvajajo tudi izbirni predmet z naslovom Mednarodno pravo oboroženih spopadov (drugostopenjski študij). Posamezni profesorji redno sodelujejo na konferencah, seminarjih, delavnicah in drugih dogodkih s področja MHP v tujini, objavljajo dela o vprašanih MHP in so mentorji študentom, ki pišejo magistrske in doktorske naloge s področja MHP.

Pravna fakulteta Univerze v Ljubljani (v nadaljevanju: PF UL) je v letih 2021, 2023 in 2024 nadaljevala serijo konferenc [Odgovornost zaščititi v teoriji in praksi](#), tj. serijo bienalnih mednarodnih interdisciplinarnih konferenc. Konference so organizirane kot forum, na katerem imajo mednarodni strokovnjaki in raziskovalci priložnost sodelovati v razpravi o vprašanih, povezanih z odgovornostjo zaščititi (ang. Responsibility to Protect, R2P), vključno z ustreznim okvirom MHP.

Od 21. do 24. novembra 2023 je potekalo vsakoletno Vseevropsko mednarodno tekmovanje s področja humanitarnega prava in prava beguncev, ki ga je organizirala PF UL v sodelovanju z MORK, Visokim komisarjem Združenih narodov za begunce (UNHCR) in RKS. Na tekmovanju obravnavajo najbolj pereča in aktualna vprašanja MHP in begunskega prava, pri čemer izhajajo iz trenutnih kriznih razmer. Namen je spodbuditi študente, da skozi reševanje konkretnih pravnih primerov preučijo in razumejo temeljne koncepte mednarodnega humanitarnega in begunskega prava ter se urijo v pravnem argumentiranju pred izkušenimi sodniki in člani komisije.

Od 6. do 7. novembra 2023 je v Centru za združeno usposabljanje v Postojni v organizaciji SV in POTC potekal 2. modul usposabljanja o MHP. Udeležencem usposabljanja sta predavala vodilna strokovnjaka s PF UL.

PF UL je v sodelovanju z MORK 14. decembra 2023 gostila spletno okroglo mizo akademikov s področja MHP v Evropi: Kako oblikovati razpravo o MHP v kompleksnih časih. Na dogodku se je zbralo 40 akademikov z različnih evropskih univerz. Razpravljali so o poučevanju in seznanjanju o MHP v Evropi, o vojni v mestih in vlogi akademikov pri preprečevanju negativnega diskurza o MHP.

PF UL je pod pokroviteljstvom Unesca 13. in 14. junija 2024 organizirala [Globalno konferenco o umetni inteligenci in človekovih pravicah](#), na kateri je sodelovalo več kot 150 profesorjev, predstavnikov mednarodnih organizacij in drugih institucij, nevladnih organizacij, raziskovalcev in študentov. Organizatorji dogodka na PF UL so v okviru raziskovalnega projekta z naslovom Razvoj in uporaba umetne inteligence v luči pozitivnih in negativnih obveznosti države zagotavljati pravico do življenja pripravili pester program panelov. Na panelih so obravnavali tudi ključna vprašanja in pomisleke v zvezi z uporabo umetne inteligence v oboroženih spopadih, zlasti spoštovanje temeljnih pravil in načel MHP.

2.6. Fakulteta za družbene vede, Univerza v Ljubljani

Na Fakulteti za družbene vede (v nadaljevanju: FDV) se za študente 3. letnika izvaja predmet Politika prava oboroženih spopadov v obsegu 30 ur predavanj in 30 ur seminarjev. Predmet je namenjen študentom mednarodnih odnosov in obramboslovja in ga v povprečju obiskuje od 50 do 60 slušateljev.

Predmet obravnava zgodovino razvoja mednarodnega prava oboroženih spopadov, pravila uporabe posameznih vrst orožja in oborožene spopade po drugi svetovni vojni. Na seminarjih se obravnavajo dokumenti in študije primerov skozi zgodovino vse do aktualnih oboroženih spopadov (Ukrajina, Gaza, Tigray, Sudan).

Med osrednjimi temami sta tudi vloga in pomen MORK od ustanovitve do danes. Predmet se osredotoča tudi na sodno prakso Mednarodnega sodišča za vojne zločine na območju nekdanje Jugoslavije in MKS. Študenti se seznanijo z evropskimi in mednarodni centri za preučevanje mednarodnega vojnega in humanitarnega prava.

V okviru različnih mednarodnih udejstvovanj študenti sodelujejo pri dogodkih in temah, povezanih z mednarodnih pravom in MHP.

Predavatelji in raziskovalci v programih Mednarodni odnosi in Oramboslovje FDV se udeležujejo različnih mednarodnih in nacionalnih konferenc o mednarodnem pravu s področja MHP.

SKLEPNE UGOTOVITVE

V tem nacionalnem poročilu so predstavljeni celoviti ukrepi, pobude in primeri dobrih praks, ki jih izvaja Slovenija v okviru izvajanja MHP in seznanja z njim, s čimer zagotavlja skladnost z mednarodnimi standardi ter prispeva h globalnemu miru in varnosti.

Prizadevanja Slovenije zajemajo večdimenzionalni pristop: od zakonodajnih reform, izobraževalnih programov, humanitarnih projektov in projektov humanitarne pomoči po vsem svetu do dejavnega sodelovanja v mednarodnih forumih in podpore mehanizmu za prevzemanje odgovornosti za kršitve MHP, vključno z delovanjem MKS in zagotavljanja vzajemne pravne pomoči. Vključitev MHP v nacionalno zakonodajo in politike odraža proaktivno držo Slovenije pri varovanju temeljnih načel človečnosti. Slovenija z vzpostavitvijo specializiranih programov usposabljanja za vojaško in civilno osebje ter organizacijo mednarodnih konferenc in srečanj s področja MHP jasno izkazuje svojo zavezanost h krepitvi kulture spoštovanja MHP. Poleg tega Slovenija s sodelovanjem z mednarodnimi organizacijami in svojim prispevkom h globalnim humanitarnim pobudam izkazuje svojo vlogo odgovorne članice mednarodne skupnosti. Z izmenjavo dobrih praks, prispevanjem strokovnega znanja in sodelovanjem v mednarodnih operacijah in misijah krepí skupna prizadevanja, da bi zaščitili vse, ki so prizadeti zaradi oboroženih spopadov.

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Kljub temu da je bil dosežen določen napredek, se Slovenija zaveda še vedno prisotnih izzivov na področju MHP. Zaradi nenehnega spreminjanja oboroženih spopadov je treba skrbeti za stalno prilagajanje tega zakonodajnega okvira v skrbi, da se ustrezno upoštevajo tudi novi vidiki oboroženih spopadov in zagotovi učinkovito varstvo ranljivega prebivalstva. Slovenija je zavezana krepitvi svojega okvira MHP in utrditvi mehanizmov izvajanja skozi stalna prizadevanja in mednarodno sodelovanje.

S pričujočim prostovoljnim nacionalnim poročilom želi prispevati k spoštovanju in krepitvi MHP ter temeljnih načel človečnosti tako v Sloveniji kot v svetu.

Priloga I:**Seznam veljavnih pogodb MHP, ki jih je Slovenija ratificirala, k njim pristopila ali jih nasledila**

Področje MHP	Pogodba MHP	Datum ratifikacije, pristopa ali nasledstva
Sredstva in načini vojskovanja	Protokol o prepovedi uporabe dušljivih, strupenih ali drugih plinov in bakterioloških načinov bojevanja, Ženeva, 17. junij 1925	19. december 2007
Izginule osebe	Mednarodna konvencija o zaščiti vseh oseb pred prisilnim izginotjem, 2006	15. december 2021
Druge mednarodne pogodbe, pomembne za MHP	Konvencija o preprečevanju in kaznovanju zločina genocida, 9. december 1948	1. julij 1992
Zaščita žrtev oboroženih spopadov	Konvencija (I) za izboljšanje položaja ranjencev in bolnikov v oboroženih silah na bojišču, Ženeva, 12. avgust 1949	26. marec 1992
Zaščita žrtev oboroženih spopadov	Konvencija (II) za izboljšanje položaja ranjencev, bolnikov in brodolomcev v oboroženih silah na morju, Ženeva, 12. avgust 1949	26. marec 1992
Zaščita žrtev oboroženih spopadov	Konvencija (III) o ravnanju z vojnimi ujetniki, Ženeva, 12. avgust 1949	26. marec 1992
Zaščita žrtev oboroženih spopadov	Konvencija (IV) o zaščiti civilnih oseb med vojno, Ženeva, 12. avgust 1949	26. marec 1992
Varstvo kulturnih dobrin	Konvencija o varstvu kulturnih dobrin v primeru oboroženih spopadov, 14. maj 1954	5. november 1992
Varstvo kulturnih dobrin	– Protokol h Konvenciji o varstvu kulturnih dobrin v primeru oboroženih spopadov, 14. maj 1954	5. november 1992

Varstvo kulturnih dobrin	– Drugi protokol k Haaški konvenciji iz leta 1954 o varstvu kulturnih dobrin v primeru oboroženih spopadov, 26. marec 1999	13. april 2004
Sredstva in načini vojskovanja	Konvencija o prepovedi izpopolnjevanja, proizvodnje in skladiščenja bakteriološkega (biološkega) in strupenega orožja in o njegovem uničenju, 10. april 1972	7. april 1992
Sredstva in načini vojskovanja	Konvencija o prepovedi vojaškega ali vsakega drugega sovražnega delovanja, ki povzroča spremembe okolja, 10. december 1976	20. april 2005
Zaščita žrtev oboroženih spopadov	– Dopolnilni protokol k Ženevskim konvencijam z dne 12. avgusta 1949 o zaščiti žrtev mednarodnih oboroženih spopadov (Protokol I), 8. junij 1977	26. marec 1992
Zaščita žrtev oboroženih spopadov	– Dopolnilni protokol k Ženevskim konvencijam z dne 12. avgusta 1949 o zaščiti žrtev nemednarodnih oboroženih spopadov (Protokol II), 8. junija 1977	26. marec 1992
Sredstva in načini vojskovanja	Konvencija o prepovedi ali omejitvi uporabe nekaterih vrst klasičnega orožja, za katere se lahko šteje, da imajo čezmerne travmatične učinke ali da glede ciljev delujejo enako, 10. oktober 1980	6. julij 1992
Sredstva in načini vojskovanja	– Konvencija o prepovedi ali omejitvi uporabe nekaterih vrst klasičnega orožja, za katere se lahko šteje, da imajo čezmerne travmatične učinke ali da glede ciljev delujejo enako, sprememba 1. člena, 21. december 2001	7. februar 2008
Sredstva in načini vojskovanja	– Protokol (I) o nezaznavnih delcih, 10. oktober 1980	6. julij 1992
Sredstva in načini vojskovanja	– Protokol o prepovedih ali omejitvah uporabe min, min presenečenja in drugih priprav (Protokol II), 10. oktober 1980	6. julij 1992

Sredstva in načini vojskovanja	– Protokol o prepovedih ali omejitvah uporabe min, min presenečenja in drugih priprav, kot je bila spremenjen 3. maja 1996 (Protokol II h Konvenciji o določenem konvencionalnem orožju, KKO, iz leta 1980, kot je bil spremenjen 3. maja 1996), 3. maj 1996	3. december 2002
Sredstva in načini vojskovanja	– Protokol o prepovedi ali omejitvi uporabe zažigalnega orožja (Protokol III), 10. oktober 1980	6. julij 1992
Sredstva in načini vojskovanja	– Protokol o slepilnem laserskem orožju (Protokol IV h KKO iz leta 1980), 13. oktober 1995	3. december 2002
Sredstva in načini vojskovanja	– Protokol o eksplozivnih ostankih vojne (Protokol V h KKO iz leta 1980), 28. november 2003	22. februar 2007
Znak Rdečega križa	– Določbe Ženevskih konvencij iz leta 1949 in njihovih dopolnilnih protokolov	26. marec 1992 (nasledstvo); 10. marec 2008 (ratifikacija – Protokol III)
Zaščita žrtev oboroženih spopadov	Konvencija o otrokovih pravicah, 20. november 1989	6. julij 1992
Zaščita žrtev oboroženih spopadov	– Izbirni protokol h Konvenciji o otrokovih pravicah glede udeležbe otrok v oboroženih spopadih, 25. maj 2000	23. september 2004
Sredstva in načini vojskovanja	Konvencija o prepovedi razvoja, proizvodnje, kopičenja zalog in uporabe kemičnega orožja ter o njegovem uničenju, 13. januar 1993	11. junij 1997
Druge mednarodne pogodbe, pomembne za MHP	Konvencija o varnosti osebja Združenih narodov in spremljevalnega osebja, 9. december 1994	21. januar 2004

Sredstva in načini vojskovanja	Konvencija o prepovedi uporabe, kopičenja zalog, proizvodnje in prenosa protipehotnih min in o njihovem uničenju, 18. september 1997	27. oktober 1997
Kazenski postopki	Rimski statut Mednarodnega kazenskega sodišča, 17. julij 1998	31. december 2001
Zaščita žrtev oboroženih spopadov	– Dopolnilni protokol k Ženevskim konvencijam z dne 12. avgusta 1949 o sprejetju dodatnega razpoznavnega znaka (Protokol III), 8. december 2005	10. marec 2008
Sredstva in načini vojskovanja	Konvencija o kasetnem strelivu, 30. maj 2008	19. avgust 2009
Kazenski postopki	– Sprememba 8. člena Rimskega statuta Mednarodnega kazenskega sodišča, 10. junij 2010	25. september 2013
Kazenski postopki	– Spremembe Rimskega statuta Mednarodnega kazenskega sodišča v zvezi s kaznivim dejanjem agresije, 11. junij 2010	25. september 2013
Druge mednarodne pogodbe, pomembne za MHP	Pogodba o trgovini z orožjem, 2. april 2013	2. april 2014
Druge mednarodne pogodbe, pomembne za MHP	Ljubljansko-haaška konvencija, 26. maj 2023	14. februar 2024

Priloga II:

Določbe Kazenskega zakonika Republike Slovenije

Nezastarljivost kaznivih dejanj in posebni zastaralni rok

95. člen

(1) Kazenski pregon in izvršitev kazni ne zastarata za kazniva dejanja, za katera se sme po tem zakoniku izreči kazen dosmrtnega zapora, za kazniva dejanja iz 100. do 105. člena tega zakonika in tudi ne za tista kazniva dejanja, za katera po mednarodnih pogodbah zastaranje ni mogoče.

[...]

Genocid

100. člen

(1) Kdor ukaže ali stori z namenom, da bi v celoti ali delno uničil neko narodnostno, etnično, rasno ali versko skupino, naslednja dejanja:

- pobijanje pripadnikov takšne skupine,
- povzročanje hudih telesnih poškodb ali okvar duševnega zdravja pripadnikom takšne skupine,
- naklepno izpostavljanje takšne skupine življenjskim razmeram, ki naj privedejo do njenega popolnega ali delnega fizičnega uničenja,
- izvajanje ukrepov, ki preprečujejo rojstva v takšni skupini,
- prisilno preseljevanje otrok ene skupine v drugo skupino,
- se kaznuje z zaporom najmanj petnajstih let.

(2) Enako se kaznuje, kdor stori dejanje iz prejšnjega odstavka proti kakšni skupini zaradi razlogov iz osme alineje 101. člena.

Hudodelstva zoper človečnost

101. člen

Kdor ukaže ali stori dejanja, ki so sestavni del velikega ali sistematičnega napada na civilno prebivalstvo ob vednosti storilca, da gre za tak napad:

- umor;
- iztrebljanje, ki pomeni ustvarjanje takih življenjskih razmer, med drugim kratenje dostopa do hrane in zdravil, ki naj privedejo do delnega uničenja prebivalstva;
- zasušnjevanje, ki pomeni izvajanje posameznega ali vseh upravičenj, ki izhajajo iz lastninske pravice nad osebo in vključujejo tudi izvajanje takih upravičenj pri trgovanju z ljudmi, zlasti z ženskami in otroki;
- deportacija ali prisilna preselitev prebivalstva, ki pomeni prisilno odstranitev oseb z izgonom ali drugimi prisilnimi dejanji z območja, na katerem zakonito prebivajo, brez razlogov, dovoljenih po mednarodnem pravu;
- zapor ali drug strog odvzem prostosti ob kršitvi temeljnih pravil mednarodnega prava;
- mučenje, ki pomeni naklepno povzročitev hude bolečine, telesnega ali duševnega trpljenja osebi, ki jo je storilec pridržal, pri čemer mučenje ne vključuje bolečine ali trpljenja, ki je izključno posledica izvrševanja zakonitih sankcij ali je z njimi povezano;
- posilstvo, spolno suženjstvo, vsiljena prostitucija, prisilna nosečnost, ki pomeni protipravno pridržanje ženske, ki je zanosila pod prisilo, z namenom vplivati na etnično sestavo katerega koli prebivalstva ali izvajati druge hude kršitve mednarodnega prava, prisilna sterilizacija ali katera koli druga oblika primerljivo hudega spolnega nasilja;
- preganjanje, ki pomeni naklepno ali hudo kratenje temeljnih pravic v nasprotju z mednarodnim pravom zaradi prepoznavne lastnosti skupine ali skupnosti, in sicer zaradi političnih rasnih, narodnih, kulturnih, verskih razlogov, razlogov, povezanih s spolom, ali drugih razlogov, ki so po mednarodnem pravu splošno priznani kot nedopustni, če je tako preganjanje povezano s kaznivimi dejanji po tem členu ter po 100., 102. in 103. členu;
- prisilno izginotje oseb, ki pomeni prijetje, pridržanje, ugrabitev ali vsako drugo obliko odvzema prostosti osebi po nalogu države ali politične organizacije ali z njenim pooblastilom, podporo ali soglasjem, ki potem takega odvzema prostosti ne prizna ali noče dati

podatkov o usodi teh oseb ali o tem, kje so, in s tem odvzame tem osebam pravno varstvo;

- apartheid, ki pomeni nečlovečna dejanja, podobna navedenim v tem členu, storjena v okviru institucionaliziranega režima sistematičnega zatiranja in nadvlade ene rasne skupine nad kakšno drugo rasno skupino ali skupinami z namenom, da se ohrani tak režim;
- druga podobna nečlovečna ravnanja, s katerimi se naklepno povzroča veliko trpljenje ali hude telesne poškodbe ali okvare duševnega ali telesnega zdravja,

se kaznuje z zaporom najmanj petnajstih let.

94

Vojna hudodelstva

102. člen

Kdor ukaže ali stori vojna hudodelstva, zlasti če so storjena kot sestavni del načrta ali politike ali kot del obsežnega izvrševanja takih hudodelstev, ki so:

1) hude kršitve ženevskih konvencij z dne 12. avgusta 1949 (Akt o notifikaciji nasledstva glede konvencij Sveta Evrope, Ženevskih konvencij in dodatnih protokolov o zaščiti žrtev vojne in mednarodnih sporazumov s področja kontrole oborožitve, za katere so depozitarji tri glavne jedrske sile, (Uradni list RS, št. 14/1992)) in sicer katero koli navedeno dejanje zoper osebe ali premoženje, ki jih varujejo ustrezne ženevske konvencije:

- naklepno pobijanje;
- mučenje ali nečloveško ravnanje, tudi biološki poskusi;
- naklepno povzročanje velikega trpljenja ali hudih telesnih poškodb ali okvar zdravja;
- obsežno uničevanje ali prilaščanje premoženja, ki ga vojaške potrebe ne opravičujejo in je izvedeno protipravno in samovoljno;
- prisiljenje vojnega ujetnika ali druge zaščitene osebe, da služi v sovražnikovih oboroženih silah;
- naklepen odvzem pravice vojnemu ujetniku ali drugi zaščiteni osebi do poštenega in pravičnega sojenja;
- protipravna deportacija ali protipravno pridržanje;
- jemanje talcev;

2) druge kršitve zakonov in običajev, ki se uporabljajo v mednarodnih oboroženih spopadih po veljavnem mednarodnem pravu, in sicer katero koli navedeno dejanje:

- naklepni napadi na civilno prebivalstvo na splošno ali na posamezne civilne osebe, ki neposredno ne sodelujejo pri sovražnostih;
- naklepni napadi na civilne objekte, to je na objekte, ki niso vojaški cilji;
- naklepni napadi na osebe, objekte in naprave, material, enote ali vozila, vključena v človekoljubno pomoč ali mirovno misijo v skladu z Ustanovno listino Združenih narodov, dokler so po mednarodnem pravu oboroženih spopadov upravičeni do enakega varstva kot civilne osebe ali civilni objekti;
- naklepna sprožitve napada z vednostjo, da bo tak napad povzročil tudi smrt in telesne poškodbe civilnih oseb ali civilnih objektov ali obsežno, dolgoročno in hudo škodo za naravno okolje, ki bi bila čezmerna v primerjavi s skupnimi pričakovanimi, konkretnimi in neposrednimi vojaškimi prednostmi;
- napad ali bombardiranje nebranih mest, vasi, bivališč ali zgradb, ki niso vojaški cilji, s kakršnimi koli sredstvi;
- umor ali ranitev borca, ki se je vdal na milost ali nemilost, potem ko je odložil orožje ali nima več sredstev za obrambo;
- zloraba bele zastave ali zastave ali vojaških oznak ali uniforme sovražnika ali Združenih narodov, znamenja ali zastave Rdečega križa ali znamenj, ki tem ustrezajo ter drugih razpoznavnih znakov po ženevskih konvencijah ali zaznamovanj kulturnih dobrin po haaški konvenciji (Konvencija o varstvu kulturnih dobrin v primeru oboroženega spopada s Pravilnikom za njeno izvajanje (Uradni list FLRJ – Mednarodne pogodbe, št. 4/56) in Drugi protokol k Haaški konvenciji iz leta 1954 o varstvu kulturnih dobrin v primeru oboroženega spopada (Uradni list RS, št. 22/2003)), katere posledica je smrt ali huda poškodba osebe;
- neposredna ali posredna premestitev dela civilnega prebivalstva zasedbene sile na zasedeno ozemlje ali deportacija ali preselitev vsega ali dela prebivalstva zasedenega ozemlja na to ozemlje ali zunaj njega;
- naklepni napadi na zgradbe, namenjene veri, izobraževanju, umetnosti, znanosti ali dobrodelni dejavnosti, kulturne ali zgodovinske spomenike, kulturne dobrine s posebnim spoznavnim znamenjem, naravne znamenitosti, bolnišnice in kraje, kjer se zbirajo bolniki in ranjenci, če ti objekti niso vojaški cilji;

