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Building a Europe  
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Construire une Europe  
pour et avec les enfants

**European Union – Council of Europe Joint Project on**

**IMPROVING THE JUVENILE JUSTICE SYSTEM AND STRENGTHENING THE  
EDUCATION AND TRAINING OF PENITENTIARY STAFF IN SLOVENIA  
(Component I)**

**Roadmap for implementation of the recommendations (Output 4)**

**5 October 2023**

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# ROADMAP FOR IMPLEMENTATION

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## ACRONYMS AND ABBREVIATIONS

CoE	Council of Europe
EU	European Union
KZ	Criminal Code
SOP	Standard operating procedure
TAG	Technical Advisory Group
WP	Work Package
ZIKS-1	Enforcement of Criminal Sanctions Act
ZKP	Criminal Procedure Act
ZOMSKD	Liability of Minors for Criminal Offences Act
ZOOMTVI	Act on the Intervention for Children and Youth with Emotional and Behavioural Disorders in Education

### 1. NARRATIVE PRESENTATION

#### ***1.1. Complementarity of the recommendations addressed by the Roadmap with other justice reform efforts***

The draft Liability of Minors for Criminal Offences Act (“ZOMSKD” or “Act”) is intended as a specialized uniform legislative act to address the entire panoply of issues pertaining to the treatment of children involved with the juvenile justice systems as suspects, defendants or post-adjudication. As such, it is intended to streamline and modernise the juvenile justice legislation, which is currently addressed through provisions in general legislation governing the criminal justice system, i.e. the Criminal Code - KZ and the Criminal Code - KZ-1; the Criminal Procedure Act - ZKP; and the Enforcement of Criminal Sanctions Act - ZIKS-1.

The adoption of the ZOMSKD marks a key step in the juvenile justice reform in Slovenia, bringing it closer to ensuring compliance with the relevant standards of the Council of Europe (CoE) and the European Union (EU). Yet effective enforcement of the Act is contingent on a comprehensive review of regulations, policies and practices, which requires a painstaking multi-stakeholder, consultation-based process. In particular, gap analyses on selected topics addressed by this Roadmap will contribute to the identification of legislative and regulatory gaps to be addressed through complementary and mutually reinforcing actions at the legislative and regulatory level.

### ***1.2. Goal, objectives and the expected outputs***

Building on the outputs of the project to support the implementation of juvenile justice reform in Slovenia (i.e. International Research and Gap Analysis; Case law analysis; and Comparative Study of European Standards and Promising Practices), this Roadmap's overall goal is to translate the recommendations accepted by the Slovenian authorities into specific actionable points, designed to deliver impacts.

The Roadmap is envisaged as a reference document for all actors involved in the implementation process. As such, it serves the following objectives:

- 1) To determine the strategic direction and to chart the path for the implementation of the recommendations
- 2) To identify the specific solutions to be implemented
- 3) To identify resources and capacity for implementation
- 4) To determine the key steps, milestones, responsibilities, timelines and outcomes in implementing the solutions identified.

In particular, with regard to Objective 4, the Roadmap outlines the organization of the work, including the assignment of individual recommendations to specific Work Package (hereinafter "WP").

### ***1.3. WPs and breakdown of stakeholder roles. Activities under each WP. Timeline and prioritization***

Based on the outcome of the 1<sup>st</sup> Working Group meeting that took place on 17 April 2023, bringing together the MoJ and other relevant stakeholders, the Roadmap is thematically structured as follows:

1. Individual assessment
2. Specialization and practitioner training and capacity building
3. Streamlining of judicial and prosecutorial practices, including the elimination of inconsistencies and gaps
4. Institutional specialization
5. Institutional strengthening and building institutional capacities, with a focus on the forensic department and the diagnostic center.

Based on this thematic structure, the Roadmap features 5 thematic work packages (WP) each focusing on a specific thematic area as shown in *2. Roadmap matrix*. In addition, a non-thematic work package (WP 0) is envisaged to cover monitoring, evaluation and oversight issues (see *1.4. Process* below). Recommendations selected as a result of the 1<sup>st</sup> Working Group meeting are grouped by WP, and specific actions are identified in respect of each recommendation in order to implement the recommendation in practice. Since certain recommendations straddle the boundaries between WPs, cross-referencing in respect of relevant actions is provided. This is the case with WP 2

(Specialization and practitioner training and capacity building), which cross-references Recommendations 1.5<sup>1</sup> and 5.2,<sup>2</sup> mainly addressed under WP 1 and WP 5, respectively.

The actions envisaged under each WP may be broadly grouped into the following categories:

- a) Legislative change: Drafting and adoption of legislative amendments.
- b) Regulatory action: Development and adoption of supporting regulatory acts to ensure proper implementation of legislative provisions of ZOMSKD and other relevant acts.
- c) SOP, practitioner guideline and tool development: Development, adoption and operationalization of agency-level and interagency standard operating procedures and guidelines, as well as various professional tools.
- d) Training and capacity building: Development of training and other capacity-building activities, including institutional curriculum and content review, as well as supporting research (such as training needs analyses).
- e) Monitoring and research: Studies (including feasibility studies) as well as monitoring and evaluation exercises such as ex post evaluation of regulatory norms.
- f) Standard review: For the purposes of this Roadmap, it mainly concerns the review of national occupational classifications to identify and address the gaps, as well as to update the existing specializations in line with the recommendations.
- g) Piloting specific institutional models and their institutionalization.

With respect to timelines, this Roadmap is based on a 5-tier system:

- Immediate priority: up to 24 months
- Immediate to medium priority: up to 36 months
- Medium priority: up to 48 months
- Medium to long-term priority: up to 60 months

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<sup>1</sup> Recommendation 1.5: "It is recommended that Article 64 of the draft ZOMSKD be revised and supporting regulation be adopted to provide clear guidance on the conditions under which restrictive measures can be imposed on children accused of having committed an offence who are considered in need of immediate protection or assistance. In particular, guidance should address: a) the type of assistance (such as psycho-social support, etc.), b) the need to provide assistance to the child at an early stage even before preparatory proceedings, c) the duty to prioritise the protection needs of the child over the beginning of any criminal proceedings against him/her d) the duty to give priority to the removal of any person that constitutes a threat to the child from the family environment over the removal of the child from his/her family environment. The individual needs and risk assessment of the child should inform any relevant decision." [International Research and Gap Analysis].

<sup>2</sup> Recommendation 5.2: "It is also recommended that the responsible authorities should establish a diagnostic centre and carefully rethink its precise role and responsibilities. The relationship between expert centres in the ZOOMTVI and the future diagnostic centre, as predicted by the ZKP and the draft ZOMSKD, should also be clarified." [Case Law Analysis].

- Long-term priority: up to 84 months

#### **1.4. Process**

As noted in 1.3. *WPs and breakdown of stakeholder roles. Activities under each WP. Timeline and prioritization*, WP 0 is envisaged as a separate work package focusing on monitoring, evaluation and oversight. For this purpose, the Roadmap implementation will involve setting up an *ad hoc* body: the Technical Advisory Group (TAG).

The Technical Advisory Group (TAG) – which may be led by the Ministry of Justice as the stakeholder with the broadest justice-related mandate – is a multidisciplinary consultative mechanism consisting of members (acting *pro bono*) whose expertise and skills are relevant to the subject matter addressed by the Roadmap. The TAG is responsible for the implementation oversight as a whole. The tasks of the TAG also include providing subject matter related quality control and act as a reference group for individual Action outputs. In addition, the TAG will act as a stakeholder validation mechanism to ensure a consultation-based, participatory approach involving all relevant stakeholders. In addition, wider stakeholder consultations are advised in regard of Actions likely to have profound and/or lasting impact, such as all legislative change-focused actions.

Evaluation will be conducted both for individual Actions and for the Roadmap as a whole. In the latter case, both interim evaluation at 12-month intervals and a final evaluation will be conducted.