- izpostavljanje oseb, ki jih ima nasprotna stran pod svojo oblastjo, telesnemu pohabljanju ali kakršnim koli medicinskim ali znanstvenim poskusom, ki niso upravičeni kot zdravstvena, zobozdravstvena ali bolnišnična oskrba prizadetih oseb, niti niso storjeni v interesu teh oseb in povzročajo smrt ali resno ogrozijo zdravje take osebe ali oseb;
- zahrbtnen umor ali ranitev posameznikov, ki pripadajo sovražni državi ali vojski;
- protipravno jemanje stvari ubitim in ranjenim na bojišču;
- izjava, da ne bo nikomur prizaneseno;
- uničenje ali zaseg sovražnikovega premoženja, razen če takega uničenja ali zasega neizogibno ne zahtevajo vojne nujnosti;
- izjava, da so pravice in tožbe državljanov sovražne strani na sodišču odpravljene, začasno ustavljene ali nedopustne;
- prisiljevanje državljanov sovražne strani, da sodelujejo pri vojnih operacijah proti svoji lastni državi, tudi če so bili pred začetkom vojne pripadniki njenih oboroženih sil;
- plenjenje mesta ali kraja, tudi če je bilo zavzeto z napadom;
- uporaba dušljivih, strupenih ali drugih plinov in vseh podobnih tekočin, sredstev ali naprav;
- uporaba krogel, ki se v človeškem telesu hitro razpršijo ali sploščijo, kot so krogle s trdim ovojem, ki ne pokriva jedra v celoti ali je narezan;
- uporaba takega orožja, izstrelkov ter sredstev in načinov vojskovanja, ki povzročijo odvečne poškodbe ali nepotrebno trpljenje ali že po svoji naravi učinkujejo brez razločevanja in s tem kršijo mednarodno pravo oboroženih spopadov, če so tako orožje, izstrelki ter sredstva in načini vojskovanja v celoti prepovedani;
- napadi na osebno dostojanstvo, še posebej poniževalno in zaničevalno ravnanje;
- posiljevanje, spolno suženjstvo, vsiljena prostitucija, prisilna nosečnost, ki pomeni protipravno pridržanje ženske, ki je zanosila pod prisilo, z namenom vplivati na narodno sestavo katerega koli prebivalstva ali izvajati druge hude kršitve mednarodnega prava, prisilna sterilizacija ali katera koli druga oblika spolnega nasilja, ki je tudi huda kršitev ženevskih konvencij;
- izraba navzočnosti civilne ali kakšne druge zaščitene osebe za odvrnitev vojaških operacij od določenih točk, območij ali vojaških enot;
- uporaba kulturnih dobrin pod razširjenim varstvom ali njihove neposredne okolice v podporo vojaškemu delovanju;

- naklepni napadi na zgradbe, material, sanitetne enote in prevoze ter osebje, ki uporablja razpoznavne znake po ženevskih konvencijah;
- naklepno stradanje civilnih oseb kot način vojskovanja, tako da se jim odvzamejo stvari, nujne za njihovo preživetje, vključno z naklepnim preprečevanjem dobav pomoči, kot so predvidene po ženevskih konvencijah;
- nabor ali vključevanje otrok, mlajših od petnajst let, v državne oborožene sile ali njihovo izrabljanje za dejavno sodelovanje pri sovražnostih;

3) v oboroženem spopadu, ki ni mednaroden, vendar ne pomeni notranjih nemirov in napetosti, kot so neredi, posamična in občasna dejanja nasilja ali druga podobna dejanja, ob hudih kršitvah 3. člena, skupnega štirim ženevskim konvencijam z dne 12. avgusta 1949, in sicer katero koli od navedenih dejanj, storjenih zoper osebe, ki pri sovražnostih ne sodelujejo dejavno, vključno s pripadniki oboroženih sil, ki so odložili orožje, in tistimi, ki ne morejo sodelovati v boju zaradi bolezni, ran, pridržanja ali drugega vzroka:

- napadi na življenje in telo, še posebej umori vseh vrst, pohabljenje, okrutno ravnanje in mučenje;
- napadi na osebno dostojanstvo, še posebej poniževalno in zaničevalno ravnanje;
- jemanje talcev;
- izrekanje obsodb in izvrševanje smrtnih kazni brez predhodne sodbe pravilno ustanovljenega sodišča, ki zagotavlja vsa pravna jamstva, ki so splošno priznana kot nujna;

4) druge hude kršitve zakonov in običajev, ki se po veljavnem mednarodnem pravu uporabljajo v oboroženih spopadih, ki niso mednarodni, in sicer katero koli navedeno dejanje:

- naklepni napadi na civilno prebivalstvo na splošno ali na posamezne civilne osebe, ki neposredno ne sodelujejo pri sovražnostih;
- naklepni napadi na zgradbe, material, sanitetne enote in prevoze ter osebje, ki uporablja razpoznavne znake po ženevskih konvencijah v skladu z mednarodnim pravom;
- naklepni napadi na osebje, objekte in naprave, material, enote ali vozila, vključena v človekoljubno pomoč ali mirovno misijo v skladu z Ustanovno listino Združenih narodov (Akt o notifikaciji nasledstva glede konvencij za katere je depozitar vlada ZDA, haaških konvencij

in konvencij o intelektualni lastnini (Uradni list RS, št. 24/1992)), dokler so po mednarodnem pravu oboroženih spopadov upravičeni do enakega varstva kot civilne osebe ali civilni objekti;

- naklepni napadi na zgradbe, namenjene veri, izobraževanju, umetnosti, znanosti ali dobrodelni dejavnosti, kulturne spomenike, bolnišnice in kraje, kjer se zbirajo bolniki in ranjenci, če ti niso vojaški cilji;
- plenjenje mesta ali kraja, tudi če je bilo zavzeto z napadom;
- posiljevanje, spolno suženjstvo, vsiljena prostitucija, prisilna nosečnost, ki pomeni protipravno pridržanje ženske, ki je zanosila pod prisilo, z namenom vplivati na narodno sestavo katerega koli prebivalstva, prisilna sterilizacija ter katera koli druga oblika spolnega nasilja, ki je tudi huda kršitev 3. člena, skupnega štirim ženevskim konvencijam;
- nabor ali vključevanje otrok, mlajših od petnajst let, v oborožene sile ali skupine ali njihovo izrabljanje za dejavno sodelovanje pri sovražnostih;
- ukaz o izselitvi civilnega prebivalstva zaradi razlogov, ki so povezani s spopadom, razen če tega ne zahteva varnost vpletenih civilnih oseb ali nujni vojaški razlogi;
- zahrbtnen umor ali ranitev borca nasprotne strani;
- izjava, da ne bo nikomur prizaneseno;
- izpostavljanje oseb, ki jih ima druga stran v spopadu pod svojo oblastjo, telesnemu pohabljenju ali kakršnim koli medicinskim ali znanstvenim poskusom, ki niso upravičeni kot zdravstvena, zobozdravstvena ali bolnišnična oskrba prizadetih oseb, niti niso storjeni v njihovem interesu in povzročijo smrt ali resno ogrozijo zdravje take osebe ali oseb;
- uničenje ali zaseg nasprotnikovega premoženja, razen če takega uničenja ne zahtevajo nujnosti spopada;
- uporaba strupa ali zastrupljenega orožja;
- uporaba dušljivih, strupenih ali drugih plinov in vseh podobnih tekočin, sredstev ali naprav;
- uporaba krogel, ki se v človeškem telesu hitro razpršijo ali sploščijo, kot so krogle s trdim ovojem, ki ne pokriva jedra v celoti ali je narezan;

se kaznuje z zaporom najmanj petnajstih let.

Agresija

103. člen

(1) Uradna ali druga oseba s položajem učinkovitega nadzora ali možnosti odrejanja političnega ali vojaškega delovanja države, ki načrtuje, pripravi, sproži ali izvrši dejanje agresije, ki je po naravi, teži in obsegu očitna kršitev Ustanovne listine Združenih narodov, se kaznuje z zapornom najmanj petnajstih let.

(2) Dejanje agresije je uporaba vojaške sile, ki je usmerjana zoper suverenost, ozemeljsko celovitost ali politično neodvisnost druge države ali na kakršen koli drug način, ki ni združljiv z Ustanovno listino Združenih narodov. Za agresijo, ne glede na napoved vojne, štejejo naslednja dejanja:

1. invazija ali oborožen napad na ozemlje, morje, zrakoplove, pristanišča ali plovila druge države, z začasno ali trajno vojaško zasedbo ali nasilno priključitvijo ozemlja te države ali njegovega dela;
2. bombardiranje ali uporaba katerega koli orožja zoper ozemlje druge države;
3. blokada pristanišč ali obale druge države;
4. uporaba oboroženih sil, ki so na ozemlju druge države z njenim privoljenjem, v nasprotju s pogoji te privolitve ali zadrževanje teh sil po izteku časa, določenega v tej privolitvi;
5. dopuščanje drugi državi, da uporabi ozemlje Republike Slovenije, ki je na razpolago tej državi, za izvršitev agresije na drugo državo;
6. pošiljanje oboroženih skupin, plačancev ali paravojaških enot z namenom izvajanja takih dejanj, ki po teži ustrezajo prej naštetim dejanjem.

Odgovornost vojaških poveljnikov in drugih nadrejenih

104. člen

(1) Vojaški poveljnik se za kazniva dejanja iz 100. do 103. člena ali tretjega odstavka 134. člena tega zakonika, ki so jih storile enote pod njegovim dejanskim poveljstvom in nadzorom, ker ni pravilno opravljal nadzora nad temi enotami in ni izvedel vseh primernih in potrebnih

ukrepov v okviru svojih pooblastil za preprečitev ali ustavitev teh kaznivih dejanj ali za predložitev zadeve pristojnim organom v preiskavo in pregon, čeprav je vedel, da so njegove enote storile ali da bi v danih okoliščinah lahko storile taka kazniva dejanja, se kaznuje z zapornom od enega do osmih let.

(2) Za dejanja iz prejšnjega odstavka se enako kaznuje oseba, ki dejansko nastopa kot vojaški poveljnik, ali oseba, ki v civilni organizaciji ali podjetju dejansko izvaja vodstveno oblast in nadzorstvo.

(3) Za dejanja iz prvega in drugega odstavka tega člena se vojaški poveljnik ali oseba, ki dejansko nastopa kot vojaški poveljnik, ali oseba, ki v civilni organizaciji ali podjetju dejansko izvaja vodstveno oblast in nadzorstvo, ki bi moral ali mogel vedeti, da so njegove enote ali drugi podrejeni storili ali bi v danih okoliščinah lahko storili kazniva dejanja iz 100. do 103. člena ali tretjega odstavka 134. člena tega zakonika, kaznuje z zapornom od šestih mesecev do petih let.

Združevanje in ščuvanje h genocidu, k hudodelstvu zoper človečnost ali agresiji

105. člen

(1) Kdor ustanovi hudodelsko združbo za izvrševanje kaznivih dejanj iz 100. do 103. člena tega zakonika, se kaznuje z zapornom od enega do desetih let.

(2) Kdor postane član združbe iz prejšnjega odstavka, se kaznuje z zapornom od šestih mesecev do petih let.

(3) Storilec kaznivega dejanja iz prvega ali drugega odstavka tega člena, ki prepreči storitev kaznivih dejanj, določenih v prvem odstavku ali jih pravočasno naznani, se kaznuje z zapornom do treh let, sme pa se mu tudi odpustiti kazen.

(4) Kdor poziva ali ščuva k neposredni storitvi kaznivih dejanj iz 100. do 103. člena, se kaznuje z zapornom od šestih mesecev do petih let.

Novačenje vojaških najemnikov in oseb, mlajših od osemnajst let

106. člen

(1) Kdor med vojno, oboroženim spopadom ali zasedbo ali kdor pri izvajanju ali v podporo politiki kakšne države ali organizacije kot del velikega sistematičnega napada ukaže novačenje ali novači osebe, ki še niso stare osemnajst let, v državne ali druge oborožene sile in jih izrablja ali ukaže njihovo izrabljanje za dejavno sodelovanje pri sovražnostih, se kaznuje z zaporom od desetih do petnajstih let.

(2) Kdor novači, uri ali financira urjenje vojaških najemnikov, se kaznuje z zaporno kaznijo do treh let.

VOLUNTARY REPORT OF THE REPUBLIC OF SLOVENIA
ON THE IMPLEMENTATION AND DISSEMINATION OF
KNOWLEDGE OF INTERNATIONAL HUMANITARIAN LAW/
2021–June 2024

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"To help, without asking whom!"
(Henry Dunant)

Preface



In line with the priorities of the Slovenian foreign policy and as a non-permanent member of the United Nations Security Council, Slovenia reaffirms its unwavering commitment to upholding international law, including international humanitarian law and the fundamental principles of humanity. Slovenia places special attention on the protection of civilians, especially children and women, who continue to be the most numerous and tragic victims of contemporary armed conflicts.

It is my distinct honour to present the first Report of the Republic of Slovenia on the Implementation and Dissemination of knowledge of International Humanitarian Law at the National Level, which reflects Slovenia's unwavering commitment to upholding the principles of international humanitarian law and its dedication to fostering a global environment in which human rights, dignity and justice are preserved, even in the midst of the complexities of armed conflicts.

As Deputy Prime Minister and Minister of Foreign and European Affairs, I am proud of Slovenia's proactive efforts to incorporate international humanitarian law into the national legal framework and to ensure that its principles are effectively disseminated and respected. Slovenia's integration of international humanitarian law into various sectors, state and non-state actors, is a testament to our holistic approach. Participation in global humanitarian missions and contributions to international dialogues further underline Slovenia's role as a responsible and committed member of the international community.

As well as documenting our achievements, the report also acknowledges the challenges we face in the evolving landscape of armed conflict. As new forms of conflict emerge, Slovenia remains committed to continuously adapting its strategies and strengthening its commitment

to international humanitarian law. We acknowledge that the protection of human rights and the adherence to humanitarian principles is an ongoing journey that requires constant effort and cooperation.

Finally, I would like to express my sincere gratitude to all those involved in the dissemination of knowledge, promotion and implementation of international humanitarian law in Slovenia, in particular the members of the Permanent Coordination Group for International Humanitarian Law. Their dedication and hard work are invaluable to our common mission. Slovenia reaffirms its commitment to uphold the highest standards of international humanitarian law, contributing to a world where peace, justice and humanity prevail.

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Tanja Fajon
Deputy Prime Minister and Minister of Foreign and European Affairs
Republic of Slovenia

Executive Summary

The national report provides the first detailed overview of the implementation and dissemination of knowledge of international humanitarian law (hereinafter: IHL) by Slovenia in the period 2021–June 2024, examines the leading examples of best practice, presents the ongoing challenges to the implementation of IHL at the national level and identifies areas that require further domestic implementation. The report also constitutes one of the means of implementing Resolution 1 adopted at the 33rd International Conference of the Red Cross and Red Crescent in December 2019 and entitled 'Bringing IHL Home: A roadmap for better national implementation of IHL'.

The report is divided into five sections and covers the following key IHL topics:

- 1. Status of IHL in the Slovenian legal system:** According to the Constitution of the Republic of Slovenia, treaties, including IHL treaties, are directly applicable and take precedence over national laws. This integration ensures that the Geneva Conventions and their Additional Protocols, as well as other relevant IHL treaties, are effectively enforced. In addition, customary IHL has the same legal status in the Slovenian legal system as the IHL treaties that are binding on Slovenia.
- 2. Limitation of the means and methods of warfare:** Slovenia is a party to most of the IHL treaties aimed at limiting the means and methods of warfare. The report presents the implementation of the following conventions and its challenges: Convention on Cluster Munitions, Ottawa Convention (Anti-Personnel Mine Ban Treaty), Convention on Certain Conventional Weapons, Chemical Weapons Convention, Biological and Toxin Weapons Convention, and Arms Trade Treaty.
- 3. Special protection:** Slovenia has enacted laws and regulations providing special IHL protection to certain categories of persons and objects in armed conflict. This report analyses the IHL legal framework, the implementation of IHL at the national level and examples of best practices.
- 4. Sanctioning violations of IHL:** Slovenia has established mechanisms to deal with violations of IHL. The national legal system

includes provisions for the prosecution and punishment of war crimes and other serious violations of IHL. To ensure accountability for such violations, Slovenia actively participates in international forums and supports accountability mechanisms, including the functioning of international criminal justice (e.g. International Criminal Court) and mutual legal assistance (e.g. the Ljubljana-The Hague Convention).

- 5. Dissemination of knowledge of and training in IHL:** Education and training are crucial components of Slovenia's strategy to foster a culture of respect for IHL and to promote compliance with IHL principles by all national stakeholders. In addition to international IHL conferences and events, dissemination of knowledge of and training in IHL are included in specialised training programmes for military and civilian personnel and in academic curricula. The Permanent Coordination Group for IHL plays an important role in coordinating these efforts.

Abbreviations

AP I	Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts of 8 June 1977
AP II	Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts of 8 June 1977
AP III	Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Adoption of an Additional Distinctive Emblem of 8 December 2005
GC I	Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949
GC II	Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949
GC III	Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949
GC IV	Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949
ICC	International Criminal Court
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
IHL	international humanitarian law
MFEA	Ministry of Foreign and European Affairs of the Republic of Slovenia
MoD	Ministry of Defence of the Republic of Slovenia
PCG for IHL	Permanent Coordination Group for International Humanitarian Law
POTC	Peace Operations Training Centre
SAF	Slovenian Armed Forces

INTRODUCTION

1. Definition

IHL comprises all the rules and principles of the law on treaties and customary law¹ governing the conduct of individuals with a view to minimising human suffering and damage to facilities, cultural property and the environment during armed conflict. In particular, it protects certain categories of persons and property and limits the means and methods of warfare. As a legal term, IHL is part of the broader concept of *law of armed conflict*, or *ius in bello*, which is the broadest category of rules and principles applicable in and relating to armed conflict and includes both the law of war and IHL.

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IHL applies only in the context of armed conflict – a legal term that encompasses both “*international* armed conflicts” (IAC), which occur between two or more states, and “*non-international* armed conflicts” (NIAC), which involve armed conflict between governmental forces and organised armed groups, or between such groups themselves. IHL therefore does not apply to situations of internal disturbance and tension, such as isolated acts of violence. IHL imposes binding obligations on all parties from the onset of hostilities, irrespective of the legitimacy, recognition, or the underlying causes of the conflict.

IHL is based on Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949 (hereinafter GC I), Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949 (hereinafter GC II), Geneva Convention Relative to the Treatment of Prisoners

1 For an overview of relevant IHL treaties and customary law, see the ICRC’s website: (a) [IHL treaty database](#) and (b) [ICRC’s study on customary IHL](#).

of War of 12 August 1949 (hereinafter GC III), Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (hereinafter GC IV), Additional Protocol to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts of 8 June 1977 (hereinafter AP I), Additional Protocol to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts of 8 June 1977 (hereinafter AP II), Additional Protocol to the Geneva Conventions of 12 August 1949, and Relating to the Adoption of an Additional Distinctive Emblem of 8 December 2005 (hereinafter AP III), supplemented by a number of other treaties that prohibit or limit the use of means and methods of warfare and protect groups of persons and property.

The primary responsibility for the implementation of IHL lies with States. Both the common Article 1 to the Geneva Conventions and customary IHL² oblige States to respect and ensure respect for IHL in all circumstances, at the national level and beyond their borders. States must take a range of legal and practical measures, applicable both in peacetime and during armed conflict, to ensure compliance with these rules. At the national level, States are obliged to take measures to ensure that IHL is respected by their armed forces, by other actors operating on their behalf and by the population in general. Beyond their borders, States have the responsibility to refrain from encouraging a party to an armed conflict to violate IHL or to take action that would support such violations, and to take appropriate steps to bring such violations to an end. States must also do everything in their power to prevent such violations and to bring them to an end.

2 See Rule 139 and Rule 140 of the ICRC's study on customary IHL.

2. Status of International Humanitarian Law in the Slovenian Legal System

2.1. Status of Relevant IHL Treaties

Article 8 of the [Constitution of the Republic of Slovenia](#) (Official Gazette of the RS Nos. 33/91-I, 42/97 – UZS68, 66/00 – UZ80, 24/03 – UZ3a, 47, 68, 69/04 – UZ14, 69/04 – UZ43, 69/04 – UZ50, 68/06 – UZ121, 140, 143, 47/13 – UZ148, 4713 – UZ90, 97, 99, 75/16 – UZ70a and 92/21 – UZ62a; hereinafter: Constitution) stipulates that laws and regulations must comply with generally accepted principles of international law and with treaties that are binding on Slovenia. Article 8 of the Constitution also stipulates that ratified and published treaties shall be applied directly. Furthermore, Article 153(2) of the Constitution stipulates that laws must conform with generally accepted principles of international law and with treaties currently in force and ratified by the National Assembly, and that regulations and other legislative measures must also conform with other ratified treaties. Article 160(1)(2) of the Constitution further stipulates that the Constitutional Court of the Republic of Slovenia has the power to decide on the conformity of laws and other regulations with ratified treaties and with general principles of international law.

In line with the above constitutional provisions, treaties are directly applicable and, in principle, their implementation does not require additional national implementation, as long as their provisions are sufficiently detailed to enable implementation. If this is not the case, appropriate implementing measures will be adopted to enable the implementation of treaties, as and when appropriate.

2.2. Status of Customary IHL

According to a decision of the Constitutional Court of Slovenia³, the concept of “generally accepted principles of international law” in Article 8, Article 153(2) and Article 160(1)(2) of the Constitution primarily includes the rules of customary international law and the general legal principles recognised by civilised nations. These sources of international law are listed in Article 38(1)(b) and (c) of the Statute of the International Court of Justice (hereinafter: ICJ). Customary IHL therefore has the same legal status in the Slovenian legal system as treaties binding on Slovenia.

3 See decision of the Constitutional Court of the Republic of Slovenia U-I-266/04-105 of 9 November 2006, paragraph 14.

LIMITATION OF MEANS AND METHODS OF WARFARE

This chapter provides general information on the treaties on limitation of means and methods of warfare ratified by Slovenia and their implementation in domestic law. All that has been said about the status of IHL in the Slovenian legal system also applies to the implementation of conventions on the use of specific types of weapons that have been succeeded to or ratified by Slovenia. As a rule, the relevant conventions are applied directly and implemented in accordance with the regulations in force.

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As a basis, Article 4 (Compliance with the law of armed conflict) of the [Defence Act](#) (Official Gazette of the RS Nos. 103/04, 95/15 and 139/20) stipulates that all forms of military and civil defence shall be based on and implemented in accordance with the principles of the law of armed conflict and accepted international obligations. Additionally, Article 48a(5) and (6) (Military service abroad) of the Defence Act stipulates that members of the Slovenian Armed Forces (hereinafter: SAF) units performing military service abroad shall be subordinate to their commanders, and shall perform their military service in accordance with the Rules on Service in the SAF, unless otherwise provided by a treaty or any other legal act on the basis of which military service is performed abroad. A member of the SAF who is subject to disciplinary, criminal or compensation liability for an act committed while performing military service abroad or in connection with military service shall be subject to disciplinary, criminal or compensation liability in accordance with the Defence Act and the Slovenian legal order.

Similar provisions on the observance of IHL, principles and treaties in connection with the duties performed by the SAF abroad are contained in Article 25(1) and (5) of the [Service in the Slovenian Armed Forces Act](#) (Official Gazette of the RS Nos. 68/07, 58/08 – ZSPJS-I, 121/21 and 40/23; hereinafter: SAF Service Act).

In some cases, implementation of conventions is ensured by specific provisions of national legislation, which may be general in nature and not necessarily designed to implement (only some of) the specific provisions of conventions, such as criminal law provisions.

The provision relating to compliance with treaty obligations is also set out in paragraph 315 of the [Rules on Service in the Slovenian Armed Forces](#) (Official Gazette of the RS No. 84/09; hereinafter: SAF Service Rules), as follows: “Rules of engagement shall always be applied and implemented in compliance with the legal order of the Republic of Slovenia, adopted treaties or in compliance with the law of armed conflict and humanitarian law.” Furthermore, according to paragraph 320, “when abroad, Slovenian Armed Forces members shall not execute orders or decisions if, by doing so, they would commit a criminal offence according to the regulations of the Republic of Slovenia, the law of armed conflict or humanitarian law.”

Members of the SAF and Civil Functional Specialists of the Ministry of Defence (hereinafter: CFS MoD) are also subject to disciplinary proceedings when not acting in accordance with the provisions of national or international law (Defence Act, Article 57 (Disciplinary liability), Article 58 and Article 63(5) – disciplinary measures including suspension of promotion and revocation of class if convicted of a crime against humanity and international law. According to Article 69 of the SAF Service Act, a military person may be dishonourably discharged from the SAF if convicted of a crime against humanity and international law.

Another important area of provisions on weapons, means and methods of warfare is the legal review of new weapons. States are bound by the customary elements of weapons law.⁴ The legal review obligation arising from Article 36 of the AP I to the Geneva Conventions is explicit for Slovenia as a State Party. The legal review includes military, legal, environmental and health-related circumstances. As already stated, Article

4 Article 3 of the Hague Convention IV, 1907; States are responsible for all acts of the armed forces. A Guide to the Legal Review of New Weapons, Means and Methods of Warfare, Measures to Implement Article 36 of the 1977 Additional Protocol I, ICRC, January 2006.

4 of the Defence Act stipulates the obligation to respect the law of war and the obligation to respect the provisions of treaties. Paragraph 319 of the SAF Service Rules defines the duty of SAF members to respect IHL and accepted treaties, regardless of the type of conflict and whether or not the other party respects their rules. Furthermore, paragraphs 321, 322 and 323 specify the prohibited methods and means of combat as well as the use of certain weapons.

The regulation that determines further proceedings is the [Decree on authorisation for the production of and trade in military weapons and equipment and on prior authorisation for the import, export, transit and transfer of defence-related products](#) (Official Gazette of the RS Nos. 59/11, 88/11, 74/12, 46/13, 29/14, 37/15, 62/16, 30/14/18, 36/19, 172/21, 42/23, 46/23 – corr.; hereinafter: Weapons Authorisation Decree), which incorporates Directive 2009/43/EC of the European Parliament and the Council of 6 May 2009 on simplifying terms and conditions of transfers of defence-related products within the Community (Official Journal of the EU L 146 of 10 June 2009) last amended by Commission Delegated Directive (EU) 2024/242 of 27 September 2023. For the purchase of new weapons and other equipment, the [Regulation on the methodology for the elaboration and management of the investment documentation in the field of defence](#) (Official Gazette of the RS Nos. 105/11 and 54/21, hereinafter: Methodology Regulation) is observed. Proceedings and procedures are further specified in the Rules on the preparation of investment documentation and the management of equipment and infrastructure projects in the Ministry of Defence (MoD, No. 007-153/2013-1).

According to the legal bases provided above, the implementation of the following conventions is explained in detail:

1. Convention on Cluster Munitions;
2. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention or Anti-Personnel Mine Ban Treaty);
3. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects;
4. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;

5. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction;
6. Arms Trade Treaty.

1. Convention on Cluster Munitions

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According to the data of non-governmental organisations and the UN, the number of victims of cluster munitions is decreasing and the majority of victims are civilians (according to UN data, 99% of all victims are civilians). The biggest problem is unexploded ordnance. As stated in the Cluster Munition Monitor, this is due to the indiscriminate and inhumane nature of the weapon.

For more than 10 years, Slovenia has been actively participating in the international activities aimed at limiting the use of cluster munitions. It was also one of the first signatories to the Convention on Cluster Munitions (hereinafter: CCM), which entered into force on 1 August 2010. Slovenia signed the CCM on 3 December 2008.

The CCM lays down several obligations for the signatories (reporting, providing training and raising awareness, adopting measures related to the marking of contaminated areas within their jurisdiction, etc.). In accordance with Article 9 of the CCM, each State Party shall take all appropriate legal, administrative and other measures to implement the Convention, including the imposition of penal sanctions to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

Under Article 7 of the CCM, the SAF and the MoD are also obliged to report on the following subjects:

The total number of all cluster munitions, including explosive submunitions (type, quantity, lot numbers of each type);

- The technical characteristics of each type of cluster munition currently owned or held (dimensions, fusing, explosive content, metal content, etc.);

- Status and progress of programmes for the destruction of cluster munitions (type and quantities);
- Stockpiles.

It is evident from the reports⁵ that all stocks of cluster munitions stockpiled by the SAF have been destroyed (2017). The stockpiles had already been sent for destruction in 2011. Later, it was revealed that they had not actually been destroyed. However, in 2018, Slovenia received confirmation from the designated company that all stockpiles had finally been destroyed. No cluster munitions remained.

There is no manufacturing of cluster munitions on the territory of Slovenia, no contaminated areas under its jurisdiction, and no cluster munition victims. The risk reduction education for the population remains general.

The only (major) risk of possible victims is among the SAF or the CFS of the MoD members deployed in multinational operations and missions. Therefore, pre-deployment training includes the topics of security and precaution in the area of operations. Already in the first phases of military education and training, when they join the SAF, and later on through exercises and additional education and training, SAF service members are acquainted with the prohibition of the use of cluster munitions as well as the obligation under Article 4(1) of the Convention regarding the measures to be taken (protection of the area and informing of the competent destruction institutions) if they come into contact with cluster munitions during their mission. They are also made aware of the possible effects of these munitions on people. A similar training programme is being developed for CFS of the MoD.

Implementation of the CCM:

- Article 8 of the Constitution;
- [Convention on Cluster Munitions](#), (Official Gazette of the RS – Treaties No. 14/09);

5 UN Office for Disarmament Affairs, CCW Compliance Reports Database, <https://disarmament.unoda.org/the-convention-on-certain-conventional-weapons/compliance/ccw-compliance-database/>.

- Article 4, Article 48a(5) and (6) of the Defence Act;
- Paragraph 323 of the SAF Service Rules, which prohibits the use of cluster weapons and munitions in the SAF;
- Article 307 of the [Criminal Code](#) (Illegal Manufacturing of and Trade in Weapons or Explosive Materials) (Official Gazette of the RS Nos. 50/12, 54/15, 6/16 – corr., 38/16, 27/17, 23/20, 91/20, 95/21, 186/21, 105/22 – ZZNSPP, 16/23 and 107/24 – Constitutional Court decision);
- Instructions on explosion safety, protection and securing of warehouses storing munitions and explosive ordnance, SV-INŽ-726, 1st publication;
- Adopted NATO Standardization Agreements No. 4440(2) for storage, No. 4441 for transportation;
- Directive No 14–10: for military firearms and munitions management in the SAF (General Staff, 804-171/2020-2 of 30 August 2021);
- Directive No. 14–09: for system management of munitions and explosive ordnance in the SAF (General Staff, 804-199/2017-1 of 12 May 2017);
- Training programmes for the SAF (basic military professional training, Military Occupational Specialty, schools, individual military skills, pre-deployment training and training prior to work within the SAF International Peacetime Establishment);
- Training programme for CFS MoD (MoD, No. 8012-29/2024-2 of 22 January 2024).

Challenges related to the implementation of the CCM:

Despite the immediate application of the CCM, one question on interpretation still remains open: whether the CCM also prohibits investments in cluster munitions. As mentioned below, in the past, Slovenia has already stated that it does not intend to allow investment in cluster munitions. In addition, Slovenia provided an interpretation that Article 1(1)(c) of the CCM prohibits investment in or financing of the production of cluster munitions. Nevertheless, an entity in Slovenia may invest in cluster munitions without any consequences, as the text of the Convention is vague and does not envisage any sanctions for such conduct.

Slovenia has expressed its views on important issues relating to the interpretation and implementation of the Convention.⁶ In 2011, the Slovenian Minister of Foreign Affairs stated that “Slovenia will not participate in any joint military operation with non-States Parties to the Convention involving the use of cluster munitions.” The Minister also reaffirmed Slovenia’s view that transit and foreign stockpiling of cluster munitions are expressly prohibited under the Convention and that it considers such activities “illegal on the territory of the Republic of Slovenia.” In 2012, the Slovenian Minister of Foreign Affairs informed the Monitor that Slovenia “has no intention of allowing investment in cluster munition production.” In April 2013, an official elaborated on Slovenia’s position that the CCM prohibits investment in and financing of cluster munitions under Article 1(1)(c) and that the Government would not permit investing in or financing of cluster munition production on the Slovenian territory. The representative stated that this would also apply to the Slovenian companies with headquarters outside Slovenia and to Slovenian nationals with permanent residence abroad.

2. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention or Anti-Personnel Mine Ban Treaty)

The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention), which Slovenia signed on 3 December 1997, entered into force on 1 March 1999.

6 Landmine and Cluster Munition Monitor, <https://www.the-monitor.org/country-profile/slovenia>.

In 1998, the Slovenian Government established an international institution – a trust fund (ITF Enhancing Human Security), which has developed into one of the most beneficial and valuable projects in the humanitarian field promoted by the Slovenian Government and implemented through its own regular annual donations as well as with the financial contributions of the international community.

Slovenia is also helping to finance the Implementation Support Unit (ISU) in Geneva through voluntary financial contributions (from 2019 to 2024 – EUR 5,000 annually).

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On the basis of Article 7 of the Ottawa Convention, Slovenia reports on various aspects of its implementation.⁷ In accordance with Article 9 of the Convention, a State should take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent or suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

The SAF/Slovenia regularly reports on the implementation of the Ottawa Convention. Until 30 April 2003, the SAF/Slovenia destroyed all anti-personnel mines, with the exception of the 3,000 mines intended for training purposes. The latter are stored separately and marked accordingly. The stockpile is under the constant control of the warehouse manager. The stocks of these mines are reported annually.

Knowledge of anti-personnel mines and their effects is part of the military training process, from basic military professional training onwards. SAF service members learn about the composition of mines, methods of detonation and their effects, including minefield markings. They are also familiarised with the ban on their use, which applies both on the territory of Slovenia as well as during operations abroad, in multinational operations and missions. Special attention is devoted to the training of service members before their deployment to multinational

7 UN Office for Disarmament, Article 7 database (1999–present), <https://www.un.org/disarmament/anti-personnel-landmines-convention/article-7-reports/article-7-database/>.

operations and missions and their work within the SAF International Peacetime Establishment. In the event that service members identify unmarked areas contaminated with mines during multinational operations and missions, they must secure these areas if possible and immediately report their location to their superior or competent authorities in accordance with the Operational Plan (OPLAN).

Basic training on minefield markings and personal safety instructions related to specific areas is provided for CFS MoD (AP II).

Implementation of the Ottawa Convention:

- The Constitution;
- [Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction](#) (Official Gazette of the RS – Treaties No. 16/98);
- Operational Plan and Decision of the Minister of Defence (1 December 1998, No. 016-05-1/191) and Decision of the Minister of Defence on the number of anti-personnel mines intended for training (15 January 2002, No. 5/2002-9);
- Order of the Chief of the General Staff on the destruction of anti-personnel mines in the Slovenian Armed Forces (14 April 1999, No. Z-871-00-6/99-9);
- Article 307 of the Criminal Code – Illegal manufacture of and trade in weapons or explosive materials; this Article is used in the Slovenian legal order to sanction unlawful actions arising from the Ottawa Convention;
- Articles 4 and 48 of the Defence Act;
- Paragraph 323 of the SAF Service Rules, which sets out the ban on the use of anti-personnel mines and booby traps;
- [Protection against Natural and Other Disasters Act](#) (Official Gazette of the RS Nos. 51/06, 97/10, 21/18 – ZNOrg and 117/22; hereinafter: Natural and Other Disasters Act), which regulates the protection of people, animals, property, cultural heritage and the environment against natural and other disasters. The basic tasks of the civil service system (Article 2) include the detection, monitoring and prevention of natural and other disasters, notification, activation of warning sirens and warnings in the event of imminent danger, issuing instructions on protection, rescue and relief, education, ordering protective measures, etc.;

- **Environmental Protection Act** (Official Gazette of the RS Nos. 39/06, 49/06 – ZMetD, 66/06 – Constitutional Court Decision, 33/07 – ZPNačrt, 57/08 – ZFO-1A, 70/08, 108/09, 108/09 – ZPNačrt-A, 48/12, 57/12, 92/13, 56/15, 102/15, 30/16, 61/17 – GZ, 21/18 – ZNOrg, 84/18 – ZIURKOE, 158/20 and 44/22 – ZVO-2), which regulates applicable environmental standards;
- **Rules on Protection against Unexploded Ordnance** (Official Gazette of the RS No. 2/15), issued on the basis of the mentioned Act, defines the ways, procedures and methods of work in detecting, securing, removing, transporting and destroying unexploded ordnance that is not the subject of a criminal offence, is determined by security measures, records of the found and destroyed unexploded ordnance, and the financing of the protection against unexploded ordnance. By decision of the Minister of Defence, the Rules on Protection against Unexploded Ordnance apply *mutatis mutandis* to the SAF;
- Training programmes (basic military professional training, Military Occupational Specialty, schools, individual military skills, pre-deployment training and training prior to work within the SAF International Peacetime Establishment);
- Training programme for CFS MoD (MoD, No. 8012-29/2024-2 of 22 January 2024);
- Execution plan approved by the Minister of Defence for the destruction of APMs in Slovenia (MoD, No. 016-05-01/191 of 1 December 1998);
- Order of the Chief of the General Staff of the SAF on the destruction of APMs in the SAF (MO, No. Z-871-00-6/99-9 of 14 April 1999);
- Applicable military manuals on the destruction.

Challenges related to the implementation of the Ottawa Convention:

The question arises as to the position of the States Parties regarding their participation in operations, exercises or other military activities authorised by the UN or otherwise conducted in accordance with international law with allies who are not parties to the Ottawa Convention and who use anti-personnel mines in these activities.⁸

8 See the list of States, UN Treaty Collection, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsq_no=XXVI-5&chapter=26&clang=en.

Slovenia did not provide an interpretative statement on the above issue, nor did it explain the meaning of the terms in Article 1(1)(c) - use, assistance, encouragement or inducement. However, taking into account the national legislation and jurisprudence, the mere participation of SAF personnel in the planning or execution of operations, exercises or other military activities conducted together with the armed forces of States that are not parties to the Ottawa Convention, which engage in activities prohibited by the Ottawa Convention, would not in itself be considered as assistance, encouragement or inducement within the meaning of these terms in Article 1(1)(c).

3. Convention on Certain Conventional Weapons

The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects was adopted in 1980 and lists additional restrictions to be observed in wartime. Today, the Convention comprises five annexed Protocols, the latest of which was added in 2003:

- Protocol I limits the use of fragments that are not detectable by X-rays. The International Committee of the Red Cross (hereinafter: ICRC) considers the Protocol as part of “customary law”, which is opposed by certain countries, e.g. Great Britain;
- Protocol II limits the use of landmines, booby traps and similar devices;
- Protocol III limits the use of incendiary weapons;
- Protocol IV prohibits the use of blinding laser weapons;
- Protocol V addresses commitments and best practices for the removal of explosive remnants of war.

In 1992, Slovenia became party to the 1980 Convention and its three original protocols by the notification of succession:⁹ (I) Protocol on Non-Detectable Fragments; (II) Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices; and (III) Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons. Protocol II remains the only instrument that regulates the use of anti-tank mines and provides for their disposal after the end of operations. Slovenia later also became party to the Protocols IV and V to the Convention, as amended on 21 December 2001.

Slovenia ensures regular reporting in accordance with treaty provisions. In relation to the amended Protocol II, a detailed report on international cooperation in mine clearance has been submitted. The SAF/MoD has no specific obligations in this regard. Slovenia has also fulfilled all its obligations under Protocol V. Moreover, explosives and remnants of World War II are regularly destroyed (site: Pivka). In 2021, Slovenia contributed EUR 5,000 for the Protocol V sponsorship programme.

The SAF trains its members on the limitations and possible effects or the functioning of the weapons prohibited or limited by the Convention. SAF members are also taught about markings (AP II). During the training, the connection between Article 57(2)(a)(ii) of the AP I and paragraph 321(1) of the SAF Service Rules is reiterated – the use of procedures and weapons to achieve the objective with the least possible civilian casualties and damage to civilian property. Greater attention is dedicated to pre-deployment training for multinational operations and missions, where the likelihood of exposure to specific types of weapons and explosives during the military service abroad is greater. Members also learn the appropriate procedures to be followed if they come across explosives or other remnants of war (securing the area, notifying the relevant organisations, etc.). The SAF has adopted all possible preventive measures for the use of laser weapons. Among other things, SAF members train (in peacetime) with the intent of preventing possible harmful consequences, as stated in Protocol IV (JTAC, etc.). In addition, the instructions for the introduction of these systems in

9 Act on the Notification of Succession of the UN Conventions and the Conventions adopted by the IAEA ([Official Gazette of the RS – Treaties No. 9/92](#)).

the SAF include specific guidance on the handling of the systems and cover any possible misuse (both in terms of occupational health and safety and Slovenia's international obligations). The majority of lasers fall into the so-called invisible spectrum or "eye safe" category.

Implementation of the Convention:

- The Constitution;
- [**Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 \(Protocol II as amended on 3 May 1996\) to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effect**](#), (Official Gazette of the RS – Treaties No. 24/02; hereinafter: Protocol II CCW);
- [**Additional Protocol to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to Be Excessively Injurious or to Have Indiscriminate Effect**](#) (Official Gazette of the RS – Treaties No. 24/02; hereinafter: Protocol IV CCW);
- [**Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects**](#) (Official Gazette of the RS – Treaties No. 22/06; hereinafter: Protocol V);
- Defence Act;
- Paragraph 321(1) of the SAF Service Rules: "The use of methods and weapons to achieve the objective with the least possible civilian casualties and damage to civilian property (especially with regard to incendiary weapons); paragraph 323: "Prohibition of the use of bullets that expand when they enter the human body (dumdum bullets), anti-personnel mines and booby-traps; cluster bombs and munitions"; and paragraph 319 – "Compliance with adopted treaties";
- Natural and Other Disasters Act, which regulates the protection of people, animals, property, cultural heritage and the environment against natural and other disasters;
- Rules on Protection against Unexploded Ordnance, which regulate the ways, procedures and methods of detecting, securing, removing, transporting and destroying unexploded explosive ordnance (hereinafter: UXO) that is not part of a criminal offence or minor

offence, and which regulate security measures, records of identified and disposed UXO and the financing of protection against UXO. If the Minister of Defence so decides, the Rules are also applied in the SAF, as appropriate;

- Establishment of an international institution, ITF Enhancing Human Security (formerly known as the International Trust Fund for Demining and Mine Victims Assistance), by the Slovenian Government in 1998;
- Various instructions on the use of individual weapons in the SAF;
- Training programmes (basic military professional training, Military Occupational Specialty, schools, individual military skills, pre-deployment training and pre-work training before joining the SAF International Peacetime Establishment).

4. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction

In 1993, Slovenia was one of the first signatories of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (hereinafter: CWC). The Convention was ratified in 1997 and entered into force in the same year.

Slovenia has been a State party to the CWC since 1997. It ratified the Convention in the same year and incorporated it into its legal order in 1999 with the [Chemical Weapons Act](#) (Official Gazette of the RS Nos. 36/99, 2/04 – ZZdl-A and 29/06 – ZNSBPPVZ), which was later replaced by the [Act on the Control of Strategic Materials of Particular Importance for Security and Health](#) (Official Gazette of the RS Nos. 29/06 and 8/10 – ZNIBDR-A, hereinafter: Strategic Materials Act).

Throughout the military education and training system, SAF members learn about prohibited chemical weapons, casualty agents, toxin weapons and their consequences. This training is also part of the individual military training/upgrading training, and the annual refresher training (individual military skills programmes). Special attention is devoted to SAF members who serve in areas where the likelihood of the use of such weapons is higher. They also receive additional basic medical training to ensure appropriate response/behaviour in the event of an attack or contact with such weapons and in the event of the use of medical injectors. SAF members are also trained in the use of personal protective equipment, decontamination, detection, use of weapons and health care.

Implementation of the CWC:

- The Constitution;
- [Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction](#) (Official Gazette of the RS – Treaties No. 9/97; hereinafter: CWC);
- Defence Act;
- SAF Service Rules (prohibition of the use of chemical weapons in paragraph 323);
- The Strategic Materials Act was adopted with the aim of regulating activities related to strategic goods of special importance for health and security in accordance with the CWC, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, and other international obligations of Slovenia. Among other things, the Strategic Materials Act defines prohibited strategic activities, obligations and restrictions on the implementation of strategic activities, and measures to control them, with the aim of preventing violations of Slovenia's treaty obligations. Article 22 of the Strategic Materials Act mentions the Strategic Materials Commission, which practically no longer meets, as its work has been taken over by the Commission for the Control of Exports of Dual-Use Goods ([Act Regulating the Control of Exports of Dual-Use Items](#) (Official Gazette of the RS Nos. 37/04, 8/10 and 29/23)). The work of the Commission is directly related to the implementation of the above conventions, as it deals with the export of

chemicals which could also be considered as components of chemical weapons.