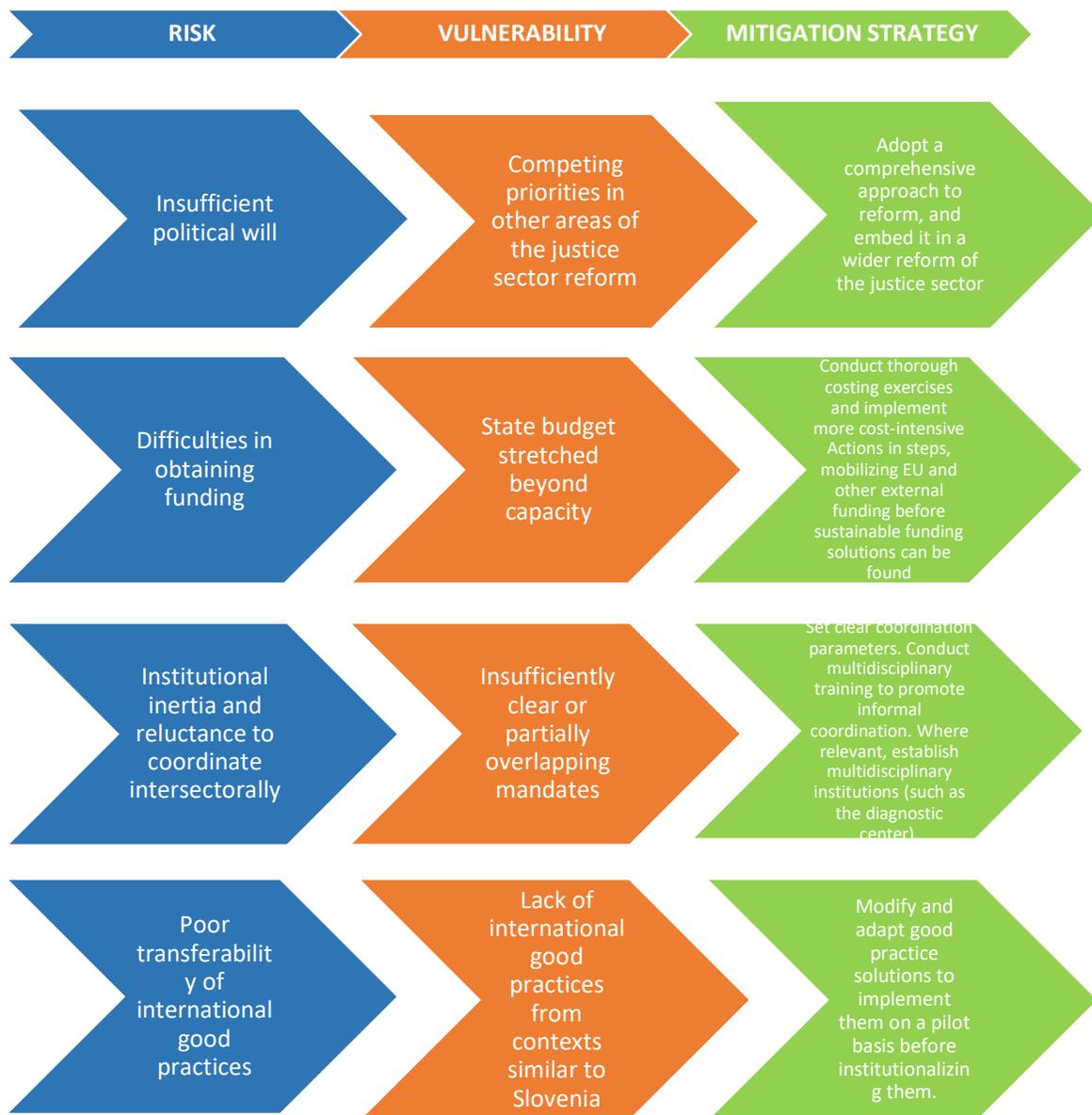
#### **1.5. Resources required**

In assessing the resources, the Roadmap proceeds from the assumption that actions focused purely on legislative and regulatory action do not require additional resources since they are already covered by the state budget, and would at most require a degree of resource reallocation.

With regard to actions that are likely to require additional funding, the Roadmap encourages the search for sustainable solutions, including through state budget resources, while at the same time acknowledges that major change, such as the establishment of new institutions, would require external funding (including EU funds). This is a relevant consideration in respect of actions such as those concerned with the establishment of a diagnostic center (see WP 5, especially Action 5.2.3).

#### **1.6. Risks and mitigation strategies**

The chart below identifies main risks and vulnerabilities, and proposes mitigation strategies.





## 2. ROADMAP MATRIX

### WP 1: INDIVIDUAL ASSESSMENT

#	Description of action	Type of change needed	Specific timeframe suggested	Institution leading the implementation	Institution(s) supporting the implementation	Outcome(s)	Resources
Recommendation 1.1	<p>“It is recommended that the draft ZOMSKD be amended, either through the reformulation of article 10 or the adoption of another provision, to ensure that it clearly establishes a right to individual assessment, the outcome of which will inform all decisions of authorities before, during, and after criminal proceedings. In addition, other provisions of the draft ZOMSKD connected to the individual assessment should be reformulated and aligned accordingly, and the role of the social service should be further clarified.” [International Research and Gap Analysis]</p>						
Action 1.1.1	Drafting and adoption of ZOMSKD	ZOMSKD adoption	Immediate priority (within 24 months)	Ministry of Justice	Ministry of Labour, Family, Social Affairs, and Equal Opportunities, Ministry of Health, Ministry of education	ZOMSKD adopted	No additional resources required
Recommendation 1.2	<p>“It is recommended that guidelines on how to conduct harmonised individual assessments be produced and that different tools for individual assessments covering a broad range of mental health issues be developed by multidisciplinary teams of experts and through the cooperation of several agencies, adopting the good practices offered by the Dutch system. Children should also be consulted in the development of such individual assessment tools to tailor them to different age groups and personal characteristics/circumstances. Given the success of the Barnahus model in Slovenia, good practices on individual assessment could also be drawn from the tools developed in that context. The national examples and the guidelines on individual assessment developed at the international level and provided in this Section II of the Study should be used as reference sources to build upon.” [Comparative Study of European standards and promising practices]</p>						
Action 1.2.1	Drafting and adoption of multi-agency supporting regulations on the	Regulatory action	Immediate priority	Ministry of Justice	Ministry of Labour, Family, Social Affairs, and Equal Opportunities, Ministry of	Multi-agency regulations adopted	No additional resources required

	implementation of multidisciplinary individual assessment, specifying the workflows and agency-specific responsibilities		(within 24months)		the Interior, State Prosecutor General's Office, Supreme Court, Ministry of Health		
Action 1.2.2	Development of guidelines for multidisciplinary individual assessment for professionals in all areas of youth justice (social, education, health, justice and other professionals)	Guideline development	Immediate to medium priority (within 36 months)	Ministry of Justice	Ministry of Health, Ministry of Labour, Family, Social Affairs, and Equal Opportunities, Ministry of Education, State Prosecutor General's Office, Supreme Court	Practitioner guidelines adopted and in use	
Action 1.2.3	Adoption/adaptation of standardized, evidence-based assessment tools, including mental health diagnostics tools.	Assessment tool development	Immediate to medium priority (within 36 months)	Ministry of Health	Ministry of Justice, Ministry of Labour, Family, Social Affairs, and Equal Opportunities, Ministry of Education, State Prosecutor General's Office, Supreme Court	Assessment tools adopted and in use	
Recommendation 1.3	<p>"To avoid difficulties to reintegrate into society following the end of a sanction against a juvenile offender, and to reduce the risks of recidivism, it is suggested that any new legislation could establish that all juvenile offenders, including those who have served an educational measure in a correctional home (who are currently excluded from this option), are offered the opportunity to be placed in special apartments after the end of their measure." [National Research and Gap Analysis]</p> <p>See also:</p> <p>"It is recommended that efforts be made to design programmes and make appropriate arrangements to promote the reintegration of juvenile offenders who have completed their sanctions into the community." [International Research and Gap Analysis]</p> <p>"It is recommended to make adequate post-penal support, including the right to housing in the community after release, available to young people after they are released from educational institutions and the correctional home." [Case law analysis]</p>						
Action 1.3.1	Evaluation of existing programmes and services for the reintegration of juvenile offenders into the community, with possible	Evaluation, with possible pilot project	Immediate priority (within 24months)	Ministry of Labour, Social Affairs, and Equal	Ministry of Justice, municipalities, NGO's and other relevant partners	Evaluation conducted, a proposal for a network scheme pilot developed	State budget and/or explore the availability of external funding

	development and piloting of a network scheme to support community reintegration and resocialization through promotion of better employment and training opportunities for juveniles as a component of their reintegration/aftercare programming	impleme ntation		Opportuniti es			
Action 1.3.2	Drafting and adoption of legislative amendments and relevant supporting regulations providing for the right to comprehensive individualized aftercare	Legislative and regulatory action	Immediate to medium-term priority (within 36 months)	Ministry of Justice	Ministry of Labour, Family, Social Affairs, and Equal Opportunities municipalities	Amendments and supporting regulations adopted	State budget
Recommendation 1.4	<p>“It is recommended that specialised units within educational institutions be set up, based on the example provided from the Netherlands, for children with mental health, emotional and behavioural issues who have committed serious offences and who are considered criminally liable thus not excluded from the justice system tout court. Compulsory care measures should be provided based on a thorough multidisciplinary individual assessment by specialised staff, and through a strong cooperation between the justice system and social/welfare services as shown in the example from Sweden. Multisystemic and network-based approaches should be used to treat children with mental health, developmental, emotional and behavioural issues assigned to these special units, as shown in the examples of practices from Sweden and the Netherlands. The multisystemic approach is internationally recognised and has consistently demonstrated positive outcomes concerning recidivism, harmful sexual behaviour, substance abuse, serious emotional disturbances and chronic healthcare conditions. Resources should be allocated to explore its potential in the Slovenian context.” [Comparative Study of European standards and promising practices]</p>						
Action 1.4.1	Comprehensive analysis of the current system of forensic psychiatric treatment of adolescents, examining good practices and designing a proposal for an integrated system of forensic psychiatric treatment that best addresses the needs of the	Research	Immediate priority (within 24 months)	Ministry of Health	Ministry of Labour, Family, Social Affairs and Equal Opportunities, Ministry of Education, Ministry of Justice	Feasibility assessed and domestically suitable model proposed	State budget

	target population and respects their rights.						
Action 1.4.2	On the basis of the findings of the analysis (Action 1.4.1) and the study (Action 5.1.3), development and adoption of regulations on an integrated system of forensic psychiatric care that best addresses the needs of the target population and respects their rights.	Regulatory action/project development	Immediate to medium term priority (within 36 months)	Ministry of Health	Ministry of Labour, Family, Social Affairs, and Equal Opportunities, Ministry of Education, Ministry of Justice	Regulations adopted; project developed	No additional resources required
Action 1.4.3	Training on the implementation of the selected model	Training and capacity building	Medium-term priority (within 48 months)	Ministry of Health	Ministry of Labour, Family, Social Affairs, and Equal Opportunities, Ministry of Education, Ministry of Justice	A pool of practitioners trained	State budget and/or explore the availability of external funding
Action 1.4.4.	Pilot implementation of an integrated system of forensic psychiatric treatment for juveniles in conflict with the law based on the regulations developed as a result of activity 1.4.1	Implementation of the pilot project	Medium to long-term priority (within 48 Months)	Ministry of Health	Ministry of Justice, Ministry of Labour, Family, Social Affairs and Equal Opportunities, Ministry of Education	Forensic Department pilot project implemented	State budget and/or consider the availability of external sources of funding.
Action 1.4.5	Evaluation of the pilot implementation of Action 1.4.4	Evaluation conducted	Long-term priority (Within 60 months)	Ministry of Health	Ministry of Justice, Ministry of Labour, Family, Social Affairs and Equal Opportunities, Ministry of Education	Evaluation conducted	State budget and/or consider the availability of external sources of funding.

Action1.4.6	Building on the results of Action 1.4.1, completion and operationalization of an integrated forensic psychiatric treatment model for young people in conflict with the law on a permanent and sustainable basis.	Institutionalizing the model of integrated forensic psychiatric care for young people in conflict with the law	Long-term priority (Within 84 Months)	Ministry of Health	Ministry of Justice, Ministry of Labour, Family, Social Affairs and Equal Opportunities, Ministry of Education	Finalisation and operationalization of a model for integrated forensic psychiatric care for young people in conflict with the law based on the results of a pilot project	Sustainable funding from the state budget
Recommendation 1.5	<p>“It is recommended that Article 64 of the draft ZOMSKD be revised and supporting regulation be adopted to provide clear guidance on the conditions under which restrictive measures can be imposed on children accused of having committed an offence who are considered in need of immediate protection or assistance. In particular, guidance should address: a) the type of assistance (such as psycho-social support, etc.), b) the need to provide assistance to the child at an early stage even before preparatory proceedings, c) the duty to prioritise the protection needs of the child over the beginning of any criminal proceedings against him/her d) the duty to give priority to the removal of any person that constitutes a threat to the child from the family environment over the removal of the child from his/her family environment. The individual needs and risk assessment of the child should inform any relevant decision.” [International Research and Gap Analysis]</p>						
Action 1.5.1	Alignment of Article 64 of the draft ZOMSKD concerning the application of restrictive measures on children in need of immediate protection or assistance, taking into account also protective measures provided for by the Law on Prevention of Domestic Violence	ZOMSKD adoption	Immediate priority (within 24 months)	Ministry of Justice	Ministry of Labour, Family, Social Affairs, and Equal Opportunities, Ministry of the Interior, Ministry of Health, Ministry of Education, State Prosecutor General’s Office, Supreme Court	ZOMSKD adopted	No additional resources required
Recommendation 1.6	<p>“More research is needed to explore and understand the social services’ active or passive role in judicial proceedings against young people in conflict with the law, as social services should be active in line with Article 458 of the ZKP or Article 43 the draft ZOMSKD. Recommendations and protocols must be developed to define social services reports’ number per criminal proceeding, structure, and quality to become a better basis for the court’s individualisation of sanctions. The role of court-employed social workers should be thought through so that their interviews with the young person’s parents add to the social services reports rather than duplicating them.” [Case Law Analysis]</p>						

Action 1.6.1	Gap analysis of legislation, policies and practices concerning the role of social services in judicial proceedings involving children in conflict with the law	Research	Immediate priority (within 12 months)	Ministry of Labour, Family, Social Affairs, and Equal Opportunities	Ministry of Justice, State Prosecutor General's Office, Supreme Court	Gaps in legislation, policies and practices identified and solutions recommended	State budget and/or external funding
Action 1.6.2	Develop and adopt regulations (and amendments to existing legislation, if need be) to address the gaps identified through the gap analysis (Action 1.6.1)	Legislative and regulatory action	Immediate to medium priority (within 36 months)	Ministry of Labour, Family, Social Affairs, and Equal Opportunities	Ministry of Justice, State Prosecutor General's Office, Supreme Court	Regulations (and possibly amendments to legislation) adopted	No additional resources required
Action 1.6.3	Development of practitioner guidelines and SOPs for social services in respect of social service reports	Guideline and SOP development	Immediate to medium priority (within 36 months)	Ministry of Labour, Family, Social Affairs, and Equal Opportunities	Ministry of Justice, State Prosecutor General's Office, Supreme Court	Practitioner guidelines and SOPs adopted and in use	Explore the availability of EU or other external funding

## WP 2: SPECIALIZATION AND PRACTITIONER TRAINING AND CAPACITY BUILDING

Recommendation 2.1	"It is recommended to strengthen and improve the cooperation between existing institutions and departments and provide them with specific skills and knowledge that will add to their specialisation." [Comparative Study of European standards and promising practices]. See also Recommendation 4.1 below.
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Action 2.1.1	Upgrading the multidisciplinary training for juvenile judges, prosecutors, defense lawyers, police and criminal inspectors	Training and capacity building	Immediate priority (up to 24 months)	Ministry of justice	Supreme Court, State Prosecutor General's Office, Ministry of the Interior, Bar Association	An adequate number of judges, prosecutors and investigators trained	Explore the availability of EU or other external funding
Action 2.1.2	Curriculum and training content review for the educational institutions and institutions tasked with training and continuous professional development of all professionals involved in proceedings against minors	Curriculum and training content review	Immediate priority (up to 12 months)	Ministry of Justice	Relevant educational and training institutions, Ministry of Education, Ministry of Higher Education, Science and Innovation, Ministry of Labour, Family, Social Affairs, and Equal Opportunities, Ministry of the Interior, Ministry of Health,	Curricula and training content gaps identified	Explore the availability of EU or other external funding
2.1.3	Development and upgrading of existing curriculum and training programs for education and training of all professionals involved in proceedings against minors	Curriculum and training programs development and upgrade	Immediate to medium priority (up to 36 months)	Relevant educational and training institutions		Curricula and training programs developed and upgraded	
2.1.4	Multidisciplinary and professional training for all professionals involved in proceedings against minors	Training and capacity building	Medium priority (up to 48 months)	Relevant educational and training institutions		An adequate number of professionals trained	