- **Chemicals Act** (Official Gazette of the RS Nos. 110/03, 47/04 – ZdZPZ, 61/06 – ZBioP, 16/08, 9/11, 83/12 – ZFfS-1 and 95/24 – ZFfS-1A); the Chemicals Act regulates the trade in chemicals, defines measures for the protection of people's health and the environment against the harmful effects of chemicals, and established obligations and procedures that should be complied with by both legal and natural persons who produce, store, trade in or use chemicals in Slovenia.
- The licence of the Chemicals Bureau for the performance of the strategic activity of the training of SAF members on the handling of class 1 strategic goods of the Decree on setting the list of strategic goods and related control regimes (Ministry of Health, No. 21601-2022/4).
- Training programmes (basic military professional training, Military Occupational Specialty, schools, individual military skills, pre-deployment training and pre-work training before taking up duties within the SAF International Peacetime Establishment).

5. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

In 1992, Slovenia became party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction through the notification of succession. In April 2004, Slovenia joined the Australia Group and in May of the same year, it incorporated into its legal order Council Regulation (EC) No. 1334/2000 of 22 June 2000 setting up a *Community* regime for the control of exports of dual-use items (hereinafter: Regulation 1334/2000/EC). In addition to the above regulations,

Slovenia has also implemented specific agreements on the control of exports of military goods (Wasenaar Arrangement) which, in addition to conventional weapons, also regulate the export of special chemicals such as casualty agents.

Implementation of the Convention:

- The Constitution;
- Defence Act;
- SAF Service Rules (prohibition of the use of casualty agents, toxin weapons, chemical weapons and bacteriological weapons specified in paragraph 323);
- The Strategic Materials Act was adopted with the aim of regulating the activities related to strategic goods of special importance for security and safety in accordance with the CWC, Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, and other international commitments of Slovenia. The Strategic Materials Act defines the prohibited strategic activities, obligations and restrictions on the implementation of strategic activities, and the measures to control them, with a view to preventing violations of Slovenia's treaty obligations. As mentioned above, Article 22 of the Strategic Materials Act mentions the Strategic Materials Commission, which practically no longer meets, as most of its work has been taken over by the Commission for the Control of Exports of Dual-Use Items. The Commission's work is directly linked to the implementation of the above conventions, as it deals with the export of chemicals which can also be regarded as components of chemical weapons.
- Chemicals Act;
- The licence of the Chemicals Bureau for the performance of the strategic activity of the training of SAF members on the handling of class 1 strategic goods of the Decree on setting the list of strategic goods and related control regimes (Ministry of Health, No. 26601-2022/4).

6. Arms Trade Treaty

Slovenia became party to the Arms Trade Treaty (hereinafter: ATT) in 2014. This is the first treaty to comprehensively regulate international trade in conventional arms. This is the first treaty to regulate the transfer of small arms and light weapons. The provisions of the ATT do not regulate the arms acquisition system, which applies to sport shooters, hunters and weapons collectors. The Treaty does not prohibit armaments, as it respects the right of each State to self-defence. Rather, its objective is to create greater transparency in the trade in conventional arms between the States Parties.

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In order to comply with the provisions of the ATT, States must establish and maintain their own control system, including the national control list. Each State appoints one or more national points of contact for exchanging information on matters relating to the implementation of the Treaty. They shall also take all appropriate measures for the implementation of their laws and regulations implementing the provisions of this Treaty. In compliance with their respective laws and regulations, the States Parties to this Treaty shall keep records of conventional arms referred to in Article 2(1) of the ATT. Slovenia regularly fulfils its obligations arising from the Treaty, including its contribution to the ATT Fund in 2019 (EUR 20,000 for G5 Sahel).

Implementation of the ATT:

- The Constitution;
- [**Arms Trade Treaty**](#) (Official Gazette of the RS, - Treaties, No. 17/13)
 - prior approval of the MoD for the import, export and transit of weapons and for the production of military weapons and equipment;
- [**Weapons Act**](#) (Official Gazette of the RS Nos. 23/05, 85/09, 125/21 and 105/22 – ZZNŠPP).

Both the Defence Act and the Weapons Act indirectly implement the provisions of the ATT, although they are much older and were never adopted, as a result of the ratification of the above Treaty. They implement the provisions of the Treaty by establishing national arms trade control systems (import, export and transit of weapons) and at the same time assessing the risk of individual exports.

Challenges in the implementation of the ATT:

- Non-systematic classification of categories of conventional arms, ammunition and mine explosive ordnance, parts and components of weapons, transfer activities and inadequate control of the trade in machinery and materials that enable the production of weapons and ammunition;
- No established effective penalty system for States that violate contractual obligations;
- Given the fact that only the export of munitions and mine explosive ordnance, parts and constituent elements is controlled, the States Parties are not obligated to adopt measures relevant for the arrangement of transit and transshipment on their territory, or measures relevant for the arrangement of the intermediary's activities. The provisions on redirection only refer to weapons and mine explosive ordnance, parts or constituent elements. Weapons as such, without munitions, mine explosive ordnance or other appropriate parts and constituent elements, are practically useless, therefore the Treaty should enforce stricter control over the mentioned objects. Inadequate control over these objects facilitates the production of home-made weapons and the redirection of weapons to illegal markets.

SPECIAL PROTECTION

1. Protection of Civilians, in Particular Children and Women

1.1. Implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, with a special emphasis on the prohibition of child recruitment

1.1.1. IHL legal framework

On 23 September 2004, Slovenia ratified the [Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict](#) (Official Gazette of the RS – Treaties No. 23/04; hereinafter: OPAC). Upon the deposit of the instrument of ratification, it made a declaration in accordance with Article 3(2) of the OPAC setting the minimum age for the recruitment of persons into their national armed forces at the age of 18 years. The minimum age applies to both men and women.

1.1.2. Implementation of IHL at the national level

According to Article 8 of the Constitution, laws and other regulations must comply with generally accepted principles of international law and with treaties binding on Slovenia. Ratified and published treaties shall be applied directly. Article 153(2) of the Constitution further stipulates that laws must be in conformity with generally accepted principles of international law and with valid treaties ratified by the National Assembly, whereas regulations and other general laws must also conform with other ratified treaties.

According to Article 4 of the Defence Act, all forms of military and civil defence are based on and carried out in accordance with the principles of the law of war or the adopted international obligations.

Despite the direct application of treaties, certain changes and amendments of regulations in the field of defence were necessary, having enabled that the applicable legal arrangements in this field strictly observe the minimum age of 18 years for persons to be recruited into their national armed forces, as regards both the performance of military service and the professional work in the military.

According to Article 47 of the Defence Act, military service is performed by members of the active structure, military conscripts carrying out military service and members of the reserve structure when called up for military service. Legal arrangements in relation to the examples of performance of military service are presented in more detail below.

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1.1.2.1. Military Service

In accordance with the reformed concept of manning the SAF and on the basis of Article 62a of the [Military Service Act](#) (Official Gazette of the RS No. 108/02) and the decision of the Government of the RS, certain elements of military service in peace were suspended in October 2003. In this regard, medical and other examinations and psychological tests of conscripts, conscription and referrals to military service or an alternative civilian service were suspended. Later, in 2010, compulsory military service in the reserve formation of the SAF was suspended.

Instead of the above elements regarding the compulsory military service, citizens were given a possibility of voluntary military service and (voluntary) military service in the contract reserve formation of the SAF. In both cases, only persons aged 18 years and over may enlist in the SAF.

Article 62e of the Military Service Act stipulates that in the event of an increased risk of attack or the immediate threat of war, or upon the declaration of a state of war or a state of emergency, the National Assembly of the Republic of Slovenia may decide to re-introduce the compulsory implementation of medical and other examinations and

psychological tests, conscription, referrals to military service or an alternative civilian service, and compulsory military service in the reserve formation. Provisions of the Military Service Act that are currently suspended and relate to the performance of such duties also stipulate that, as a rule, conscription is carried out in the same calendar year as the conscripts reach the age of 18; however, at their own request, they may be conscripted in the same calendar year as they reach the age of 17. As a rule, conscripts are sent to military service in the same calendar year as they reach the age of 19; at their own request, however, they may be sent to military service in the first assignment period following the submission of such request if they reach the age of 18 in the same year. Only in such a case do the said provisions of the Military Service Act, theoretically, provide the possibility that, in the event of the re-introduction of conscription, persons under the age set by the OPAC may be recruited to the SAF and, theoretically, take part in hostilities. However, it should be noted that this is only a theoretical possibility and that these Military Service Act provisions should be interpreted in compliance with Article 7 of the SAF Service Act, which entered into force on 14 August 2007, and introduces the protection of minors principle by strictly specifying that neither military service nor other types of work in the army may be performed by persons under the age of 18. This provision, which is one of the fundamental principles of military service, now fully prevents, both in peace and in the potential event of war or the state of emergency, any recruitment of citizens under the age of 18 into their national armed forces. Thus, the applicable legal arrangements in the event of the re-introduction of military service fully prevent any recruitment of citizens under the age of 18 into their national armed forces, whereby every possibility of their potential participation – as members of the SAF – in armed conflicts is excluded.

1.1.2.2. Voluntary Military Service and Military Service in the Reserve Units of the SAF by Contract

As already mentioned, after the abolition of conscription, the possibility of voluntary military service and (voluntary) military service in the contract reserve formation of the SAF was introduced. Conditions in relation to voluntary military service, including those that have to be met by candidates for the voluntary military service, are specified in

the [Regulation on Voluntary Military Service](#) (Official Gazette of the RS Nos. 74/21 and 32/24). As regards the minimum age for voluntary military service, Article 3(1) (General conditions) strictly specifies that only candidates who have already reached the age of 18 may be referred to voluntary military service. This also applies *mutatis mutandis* to military service in the contract reserve formation of the SAF. In this case, Article 3(1) of the implementing regulation, i.e. the [Regulation on Military Service in the Reserve Units of the Slovenian Armed Forces by Contract](#) (Official Gazette of the RS Nos. 95/02, 112/04, 119/07, 30/09, 97/12, 89/20, 28/21 and 98/23), strictly specifies that only men and women who have already reached the age of 18 may take part in the SAF contract reserve formation.

1.1.2.3. Active Structure of the SAF

There are no military schools for persons under the age of 18 in Slovenia. Persons who are later employed in the SAF are (currently) educated in the regular education system. After the completion of regular education, candidates complete the Non-Commissioned Officers School or the Officer Candidate School, which is organised in the framework of education programmes by the Military Schools Centre under the General Staff of the Slovenian Armed Forces.

The active structure of the SAF is composed of professional members of the armed forces, i.e. soldiers, non-commissioned officers, officers and military specialists (military persons) and civilians that are employed in the armed forces but do not perform military service. In accordance with general and special conditions that must be met by candidates for professional performance of military service, an employment contract with the SAF may be concluded only by persons who have already reached the age of 18, as stated in Article 88 of the Defence Act. The protection of minors principle as stated in Article 7 of the SAF Service Act also applies in this case, strictly specifying that neither military service nor other types of work in the army may be performed by persons under the age of 18.

1.1.3. Best Practices

Slovenia regularly reports on the implementation of the OPAC to the Committee on the Rights of the Child in accordance with Article 244 of the OPAC.

Implementation of IHL (including on the protection of the Rights of the Child in Armed Conflict in OPAC) is part of regular education and training in the SAF.

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Slovenia also contributes to the implementation of the OPAC through proper control over the export of weapons. The applicable legal arrangements in this field prevent the export of weapons to countries that allow the recruitment and involvement of children in hostilities.

The trade in military weapons and equipment in Slovenia is based on a permit regime. According to the provision of Article 77(1) of the Defence Act, only a company, institute or an organisation that is granted permission by the MoD may sell, export or import weapons and equipment and carry out any other business related to the transfer of these goods. According to Article 77(2) of the Defence Act, the prior consent of the MoD is required for any export, import or transit of military weapons and equipment across the national territory, unless otherwise provided by an international treaty. In this context, Article 77(3) of the Defence Act also specifies the reasons for the refusal of permission by the MoD for export, import or transit of military weapons and equipment if the fulfilment of the Republic of Slovenia's international commitments is at risk (first indent) and if such activities would promote and enable armed conflicts in a state that is the end user of military weapons and equipment (third indent). According to the Defence Act, however, the recruitment and involvement of children in hostilities in a certain country are not explicitly defined as reasons for the prohibition of the sale and export of military weapons and equipment in the country concerned. Nevertheless, such circumstances could indeed be listed under the above reasons for the refusal of consent by the MoD for export of military weapons to this country, particularly the reasons from the first and third indent of Article 77(3) of the Defence Act. As regards the reasons referring to the fulfilment of international commitments, the [Council](#)

Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, as amended by Council Decision (CFSP) 2019/1560 of 16 September 2019, should be mentioned. It lists the criteria for the denial of an export licence, including the respect for the international obligations and commitments of EU Member States and the respect for human rights in the country of final destination, as well as the respect of IHL by that country.

In the event of other potential violations of the Convention on the Rights of the Child (CRC) and its Optional Protocol (OPAC) as regards the protection of children in armed conflicts outside the territory of Slovenia (for example, direct participation of SAF members in international operations and missions, the recruitment of children by non-state actors), the MoD will, within its competence, take part in activities related to reporting on violations in accordance with the OPAC, particularly through submitting information necessary to prepare answers, reports or further decisions.

Since 2016, Slovenia has supported the Oslo Safe Schools Declaration and the Lucens Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict. In June 2022, representatives of the MoD and the SAF were nominated to participate in the online platform led by Norway – the state-led implementation network for the Safe Schools Declaration. In 2023, an SAF representative participated in training organised by the Spanish Ministry of Defence within the framework of the online platform.

Slovenia also strongly supports the implementation of the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, and the Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers.

In 2023, the MoD and the SAF participated in the preparation of NATO Policy on Children and Armed Conflict. The Policy is actively implemented within the framework of IHL training for members of the SAF and for CFS MoD.

1.2. Women in the SAF – Implementing the Women, Peace and Security Agenda and Integrating a Gender Perspective in the SAF

The general national policy on gender equality, which also applies to the SAF employment conditions for personnel, was issued at the very beginning of the independent Republic of Slovenia in 1991, and there were no lawfully forbidden areas for female personnel nor programmes or branches excluding the participation of women in the SAF. The same applies today. Women are represented throughout the structure, from the tactical to the strategic levels of command, including decision-making positions in Slovenia and abroad. Female members of the SAF have been deployed to international operations and missions since the deployment of the first Slovenian contingent in 1997.

The first document related directly to the implementation of UN Security Council Resolution 1325 in the SAF was the CHOD's Directive for the implementation of UN Security Council Resolutions 1325 and 1820, which was issued by the General Staff of the SAF in 2009. The new Directive for the implementation of Resolution 1325 on Women, Peace and Security and the integration of a gender perspective in the SAF was issued by the General Staff of the SAF in May 2020. The main focus and goal of the Directive is the meaningful role of SAF female personnel in decision-making processes, representation of both men and women in international operations and missions, increased awareness of gender perspectives, prevention of sexual and gender-based violence and education and training on UN Security Council Resolution 1325 and gender perspectives for all SAF members.

Gender mainstreaming is applied through different processes, such as education, pre-deployment training and operational planning. From 2000 to 2023, the percentage of women in the SAF ranged between 14 and 17 percent. The overall percentage of women in the SAF has gradually increased through the years. In 2023, women accounted for 9.2% of personnel deployed in overall deployments, and 6.3% within NATO-led operations and missions. Important achievements have been made in the SAF as regards systematic education on women, peace and security as well as training of their gender advisers since

2014; together with the establishment of a permanent position of gender adviser in the General Staff of the SAF in 2015, the latter resulted in the establishment of a network of gender advisers, ranging from the tactical to the operational and strategic levels.

The first female Slovenian contingent commander led a contingent in UNIFIL in 2017, and the first female defence attaché was accredited to Serbia, Macedonia and Romania and completed her mandate in 2018. In the same year, a second defence attaché was accredited and completed her mandate in the USA in 2023. The highest rank of major general in the SAF has been held by a woman since 2018 and in the same year, she was also the first woman among NATO chiefs of defence to be appointed as Chief of the General Staff of the SAF. In 2022, the SAF appointed a second woman holding the position of brigadier general as Chief of Staff of the SAF Force Command. The first female minister of defence in Slovenia took over the office in 2008 and led the Ministry of Defence of the Republic of Slovenia (hereinafter: MoD) until 2012. The second female minister of defence in Slovenia took over the office in 2015 and led the MoD until 2018.

In the [Strategy of the Participation of the Republic of Slovenia in International Operations and Missions \(2010\)](#) (Official Gazette of the RS No. 19/10) the need for the adoption of the National Action Plan for the implementation of UN Security Council Resolutions 1325 and 1820 on Women Peace and Security was emphasised and, in the same year, Slovenia adopted the first National Action Plan for the implementation of UN Security Council Resolutions 1325 and 1820 on Women Peace and Security in 2010. In November 2018, Slovenia adopted its [Second National Action Plan on the implementation of the UN Security Council Resolutions on Women, Peace and Security, for the period 2018–2020](#) (hereinafter: Action Plan). The Action Plan took into account the emerging challenges and new trends in the international community (such as terrorism and violent extremism, large movements of migrants and refugees and humanitarian crises; it also made reference to climate change) and consists of five priority areas: (1) Realisation of the Women, Peace and Security Agenda and integration of a gender perspective in peace and security; (2) Women's meaningful participation; (3) Protection of women and girls

and ending conflict-related sexual and gender-based violence in conflict; (4) Education and training; and (5) Accountability.

Involvement of the SAF in cooperation between ministries at the national level encouraged the idea of merging the internal (national) concept with the external (foreign) through the concept of gender perspective. The [Resolution on the National Programme for Equal Opportunities for Women and Men 2015–2020](#) (Official Gazette of the RS No. 84/15) for the first time incorporated the gender perspective in the light of implementation of the UNSCR on Women Peace and Security. By “including the integration of the gender perspective into Slovenian development, peace and other foreign-policy initiatives”, the Resolution was followed by the Periodic Plans for 2016–2018 and 2018–2019, where the gender perspective and UNSCRs on Women Peace and Security are included in the section on peacekeeping and peace-building with three main measures: integration of gender perspective into conflict prevention and resolution policies, including pre-deployment training on gender perspective and UNSCRs on Women Peace and Security; greater involvement of women in international operations and missions and decision-making and intervention processes, including ensuring mixed gender teams on international operations and missions; and prevention of sexual and gender-based violence in conflict against women and girls, as well as their protection both during and after armed conflict.

Resolution 1325 on Women, Peace and Security and the concept of the gender perspective are included in Chapter 2.6. on promoting gender equality and realising women’s rights around the world of the new [Resolution on the National Programme for Equal Opportunities of Women and Men until 2030](#) (Official Gazette of the RS No. 105/23-8772).

In 2019, Slovenia established the Peace Operations Training Centre (hereinafter: POTC). The Slovenian MoD is also advancing gender mainstreaming through conferences and training within the framework of the POTC. In 2020, a regional conference on “Women, Peace and Security” was organised under the auspices of the Slovenian Presidency of the Central European Defence Cooperation (CEDC), in cooperation with the POTC. In 2021 and 2022, representatives of the

Slovenian MoD participated and gave lectures as part of the training on gender mainstreaming in peacekeeping operations, which was conducted by the POTC. In addition to the gender mainstreaming training in 2023, a Train the Trainers event on the intersecting themes in the context of international operations and missions was held in 2024 at the proposal of MoD. It included the following topics: women, peace, security, gender equality, trafficking in human beings, conflict-related sexual violence and prevention of sexual exploitation and abuse and child soldiers. These topics are crucial for SAF members deployed on missions in countries where trafficking in human beings and sexual violence and exploitation are highly prevalent.

1.3. Humanitarian aid, humanitarian projects and active participation in political dialogue related to the protection of children and women in armed conflicts

1.3.1. Humanitarian aid and humanitarian projects

In the period between 2021 and 2024, Slovenia continued to provide financial support for projects related to the protection of women and children in armed conflicts, medical and psychosocial rehabilitation, and education and empowerment of women in conflict-affected environments.

In the Middle East, these include raising awareness on child marriage among refugees in Lebanon and educating and empowering vulnerable women in Lebanon against gender-based violence (EUR 230,000 in 2021–2023). Since 2009, Slovenia has been providing medical and psychosocial rehabilitation for children from the West Bank and Gaza. In 2019, Slovenia co-financed the opening of the victims' rehabilitation centre in Bethlehem. Activities between 2021 and 2024, financed by Slovenia, focused on capacity building and enhancing cooperation with local partners (in total, EUR 200,000 in the years 2023 and 2024).

Since 2016, Slovenia has been providing financial support (EUR 222,000 in 2022–2023) to a polyclinic in Kabul, Afghanistan, which provides a wide range of medical services with a focus on women and

children. To support these services, Slovenia contributed EUR 50,000 to the UNFPA.

In November 2018, Slovenia adopted the above mentioned Second National Action Plan on Women, Peace and Security 2018–2020. As already mentioned, Slovenia established the POTC, which provides at least one educational event on women, peace and security per year. Slovenia's activities related to the Women, Peace and Security Agenda abroad are also carried out by the ITF Enhancing Human Security, a humanitarian, non-profit organisation established by the Slovenian Government in March 1998 with the initial purpose of assisting Bosnia and Herzegovina in the implementation of the peace agreement and to provide assistance and support in post-conflict rehabilitation.

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Since the beginning of Russia's aggression against Ukraine in 2014, Slovenia has supported the psychosocial rehabilitation of children living in conflict-affected areas in eastern Ukraine. In 2022 and 2023, Slovenia financed a project to strengthen the psychosocial well-being of children in Ukraine. After Russia launched full-scale military operations against Ukraine in February 2024, Slovenia stepped up its humanitarian aid to the country. In 2023, Slovenia financed the completion of a rehabilitation facility for children with disabilities and young people in the Zhytomyr region (EUR 240,000) and the establishment of a centre for psychosocial support in Zhykhar near Kharkiv (EUR 200,000). In 2023, Slovenia allocated EUR 835,000 for assistance and rehabilitation of mine victims in Ukraine and EUR 100,000 for mental health and psychosocial support to Ukrainian children. EUR 100,000 was provided for the psychosocial support of Ukrainian child refugees in Moldova.