See Recommendation 5.2 below							
Action 2.2.1	Training needs analysis for the expert centres in the ZOOMTVI to determine the capacity gaps and needs	Training and capacity building/Research	Immediate priority (within 12 months)	Ministry of Health	Ministry of Justice, Ministry of Labour, Family, Social Affairs, and Equal Opportunities	Training needs identified	No additional resources required
Action 2.2.2	Develop a practitioner handbook and conduct a training of trainers for the expert centers and the future diagnostic center based on the training needs analysis (Action 2.2.1)	Training and capacity building	Immediate to medium priority (within 24 months)	Ministry of Health	Ministry of Justice, Ministry of Labour, Family, Social Affairs, and Equal Opportunities	Practitioner handbook developed and operationalized, and a pool of trainers trained	State budget funding and/or explore the availability of external funding
See Recommendation 1.5 above							
Action 2.3.1	Multidisciplinary training for practitioners on child safeguarding and child-friendly approaches in the treatment of children involved with the criminal justice system	Training and capacity building	Medium priority (within 36 months)	Ministry of Justice	Ministry of Labour, Family, Social Affairs, and Equal Opportunities Ministry of the Interior, Ministry of Health, Ministry of Education, State Prosecutor General's Office	An adequate number of practitioners representing all target groups trained	Explore the availability of EU or other external funding

### WP 3: STREAMLINING OF JUDICIAL AND PROSECUTORIAL PRACTICES, INCLUDING THE ELIMINATION OF INCONSISTENCIES AND GAPS

Recommendation 3.1	“It is recommended to keep Article 6 in the draft ZOMSKD, reformulate its title, and ensure that its content expressly indicates (alongside the educational) the reintegration purpose of sanctions and other measures.” [International Research and Gap Analysis]						
Action 3.1.1	Reformulation of Article 6 of the draft ZOMSKD that is consistent and complementary with relevant legislation insofar as resocialization is concerned;	ZOMSKD adoption	Immediate priority (within 24 months)	Ministry of Justice	Ministry of Labour, Family, Social Affairs, and Equal Opportunities	ZOMSKD adopted	No additional resources are required
Recommendation 3.2	“It is recommended that, in imposing community work as part of deferred prosecution, emphasis should be given to the equality of practices concerning the length of the period of community work and the number of work hours.” [Case Law Analysis]						
Action 3.2.1	Conduct a study of national practices with regard to the practice of deferred prosecution, and develop guidance for prosecutor’s offices to standardize the existing practice, in particular insofar as community work is concerned	Research	Immediate priority (within 12 months)	State Prosecutor General’s Office	Ministry of Justice, Ministry of Labour, Family, Social Affairs, and Equal Opportunities municipalities, civil society organizations	National practices analyzed and guidance for prosecutor’s offices adopted and operationalized	State budget
Recommendation 3.3	“It is recommended that, in imposing monetary tasks, such as payment of damages and contributing to the benefit of public institutions or another dedicated budget as part of a diversion measure, more attention should be given to the young person’s income or scholarship and the child’s socio-economic background.” [Case Law Analysis]						

Action 3.3.1	Review and possible update of the decision-making criteria	Review and possible update	Immediate priority (within 24 months)	State Prosecutor General's Office	Ministry of Justice, Ministry of Labour, Family, Social Affairs, and Equal Opportunities victim support CSOs	Review conducted and decision making criteria updated	Explore the availability of external funding
Action 3.3.2	Training for public prosecutors on decision-making criteria	Training	Immediate to medium-term priority (within 36 months)	Ministry of Justice	State Prosecutor General's Office, Ministry of Labour, Family, Social Affairs, and Equal Opportunities victim support CSOs	training delivered	No additional resources required
Recommendation 3.4	"It is recommended that the draft ZOMSKD be amended in the light of existing secondary legislation to ensure that any statements or confessions made by a minor, or incriminating information obtained from a minor in the context of diversionary proceedings, are not admissible as evidence against the minor in any subsequent criminal proceedings." [International Research and Gap Analysis]						
Action 3.4.1	Adding a provision of the draft ZOMSKD to ensure that statements or confessions made by a juvenile suspect/defendant, or incriminating information obtained from a juvenile in the context of diversionary proceedings, would not be admissible as evidence against the minor in any subsequent criminal proceedings	ZOMSKD adoption	Immediate priority (within 12 months)	Ministry of Justice	Ministry of Labour, Family, Social Affairs, and Equal Opportunities	ZOMSKD adopted	No additional resources are required
Recommendation 3.5	"It is recommended to introduce into the draft ZOMSKD a provision stating that the judge must regularly visit the young person in pre-trial detention." [Case Law Analysis]						

Action 3.5.1	Adding a provision of the draft ZOMSKD to ensure regular visitation	ZOMSKD adoption	Immediate priority (within 24 months)	Ministry of Justice	Ministry of Justice, State Prosecutor General's Office	ZOMSKD adopted	No additional resources are required
Recommendation 3.6	"It is recommended that, when the court decides about two criminal offences in the same proceeding and imposes an educational measure on a juvenile, they should apply the rules for imposing sanctions 'in a series', adapted to educational measures. It is also recommended that, when separate proceedings are held before different judges or courts, the judge/court that imposed the most severe educational measure or last imposed an educational measure of equivalent severity, must impose a unified educational measure That court should also monitor the execution of the imposed unified educational measure." [Case Law Analysis]						
Action 3.6.1	Coordinating the proposed provisions in the draft ZOMSKD on the consecutive imposition of sanctions as adapted to educational measures with judges, prosecutors, corrections practitioners, and criminologists and criminal justice experts, and to adopt the draft ZOMSKD	Expert consultations and draft ZOMSKD refinement	Immediate priority (within 24 months)	Ministry of Justice	Supreme Court, Supreme Prosecutor's Office, corrections practitioners, and criminologists and criminal justice experts	ZOMSKD adopted	No additional resources are required
Action 3.6.2	Conduct training for judges and prosecutors	Training	Immediate to medium priority (30 months)	Ministry of Justice	Supreme Court, Supreme Prosecutor's Office	Training for judges and prosecutors conducted	State budget

#### WP 4: INSTITUTIONAL SPECIALIZATION

Recommendation 4.1	<p>“It is recommended that the Slovenian authorities provide for and emphasise the specialisation of the juvenile justice system in the text of the ZOMSKD as well as in supporting enacting documents.” [Comparative Study of European standards and promising practices]</p> <p>Also: “It is recommended to establish specialised juvenile departments within the district courts. These departments would hear cases relating to juvenile offending and could also have jurisdiction over cases where children are victims of criminal offences (this could apply to certain chapters of the Criminal Code, for example Chapter IXX, XXI, XXXV, or be established for certain specific articles). Alternatively, if specialised juvenile departments cannot be created, it is recommended to appoint traveling specialised juvenile judges that would have a court day on a regular basis in each district.” [Comparative Study of European standards and promising practices]</p>						
Action 4.1.1	Feasibility study to determine the preferred model of judicial and prosecutorial specialization	Feasibility study	Immediate priority (within 12 months)	Ministry of Justice	Supreme Court, State Prosecutor General’s Office	Feasibility assessed and domestically suitable model proposed	State budget
Action 4.1.2	Drafting and adoption of amendments to ZS-1 and ZDT-1	Legislative change	Immediate priority (within 24 months)	Ministry of Justice	Ministry of Labour, Family, Social Affairs, and Equal Opportunities Supreme Court, State Prosecutor General’s Office	Amendments adopted	No additional resources required
Action 4.1.3	Pilot implementation of the model of judicial specialization determined as an outcome of Action 4.1.1 in 1 higher court area	Pilot project implementation	Medium priority (within 36 months)	Supreme Court	Ministry of Justice, State Prosecutor General’s Office, bar association	Judicial specialization pilot implemented	Explore the availability of EU funds
Action 4.1.4	Pilot implementation of the model of prosecutorial specialization determined as an outcome of Action 4.1.1 in 1 higher court area	Pilot project implementation	Medium priority (within 36 months)	State Prosecutor General’s Office	Ministry of Justice, Supreme Court, bar association	Prosecutorial specialization pilot implemented	Explore the availability of EU funds