In 2022 and 2023, Slovenia also financed a project for the psychosocial rehabilitation of children – victims of armed conflict in Nagorno-Karabakh (EUR 40,000).

Slovenia continues to provide assistance to Bosnia and Herzegovina in its mine actions, focusing on the population living in mine-contaminated areas (EUR 206,000 in 2021–2023), as well as by providing employment opportunities to mine victims by promoting beekeeping for

persons with disabilities (EUR 93,000 in 2021–2023). In 2024, Slovenia is financing a project to empower women mine victims (EUR 17,000).

Slovenia is also funding several projects in sub-Saharan Africa, including building resilience to crises, empowering women in South Sudan (EUR 410,000 in 2023–2025) and addressing gender-based violence in the context of humanitarian crises, food insecurity and poverty in Uganda (EUR 145,000 in 2021–2022). In the 2023–2025 period, Slovenia will support the project on water, food and protection from violence for the coexistence and dignity of Darfur communities in Sudan (EUR 410,000).

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On 11 June 2024, the Slovenian Government opted to allocate EUR 2.5 million to alleviate the consequences of the conflict between Israel and Hamas and to protect the Palestinian people. Slovenia also allocated an additional EUR 5 million in 2024 for humanitarian aid and reconstruction in Ukraine and to mitigate the impact of the war in the country on global food security.

One of the development cooperation and humanitarian aid priorities as enshrined in the [Resolution on Development Cooperation and Humanitarian Assistance of the Republic of Slovenia](#) (Official Gazette of the RS No. 54/17) is the promotion of peaceful and inclusive societies, with particular emphasis on good governance, equal opportunities, including gender equality, and quality education. Gender equality is one of the two cross-cutting issues of Slovenia's development cooperation and humanitarian aid. In 2023, Slovenia adopted the Guidelines for the inclusion of gender equality in development cooperation and humanitarian aid, which commits the Ministry of Foreign and European Affairs of the Republic of Slovenia (hereinafter: MFEA) to ensure that by 2030, at least 85% of bilateral development projects and programmes will include activities for gender equality and women's empowerment as a main or significant objective, according to the OECD DAC methodology.

Slovenia also works to protect women and girls by supporting partners such as international organisations and funds. Given the limited amount of resources and the growing humanitarian needs and crises, choosing which crises to support with development and humanitarian

aid is a challenge. To ensure a more efficient and prompt humanitarian response, Slovenia signed a Memorandum of Understanding (MoU) with the ICRC in 2023, which envisages Slovenia's annual contributions in the 2023–2025 period to support the ICRC's humanitarian aid programmes and activities worldwide. As a supporter of the Call to Action on Protection from Gender-Based Violence in Emergencies initiative, Slovenia pledged EUR 120,000 to the ICRC in 2022 and 2023 to help end gender-based violence in Nigeria.

During the 2023–2025 period, Slovenia has committed EUR 50,000 to the UN Trust Fund to End Violence against Women and EUR 50,000 for peace and security activities. In 2023, Slovenia made its first contribution to the Women's Peace and Humanitarian Fund (WPHF) with EUR 125,000 (EUR 100,000 for Syria, EUR 15,000 for the Rapid Response Window on Women's Participation in Peace Processes and EUR 10,000 for women human rights defenders in countries facing humanitarian, peace and security challenges).

In 2023, Slovenia allocated a total of EUR 465,000 to programmes fighting gender-based violence (GBV) and supporting gender equality and empowerment via ICRC (supporting prevention activities in Nigeria and the Special Appeal on Sexual Violence), UN Women (supporting peace and security activities), the UN Trust Fund to End Violence against Women and the Women's Peace and Humanitarian Fund (WPHF). In 2024, Slovenia earmarked EUR 200,000 for the ICRC Special Appeal 2024: Addressing Sexual Violence.

1.3.2. Active participation in political dialogue

Through its activities in the UN between 2022 and 2024, Slovenia has regularly contributed to UN Security Council discussions on children and armed conflict, sexual violence in conflict, women, peace and security, and on the protection of civilians. By becoming a member of the UN Security Council for the 2024–2025 term, it is stepping up its engagement. The Women, Peace and Security Agenda is one of Slovenia's four priority areas during its membership of the UN Security Council.

Slovenia took part in ten UN Security Council open debates and two Arria-formula meetings on women, peace and security or conflict-related

sexual violence during the period between 1 January 2021 and 22 April 2024. Slovenia highlighted the importance of strong political support and partnership with all relevant stakeholders to implement the Women, Peace and Security Agenda, inclusive efforts for peace and stability, women's political leadership, women's economic empowerment for building safe and stable societies, the inclusion of women survivors and victims and their interests in transition processes, the growing gender gap in food security, environmental degradation as one of the key multipliers of women's vulnerability. Moreover, Slovenia strongly condemned the reprisals against women human rights defenders and other female activists for their cooperation with the UN and called for the exploration and strengthening of synergies between the Women, Peace and Security Agenda and the Convention on the Elimination of All Forms of Discrimination against Women. Slovenia also condemned in the strongest terms the use of sexual violence as a tactic of war and/or as an instrument of repression and intimidation, supported including sexual violence as a designation criterion for targeted sanctions and called for the prevention of and accountability for such violence. Slovenia emphasised the need for an effective removal of barriers to reporting, investigating and prosecuting sexual violence in conflict, for a survivor-centred approach, for the full, equal and effective involvement of women in humanitarian, political, peace, security, development and reconstruction processes, and called for access to sexual and reproductive health services and psychosocial and economic support for victims and survivors.

In the context of annual debates on children and armed conflict, as well as the UN Security Council briefings in relation to children affected by armed conflicts, Slovenia has called for universal ratification of the OPAC and for adherence to the Paris Principles and Commitments, the Safe Schools Declaration and the Vancouver Principles. Slovenia is concerned about the scale and scope of all grave violations against children in armed conflict, which it expressed in the reports on the recruitment and use of children, attacks on schools and hospitals and the use of explosive devices and their remnants that often kill or maim children. Fighting impunity and ensuring accountability for human rights violations against CAAC remains a priority. Slovenia is an active member of the Geneva, New York, Brussels and Kyiv groups of friends for children and armed conflict and a strong supporter of the mandate of

the UN Secretary-General's Special Representative for Children and Armed Conflict (SRSG-CAAC), and of the independent, impartial and credible Monitoring and Reporting Mechanism (MRM). As of January 2024, Slovenia takes part in the sessions of the UN Security Council Working Group on Children in Armed Conflict.

Slovenia also regularly participates in interactive dialogues with the SRSG-CAAC in the UN Human Rights Council and the UN General Assembly 3rd Committee sessions by commenting on SRSG-CAAC reports and expressing its support for the work of the Office and the mandate of the Special Representative.

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Slovenia also regularly calls for respect for IHL and human rights law in these and other contexts. It also calls for criminal accountability for human rights violations and abuses.

On 5 and 6 June 2023, Slovenia took part in the Oslo Conference for Protecting Children in Armed Conflict, where it also delivered its commitments.

As mentioned above, Slovenia also pays attention to the humanitarian aspects of children in armed conflict in individual countries. Slovenia has a long tradition of supporting programmes, projects and activities to protect children in armed conflicts and to provide children affected by armed conflicts with psychosocial and physical rehabilitation.

Slovenia signed the Political Declaration on Conflict-Related Sexual Violence at the International Ministerial Conference on Preventing Sexual Violence in Conflict, held in London in November 2022, and made national commitments for action and promoted efforts in this field. The national commitments include efforts to strengthen the global response to sexual violence in conflict, to prevent it, to improve access to justice for victims and survivors and to support survivors and children born as a result of such violence. In line with its commitments, Slovenia translated the Murad Code into Slovenian and disseminated pertinent information about it to all relevant national institutions.

In March 2023, Slovenia, together with Norway, organised a regional Conference on Women, Peace and Security, which brought together

representatives of governments, independent agencies, civil society and academia, experts from Slovenia, Norway, South-Eastern Europe and Ukraine, as well as representatives of international and regional organisations, for a continued exchange of views and experience on the implementation of the Women, Peace and Security Agenda.

2. Protection of the Red Cross Emblem, Other Distinctive Signs and Signals

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2.1. IHL legal framework

The Geneva Conventions and their Additional Protocols as well as customary IHL indicate that the persons or objects wearing or bearing the listed distinctive emblems or signs benefit from specific IHL protection and cannot be legitimate targets of an attack or act of violence in any circumstance.¹⁰ These distinctive emblems reflect a special status of protection under IHL that extends beyond the general IHL protection prohibiting direct attack on civilians, which does not provide for a special distinctive emblem or sign for civilians, building or goods *per se*.

In order to protect the distinctive emblem from misuse, the Geneva Conventions, their Additional Protocols, and customary IHL regulate the general use of all distinctive or protective emblems and signs recognised and protected by the Geneva Conventions and their Additional Protocols¹¹ and, in particular, clearly specify when it is forbidden to use them.¹²

10 GC I: Articles 24, 33, 35, 38–44, and Annex I; GC II: Articles 41–45; GC IV: Articles 18–22; AP I: Articles 18, 37–39, 85, and Annex I; Rule 30 of the ICRC’s study on customary IHL.

11 See for example GC I, Chapter VII, and GC II, Chapter VI.

12 AP I, Articles 37–39, and ICRC’s study on customary IHL, Rules 58–63.

2.2. Implementation of IHL at the national level

The SAF complies with the provisions of Chapter IV (Articles 21–25) of the [Slovenian Red Cross Act](#) (Official Gazette of the RS Nos. 7/93 and 79/10), which regulates the use and protection of the distinctive Red Cross emblem. In the SAF, the [Rules on Service Identity Cards in the Field of Defence](#) (Official Gazette of the RS Nos. 26/00, 93/04, 20/11, 23/13 and 32/24) already regulates the identity card of medical personnel in the SAF (the status of protected persons is defined in Article 8b). Additionally, the [Rules on the Registration and Marking of Vehicles, Aircrafts and Watercraft of the Ministry of Defence](#) (Official Gazette of the RS Nos. 116/07, 21/09 and 111/09, 106/10 – ZMV, 42/16, 58/19 and 67/23) define the marking of SAF transport vehicles (however, only for ambulance vehicles). Notwithstanding the above, in accordance with Article 37 of the Slovenian Red Cross Act, the regulations on the method of using the red cross emblem (Official Gazette of the SFRY No. 59/83) and the regulations on the use of the red cross emblem and special identity cards of medical personnel in the armed forces of the SFRY (Official Gazette of the SFRY No. 30/84; hereinafter: SFRY Regulations) shall continue to apply until the entry into force of the new implementing provisions.

After reviewing the content of the two previously mentioned regulations and comparing them with the content of the SFRY regulations, the MoD concluded that the two regulations do not fully cover the material as prescribed by the SFRY regulations (or the Slovenian Red Cross Act) and that it will be necessary to supplement them or to consider defining the mentioned material jointly in a single legal act. The MoD will resume the activities of amending or drafting the regulation, which were interrupted at the end of 2018.

In accordance with Article 36 of the Slovenian Red Cross Act, the MoD, the Ministry of Health, and the Slovenian Red Cross have also started drafting a new regulation to comprehensively regulate the use of the red cross insignia in the SAF, including the protection of medical and religious personnel. Regulations on the use of the red cross emblem in the SAF, which will replace the outdated SFRY regulations in force today, are currently in the final drafting stage.

2.3. Best practices

The consultation on the legal framework for the implementation of IHL between the Slovenian Permanent Coordination Group for International Humanitarian Law (hereinafter: PCG for IHL) and the German IHL Committee, with the presence of the ICRC legal advisor, which took place on 21 and 22 November 2018, is a good example of regional and international cooperation in sharing information and best practices.¹³

One of the topics discussed¹⁴ was national legislation and best practices related to the protection of distinctive emblems in Slovenian and German national legislations and related best practices (i.e. the system of sanctioning the misuse of distinctive emblems, organising annual seminars, disseminating knowledge on the subject at the local level).

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3. Protection of Military Medical Personnel, Military Medical Units, Establishments, Means of Transport and Religious Personnel

3.1. IHL legal framework

The relevant IHL conventions and protocols concerning the protection of military medical personnel, military medical units, establishments, means of transport and religious personnel include:

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- 13 Composed of representatives of the Ministry of Foreign and European Affairs, Ministry of Defence, Ministry of Health, Ministry of the Interior, Ministry of Culture, Ministry of Public Administration, Ministry of Education, the Slovenian Red Cross and the Faculty of Law of the University of Ljubljana.
 - 14 Discussed topics: 1) Protection of distinctive emblems, 2) Protection of health care in armed conflict, 3) Criminal sanctions for breaches of IHL, 4) Protection of cultural property in the event of armed conflict, 5) Arms treaties, 6) Cyberattacks, 7) The functioning of the Slovenian PCG for IHL and the German national IHL committee, 8) Protection of children in armed conflict, 9) Protection of journalists in armed conflict, and 10) Protection of POWs.

- GC I which, from Chapter III up to and including Chapter IX, provides for the protection of military medical units and establishments, personnel, buildings and material, medical transport, the use and protection of distinctive signs, the implementation of the Convention and the punishment of abuses and violations;
- GC II, of which Article 22 defines hospital ships and their protection and Article 23 provides for the protection of all installations and assets from the First Geneva Convention from attack and bombardment from the sea. Article 36 provides for the protection of hospital ships and their crews, Article 38 defines medical transports, Article 39 defines medical aircraft for the exclusive purpose of evacuation of wounded, sick and shipwrecked persons and the transport of medical personnel and equipment, Article 41 provides for the use of a distinctive sign, and Article 43 requires visible markings of hospital ships and other ships;
- GC III, of which Article 33 defines the rights and duties of military medical and religious personnel detained in hostilities to assist prisoners of war, and Articles 34 and 35 regulate the status and rights of religious personnel;
- AP I, of which Article 8 (Definitions of terms) provides the definitions of the terms “wounded”, “sick” and “shipwrecked”, “medical personnel”, “religious personnel”, “medical units”, “medical transports”, “identifying mark”, etc., and thus provides for their general protection, extending it to military as well as civilian persons. Article 38 prohibits the misuse of recognised signs;
- AP II, which builds on and supplements Article 3 common to the Geneva Conventions of 1949, and is applicable to all armed conflicts other than those covered by Article 1 of the AP I. Article 9 provides for the protection of medical and religious personnel, Article 10 provides for the general protection of medical providers, Article 11 provides for the protection of medical units and transports, and Article 12 provides for the observance of the distinctive sign, also in non-international armed conflicts;
- AP III, by which the High Contracting Parties wished to supplement the existing provisions of the Geneva Conventions of 1949 (in particular Articles 26, 38, 42 and 44 of GC1), and the Additional Protocols of 8 June 1977 (in particular Articles 18 and 38 of the AP I and Article 12 of the AP II) on the use of distinctive emblems, in order to increase their protective value.

3.2. Implementation of IHL at the national level

In this section, reference is made only to legal acts relevant to the protection of military health care personnel, military medical units, institutions, means of transport and religious personnel in the event of armed conflict:

Article 4 of the Defence Act provides that all forms of military and civil defence shall be based on and conducted in accordance with the principles of the law of war or accepted international obligations.

Article 43(8) of the Defence Act further provides that no person shall issue, nor shall he or she be obliged to issue, nor shall he or she execute an order if it is manifest that he or she would thereby commit a criminal offence or violate the provisions of the law of war.

Article 25 of the SAF Service Act stipulates that the SAF shall perform military service abroad in accordance with the Defence Act and the regulations issued on the basis thereof, treaties, the principles of the law of war and IHL, as well as the rules applicable within the Alliance and the rules applicable in other international organisations within the framework of which the tasks are performed.

With regard to the duty to respect treaties and the provisions of the law of war and humanitarian law, it should also be noted that the provisions of paragraphs 319 and 320 of the SAF Service Rules are relevant, too. Paragraph 321 of the SAF Service Rules stipulates the respect for religious and other facilities protected under international law; respect for protected personnel, including medical, religious and other personnel protected under the law of war and humanitarian law; and respect for the inviolability of facilities marked with distinctive signs established under international law, as well as the prohibition of attacking such facilities. Paragraph 322 of the SAF Service Rules further prohibits the improper or false use of signs designated under international law for protected facilities and personnel; it prohibits pretending to be protected personnel; it also prohibits attacking designated protected areas or facilities, such as hospitals, demilitarised or safe areas, undefended places and cultural, historical and natural monuments, as well as religious and other facilities protected under international law; and

prohibits taking advantage of the presence of civilians or other protected persons in order to repel a military attack.

3.3. Best practices

The legislative provisions are put into practice through training. The basics and principles of the law of war and IHL – and, in this context, knowledge of the competences of the ICRC, the national Red Cross committees, the possible misuse of the emblem (red cross, red crescent, red crystal, red lion) or the flag, the protected status of military sanitation personnel, vehicles, premises, the consequences of misuse, etc.) – are part of the training and education programmes approved by the Minister of Defence at all levels, from basic soldier training up to the General Staff training course (the rank of colonel and above). Additional training is also provided prior to deployment on peacekeeping operations and missions, as well as for work abroad. These rules and principles are also used annually in the scenarios of various national and international military exercises. In addition to international conventions and professional literature, training is also conducted using the Slovenian Military Standard STANAG 2449(1) and the Red Cross guidelines on customary law.

Representatives of the Slovenian Armed Forces and the Ministry of Defence also participate in the Permanent Coordination Group for IHL chaired by the MFEA, which discusses new developments and relevant issues in IHL.

In May 2021, the PCG for IHL held the second round of consultations with the German National Committee on IHL. The discussions addressed the attacks against medical and humanitarian personnel and their institutions. The consultations aimed to raise awareness of the importance of respecting IHL rules on the protection of medical and humanitarian personnel in armed conflict, drawing on the experience of Doctors without Borders.

4. Protection of Water Infrastructure

4.1. IHL legal framework

IHL provides protection for water infrastructure during armed conflicts, recognising its essential role in sustaining civilian populations. Article 54 of the AP I and Article 14 of the AP II prohibit the destruction or disruption of water installations, supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population, as these facilities are considered civilian objects indispensable to the survival of the population. Article 56 of the AP I and Article 15 of the AP II explicitly safeguard drinking water installations and irrigation works from attack, sabotage or any military operations that could compromise their functionality. Furthermore, Article 52 (General protection of civilian objects), Article 57 of the AP I (Precautions in attack), and customary IHL¹⁵ mandate that all parties to a conflict take necessary precautions to avoid damage to such infrastructure and ensure the continued provision of safe water to civilians.

4.2. Soft law documents

In 2022, 83 states, including Slovenia, endorsed the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas.

4.3. Implementation of IHL at the national level

Article 70a of the Constitution, which was added in 2016, outlined the right to drinking water as a fundamental human right and its protection as a natural resource. By incorporating Article 70a, Slovenia has taken a strong stance on the protection and equitable distribution of water

15 ICRC's study on customary IHL, Rules 7–10 and 15–24.

resources, recognising water as a fundamental right and public good, which would also apply in the event of armed conflict.

With a view to possible integration into military policy and training, Slovenia is preparing the translation of the [Geneva List of Principles on the Protection of Water Infrastructure](#) into Slovenian.

4.4. Best practices

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In partnership with the Geneva Water Hub (hereinafter: GWH), Slovenia has been working on developing a [Global Alliance to Spare Water from Armed Conflicts](#). Its goal is to reduce water-related civilian harm. By marshalling the commitment and expertise of its members towards a jointly defined set of goals, the Alliance will promote respect for international law protecting freshwater and water-related installations, as well as enhancing the knowledge and policies that underpin the law. To define the mandate and scope of the Alliance, Slovenia and the GWH organised an expert workshop in Geneva (November 2023).

Protection of water in armed conflicts forms part of Slovenia's water diplomacy agenda under its priority item Water, Peace and Security. To strengthen the voice and visibility of Slovenia's water diplomacy, the Minister of Foreign and European Affairs appointed an Ambassador-at-Large for Water Diplomacy in September 2022.

5. Environmental Protection

5.1. IHL legal framework

The Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (hereinafter: ENMOD) was adopted in 1976. In Article 1 of the ENMOD, the States Parties to the Convention undertook not to engage in military or any other hostile use of environmental modification techniques having widespread,

long-lasting or severe effects as the means of destruction, damage or injury to any other State Party. Each State Party undertakes not to assist, encourage or induce any State, group of States or international organisation to engage in activities contrary to the provisions of Article 1(1). Slovenia is a party to the [Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques](#) (Official Gazette of the RS – Treaties No. 17/04).

Among the fundamental rules on the methods and means of warfare, Article 35(3) and Article 55 of the AP I introduced a prohibition on the use by parties to an armed conflict of methods or means of warfare which would cause extensive, protracted and serious damage to the natural environment, or which could be expected to cause such damage (e.g. chemical, bacteriological, nuclear, etc.). Retaliatory attacks on the environment are also prohibited. Any restrictions on the use of permitted types of weapons must be taken into account when studying, developing, acquiring or adopting new weapons.

The provisions of the AP I and the ENMOD, both of which are highlighted above, provide specific protection for the natural environment in armed conflicts. In addition to these rules, the natural environment is protected by other general IHL rules (rules on proportionality, distinction and the mandatory application of precautionary measures) and rules aimed at preventing or limiting damage to the natural environment. These include rules on specially protected works or facilities containing dangerous forces (e.g. dams, embankments, nuclear power plants, etc.), on goods essential for the survival of the civilian population, rules on the prohibition of the use of certain weapons (poisons and poisonous weapons of war, biological, chemical, bacteriological weapons, anti-personnel landmines, cluster bombs and ammunition, etc.).

Furthermore, the List of Customary Rules of IHL, published in the International Review of the ICRC, Volume 87, Issue 857, March 2005 (by Jean-Marie Henckaerts, translated into Slovenian by Vasilka Sancin) presents the conclusions of legal experts who have studied customary IHL in international and non-international armed conflicts. The following customary rules of IHL apply to the protection of the natural environment (Rule 43, Rule 44, Rule 45, Rule 74, Rule 75 and Rule 76).