Action 4.1.5	Evaluation of pilot implementation of the model under 4.1.3	Pilot implementation evaluated	Medium to long term priority (within 54 months)	Supreme Court	Ministry of Justice	Evaluation of pilot implementation conducted	
Action 4.1.6	Evaluation of pilot implementation of the model under 4.1.4	Pilot implementation evaluated	Medium to long term priority (within 54 months)	State Prosecutor General's Office	Ministry of Justice	Evaluation of pilot implementation conducted	
Action 4.1.7	Finalization and nationwide rollout of the model of judicial specialization determined as an outcome of Actions 4.1.1 and 4.1.5	Institutionalization of the specialization model	Long-term priority (within 72 months)	Supreme Court	Ministry of Justice, State Prosecutor General's Office, bar association	Judicial specialization model finalized based on the pilot results and rolled out nationwide	Sustainable state budget funding
Action 4.1.8	Finalization and nationwide rollout of the model of prosecutorial specialization determined as an outcome of Actions 4.1.1 and 4.1.6	Institutionalization of the specialization model	Long-term priority (within 72 months)	State Prosecutor General's Office	Ministry of Justice, Supreme Court, bar association	Prosecutorial specialization model finalized based on the pilot results and rolled out nationwide	Sustainable state budget funding
Recommendation 4.2	"It is recommended to clarify the relevant authority for the identification of the institution that a child should be placed under article 18 of the draft ZOMSKD. It is also recommended that any decision for the placement of a child in the educational facility is the outcome of an assessment carried out in a multidisciplinary approach, such as an assessment of a diagnostic centre." [International Research and Gap Analysis]						

Action 4.2.1	Alignment of Article 18 of the draft ZOMSKD with the provision of the ZOOMTVI on the competence to decide on placement in an educational institution.	ZOMSKD adoption	Immediate priority (within 24 months)	Ministry of Justice	Ministry of Labour, Family, Social Affairs, and Equal Opportunities Ministry of Health, Ministry of Education	ZOMSKD adopted	No additional resources are required
Action 4.2.2.	Development and adoption of provisional regulations on the classification, placement and allocation of juveniles based on the domestic law and the European good practices identified, to be revised once the Diagnostic Center becomes operational.	Regulatory action	long term priority (within 72 months)	Ministry of Justice	Ministry of Labour, Family, Social Affairs, and Equal Opportunities Ministry of Health, Ministry of Education	Law adopted	No additional resources are required
Action 4.2.3	Once the Diagnostic Center is operational, monitoring exercise/pilot study to evaluate the efficiency and effectiveness of the revised provisional regulations determined as the outcome of Action 4.2.2	Monitoring/ Research	Long-term priority (within 84 months)	Ministry of Justice	Ministry of Labour, Family, Social Affairs, and Equal Opportunities	Regulations evaluated and recommendations for amendment made	Explore the availability of external funding

Action 4.2.4	Based on the findings of the monitoring exercise/pilot study (Action 4.2.3) revise, finalize and adopt the regulations (Action 4.2.2)	Regulatory action	Long-term priority (within 84 months)	Ministry of Justice	Ministry of Labour, Family, Social Affairs, and Equal Opportunities	Regulations finalized and adopted	No additional resources are required
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**WP 5: INSTITUTIONAL STRENGTHENING AND BUILDING INSTITUTIONAL CAPACITIES, WITH A FOCUS ON THE FORENSIC DEPARTMENT AND THE DIAGNOSTIC CENTER**

Recommendation 5.1	"Article 32 of the draft ZOMSKD should be revised, and secondary regulation be adopted to define the strict criteria under which the safety measures of compulsory psychiatric treatment and care in an institution may be exceptionally allowed and provide adequate training to the judiciary to ensure that such a measure will be imposed in a child-rights-compliant way and will not amount to discrimination of a young person due to his/her actual or perceived mental health issues." [International Research and Gap Analysis]						
Action 5.1.1	Reformulation of Article 32 of the draft ZOMSKD	ZOMSKD adoption	Immediate priority (within 24months)	Ministry of Justice	Ministry of Health	ZOMSKD adopted	No additional resources required

Action 5.1.2	Establish a multidisciplinary working group to prepare an analysis and concrete proposal for the institutional structure of the forensic department	Analytical study and concrete design proposal	Immediate priority (within 24 months)	Ministry of Health	Ministry of Justice, Ministry of Labour, Family, Social Affairs, and Equal Opportunities	Institutional structure provisionally determined	No additional resources required
Action 5.1.3	Based on the findings of the analysis (Action 5.1.2), develop and adopt provisional regulations on the forensic department, to be completed with an organisational chart, staffing schedule, a budget and a sustainability plan.	Regulatory action/project development	Immediate to medium priority (within 36 months)	Ministry of Health	Ministry of Justice, Ministry of Labour, Family, Social Affairs, and Equal Opportunities	Regulations evaluated and recommendations for amendment made	No additional resources required
Action 5.1.4.	Pilot implementation of a forensic department based on the regulations developed as a result of Action 5.1.3.	Implementation of the pilot project	Medium to long-term priority (within 60 months)	Ministry of Health	Ministry of Justice, Ministry of Labour, Family, Social Affairs, and Equal Opportunities	Forensic Department pilot project implemented	Exploring the availability of EU and other external funding sources.
Action 5.1.5	Based on the results of Action 5.1.4, establish the forensic department on a permanent and sustainable basis.	Institutionalising the forensic department model	Long-term priority (in 84 months)	Ministry of health	Ministry of Justice, Ministry of Labour, Family, Social Affairs, and Equal Opportunities	Finalising the forensic department model based on the results of the pilot project and its implementation	Sustainable financing from the state budget
Action 5.1.6	Monitoring/pilot study to assess the effectiveness and efficiency of the	Monitoring/pilot study	Medium priority (within 36 months)	Ministry of health	Ministry of Justice, Ministry of Labour, Family, Social Affairs, and Equal Opportunities	Assessed regulations and recommendations for change	Exploring the availability of external funding sources.

	regulations, as defined as a result of Action 5.1.3						
Action 5.1.7	Based on the findings of the monitoring exercise/pilot study (Action 5.1.6), revise, finalize and adopt the regulations (Action 5.1.3)	Regulatory action	Medium priority (within 48 months)	Ministry of Health	Ministry of Justice, Ministry of Labour, Family, Social Affairs, and Equal Opportunities	Regulations finalized and adopted	No additional resources required
Recommendation 5.2	"It is also recommended that the responsible authorities should establish a diagnostic centre and carefully rethink its precise role and responsibilities. The relationship between expert centres in the ZOOMTVI and the future diagnostic centre, as predicted by the ZKP and the draft ZOMSKD, should also be clarified." [Case Law Analysis]						
Action 5.2.1	Establish a multidisciplinary working group to develop an analysis and concrete proposal on the institutional structure and mandate scope of the diagnostic center	Analytical study and concrete design proposal	Immediate priority (within 24 months)	Ministry of Health	Ministry of Justice, Ministry of Labour, Family, Social Affairs, and Equal Opportunities	Institutional structure and mandate scope provisionally determined	Explore the availability of external funding
Action 5.2.2	Based on the findings of the analysis (Action 5.2.1), develop and adopt provisional regulations on the diagnostic center, complete with an organizational chart, staffing schedule, a budget and a sustainability plan.	Regulatory action/project development	Immediate to medium priority (within 36 months)	Ministry of Health	Ministry of Justice, Ministry of Labour, Family, Social Affairs, and Equal Opportunities	Regulations adopted	No additional resources required

Action 5.2.3	Pilot implementation of the diagnostic center based on the regulations developed as the outcome of Action 5.2.2.	Pilot project implementation	Medium to long-term priority (within 60months)	Ministry of Health	Ministry of Justice, Ministry of Labour, Family, Social Affairs, and Equal Opportunities	Diagnostic center pilot implemented	Explore the availability of EU and other external funding
Action 5.2.4	Based on the outcomes of Action 5.2.3, finalize and roll out the diagnostic center on a permanent and sustainable basis	Institutionalization of the diagnostic center model	Long-term priority (within 60 months)	Ministry of Health	Ministry of Justice, Ministry of Labour, Family, Social Affairs, and Equal Opportunities	Diagnostic center model finalized based on the pilot results and rolled out	Sustainable state budget funding

### 3. THE ROADMAP EXPLAINED

#### WORK PACKAGE 1: INDIVIDUAL ASSESSMENT

##### *Recommendation 1.1* →

*“It is recommended that the draft ZOMSKD be amended, either through the reformulation of article 10 or the adoption of another provision, to ensure that it clearly establishes a right to individual assessment, the outcome of which will inform all decisions of authorities before, during, and after criminal proceedings. In addition, other provisions of the draft ZOMSKD connected to the individual assessment should be reformulated and aligned accordingly, and the role of the social service should be further clarified.” [International Research and Gap Analysis]*

##### **Action 1.1.1. Drafting and adoption of amendments to ZOMSKD**

This Action is extremely important in that it will establish a right of the child to an individual assessment. This is part of a child-centred approach, which takes into account each child’s particular circumstances on a case-by-case basis. However, to better attenuate it in practice, it would be important to avoid inconsistencies across the national territory and ensure a coherent understanding and evaluation of when and how individual assessments must be carried out. It is therefore important to ensure that any legislative amendments are finalized and enacted following a broad consultative process involving all key stakeholders, and embedded in a broader effort to develop consistent regulations and guidance on individual assessment, i.e. implemented in conjunction with other Actions envisaged under WP 1.

##### *Recommendation 1.2* →

*“It is recommended that guidelines on how to conduct harmonised individual assessments be produced and that different tools for individual assessments covering a broad range of mental health issues be developed by multidisciplinary teams of experts and through the cooperation of several agencies, adopting the good practices offered by the Dutch system. Children should also be consulted in the development of such individual assessment tools to tailor them to different age groups and personal characteristics/circumstances. Given the success of the Barnahus model in Slovenia, good practices on individual assessment could also be drawn from the tools developed in that context. The national examples and the guidelines on individual assessment developed at the international level and provided in this Section II of the Study should be used as reference sources to build upon.” [Comparative Study of European standards and promising practices]*

##### **Action 1.2.1 Drafting and adoption of multi-agency supporting regulations on the implementation of individual assessment, specifying the workflows and agency-specific responsibilities**

See notes to Action 1.1.1.

##### **Action 1.2.2 Development of practitioner guidelines and adoption/adaptation of evidence-based standardized assessment tools and**

### **Action 1.2.3 Adoption/adaptation of standardized, evidence-based assessment tools, including mental health diagnostics tools**

Some standardized tests that may be adopted/adapted include:

#### **For general application:**

- The Minnesota Multiphasic Personality Inventory – Adolescent MMPI-A
- Reynolds Adolescent Depression Scale (RADS)
- Psychopathy Checklist: Youth Version (PCL:YV)

Behavioural and emotional disturbances or pathology measuring instruments:

- The Diagnostic Interview Schedule for Children (DISC)
- Child and Adolescent Functional Assessment Scale (CAFAS)
- Parent, teacher and youth forms of Child Behaviour Checklist (CBCL)
- The Massachusetts Youth Screening Instrument (MAYSI-2)

Cognitive functioning measuring tool

- The Wechsler Intelligence Scale for Children –IV (WISC-IV).

#### **For forensic application:**

- Risk of dangerousness, sophistication – maturity, and treatment amenability measuring tool: Risk – Sophistication Treatment Inventory (RSTI)
- Antisocial attitudes, criminal reasoning, self-serving cognitive distortion measuring tools (HIT) and the Criminal Sentiments Scale Modified (CSS-M)

Risk assessment tools

- Risk of reoffending/needs/strengths measuring tool – Youth Level of Service/Case Management Inventory (YLS/CMI)
- Risk reoffending/needs measuring tool ASSET
- Violence risk in adolescents measuring tool: Structured Assessment of Violence Risk in Youth (SAVRY)
- Strength/vulnerabilities/multiple risk (harm to others and violence, substance abuse) and harm to the adolescent (suicide, self-injury etc.): the Short Term Assessment of Risk and Treatability: Adolescent Version (START:AV).

### **Recommendation 1.3 →**

*“To avoid difficulties to reintegrate into society following the end of a sanction against a juvenile offender, and to reduce the risks of recidivism, it is suggested that any new legislation could establish that all juvenile offenders, including those who have served an educational measure in a correctional home (who are currently excluded from this option),*

are offered the opportunity to be placed in special apartments after the end of their measure.” [National Research and Gap Analysis]

See also:

“It is recommended that efforts be made to design programmes and make appropriate arrangements to promote the reintegration of juvenile offenders who have completed their sanctions into the community.” [International Research and Gap Analysis]

“It is recommended to make adequate post-penal support, including the right to housing in the community after release, available to young people after they are released from educational institutions and the correctional home.” [Case law analysis]

**Action 1.3.1 Evaluation of existing programmes and services for the reintegration of juvenile offenders into the community, with possible development and piloting of a network scheme to support community reintegration and resocialization through promotion of better employment and training opportunities for juveniles as a component of their reintegration/aftercare programming**

This action is necessary to gain better insights into the added value of the existing programmes and services in order to identify gaps and devise solutions for an optimized model of community reintegration and resocialization of juveniles.

**Action 1.3.2 Drafting and adoption of legislative amendments and relevant supporting regulations providing for the right to comprehensive individualized aftercare**

The legislative amendments and supporting regulations should also address the right to housing as a component of aftercare. The legislative and regulatory drafting effort should be preceded by a thorough regulatory impact assessment paying special attention to the financial implications of the amendments.

**Recommendation 1.4 →**

“It is recommended that specialised units within educational institutions be set up, based on the example provided from the Netherlands, for children with mental health, emotional and behavioural issues who have committed serious offences and who are considered criminally liable thus not excluded from the justice system tout court. Compulsory care measures should be provided based on a thorough multidisciplinary individual assessment by specialised staff, and through a strong cooperation between the justice system and social/welfare services as shown in the example from Sweden. Multisystemic and network-based approaches should be used to treat children with mental health, developmental, emotional and behavioural issues assigned to these special units, as shown in the examples of practices from Sweden and the Netherlands. The multisystemic approach is internationally recognised and has consistently demonstrated positive outcomes concerning recidivism, harmful sexual behaviour, substance abuse, serious emotional disturbances and chronic healthcare conditions. Resources should be allocated to explore its potential in the Slovenian context.” [Comparative Study of European standards and promising practices]

**Action 1.4.1 Comprehensive analysis of the current system of forensic psychiatric treatment of adolescents, examining good practices and designing a proposal for an integrated system of forensic psychiatric treatment that best addresses the needs of the target population and respects their rights, Action 1.4.2 On the basis of the findings of the analysis (Action 1.4.1) and the study (Action 5.1.3), development and adoption of regulations on an integrated system of forensic psychiatric care that best addresses the needs of the target population and respects their rights, Action 1.4.3 Training on the implementation of the selected model. Action 1.4.4. Pilot implementation of an integrated system of forensic psychiatric treatment for juveniles in conflict with the law based on the regulations developed as a result of activity 1.4.1**

This set of actions will comprehensively analyze the solutions currently in place in the light of international and EU standards and best practices. The regulations to institutionalize the selected model of integrated forensic psychiatric care will be informed by the recommendations of the analysis. Their implementation, in turn, will involve training for the relevant stakeholders to operationalize the model selected.