5.2. Soft law documents

In 2020, the ICRC updated the Guidelines on the Protection of the Natural Environment in Armed Conflict. Two years later, the International Law Commission and consequently the UN General Assembly adopted 27 legal principles on the protection of the environment in relation to armed conflicts.

In 2021, both documents were addressed during the regional consultations on topical IHL issues between the Slovenian PCG for IHL, the Austrian, the French and the German national IHL committees and the Ministry of Foreign Affairs of Portugal. The consultations also highlighted the importance of the implementation of both documents at the national level.

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5.3. Implementation of IHL at the national level

In this section, we only refer to legal acts that are relevant to the military aspect of environmental protection and defence in the event of armed conflict:

Article 5 of the Defence Act defines the system of protection against natural and other disasters as one that includes the protection of people, animals, property, cultural heritage and the environment against natural and other disasters. Natural disasters are those caused by natural forces, while other disasters are those caused by human activities or behaviour, as well as war, state of emergency or other forms of mass violence.

Article 17 of the SAF Service Act establishes the general principle of ecological awareness of members of the SAF and stipulates that they must act in an ecologically aware manner and thus also influence their colleagues.

This is reiterated in the SAF Service Rules, paragraph 207, which stipulates the duty of regular maintenance of military real estate, which includes fire protection and environmental protection as the responsibility of the military barracks administrations and all military real estate

users. Paragraph 210 directly regulates environmental protection; in the SAF, this is governed by regulations and acts of command, which specify the organisation, authority, responsibility and tasks of commands, units and institutions at all levels of command; activities, procedures and measures for environmental protection in the use of military real estate; environmental training of SAF members; and participation in the implementation of environmental protection measures in international operations and missions. As to the operations of the SAF, paragraph 320 provides that the SAF and its members may not execute orders and decisions in another country if doing so would cause them to commit an offence under the regulations of the Republic of Slovenia, or if they would act contrary to the law of war and humanitarian law (which also includes environmental protection). Paragraph 322 further explicitly prohibits the use of methods of warfare the express purpose or likely effect of which is to result in widespread, long-lasting and considerable damage to the natural environment.

Rules of the law of armed conflict are also implemented in the SAF through other documents, such as internal acts, training manuals and NATO documents. The JMS STANAG 7141 (7) Joint NATO Doctrine for Environmental Protection During NATO-led Military Activities (MoD, No. 860-424/2011-15 of 9 August 2018) stipulates that NATO forces shall, to the maximum extent possible, protect the environment when conducting military tasks through environmental protection planning during military training and exercises, identification of impacts on the training environment, and emphasis on environmental training. The Slovenian Military Standard STANAG 2594 (1) / AJEPP-7 Best Environmental Protection Practices for Sustainability of Military Training Areas (GŠSV, No. 860-10/2015-15 of 17 June 2020) is also relevant for the sustainable use of military training areas. The standard is designed as a manual of best environmental practices related to the sustainable use of military training areas. It is intended for unit commanders and military training ground managers.

The contents of the standards are also included in the Command and Control Act – the Directive on Environmental Protection in the Slovenian Armed Forces (GŠSV, No. 804-90/2017-1 of 12 May 2017; hereinafter: Directive). The Directive defines the activities of the SAF in this field in peacetime, as well as activities, procedures and measures

for environmental protection in the context of the use of military infrastructure, the provision of environmental training to all SAF personnel, cooperation in the implementation of environmental protection measures in the context of SAF operations abroad and cooperation in the context of SAF's planned measures in the event of disasters and natural catastrophes.

In January 2024, the MoD adopted the [Long-Term Guidelines for Increasing Climate Resilience in the Defence Sector until 2050](#) (hereinafter: Guidelines), which set out objectives and measures to adapt to and mitigate the effects of climate change. The Guidelines address activities to increase energy efficiency, reduce carbon footprints and other adverse effects, as well as other measures to protect the environment and measures to establish a system to predict, prevent and manage risks in a changing climate. They also address the MoD's activities in terms of contributing to international security in crisis areas (e.g. including through environmental advisers to be deployed on international operations and missions) and strengthening military support to the disaster protection system and to civil authorities in dealing with the consequences.

The SAF performs environmental monitoring of the impact of military activities on the environment, which also provides elements for the protection of the environment against such activities. Environmental monitoring is important for filtering out other environmental impacts that may be ultimately attributed to the SAF, but are caused by other stakeholders in the area.

As part of the coordination process, all arrangements for the implementation of military exercises and training planned in the annual exercise plans for the defence and disaster protection systems, which are also communicated to the Government of the Republic of Slovenia, are forwarded to the relevant ministries for interministerial coordination, including the ministry responsible for the environment and spatial planning, for their opinion and review.

The Annex on Environmental Protection is also included in the Operational Order for International Operations and Missions.

5.4. Best practices

As the SAF is not engaged in an armed conflict, the relevant Geneva Conventions and their Additional Protocols are not directly implemented in the operational context. However, compliance with international commitments and national legislation is reflected in the procedures for the acquisition and purchase of new weapons and equipment, and in the continuous provision of training and education, including in this field, at all levels of SAF operations. Basic awareness of environmental protection in the event of armed conflict is already provided at the level of training of SAF candidates, and is included in the training provided at the Non-Commissioned Officers School and the Officers School, as well as in further courses (with an emphasis on the prohibition of the use of certain weapons and methods of warfare).

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Environmental protection training is also part of the training on the law of armed conflict in international operations and missions' (hereinafter: IOMs) pre-deployment training. In the context of individual IOMs, training is also provided in the area of operations, with environmental protection content being integrated as appropriate to IOMs' tasks.

The MoD is aware of the new realities, challenges and risks posed by the effects of climate change, and is therefore working to achieve its national climate ambition targets, following EU and NATO commitments, and is taking an active approach to climate change adaptation and mitigation measures. These will contribute within the MoD to the reduction of adverse impacts, ensure a better organised response, improve energy efficiency and establish a system for managing risks in a changing climate.

As mentioned above, the MoD has adopted long-term guidelines for increasing climate resilience in the field of defence until 2050, which aim to contribute to achieving climate neutrality and improving the energy efficiency of the MoD and the SAF by developing a coherent set of climate measures to keep pace with EU and NATO commitments and objectives. In order to achieve the objectives of effectively combating climate change, it is necessary to adapt the SAF and the organisational units and bodies within the MoD to energy efficiency, reduce greenhouse gas emissions, strengthen energy resilience and preserve

biodiversity. The target is to reduce greenhouse gas emissions by 2030, taking into account the different branches of the SAF. At the same time, the MoD will work to raise awareness and enhance the expertise on climate change in the defence sector, and to cooperate and network with other EU Member States and NATO allies, including through the exchange of best practices and lessons learned.

Given the increasing frequency of natural and other disasters in Slovenia, the SAF will also need to adapt and prepare for more frequent military assistance to the disaster protection system to support civil authorities in the event of natural disasters and other emergencies. The MoD is working towards achieving the EU climate ambition objectives of integrating climate change considerations into military capability development, and is implementing activities and solutions in the areas of climate change and biodiversity conservation. The activities of the MoD also include energy efficiency, energy rehabilitation of infrastructure capacities, reducing dependence on external energy sources, reducing the carbon footprint, integrating sustainable mobility and digitalisation, integrating climate change themes into planning and education programmes, engaging in circular economy projects and investing in research and development and innovation projects in the field of energy efficiency and environmental protection. The MoD works closely with research and business organisations to achieve a strategic and integrated approach to environmental and energy challenges. The [Slovenian Energy and Environment Partnership in Defence](#) (SiEnE), launched in 2020, represents a strategic and comprehensive approach to addressing the green transition, energy and environmental challenges in the defence sector. In this field, the MoD is also involved in a number of international initiatives and alliances.

In 2022, the POTC developed training on the connection between climate change and global security, which was tailored to those deployed in peace missions and operations. The training is carried out twice a year and is also available free of charge to deployed personnel from other countries.

6. Protection of Cultural Property

6.1. IHL legal framework

The cornerstone of the international legal framework for the protection of cultural property in armed conflicts is the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict (hereinafter: 1954 Hague Convention) and its two Protocols, which is considered the first international instrument dedicated exclusively and comprehensively to the protection of cultural property in armed conflict. According to the 1954 Hague Convention, the protection of cultural property includes its safeguarding and protection, whereby safeguarding obliges States Parties to prepare and organise adequate protection against the possible consequences of armed conflict in their territory, as early as in peacetime, and to take the necessary preparatory measures for the protection of cultural property.

By virtue of the notification of succession, Slovenia became party to the 1954 Hague Convention and its associated rules and protocol (Official Gazette of the RS – Treaties No. 15/92). Slovenia is also a party to the [Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict](#) (Official Gazette of the RS No. 22/03; hereinafter: Second Protocol).

In the field of combating illicit trafficking in cultural property, Slovenia is a party to the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970 (hereinafter: 1970 UNESCO Convention) and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects of 1995¹⁶ (hereinafter: 1995 UNIDROIT Convention). The 2017 Council of Europe Convention on Offences Related to Cultural Property was signed by Slovenia on 4 July 2017, but has not yet been ratified.

16 [UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects of 1995](#) (Official Gazette of the RS – Treaties No. 6/04).

6.2. Implementation of IHL at the national level

In the context of Slovenian national legislation, the [Cultural Heritage Protection Act](#) (Official Gazette of the RS Nos. 16/08, 123/08, 8/11 - ORZVKD39, 90/12, 111/13, 32/16, 21/18 – ZNOrg and 78/23 – ZUNPEOVE; hereinafter: Cultural Heritage Protection Act) is the basic law establishing the procedures and mechanisms for the protection of cultural heritage, including protection in the event of armed conflict.

The Cultural Heritage Protection Act, which takes into account, at several levels, the provisions of the 1954 Hague Convention relating to preparatory measures for the protection of cultural property in the event of armed conflict:

- Provides for the establishment of a Register of Cultural Heritage as a central repository of heritage data to be maintained by the Ministry of Culture (Articles 65–72 of the Cultural Heritage Protection Act);
- When preparing the act on the declaration of a cultural monument, provides for the obligation to specify the measures to be taken for the protection of each cultural monument against natural and other disasters and in the event of armed conflict (Article 24 of the Cultural Heritage Protection Act);
- Provides for the establishment of the [Institute for the Protection of Cultural Heritage of Slovenia](#) (hereinafter: ZVKDS), which performs the public service of protection of immovable heritage and is responsible for participating in the protection of heritage in the event of armed conflicts and in protection against natural and other disasters. The ZVKDS is also used to carry out the marking of cultural monuments with marker boards and, in wartime, it would assist in marking monuments with banners on their roofs and exposed facades, and in assessing damage to monuments caused by armed conflict, etc. (Articles 83 and 84 of the Cultural Heritage Protection Act). As an example, at the outbreak of fighting between the Yugoslav army and the Slovenian independence fighters, the then ZVKDS produced larger cloth markers with a clearly visible white and blue shield. With the help of the owners, these markers were hung on exposed cultural monuments in Ljubljana (churches, museums, galleries) and beyond. A similar method of marking was later used to protect cultural monuments in Croatia and Bosnia; however, attackers from different military

formations often intentionally targeted the marked objects (e.g. Dubrovnik, Mostar);

- Lays down the obligation to mark cultural monuments with marker boards, of which the distinctive sign of the 1954 Hague Convention is an integral part (Article 58 of the Cultural Heritage Protection Act).

In order to facilitate the implementation of the provisions of the Cultural Heritage Protection Act on the marking of cultural monuments, the [Regulation on the Marking of Cultural Monuments](#) (Official Gazette of the RS No. 94/21; hereinafter: Marking Regulation) were adopted in 2021, replacing the [Regulations on the Marking of Immovable Cultural Monuments](#) (Official Gazette of the RS Nos. 57/11 and 94/21). The essential novelty of the new Marking Regulation is that it allows for the marking of buildings housing movable cultural monuments (library collections, museum collections, and archives) instead of only immovable cultural monuments (Article 1 of the Marking Regulation). The marking shall be carried out by means of a marking board, which shall include the distinctive emblem of the 1954 Hague Convention. The Marking Regulation also provides that, in the event of a risk of armed conflict, cultural monuments and objects are to be marked with a distinctive emblem in the form of large signs or banners on fabric or plastic sheeting, on which a distinctive emblem is printed or drawn, at least 100 x 70cm in size (Article 8 of the Marking Regulation). The Manual for the Marking of Cultural Monuments is an integral part of the Regulation and specifies the form, size, materials, and content of the marker (Article 6 of the Marking Regulation).

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Through the provisions of the Cultural Heritage Protection Act, Slovenia has fully implemented the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Articles 5–13 of the 1970 UNESCO Convention):

- The Ministry of Culture, Cultural Heritage Directorate, in cooperation with museum organisations and other stakeholders, is responsible for drafting the relevant regulations, issuing export permits and coordinating the return of illegally removed cultural heritage objects;
- The field of illicit trafficking and return is regulated in accordance with the 1970 UNESCO Convention in Articles 45–51 of the Cultural Heritage Protection Act, while the status of cultural heritage objects

(national treasures, cultural monuments, undiscovered archaeological finds) is regulated in Articles 6, 10, 17 and 18 of the Cultural Heritage Protection Act;

- Under the provisions of the Cultural Heritage Protection Act, museums are obliged to carefully verify the provenance or origin of movable heritage (Article 89), as are dealers in movable heritage (Article 45). Failure to verify, or even the absence of verification of the provenance of objects is sanctioned as an offence;
- According to the Cultural Heritage Protection Act and implementing regulations, dealers in cultural heritage are obliged to keep records of transactions in cultural heritage (Article 45 of the Cultural Heritage Protection Act);
- The export and import of cultural heritage is regulated in Articles 56 and 47 of the Cultural Heritage Protection Act, and with Slovenia's accession to the EU, the [Council Regulation \(EC\) No 116/2009 of 18 December 2008 on the export of cultural goods](#) is also in force and directly applicable.

The provisions of the 1995 UNIDROIT Convention are implemented in the Slovenian legal order in Articles 48–51 of the Cultural Heritage Protection Act and in the [Return of Unlawfully Removed Objects of Cultural Heritage Act](#) (Official Gazette of the RS Nos. 126/03 and 8/16); however, there has not yet been any record of the practice of restitution under this Convention in Slovenia.

From the military perspective, the following legislation is relevant in the context of the protection of cultural property in the event of armed conflicts:

- Article 4 of the Defence Act stipulates that all forms of military and civil defence shall be based on and carried out in accordance with the principles of the international law of war and accepted international obligations;
- This content is reiterated in the SAF Service Rules, paragraph 319, which stipulates that members of the SAF shall, in the course of their operations, comply with the Defence Act and the SAF Service Act, these Service Rules, accepted treaties and the international law of war and humanitarian law, irrespective of how the conflict or operation in which they are participating is defined under international law, and irrespective of whether the provisions of the international law of

- war and humanitarian law are also complied with by the enemy side. As regards the protection of cultural property, paragraph 321, item 9, is essential, as it stipulates that Slovenian Armed Forces members and units shall respect cultural, historical and natural monuments and religious and other objects protected under international law. Furthermore, paragraph 322, item 6, of the SAF Service Rules stipulates that it is prohibited to attack designated protected areas or facilities, such as hospitals, demilitarised or safe areas, undefended places, cultural, historical and natural monuments, as well as religious and other facilities protected under international law;
- The rules of the law of armed conflict are also implemented within the SAF through other documents, such as internal acts, training manuals and NATO documents such as STANAG No. 2449.

6.3. Best practices

In practice, Slovenia is also taking measures to protect cultural property both in peacetime and in the event of armed conflict.

[**Registers of immovable and intangible cultural heritage**](#) have been set up, mainly to provide information to support the implementation of heritage protection. The register includes more than 30,000 items of immovable cultural heritage, of which 8,230 have been declared monuments of local importance and 343 monuments of national importance, as well as 124 items and 375 bearers of intangible cultural heritage. The register is based on the principles of the [**Geographic Information System \(GIS\)**](#) and, in addition to the main descriptive data for each unit, includes geolocation data (centroid and area of the unit), which makes it easier for users to locate cultural property in Slovenia, to anticipate potential hazards and to facilitate the treatment and protection of cultural heritage in the event of natural disasters or armed conflict. As regards movable cultural heritage, museums, archives and libraries carry out inventories of material in accordance with professional standards as part of the national public service.

Slovenia has also made important steps in the field of cultural monuments labelling. In 2011, Slovenia started to unify the marking of cultural monuments of national as well as local importance. Following

agreements with interested municipalities and individual potential marker manufacturers, the Ministry of Culture ordered more than 320 uniformly designed marker boards. These are being installed on monuments of national importance by authorised contractors of the ZVKDS in agreement with the owners. The example of the State is followed by the municipalities, which themselves order the same design of the marker boards. It is worth noting that the marker boards contain a QR code with an interactive link to the register of immovable cultural heritage. The codes include the possibility to add other information for visitors, so as not to overload the monuments themselves with other information signs, billboards or advertising messages.

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According to known data, other EU countries have not yet developed a similar unified and multifaceted system of marking cultural monuments which would take into account the requirements of the 1954 Hague Convention and its Protocols (the Hague Convention's distinctive emblem), heritage protection (non-aggressive façade marking), the possibility of reading QR codes for physically handicapped persons, and a number of other elements, including multilingual signs for areas where ethnic communities live and the possibility of additional tourist information.

In 2015, Slovenia also established a Subgroup to address issues related to the implementation of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols, which operates within the framework of the PCG for IHL. The Subgroup is composed of representatives of the Ministry of Culture, the MoD, the General Staff of the SAF, the MFEA, the Slovenian Administration for Civil Protection and Disaster Relief, as well as representatives of museums, the Faculty of Law of the University of Ljubljana and the Slovenian National Commission for UNESCO. The Subgroup's tasks are to monitor and promote activities in Slovenia related to the implementation of and compliance with Slovenia's obligations in the field of protection of cultural property in the event of armed conflict and to disseminate knowledge and understanding of IHL at the national level about the protection of cultural property. Its tasks also include reviewing and providing opinions on the draft report on the implementation of the 1954 Hague Convention for UNESCO.

Slovenia started to promote and disseminate knowledge of IHL also through bilateral consultations with other national IHL committees. The first round of consultations between the Slovenian PCG for IHL and the German IHL committee took place in Ljubljana in 2018. The purpose of the consultations was to compare Slovenian and German legislation for the implementation of IHL. The consultations were attended by members of the Slovenian and German committees and external experts. The Slovenian and German representatives discussed various topics, including the protection of cultural property in peacetime and in the event of armed conflict.

As an example of best practice in the implementation of the 1970 UNESCO Convention, the case of the return of one of the most valuable examples of Bronze Age weaponry – the bronze dagger from Ig, stolen from the National Museum of Slovenia in 1985, can be highlighted. The Slovenian police were informed about the sale of the dagger at an auction in London by Interpol Manchester, which, in cooperation with the Art Loss Register, a private London-based company, identified the dagger as stolen, as it was still listed in Interpol's database of stolen art. Although the statute of limitations had expired for the prosecution of the offence, the Bronze Age dagger could be returned because the object was still recorded in the stolen objects in Interpol's database and identified on the basis of the identification documentation provided by the National Museum of Slovenia. This case demonstrates the positive and cohesive power of a shared cultural heritage and the efforts made by the international community and individual countries to protect it.

From the military perspective, the implementation of the Geneva Conventions and their Additional Protocols is not directly implemented in the SAF, as the SAF is not engaged in armed conflict; however, training and education, including in this field, is constantly provided at all levels of SAF operations. Basic training on the protection of cultural property in the event of armed conflict is already provided in the training of candidates for the SAF, and is also included in the training provided at the Non-Commissioned Officers School and the Officers School, as well as in follow-up courses. All SAF members are thus also familiarised with the distinctive emblem as defined in Article 16 of the 1954 Hague Convention.

Cultural heritage protection training is also included in the pre-deployment training for IOMs in the context of training on the law of armed conflict. In the context of individual IOMs, training is also provided in the area of operations, with cultural heritage protection content being integrated as appropriate to the tasks in the IOM area. One of the tasks of SAF members within the activities of KFOR included the protection of cultural heritage with special status. The POTC offers training on the protection of cultural heritage approximately once a year, and in 2024, it organised training for members of the EU civilian missions in Georgia and Armenia.

In 2023, training in IHL for the strategic, operational and tactical levels of the SAF and the administrative part of the MoD, carried out in cooperation with the POTC, in which digital simulations based on case studies of current armed conflicts were introduced for the first time, included a lesson on legal protection of cultural property in armed conflict. The theoretical part of the training, along with the review and response to the given answers in practical cases, was carried out by experts from the Department of International Law of the Faculty of Law, University of Ljubljana. A blend of theory and immersive simulations was received extremely positively by the participants.

SANCTIONING VIOLATIONS OF IHL

1. Sanctioning Violations of IHL at National Level

1.1. Protection of Civilians, in Particular Children and Women

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On the basis of the applicable legal arrangements, the violation of the OPAC provisions in relation to the recruitment of children or their involvement in armed conflicts is thus prevented at the institutional level. In any event, as mentioned above, the Slovenian legislation does not allow the recruitment of candidates under the age of 18 into the SAF. According to the Criminal Code, the conscription of children is criminalised under criminal offences defined in Article 102 (War crimes) and Article 106 (Conscripting of mercenaries or persons under 18 years of age). According to Article 102(2) (War crimes), serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, include conscripting or enlisting children under the age of 15 years into the national armed forces or using them to participate actively in hostilities. According to Article 102(4), serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, include conscripting or enlisting children under the age of 15 years into the armed forces or groups, or using them to actively participate in hostilities. According to Article 106 of the Criminal Code, the conscription of mercenaries or persons under 18 years of age is even strongly criminalised. According to Article 106(1), any person who during wartime, armed conflict or occupation or when carrying out or supporting the policy of a state or organisation as part of a larger systematic attack orders or carries out the conscription of persons under 18 years of age into national or other armed

forces and their exploitation for active participation in hostilities shall be sentenced to imprisonment for between 10 years and 15 years.

In addition to criminal liability, there could be disciplinary sanctions for military persons for the violation of IHL (Article 57 of the Defence Act).

In accordance with Article 63 of the Defence Act, military persons who are convicted of a criminal offence against military duty, security of the Republic of Slovenia or its constitutional arrangement, the defence strength of the state or against humanity and international law may be stripped of their rank.