**Recommendation 1.5 →**

*“It is recommended that Article 64 of the draft ZOMSKD be revised and supporting regulation be adopted to provide clear guidance on the conditions under which restrictive measures can be imposed on children accused of having committed an offence who are considered in need of immediate protection or assistance. In particular, guidance should address: a) the type of assistance (such as psycho-social support, etc.), b) the need to provide assistance to the child at an early stage even before preparatory proceedings, c) the duty to prioritise the protection needs of the child over the beginning of any criminal proceedings against him/her d) the duty to give priority to the removal of any person that constitutes a threat to the child from the family environment over the removal of the child from his/her family environment. The individual needs and risk assessment of the child should inform any relevant decision.” [International Research and Gap Analysis]*

**Action 1.5.1 Alignment of Article 64 of the draft ZOMSKD concerning the application of restrictive measures on children in need of immediate protection or assistance, taking into account also protective measures provided for by the Law on Prevention of Domestic Violence**

The alignment will ensure that children in need of immediate protection or assistance fully benefit from relevant measures. The provisions will delineate the type of assistance and services available and ensure that they can be provided at the earliest point after the need for immediate protection or assistance has been identified. They will also prioritize the removal of the individual assessed as a threat to the child over the removal of the child from the household.

**Recommendation 1.6 →**

*“More research is needed to explore and understand the social services’ active or passive role in judicial proceedings against young people in conflict with the law, as social services should be active in line with Article 458 of the ZKP or Article 43 the draft ZOMSKD.*

*Recommendations and protocols must be developed to define social services reports' number per criminal proceeding, structure, and quality to become a better basis for the court's individualisation of sanctions. The role of court-employed social workers should be thought through so that their interviews with the young person's parents add to the social services reports rather than duplicating them." [Case Law Analysis]*

**Action 1.6.1 Gap analysis of legislation, policies and practices concerning the role of social services in judicial proceedings involving children in conflict with the law**

Due to a potentially rather broad scope of the functions of social services in judicial proceedings, a gap analysis would be warranted prior to any legislative and regulatory action.

**Action 1.6.2 Develop and adopt regulations (and amendments to existing legislation, if need be) to address the gaps identified through the gap analysis (Action 1.6.1) and Action 1.6.3 Development of practitioner guidelines and SOPs for social services in respect of social service reports**

The legislative amendments, regulations, guidelines and SOPs will be informed by the gap analysis conducted prior. They may cover issues such as developing social inquiry reports, overseeing the implementation of court-imposed measures, and acting as a guardian ad litem in cases involving vulnerable juvenile defendants.

## **WORK PACKAGE 2: SPECIALIZATION AND PRACTITIONER TRAINING AND CAPACITY BUILDING**

**Recommendation 2.1 →**

*"It is recommended to strengthen and improve the cooperation between existing institutions and departments and provide them with specific skills and knowledge that will add to their specialisation." [Comparative Study of European standards and promising practices]. See also Recommendation 4.1 below.*

**Action 2.1.1 Upgrading the multidisciplinary training for juvenile judges, prosecutors, defense lawyers, police and criminal inspectors and Action 2.1.4 Multidisciplinary professional training for all professionals involved in proceedings against minors**

The training should ideally be implemented on a rolling basis in order to maximize the numbers of trained practitioners while minimizing the impact on their daily work.

**Action 2.1.2 Curriculum and training content review for the educational institutions and institutions tasked with training and continuous professional development of all professionals involved in proceedings against minors and Action 2.1.3 Development and upgrading of existing curriculum and training programs for education and training of all professionals involved in proceedings against minors**

The curriculum and training content review, upgrading and development should span both initial training for judges, prosecutors, police and criminal inspectors, and

continuous professional development. Ideally, the review should commence with the identification of competencies and capabilities deemed as key to the professions in question when dealing with child suspects and defendants. The review should consequently focus on identifying gaps vis-à-vis the pre-identified competencies and capabilities, and propose recommendations in terms of curriculum and instructional design to address these gaps.

Potential approaches may involve including standalone courses on juvenile justice-related content, infusion of relevant content in other courses (both those that are part of core curriculum for initial training, and those that are offered in the framework of continuous professional development), and the development of e-courseware (both self-paced and instructor-led) to complement the existing continuous professional development options.

*See Recommendation 5.2 below*

**Action 2.2.1 Training needs analysis for the expert centres in the ZOOMTVI to determine the capacity gaps and needs and Action 2.2.2 Develop a practitioner handbook and conduct a training of trainers for the expert centers and the future diagnostic center based on the training needs analysis (Action 2.2.1)**

This training needs analysis will also assist with laying the foundation for the future diagnostic center as well as with determining the relationship between the diagnostic center and the expert centers in the ZOOMTVI.

*See Recommendation 1.5 above*

**Action 2.3.1 Multidisciplinary training for practitioners on child safeguarding and child-friendly approaches in the treatment of children involved with the criminal justice system**

The training will be undertaken to promote streamlined interpretation of child safeguarding in the criminal justice system and establishment of a cross-agency in respect of the safeguarding of children involved in criminal proceedings as suspects and/or defendants.

### **WORK PACKAGE 3: STREAMLINING OF JUDICIAL AND PROSECUTORIAL PRACTICES, INCLUDING THE ELIMINATION OF INCONSISTENCIES AND GAPS**

*Recommendation 3.1 →*

*“It is recommended to keep Article 6 in the draft ZOMSKD, reformulate its title, and ensure that its content expressly indicates (alongside the educational) the reintegration purpose of sanctions and other measures.” [International Research and Gap Analysis]*

**Action 3.1.1 Reformulation of Article 6 of the draft ZOMSKD that is consistent and complementary with relevant legislation insofar as resocialization is concerned**

This is one of the most fundamental legislative changes and should ideally be prioritized for immediate action.

### **Recommendation 3.2 →**

*“It is recommended that, in imposing community work as part of deferred prosecution, emphasis should be given to the equality of practices concerning the length of the period of community work and the number of work hours.” [Case Law Analysis]*

#### **Action 3.2.1 Conduct a study of national practices with regard to the practice of deferred prosecution, and develop guidance for prosecutor’s offices to standardize the existing practice, in particular insofar as community work is concerned**

The study should ideally assess the effectiveness of the options identified, so that the guidance is informed by evidence.

### **Recommendation 3.3 →**

*“It is recommended that, in imposing monetary tasks, such as payment of damages and contributing to the benefit of public institutions or another dedicated budget as part of a diversion measure, more attention should be given to the young person’s income or scholarship and the child’s socio-economic background.” [Case Law Analysis]*

#### **Action 3.3.1 Review and possible update of the decision-making criteria and Action 3.3.2 Training for public prosecutors on decision-making criteria**

These two actions will update the existing decision-making criteria and provide relevant training in alignment with the international and EU good practice on alternative ways to contribute to the reparation of damages, ultimately creating a more level playing ground for the children involved and boosting the restorative value of the options employed.

### **Recommendation 3.4 →**

*“It is recommended that the draft ZOMSKD be amended in the light of existing secondary legislation to ensure that any statements or confessions made by a minor, or incriminating information obtained from a minor in the context of diversionary proceedings, are not admissible as evidence against the minor in any subsequent criminal proceedings.” [International Research and Gap Analysis]*

#### **Action 3.4.1 Adding a provision of the draft ZOMSKD to ensure that statements or confessions made by a juvenile suspect/defendant, or incriminating information obtained from a juvenile in the context of diversionary proceedings, would not be admissible as evidence against the minor in any subsequent criminal proceedings**

This is a basic principle in relation to diversion proceedings as foreseen by international standards, and should indeed be inserted into the text of the law.

### **Recommendation 3.5 →**

*“It is recommended to introduce into the draft ZOMSKD a provision stating that the judge must regularly visit the young person in pre-trial detention.” [Case Law Analysis]*

#### **Action 3.5.1 Adding a provision of the draft ZOMSKD to ensure regular visitation**

The legislative action should be complemented and buttressed by a standard operating procedure that would detail the visitation mechanism.

### **Recommendation 3.6 →**

*“It is recommended that, when the court decides about two criminal offences in the same proceeding and imposes an educational measure on a juvenile, they should apply the rules for imposing sanctions ‘in a series’, adapted to educational measures. It is also recommended that, when separate proceedings are held before different judges or courts, the judge/court that imposed the most severe educational measure or last imposed an educational measure of equivalent severity, must impose a unified educational measure. That court should also monitor the execution of the imposed unified educational measure.”*  
[Case Law Analysis]

#### **Action 3.6.1 Coordinating the proposed provisions in the draft ZOMSKD on the consecutive imposition of sanctions as adapted to educational measures with judges, prosecutors, corrections practitioners, and criminologists and criminal justice experts, and to adopt the draft ZOMSKD and Action 3.6.2 Conduct training for judges and prosecutors**

The novelty and potential magnitude of the consequences of the proposed provisions calls for an increased focus on consistency, which will be ensured through training.