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Article 69 of the SAF Service Act stipulates that a military person who has been convicted by a final judgement of a crime against humanity and international law, against the defence power of the country, against the security of the Republic of Slovenia and its constitutional order, against military service, against the inviolability of sexual integrity, of a crime of incitement to hatred, discord or intolerance based on the violation of the principle of equality, or of the crime of murder, shall be dishonourably discharged from the Slovenian Armed Forces.

Furthermore, disciplinary liability for any violations of military discipline is defined in Articles 57–59 of the Defence Act and in Chapter III, Section 14, of the SAF Service Rules. Violation of IHL is also a violation of military discipline (Article 57 of the Defence Act). Disciplinary measures and precautionary measures are further defined in Articles 58 and 59 of the Defence Act. Chapter III, Section 14, of the SAF Service Rules defines disciplinary procedure in more detail.

1.2. Protection of the Red Cross Emblem

Misuse of the distinctive emblem of the red cross, the red crescent, the red crystal and the red lion and sun, or other protective signs recognised by the Geneva Conventions and their Additional Protocols constitutes a grave breach of the laws of war under the AP I, Articles 37(1)(d) and 85(3)(f) and Article 8(2)(b)(vii) of the Rome Statute (War crimes).

The States Parties to the Geneva Conventions and their Additional Protocols have the obligation to adopt laws and sanctions that prevent and punish before the national courts the misuse of these emblems.¹⁷ Slovenia has therefore criminalised the misuse of the red cross emblem or flag or of the signs corresponding thereto, which constitutes a criminal offence under Article 102(2)(7) of the Criminal Code.

1.3. Protection of Military Medical Personnel, Military Medical Units, Establishments, Means of Transport and Religious Personnel

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Pursuant to the provision of Article 63(5) of the Defence Act, a military person may be stripped of his or her rank if he or she is convicted of an offence against military duties, the security of Slovenia and its constitutional order, the defence power of the State, or against humanity and international law.

Article 69 of the SAF Service Act stipulates that a military person who has been convicted of a criminal offence against humanity and international law shall be dishonourably discharged from the SAF.

A breach of international law also constitutes a breach of military discipline (Article 57 of the Defence Act).

Similarly, the misuse of the red cross emblem or flag, or of the signs corresponding thereto; deliberate attacks on hospitals and places where patients and wounded persons are gathered, provided they are not military targets; deliberate attacks on buildings, material, ambulance units and transports, and on personnel using the distinctive signs of the Geneva Conventions and their Additional Protocols, may also constitute a criminal offence under Article 102 of the Criminal Code. A military commander may also be penalised under Article 104 of the Criminal Code for failing to exercise control over an individual or unit

17 GC I, Article 54, and GC II, Article 45.

and for failing to take all reasonable and necessary measures to prevent the commission of criminal acts (command responsibility).

1.4. Environmental Protection

Disciplinary liability for breach of acts of command is defined in the Defence Act, Articles 57, 58 and 59, and in the SAF Service Rules, Chapter III, Section 14.

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The Criminal Code provides for the following offences relating to the violation of the provisions of international and national environmental protection legislation:

- Article 102 stipulates that anyone who orders or commits war crimes, in particular if committed as an integral part of a plan or policy or as part of the widespread execution of such crimes, such as violations of the laws and customs applicable in international armed conflicts under applicable international law, inter alia, the intentional launching of an attack with the knowledge that such an attack will also cause death and injury to civilian persons or civilian objects, or extensive, long-term and severe damage to the natural environment, which would be disproportionate to the overall expected, concrete and direct military advantages, shall be sentenced to imprisonment for at least fifteen years;
- Article 104 of the Criminal Code defines the liability of military commanders and other superiors for offences related to the violation of provisions of international law (including violations under Article 102 of the Criminal Code): a military commander or a person who effectively acts as a military commander, or a person who effectively exercises management authority and control in a civilian organisation or undertaking shall be held liable for such offences committed by units under his or her effective command and control, for failing to exercise proper control over those units and for failing to take all appropriate and necessary measures within his or her power to prevent or to stop those offences or to refer the matter to the competent authorities for investigation and prosecution, even though he or she either knew or, owing to the circumstances at the time, should have known that the units were committing or were about to commit such

criminal offences, shall be sentenced to imprisonment for a term of between one and eight years. A military commander, or a person who effectively acts as a military commander, or a person who effectively exercises management authority and control in a civilian organisation or undertaking, who should or could have known that his or her troops or other subordinates had committed, or could in the circumstances have committed, offences of this kind shall also be sentenced to imprisonment for a term of between six months and five years.

Anyone can be held liable for the commission of offences related to the violation of provisions of international law (including the criminal offences under Article 102 of the Criminal Code). Article 105 of the Criminal Code explicitly states that anyone who establishes a criminal association for the purpose of committing offences under Article 102 of the Criminal Code shall be held liable for the offence under Article 102 of the Criminal Code and shall be sentenced to imprisonment for a term of between one and ten years. Furthermore, anyone who solicits or incites the direct commission of the criminal offences referred to in Article 102 of the Criminal Code shall be sentenced to imprisonment for a term of between six months and five years.

According to the information available, there have been no such infringements to date.

1.5. Protection of Cultural Property

In accordance with Article 28 of the 1954 Hague Convention and Article 15 of the Second Protocol, the Slovenian Criminal Code specifically criminalises offences contrary to Slovenia's obligations under the 1954 Hague Convention and the Second Protocol. The jurisdiction of the Criminal Code is also determined in accordance with Article 16 of the Second Protocol.

Offences related to the violation of the provisions of international and national law on the protection of cultural property are criminalised under Articles 218 and 219 of the Criminal Code.

Pursuant to Article 102 of the Criminal Code, the following acts constitute a war crime:

- Abuse of cultural property markings under the 1954 Hague Convention and the Second Protocol resulting in death or serious injury to a person;
- An intentional attack on buildings dedicated to religion, education, art, science or charity, cultural or historical monuments, cultural property with a special distinctive emblem, natural sites, hospitals and places where the sick and wounded are sheltered, provided that these facilities are not military objectives;
- The use of cultural property under enhanced protection or its immediate surroundings to support military activities.

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As in the previous sub-section, Article 104 of the Criminal Code provides for the responsibility of a military commander for offences committed by units under his or her effective command and control. Article 105 of the Criminal Code establishes the liability of members and leaders of a criminal association. According to the information available, there have been no such infringements to date.

In accordance with the provisions of the 1970 UNESCO Convention, the Criminal Code criminalises the unauthorised possession of and trafficking in objects of special cultural significance or natural value (Article 218 of the Criminal Code) and damaging, removing or destroying objects of special cultural significance or natural value (Article 219 of the Criminal Code). For example, the Criminal Code provides for up to three years' imprisonment for the export of cultural property of great significance. The offences of export without a permit, import without a permit and failure to verify origin are defined as misdemeanours (Article 127 of the Cultural Heritage Protection Act). Article 124 also provides for a possibility of seizure of documentation or objects to secure evidence.

Similarly, the offences criminalised by the Council of Europe Convention on Offences relating to Cultural Property are set out in the Slovenian Criminal Code, e.g. theft under Article 205(2), misappropriation under Article 208(4) and concealment under Article 217(3).

2. International Criminal Justice and Cooperation

In promotion of the respect for humanity and human rights, Slovenia supports the operation of international criminal justice, mutual legal assistance and activities aimed at the rule of law, accountability and prevention of breaches of rights and law.

Slovenia supports full implementation of the Rome Statute, its universality and integrity. It upholds the work and effective functioning of the International Criminal Court (hereinafter: ICC), its independence and impartiality.

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Slovenia responds in a timely manner to the adoption of the amendments to the Rome Statute. In 2022, Slovenia ratified the amendments to the Rome Statute relating to weapons using microbial or other biological agents or toxins, of weapons the primary effect of which is to injure by fragments that escape detection in the human body by X-rays, of laser weapons, and regarding intentionally using starvation of civilians as a method of warfare. These amendments entered into force for Slovenia on 1 December 2023.

The Agreement on the Enforcement of Sentences with the ICC, concluded in 2019, entered into force on 1 April 2022.

Slovenia regularly participates in the Assembly of States Parties to the Rome Statute. At the 22nd Session in New York in December 2023, Slovenia was elected a member of the Bureau of the Assembly for the third time, with a mandate until and including the 25th Assembly in 2026.

At this session, Ms Beti Hohler, a nominee from Slovenia, was elected a judge of the ICC. She was solemnly sworn in as an ICC judge in March 2024.

The protection of victims is at the heart of the Rome Statute system. In this regard, Slovenia further contributed voluntarily to the Trust Fund

for Victims in 2022 and 2023 to assist in redressing the harm suffered by victims of atrocities, through reparation ordered by the ICC and other programmes for their benefit.

Slovenia regularly voices its support for both the ICC and the fight against impunity in general bilaterally and in multilateral fora.

The Minister of Foreign and European Affairs participates in annual informal ministerial network meetings in support of the ICC on the margins of the UN General Assembly's High-level Week. High officials of Slovenia regularly meet with ICC representatives to foster cooperation and support for the ICC.

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In addition, Slovenia reiterates its unwavering support for the fight against impunity and the ICC on different occasions within the UN system, including its national statements, joining or co-sponsoring other statements and supporting resolutions. These include the resolution following the presentation of the report of the ICC in the General Assembly, as well as the marking of the 20th anniversary of the entry into force of the Rome Statute in July 2022 and the 25th anniversary of the adoption of the Rome Statute in July 2023.

In January 2024, Slovenia became a non-permanent member of the UN Security Council. During its two-year term, Slovenia has paid particular attention to conflict prevention and the protection of civilians and the most vulnerable groups in conflict situations. Being committed to the principles of the UN Charter, international law and human rights, it also stands for dialogue, peace, security and stability.

By participating in the Working Party on Public International Law (COJUR-ICC) of the Council of the EU, Slovenia fosters the advancement of the EU Action Plan aimed at promoting universal support for the Rome Statute.

Within bilateral fora, Slovenia regularly promotes the ICC in its relations with States that are not parties to the Rome Statute in the context of the fight against impunity, the need for universal recognition of the importance of the Rome Statute, cooperation with the Court and the protection of the integrity and independence of the Court.

Complementarity is one of the key principles of the Rome Statute. As the primary responsibility for bringing perpetrators of crimes to justice lies with States, it is essential to strengthen the fight against impunity and enhance cooperation between national courts of different States.

For more than a decade, Slovenia has contributed substantially within the MLA Initiative Core Group to the efforts for the adoption of a new multilateral instrument in this field. To this end, Slovenia hosted a Diplomatic Conference in Ljubljana from 15–26 May 2023, which resulted in the adoption of the Convention on International Cooperation in the Investigation and Prosecution of Genocide, Crimes against Humanity, War Crimes and other International Crimes (the Ljubljana-The Hague Convention) on 26 May 2023. Thirty-four countries, including Slovenia, have now signed the Convention.

The Ljubljana-The Hague Convention is a landmark treaty that will help deliver justice to victims of atrocities. It seizes a historic opportunity to strengthen international legal cooperation. Slovenia actively promotes the Convention as an important tool to foster and support international legal cooperation aimed at ensuring accountability of the perpetrators of international crimes, bringing justice to victims and contributing to the prevention of atrocities.

DISSEMINATING KNOWLEDGE OF AND TRAINING IN IHL

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Disseminating knowledge of and training in IHL are vital and necessary tools for the effective implementation of IHL. They promote the acceptance of the principles of IHL as a civilisational and cultural achievement of humankind. In order to ensure compliance with IHL, all state and non-state actors, the SAF and the general public need to be made aware of its content. As a State Party to the Geneva Conventions and their Additional Protocols, as well as other relevant treaties connected with IHL, Slovenia is obliged to disseminate the provisions of these treaties as widely as possible.¹⁸

1. Permanent Coordination Group for IHL

1.1. General Information

PCG for IHL is one of [119 national committees and other national bodies on IHL](#) in the international community. These national committees play a vital role in the national implementation of IHL, which is key to fulfilling the international obligation of States to comply with and ensure respect for IHL.

Slovenia was the first country in Central and Eastern Europe to set up a national IHL committee – the Interministerial Commission on IHL – after the fall of the Berlin Wall in 1999¹⁹, and it operated until 2012, when it was terminated by a Government decision. In 2014,

18 See for example: GC I, Article 47; GC II, Article 48; GC III, Article 127(1); GC IV, Article 144(1); AP I, Article 83(1); and AP II, Article 19.

19 Government Decision No. 762-01/99-1 of 2 April 1999.

the Interministerial Commission on IHL was succeeded by the PCG for IHL, an interministerial working body on IHL, which is chaired by the MFEA and is composed of representatives of a number of ministries, the Slovenian Red Cross, a professor of international law at the Faculty of Law of the University of Ljubljana and an assistant professor of international law and international relations at the Faculty of Social Sciences of the University of Ljubljana, as well as representatives of other professional institutions and organisations. In view of the use of new technologies, their potentials and legal challenges, the PCG for IHL has recently added two experts in satellite technologies / imaging and artificial intelligence to its members.

In 2015, the PCG for IHL established a subgroup to address issues related to the implementation of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols chaired by a representative of the Ministry of Culture.

Practice has shown that it is useful to set up subgroups or working groups for specific areas as they include experts in various fields who systematically prepare expert materials for national IHL committees. The positive effects of such work are also evident in the Slovenian subgroup, as evidenced by the numerous successfully executed tasks.²⁰

1.2. Competence and Activities of the PCG for IHL

1.2.1. At the national level

Competences and activities of the PCG for IHL at the national level include:

- Monitoring, fostering, shaping, coordinating and overseeing activities concerning the implementation of and respect for IHL by Slovenia. The focus is on the implementation of Slovenia's commitments in the field of IHL, in particular the Geneva Conventions and their Additional Protocols;

²⁰ See Chapter III.6. of this report: „Protection of Cultural Property“.

- Promoting the ratification of treaties in the field of IHL;
- Editing Slovenian translations of IHL treaties²¹ and soft law documents;
- Disseminating knowledge of IHL at the national level through thematic seminars, symposia, international conferences, consultations, etc.

1.2.2. At the international level

The PCG for IHL is also active at the international level. Its members often form part of Slovenian delegations participating in events such as:

- Universal²² and regional²³ meetings of national IHL committees, which are an excellent opportunity to exchange expert views and best practices on the functioning of the committees, on contemporary IHL issues and implementation of IHL at the national level;
- Bilateral consultations between the PCG for IHL and other national committees, e.g. bilateral consultations with the German Committee on IHL in 2018 and 2021 on contemporary IHL topics;
- International Red Cross and Red Crescent conferences and other IHL events.

On 16–17 November 2021, during its Presidency of the EU Council, Slovenia organised regional consultations for the first time, under the resolution “Bringing IHL Home.” These consultations brought together

21 With their expert knowledge of IHL, members of the PCG for IHL are invaluable for the work of the IHL editorial commission. In 2015, the [Slovenian translation of the 1954 Hague Convention and its First Protocol](#) was edited by this commission, and in 2019, the [Slovenian translation of the Geneva Conventions and their Additional Protocols](#) was completed. The official Slovenian translation of these Conventions/Protocols was published on the occasion of the 70th anniversary of the adoption of the Geneva Conventions in the Official Gazette of the Republic of Slovenia and as a book (International Law Collection) co-financed by the MoD.

22 The last universal meeting was held in 2021.

23 The regional meeting, the „Regional Conference of European National Committees“, took place in Vienna on 13–14 March 2023. The Chair of the PCG for IHL delivered an introductory presentation on the functioning and challenges of national IHL committees.

the Slovenian, Austrian, Dutch, French and German IHL committees and the Ministry of Foreign Affairs of Portugal. Dr Helen Durham, Director of International Law and Policy at the ICRC, was a keynote speaker. The chairpersons of the five national IHL committees compared the mandates, tasks, composition and challenges of their committees. They also exchanged best practices, experiences and lessons learned.

Such consultations promote and strengthen the role and work of national IHL committees and cooperation between them, thereby improving the implementation and dissemination knowledge of IHL. Slovenia finds the consultations between national IHL committees to be an excellent tool for exchanging best practices, experiences and lessons learned and strongly encourages future consultations on a regular basis.

1.3. Identified challenges at the national level

In their work, the members of the PCG for IHL identified some challenges concerning IHL implementation at the national level, in particular:

- It would be useful to create an electronic database of Slovenian regulations on the implementation of IHL, which could serve as a guide for representatives of ministries when preparing various reports on IHL implementation, when organising international conferences on IHL, and as a tool for the dissemination of knowledge of IHL;
- Slovenia still has no regulation that comprehensively covers the use of the Red Cross insignia in the SAF, and the outdated SFRY regulations on the use of the Red Cross insignia are still in force today. Progress has been made in addressing this challenge. In accordance with Article 36 of the Slovenian Red Cross Act, the MoD, the Ministry of Health and the Slovenian Red Cross have started drafting a new regulation to comprehensively address the use of the Red Cross insignia in the SAF, which will replace the outdated SFRY regulations. The new regulation is currently in the final drafting stage.

2. Raising Awareness of IHL and the Role of Institutions

2.1. Ministry of Foreign and European Affairs

On 8 September 2021, the fourth report on the Implementation of the EU Guidelines on Promoting Compliance with IHL was publicly launched for the first time at a virtual event co-hosted by Slovenia and Portugal, the two Council Presidencies in 2021. The event, aimed at raising awareness of the EU's activities in IHL, brought together more than a hundred participants from all over the world. The panellists, including the EU Special Representative for Human Rights, a representative of the European External Action Service and of the European Commission, agreed that only coherent, coordinated, complementary and mutually reinforcing actions can contribute to effective compliance with IHL on the ground.

In 2021, in cooperation with the Faculty of Social Sciences, University of Ljubljana, the MFEA, published a book "[International Humanitarian Law: Proceedings on the occasion of the 70th anniversary of the Geneva Conventions](#)" (*Mednarodno humanitarno pravo: Zbornik ob 70-letnici sprejema ženevskih konvencij*) that includes contributions by legal and others experts in the field of IHL and is – together with the Slovenian translations of the [Geneva Conventions of 1949](#), their [Additional Protocols](#), and the [List of Customary Rules of IHL](#) – essential for the dissemination of knowledge of IHL in Slovenia.

MFEA organised an IHL event entitled "[Legal Challenges of the 21st Century: Humanitarian Crises, Protection of Critical Infrastructure and the Environment during Armed Conflicts and in Relation to Peacebuilding Measures](#)", which took place in a hybrid format on 19 January 2023 in Ljubljana. Aimed at raising awareness on contemporary issues of IHL and promoting the respect for international law, the event attracted numerous high-level speakers.

In Slovenia, a special milestone was reached in 2023 with the first Slovenian Humanitarian Forum. The event, held in Ljubljana on 2 October, was opened by the President of the Republic of Slovenia,

Nataša Pirc Musar, and included a high-level panel discussion between Janez Lenarčič, European Commissioner for Crisis Management, Mirjana Špoljarić Egger, President of the ICRC, and Ute Klamert, Assistant Executive Director for Partnerships and Advocacy at World Food Programme (WFP).

On 11–12 June 2024, the MFEA, in cooperation with the MoD and under the patronage of the President of the Republic of Slovenia, Dr Nataša Pirc Musar, organised the international IHL conference [“Strengthening the Protection of Civilians: The Challenges of Contemporary Armed Conflict”](#) at the Faculty of Social Sciences, University of Ljubljana. The event aimed at finding solutions to strengthen the protection of civilians, who are the most numerous and tragic victims in today’s complex and recurrent armed conflicts. Five panels addressed current and pressing IHL issues. The first high-level panel discussion focused on the relevance of the Geneva Conventions in today’s complex, recurrent and urbanised armed conflicts, and was followed by four expert panels focusing on:

- Protection of civilians and cultural heritage in besieged cities;
- Cyberattacks on civilian critical infrastructure;
- Protecting civilians from misinformation, disinformation and hate speech in armed conflict;
- Ensuring accountability for violations of IHL.

The international IHL conference was attended by more than 150 participants, including the President of the Republic of Slovenia, Nataša Pirc Musar, the Minister for Foreign and European Affairs, Tanja Fajon, the Minister for Defence, Marjan Šarec, representatives of international organisations and agencies (e.g. UNICEF, UNESCO, UNIDIR, OSCE), the ICRC, national IHL committees, the private sector (Microsoft), diplomats, legal advisors from the foreign ministries of EU Member States and students.

Slovenia continues to promote the dissemination of knowledge and implementation of, and respect for, IHL at the global level, aiming to include it in all documents, discussions and activities, including as a non-permanent member of the UN Security Council for the 2024–2025 term.

The 2023 Memorandum of Understanding signed with the ICRC also includes a provision of supporting, promoting and upholding IHL.

2.2. Ministry of Defence

A Working Group on the International Law of Armed Conflict was established within the MoD in 2023 to coordinate the Ministry's activities in the field of the law of armed conflict and to ensure the coordinated cooperation of MoD representatives in the PCG for IHL appointed by the Government of the Republic of Slovenia. In particular, the Working Group monitors the development and implementation of the law of armed conflict; participates in the preparation of regular and extraordinary reports and opinions within the competence of the MoD in the field of the law of armed conflict; drafts proposals and initiatives relating to the implementation of the law of armed conflict; and coordinates other activities in the field of the law of armed conflict within the MoD.

In 2023, IHL knowledge was disseminated to the strategic, operational and tactical levels of the SAF and the administrative part of the MoD through training carried out in cooperation with the POTC. In addition to reviewing the basics, the training focused on the application of IHL to new methods and means of warfare. In 2023, the SAF introduced for the first time digital simulations into their training, based on case studies of current armed conflicts, allowing trainees to gain a deeper insight into their roles. The theoretical part of the training, along with the review and response to the given answers in practical cases, was carried out by experts from the Department of International Law of the Faculty of Law, University of Ljubljana.

2.3. Peace Operations Training Centre

In 2019, the Slovenian ministries of foreign affairs, defence and the interior established POTC, which delivers certified training for military, police and civilian personnel prior to their deployment to peacekeeping operations and missions within the UN, EU, NATO and the OSCE.

The POTC organises specialised and pre-deployment courses and IHL is regularly addressed in several specialised courses, not least in the IHL training for military personnel.

The POTC developed the Comprehensive Protection of Civilians Training specifically tailored for UN Police and had certified it with the UN Integrated Training Service in December 2023.

The POTC has contributed to the promotion and understanding of IHL by training personnel in other specialised courses as well. IHL is regularly addressed in training on gender mainstreaming, cultural heritage protection and climate, peace and security.