## **WORK PACKAGE 4: INSTITUTIONAL SPECIALIZATION**

### **Recommendation 4.1 →**

*“It is recommended that the Slovenian authorities provide for and emphasise the specialisation of the juvenile justice system in the text of the ZOMSKD as well as in supporting enacting documents.”* [Comparative Study of European standards and promising practices]

*Also: “It is recommended to establish specialised juvenile departments within the district courts. These departments would hear cases relating to juvenile offending and could also have jurisdiction over cases where children are victims of criminal offences (this could apply to certain chapters of the Criminal Code, for example Chapter IXX, XXI, XXXV, or be established for certain specific articles). Alternatively, if specialised juvenile departments cannot be created, it is recommended to appoint traveling specialised juvenile judges that would have a court day on a regular basis in each district.”* [Comparative Study of European standards and promising practices]

#### **Action 4.1.1 Feasibility study to determine the preferred model of judicial and prosecutorial specialization**

Since the specific model of judicial and prosecutorial specialization has not yet been determined, a feasibility study should be conducted to compare, inter alia, the relative advantages and disadvantages of specialized juvenile departments v. roving specialized juvenile judges.

#### **Action 4.1.2 Drafting and adoption of amendments to ZS-1 and ZDT-1**

These amendments will create a legislative basis for the specialization, and will be informed by the findings of the feasibility study.

**Action 4.1.3 Pilot implementation of the model of judicial specialization determined as an outcome of Action 4.1.1 in 1 higher court area and Action 4.1.4 Pilot implementation of the model of prosecutorial specialization determined as an outcome of Action 4.1.1 in 1 higher court area**

Once determined, the model of judicial and prosecutorial specialization will be piloted in selected districts. The pilot should be rigorously monitored to allow for introducing timely revisions to the legislative and regulatory framework.

**Action 4.1.5 Evaluation of pilot implementation of the model under 4.1.3, Action 4.1.6 Evaluation of pilot implementation of the model under 4.1.4, Action 4.1.7 Finalization and nationwide rollout of the model of judicial specialization determined as an outcome of Actions 4.1.1 and 4.1.5, and Action 4.1.8 Finalization and nationwide rollout of the model of prosecutorial specialization determined as an outcome of Actions 4.1.1 and 4.1.6**

In the event that the selected specialization model proves successful, it will be rolled out nationwide. Otherwise, the specialization model will be modified in accordance with the monitoring findings.

**Recommendation 4.2 →**

*“It is recommended to clarify the relevant authority for the identification of the institution that a child should be placed under article 18 of the draft ZOMSKD. It is also recommended that any decision for the placement of a child in the educational facility is the outcome of an assessment carried out in a multidisciplinary approach, such as an assessment of a diagnostic centre.” [International Research and Gap Analysis]*

**Action 4.2.1 Alignment of Article 18 of the draft ZOMSKD with the provision of the ZOOMTVI on the competence to decide on placement in an educational institution**

This action will clarify the competent authority as a first step in creating a viable mechanism for placement of juveniles in accordance with their needs.

**Action 4.2.2 Development and adoption of provisional regulations on the classification, placement and allocation of juveniles based on the domestic law and the European good practices identified, to be revised once the Diagnostic Center becomes operational**

The clarification of the relevant authority is an important, but not the only, element in creating a viable mechanism for placement of juveniles in accordance with their needs. A set of regulations governing the criteria of and procedure for the classification, placement and allocation of juveniles is therefore required. It should be consistent with the individual assessment regulations (see WP 1) and based on a multidisciplinary approach.

**Action 4.2.3 Once the Diagnostic Center is operational, monitoring exercise/pilot study to evaluate the efficiency and effectiveness of the revised provisional regulations determined as the outcome of Action 4.2.2 and Action 4.2.4 Based on**

**the findings of the monitoring exercise/pilot study (Action 4.2.3) revise, finalize and adopt the regulations (Action 4.2.2)**

Due to their novelty and complexity, the regulations will be subject to rigorous monitoring to evaluate their effectiveness and efficiency. The regulations will be amended based on the *ex post* evaluation findings and adopted in their final form.

## **WORK PACKAGE 5: INSTITUTIONAL STRENGTHENING AND BUILDING INSTITUTIONAL CAPACITIES, WITH A FOCUS ON THE FORENSIC DEPARTMENT AND THE DIAGNOSTIC CENTER**

### ***Recommendation 5.1*** →

*“Article 32 of the draft ZOMSKD should be revised, and secondary regulation be adopted to define the strict criteria under which the safety measures of compulsory psychiatric treatment and care in an institution may be exceptionally allowed and provide adequate training to the judiciary to ensure that such a measure will be imposed in a child-rights-compliant way and will not amount to discrimination of a young person due to his/her actual or perceived mental health issues.” [International Research and Gap Analysis]*

#### **Action 5.1.1 Reformulation of Article 32 of the draft ZOMSKD**

The implementation of the legislative amendments should ideally be supported by detailed regulations to introduce relevant safeguards and ensure that the safety measure of compulsory psychiatric treatment is imposed strictly based on the predetermined criteria, implemented in accordance with the juvenile’s diagnosed needs, and monitored.

**Action 5.1.2 Establish a multidisciplinary working group to prepare an analysis and concrete proposal for the institutional structure of the forensic department and Action 5.1.3 Based on the findings of the analysis (Action 5.1.2), develop and adopt provisional regulations on the forensic department, to be completed with an organisational chart, staffing schedule, a budget and a sustainability plan**

These Actions will maximize the relevance, effectiveness and efficiency of the forensic department, ensure its interoperability with other relevant institutions, and provide for long-term sustainability.

**Action 5.1.4 Pilot implementation of a forensic department based on the regulations developed as a result of Action 5.1.3, Action 5.1.5 Based on the results of Action 5.1.4, establish the forensic department on a permanent and sustainable basis, Action 5.1.6 Monitoring/pilot study to assess the effectiveness and efficiency of the regulations, as defined as a result of Action 5.1.3, and Action 5.1.7 Based on the findings of the monitoring exercise/pilot study (Action 5.1.6), revise, finalize and adopt the regulations (Action 5.1.3)**

These actions will ensure that the forensic department is piloted before being rolled out on a permanent and sustainable basis, in order to ensure its structure and functions

provide for maximum efficiency and effectiveness. The regulations will likewise be evaluated *ex post* and adjusted accordingly before they are adopted in their final form.

**Recommendation 5.2 →**

*“It is also recommended that the responsible authorities should establish a diagnostic centre and carefully rethink its precise role and responsibilities. The relationship between expert centres in the ZOOMTVI and the future diagnostic centre, as predicted by the ZKP and the draft ZOMSKD, should also be clarified.” [Case Law Analysis]*

**Action 5.2.1 Establish a multidisciplinary working group to develop an analysis and concrete proposal on the institutional structure and mandate scope of the diagnostic center and Action 5.2.2 Based on the findings of the analysis (Action 5.2.1), develop and adopt provisional regulations on the diagnostic center, complete with an organizational chart, staffing schedule, a budget and a sustainability plan**

The analysis will commence with stakeholder consultations to determine the plausible illustrative scenarios likely to occur in the work of the diagnostic center, and to develop a non-prescriptive catalogue of core capabilities based on the scenarios identified. This catalogue will serve as the reference framework to inform the development of the proposed model of the diagnostic center.

**Action 5.2.3 Pilot implementation of the diagnostic center based on the regulations developed as the outcome of Action 5.2.2 and Action 5.2.4 Based on the outcomes of Action 5.2.3, finalize and roll out the diagnostic center on a permanent and sustainable basis**

The diagnostic center will be piloted first, and rolled out on a sustainable basis following any adjustments to its mandate, structure and procedures as may be required based on the pilot results. The pilot will also allow for mobilizing external funding until a sustainable state budget funding solution has been found.