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2.4. Slovenian Red Cross

In accordance with established practice and in the spirit of the Movement's Statutes and the provisions of the Geneva Conventions and their Additional Protocols, the Slovenian Red Cross (hereinafter: SRC) actively implements its duty to raise awareness of the Movement and IHL among the members of the management structures, employees and specific groups, volunteers, members of the armed and police forces, medical personnel, universities, schools, the media and the general public, thus contributing to the reduction of suffering, the protection of victims, more effective humanitarian action and, last but not least, the promotion of a culture of tolerance and peace.

At the level of regional associations, involvement in the IHL dissemination programme varies. The SRC continuously strengthens its activities in the field of organisational culture – all components of the national society must constantly ensure that they are aware of the structure and history of the SRC and, above all, that the fundamental principles of the Movement are consistently applied, not only to enhance the organisation's reputation, but also to ensure the effective and uninterrupted implementation of humanitarian programmes and activities.

During the reporting period, in close cooperation with the MFEA and the Chair of the PCG for IHL, the SRC reported to the International

Federation of the Red Cross (IFRC) on the resolutions and pledges adopted at the 33rd International Conference of the Red Cross and Red Crescent and the resulting obligations for both the SRC and the Republic of Slovenia. The commitments adopted by the SRC relate to the following resolutions: Bringing IHL Home: A roadmap for better national implementation of IHL; Restoring family links while respecting privacy, including the protection of personal data; Mental health and psychosocial needs of people affected by armed conflict, natural disasters and other emergencies; Disaster response laws and policies that leave no one behind; Time to act: Tackling epidemics and pandemics together; Women and leadership in the Movement's humanitarian action; Act today, shape tomorrow; and Implementation of the Operational Arrangements Agreement of 28 June 2009 between Magen David Adom from Israel and the Palestine Red Crescent Society.

The professional service of the SRC maintains good partnership relations with all relevant institutions, organisations and/or individuals working in the field of IHL and the dissemination of the Movement's organisational culture, both at home (PCG for IHL and the MFEA) and abroad, and ensures consistent developments in its work, especially relating to the protection and respect of the red cross emblem. The SRC has also been successful in monitoring violations of the use of the red cross emblem.

The SRC has also participated in several international meetings, workshops and training events.

Knowledge and awareness of the importance of IHL can be disseminated in several different ways. In this light, competitions are held throughout the international Red Cross and Red Crescent family, in which students participate and test their knowledge. The Faculty of Law at the University of Ljubljana, in cooperation with the ICRC, the UNHCR and the SRC, organises the annual All-European International Humanitarian and Refugee Law Moot Court Competition chaired by Professor Vasilka Sancin. A legal expert from the SRC participated as a judge in the organisation of this international competition.

In 2023, a lecture/presentation on the activities of the SRC, both in the field of IHL and in other areas, was also held for representatives of the Slovenian and Dutch Armed Forces.

The SRC has set up the missing persons service of the SRC. Its primary mission is to prevent the distress of persons separated from their relatives by war, armed conflicts, violence, natural and other disasters and migration. Accordingly, activities related to setting up databases, issuing certificates, searching for missing persons, transmitting family messages and cooperation in the restoration of family ties have been carried out.

The missing persons service is established on the basis of the Slovenian Red Cross Act and operates in accordance with the Geneva Conventions and their Additional Protocols, the law and internal rules. Under the Conventions and the Slovenian Red Cross Act, the service maintains certain databases and is obliged to issue certificates and other documents on that basis. In carrying out its tasks and within the framework of the Restoring Family Links (RFL) Network, the missing persons service regularly cooperates with other national Red Cross and Red Crescent societies, the International Tracing Service (ITS) in Bad Arolsen, Germany, the ICRC's Central Tracing Agency and the ICRC Regional Delegation in Belgrade. A rapidly changing society, climate change and the increasing number of disasters and humanitarian crises require constant adaptation and, with the development of artificial intelligence, a special focus on the proper handling of personal data protection.

2.5. Faculty of Law, University of Ljubljana

Members of the Department of International Law of the Faculty of Law of the University of Ljubljana regularly teach courses addressing IHL issues. In addition to a significant proportion of hours devoted to IHL within the mandatory Public International Law course (Bachelor Level), they also teach an elective course titled International Law of Armed Conflicts (Master Level). Individual professors also regularly actively participate in conferences, seminars, workshops, etc. on IHL issues abroad, publish works on IHL issues and mentor students writing their master and doctoral theses in the field of IHL.

In 2021, 2023 and 2024, the Faculty of Law of the University of Ljubljana (hereinafter: Faculty of Law) continued [The Responsibility to Protect in Theory and Practice Conference](#) Series, which is a series of biennial international interdisciplinary conferences. The conferences are organised as a forum where international experts and researchers have the opportunity to participate in a discourse on issues related to R2P, including the relevant IHL framework.

From 21 to 24 November 2023, the annual All-European International Humanitarian and Refugee Law Moot Court Competition took place, organised by the Faculty of Law, in partnership with the ICRC, the United Nations High Commissioner for Refugees (UNHCR) and the SRC. This competition addresses the most pertinent and topical questions relating to international humanitarian and refugee law, drawing on the current crisis situations. It is designed to encourage students to study and understand the fundamental concepts of international humanitarian and refugee law by addressing concrete legal problems and practice their legal argumentation before experienced judges and panel members.

From 6 to 7 November 2023, the 2nd IHL training module took place at the Joint Training Centre in Postojna, organised by the SAF and the POTC of Slovenia. Two leading experts from the Faculty of Law, delivered their lectures to the training participants.

On 14 December 2023, the Faculty of Law, in cooperation with the ICRC, hosted an online Roundtable of IHL Academics in Europe: Shaping the discussion on IHL in complex times. The event brought together 40 academics from different European universities to discuss the teaching and dissemination of knowledge of IHL in Europe, war in cities and the role of academics in countering negative narratives on IHL.

On 13 and 14 June 2024, the Faculty of Law, organised the [Global Conference on AI and Human Rights](#) sponsored by UNESCO, which brought together more than 150 professors, representatives of international organisations and other institutions, non-governmental organisations, researchers and students. The organisers prepared a series of panel discussions covering a variety of topics as part of a research

project entitled ‘Development and use of artificial intelligence in light of the negative and positive obligations of the State to guarantee the right to life’. Panels also addressed key questions and concerns surrounding the use of AI in armed conflict, in particular respect for fundamental IHL rules and principles.

2.6. Faculty of Social Sciences, University of Ljubljana

The Faculty of Social Sciences offers a course on the Politics of the Law of Armed Conflict for third-year undergraduate students; the course consists of 30 hours of lectures and 30 hours of seminars. The course is aimed at students of international relations and defence studies, with an average of 50–60 students attending.

The course covers the development of IHL, regulations relating to specific types of weaponry and armed conflicts since the Second World War. Documents and case studies through history up to current armed conflicts (Ukraine, Gaza, Tigray and Sudan) are discussed in seminars.

Its focus is on the role and importance of the ICRC from its foundation to the present day. The course also covers the jurisprudence of both the International Criminal Tribunal for the former Yugoslavia and the ICC. Furthermore, students learn about European and international centres that specialise in the study of the law of war and IHL.

Students also participate in events and topics related to international law and IHL as part of their various international engagements.

Lecturers and researchers of the Faculty of Social Sciences in the field of international relations and defence studies attend various international and national conferences on international law and IHL.

CONCLUSION

The present national report has outlined the comprehensive measures, initiatives and best practices undertaken by Slovenia to implement and disseminate the knowledge of IHL, ensuring compliance with international standards and contributing to global peace and security.

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Slovenia's efforts encompass a multi-faceted approach that includes legislative reforms, educational programmes, humanitarian aid and humanitarian projects worldwide, active participation in international forums, and support to the accountability mechanism for violations of IHL, including the operation of international criminal justice and mutual legal assistance. The integration of IHL into national legislation and policies reflects Slovenia's proactive stance in safeguarding fundamental principles of humanity. The establishment of specialised training programmes for military and civilian personnel, alongside international IHL conferences and events, reflects Slovenia's commitment to fostering a culture of respect for IHL. Moreover, Slovenia's cooperation with international organisations and its contribution to global humanitarian initiatives highlight its role as a responsible member of the international community. By sharing best practices, providing expertise and participating in international operations and missions, Slovenia strengthens the collective effort to protect those affected by armed conflict.

Despite the progress made, Slovenia remains aware of the ongoing challenges of IHL. The evolving nature of conflicts necessitates continuous adaptation and vigilance to address emerging issues and ensure the effective protection of vulnerable populations. Slovenia is dedicated to enhancing its IHL framework and strengthening its implementation mechanisms through sustained efforts and international cooperation.

In conclusion, Slovenia hopes that this voluntary national report will contribute to and strengthen the respect for IHL and fundamental principles of humanity both in Slovenia and worldwide.

Annex I:

List of applicable IHL treaties ratified/acceded/succeeded by Slovenia

IHL topic	IHL treaty	Date of ratification / accession, succession by Slovenia
Means and methods of warfare	Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare. Geneva, 17 June 1925	19 December 2007
Missing persons	International Convention for the Protection of All Persons from Enforced Disappearance, 2006	15 December 2021
Other treaties-relevant for IHL	Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948	1 July 1992
Protecting victims of armed conflicts	Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949	26 March 1992
Protecting victims of armed conflicts	Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Geneva, 12 August 1949	26 March 1992
Protecting victims of armed conflicts	Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949	26 March 1992
Protecting victims of armed conflicts	Convention (IV) Relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949	26 March 1992
Protection of cultural property	Convention for the Protection of Cultural Property in the Event of Armed Conflict, 14 May 1954	5 November 1992
Protection of cultural property	- Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict, 14 May 1954	5 November 1992

Protection of cultural property	- Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, 26 March 1999	13 April 2004
Means and methods of warfare	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, 10 April 1972	7 April 1992
Means and methods of warfare	Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, 10 December 1976	20 April 2005
Protecting victims of armed conflicts	- Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977	26 March 1992
Protecting victims of armed conflicts	- Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977	26 March 1992
Means and methods of warfare	Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, 10 October 1980	6 July 1992
Means and methods of warfare	- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, amendment to Article 1, 21 December 2001	7 February 2008
Means and methods of warfare	- Protocol (I) on Non-Detectable Fragments, 10 October 1980	6 July 1992

Means and methods of warfare	- Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II), 10 October 1980	6 July 1992
Means and methods of warfare	- Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II to the 1980 CCW Convention as amended on 3 May 1996), 3 May 1996	3 December 2002
Means and methods of warfare	- Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), 10 October 1980	6 July 1992
Means and methods of warfare	- Protocol on Blinding Laser Weapons (Protocol IV to the 1980 Convention), 13 October 1995	3 December 2002
Means and methods of warfare	- Protocol on Explosive Remnants of War (Protocol V to the 1980 CCW Convention), 28 November 2003	22 February 2007
Red Cross emblem	- Rules in the Geneva Conventions of 1949 and their Additional Protocols	26 March 1992(succession); 10 March 2008 (ratification – Protocol III)
Protecting victims of armed conflicts	Convention on the Rights of the Child, 20 November 1989	6 July 1992
Protecting victims of armed conflicts	- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 25 May 2000	23 September 2004
Means and methods of warfare	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, 13 January 1993	11 June 1997

Other treaties relevant for IHL	Convention on the Safety of United Nations and Associated Personnel, 9 December 1994	21 January 2004
Means and methods of warfare	Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, 18 September 1997	27 October 1997
Criminal proceedings	Rome Statute of the International Criminal Court, 17 July 1998	31 December 2001
Protecting victims of armed conflicts	- Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Adoption of an Additional Distinctive Emblem (Protocol III), 8 December 2005	10 March 2008
Means and methods of warfare	Convention on Cluster Munitions, 30 May 2008	19 August 2009
Criminal proceedings	- Amendment to the Rome Statute of the International Criminal Court on War Crimes, amended Article 8, 10 June 2010	25 September 2013
Criminal proceedings	- Amendments to the Rome Statute of the International Criminal Court on the crime of aggression, 11 June 2010	25 September 2013
Other treaties relevant for IHL	Arms Trade Treaty, 2 April 2013	2 April 2014
Other treaties relevant for IHL	The Ljubljana – The Hague Convention, 26 May 2023	14 February 2024

Annex II:

Relevant provisions of the Slovenian Criminal Code

Non-applicability of the statute of limitations to criminal offences

Article 95

(1) Criminal prosecution and enforcement of sentences shall not fall outside the statute of limitations for criminal offences which are punishable by a life sentence pursuant to this Criminal Code as referred to in Articles 100 to 105, or for criminal offences that are not subject to a statute of limitations under international treaties.

[...]

Genocide

Article 100

(1) Whoever, with the intention of destroying, in whole or in part, a national, ethnic, racial or religious group or gives an order:

- To kill members of the group;
- To cause serious bodily or mental harm to members of the group;
- To deliberately inflict on the group living conditions calculated to bring about its physical destruction in whole or in part,
- To impose measures to prevent births within the group; or
- To forcibly transfer children of the group to another group;

shall be sentenced to imprisonment for at least fifteen years.

(2) The same punishment shall be imposed on whoever commits an act referred to in the preceding paragraph against any group for the reasons referred to in indent 8 of Article 101.

Crimes against humanity

Article 101

Whoever orders or carries out the following acts as part of a larger systematic attack against the civilian population and which the perpetrator is aware of:

- Murder;
- Extermination, which means the deliberate infliction of living conditions, such as the deprivation of access to food and medical supplies, which would result in the partial destruction of a population;
- Enslavement, which means the exercise of any or all of the powers deriving from the right of ownership of a person, including the exercise of such power in the course of trafficking in persons, in particular women and children;
- Deportation or forcible transfer of a population, which means the forced displacement of the persons concerned, by expulsion or other coercive measures, from an area in which they are lawfully present without grounds permitted under international law;
- Imprisonment or other serious deprivation of physical liberty in violation of the fundamental rules of international law;
- Torture, which means the intentional infliction of severe pain, physical or mental suffering on a person in the custody of the perpetrator; torture does not include pain or suffering resulting solely from or incidental to the enforcement of a legal sanction;
- Rape, sexual slavery, enforced prostitution, forced pregnancy, which means the unlawful detention of a woman who was impregnated under duress with the intent of affecting the ethnic structure of any population or to commit other serious violations of international law, enforced sterilisation or any other form of sexual violence of comparable gravity;
- Persecution, which means the intentional or severe deprivation of fundamental rights contrary to international law, on account of political, racial, national, ethnic, cultural, religious, gender or other group or community identity as defined in paragraph 3, or on account of any other ground universally recognised as impermissible under international law, in relation to any of the criminal offences set forth in this Article and in Articles 100, 102 and 103;

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- Enforced disappearance of persons, which means the capture, detention or abduction of persons by or with the authorisation, support or consent, of a State or political organisation, followed by a refusal to acknowledge the deprivation of freedom or to give information on the fate or whereabouts of these persons, with the intention of removing them from the protection of the law for a prolonged period of time;
 - The crime of apartheid, which shall mean inhumane acts of a character similar to those mentioned in this Article, committed in the context of an institutionalised regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;
 - Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health;

shall be sentenced to imprisonment for at least fifteen years.

War crimes

Article 102

Whoever orders or commits war crimes, especially if they are committed as part of an integral plan or policy, or as part of the extensive commission of such offences, namely the following:

1) Grave breaches of the Geneva Conventions of 12 August 1949 (Act on notification of succession concerning the Council of Europe conventions, the Geneva Conventions and their Additional Protocols regarding the protection of victims of war and international agreements in the field of arms control, the depositors of which are the three main nuclear forces (Official Gazette of the Republic of Slovenia No. 14/1992)), namely any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

- Wilful killing;
- Torture or inhuman treatment, including biological experiments;
- Wilfully causing great suffering or serious injury to body or health;

- Extensive destruction or appropriation of property not justified by military necessity and carried out unlawfully and wantonly;
- Compelling a prisoner of war or other protected person to serve in the forces of a hostile power;
- Wilfully depriving a prisoner of war or other protected person of the right to a fair trial;
- Unlawful deportation or transfer or unlawful confinement;
- Taking hostages.

2) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

- Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- Intentionally directing attacks against civilian objects, that is, objects that are not military objectives;
- Intentionally directing attacks against personnel, installations, material, units or vehicles used in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
- Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
- Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings that are undefended and which are not military objectives;
- Killing or wounding a combatant who, having laid down his or her arms or having no longer means of defence, has surrendered at discretion;
- Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, or the insignia or flag of the Red Cross, or insignia that conform to them, as well as of the distinctive emblems of the Geneva Conventions or markings of cultural property according to the Hague Convention (The Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict with the Rules for its implementation

(Official Gazette of the Socialist Federal Republic of Yugoslavia, Treaties, No. 4/56) and the Second Protocol to the 1954 Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict (Official Gazette of the RS No. 22/2003), resulting in death or serious personal injury;

- The transfer, directly or indirectly, by the occupying power of parts of its own civilian population into territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
- Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
- Killing or wounding treacherously individuals belonging to the hostile nation or army;
- The unlawful taking of objects from the dead or wounded in a battlefield;
- Declaring that no quarter will be given;
- Destroying or seizing the property of an adversary unless such destruction or seizure is imperatively demanded by the necessities of war;
- Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;
- Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;
- Pillaging a town or place, even when taken by assault;
- Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
- Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;

- Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are fully prohibited;
- Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
- Committing rape, sexual slavery, enforced prostitution, forced pregnancy, which means the unlawful confinement of a woman forcibly made pregnant with the intention of affecting the ethnic composition of any population or committing other grave violations of international law, enforced sterilisation, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;
- Utilising the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;
- Using cultural property under extended protection or its immediate surroundings to support military actions;
- Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions;
- Intentionally using the starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;
- Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.

3) In the case of an armed conflict not of an international character, which, however, does not entail an internal disturbance and tensions such as riots, individual and occasional acts of violence and other similar acts, serious violations of Article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:

- Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
- Taking hostages;
- The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognised as indispensable.

4) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

- Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
- Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations (Act on notification of succession concerning the Council of Europe conventions, for which the USA government is the depositary, the Hague Conventions and the intellectual property conventions (Official Gazette of the Republic of Slovenia No. 24/1992)), as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
- Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are sheltered, provided they are not military objectives;
- Pillaging a town or place, even when taken by assault;
- Committing rape, sexual slavery, enforced prostitution, forced pregnancy, which means unlawful confinement of a woman forcibly made pregnant with the intention of affecting the ethnic composition of any population, enforced sterilisation, or any other form of sexual violence also constituting a grave violation of Article 3 common to the four Geneva Conventions;

- Conscripting or enlisting children under the age of fifteen years into the armed forces or groups, or using them to participate actively in hostilities;
- Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;
- Killing or wounding treacherously a combatant adversary;
- Declaring that no quarter will be given;
- Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
- Destroying or seizing the property of an adversary unless such destruction or seizure is imperatively demanded by the necessities of the conflict;
- Employing poison or poisoned weapons;
- Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
- Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;

shall be sentenced to imprisonment for at least fifteen years.

Aggression

Article 103

(1) An official or other person in a position to effectively exercise control over or to direct the political or military actions of the state, who plans, prepares, initiates or executes an act of aggression which by its character, gravity and scale constitutes a manifest violation of the Charter of the United Nations, shall be sentenced to imprisonment of at least fifteen years.

(2) An act of aggression shall mean the use of armed force against the sovereignty, territorial integrity or political independence of another state, or in any other manner inconsistent with the Charter of the United Nations. Any of the following acts, regardless of a declaration of war, shall qualify as an act of aggression:

1. The invasion of or an armed attack on the territory, sea, aircrafts, ports or vessels of another state, or any military occupation, temporary or permanent, or any annexation by the use of force of the territory of another state or part thereof;
2. Bombardment of or the use of any weapons against the territory of another state;
3. The blockade of the ports or coasts of another state;
4. The use of armed forces of one state which are within the territory of another state with the agreement of the receiving state, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
5. An action of the Republic of Slovenia allowing its territory which it has placed at the disposal of another state to be used by that other state for perpetrating an act of aggression against a third state;
6. The sending of armed bands, groups, irregulars or mercenaries who carry out acts of armed force of such gravity as to amount to the acts listed above.

Liability of military commanders and other superiors

Article 104

(1) A military commander shall be sentenced to imprisonment between one and eight years for a criminal offence referred to in Articles 100 to 103 of this Criminal Code committed by units under his or her effective command and control, for not having correctly performed control over these units and not carrying out all appropriate and required measures within his or her competences to prevent or stop such a criminal offence or for failing to submit the matter to the competent authorities for investigation and prosecution, even though he or she knew his units

committed or could have committed such a criminal offence in the given circumstances.

(2) Any person who effectively acts as a military commander or who effectively exercises management authority or supervision in a civilian organisation or company shall be sentenced in the same manner for the actions referred to in the preceding paragraph.

(3) A military commander or person who effectively acts as a military commander or who effectively exercises management authority or supervision in a civilian organisation or company, who should or would have known that his or her units committed or would commit under the given circumstances a criminal offence under Articles 100 to 103 of this Criminal Code, shall be sentenced to imprisonment for between six months and five years for the actions referred to in the preceding paragraphs.

Association and incitement to genocide, crimes against humanity or aggression

Article 105

(1) Whoever establishes a criminal organisation to commit the criminal offences under Articles 100 to 103 of this Criminal Code shall be sentenced to imprisonment for between one and ten years.

(2) Whoever becomes a member of an organisation referred to in the preceding paragraph shall be sentenced to imprisonment for between six months and five years.

(3) A perpetrator of a criminal offence referred to in paragraph one or two of this Article who prevents the commission of a criminal offence referred to in paragraph one or reports the criminal offence in due time shall be sentenced to imprisonment for up to three years, but the sentence may also be remitted.

(4) Whoever incites or instigates the direct commission of a criminal offence referred to in Articles 100 to 103 of this Criminal Code shall be sentenced to imprisonment for between six months and five years.

Recruitment of mercenaries or persons under 18 years of age

Article 106

(1) Anyone who during wartime, armed conflict or occupation or when carrying out or supporting the policy of a state or organisation as part of a larger systematic attack orders or carries out the recruitment of persons under 18 years of age into national or other armed forces and their exploitation for active participation in hostilities shall be sentenced to imprisonment for between ten years and fifteen years.

(2) Anyone who conscripts, trains or finances the recruitment of mercenaries shall be sentenced to imprisonment for up to three years.



ISBN 978-961-6566-42-1



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