

Opozorilo: Besedilo osnovnega predpisa

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## ZAKON

### O ZAŠČITI OTROK V KAZENSKEM POSTOPKU IN NJIHOVI CELOSTNI OBRAVNAVI V HIŠI ZA OTROKE (ZZOKPOHO)

#### I. SPLOŠNE DOLOČBE

##### **1. člen** **(vsebina in namen zakona)**

(1) Ta zakon za zagotavljanje največjih koristi otroka določa način in pogoje celostne obravnave mladoletnih oškodovancev in prič v predkazenskem in kazenskem postopku glede določenih kaznivih dejanj v hiši za otroke (v nadaljnjem besedilu: celostna obravnava).

(2) Če to zahteva zagotavljanje največjih koristi otroka, se lahko pod pogoji, ki jih določa ta zakon, celostna obravnava zagotovi tudi otroku, ki je oškodovanec ali oškodovanka (v nadaljnjem besedilu: oškodovanec) ali priča drugega kaznivega dejanja, ob smiselni uporabi tega zakona pa tudi mladoletniku ali mladoletnici (v nadaljnjem besedilu: mladoletnik), ki še ni star osemnajst let, zoper katerega teče predkazenski ali kazenski postopek.

### CHILD PROTECTION IN CRIMINAL PROCEEDINGS AND COMPREHENSIVE TREATMENT OF CHILDREN IN THE CHILDREN'S HOUSE ACT (ZZOKPOHO)

#### I. GENERAL PROVISIONS

##### **Article 1** **(Subject and purpose of the Act)**

(1) In order to protect the best interests of the child, this Act regulates the manner of and conditions for the comprehensive treatment of minor victims and witnesses in pre-trial and criminal proceedings concerning specific criminal offences in the Children's House (hereinafter: comprehensive treatment).

(2) If the best interests of the child so require and under the conditions laid down by this Act, comprehensive treatment may also be provided to a child who is a victim of or witness to other criminal offences or, by applying this Act *mutatis mutandis*, to a minor under 18 years of age against whom pre-trial or criminal proceedings are conducted.

(3) Če to zahteva zagotavljanje največjih koristi otroka, lahko Policija in centri za socialno delo opravljajo svoje naloge v postopkih v zvezi z mladoletnimi oškodovanci in mladoletnimi pričami kaznivih dejanj kot celostno obravnavo v hiši za otroke pod pogoji in na način, ki ga določa ta zakon.

## **2. člen (pomen izrazov)**

(1) Otrok po tem zakonu je fizična oseba, mlajša od 18 let.

(2) Določena kazniva dejanja po tem zakonu so kazniva dejanja zoper človečnost, zoper življenje in telo, zoper spolno nedotakljivost, zoper zakonsko zvezo, družino in otroke ter kazniva dejanja iz 131. do 138., 140., 143., 283., 284., 286., 296., 323. in 324. člena Kazenskega zakonika (Uradni list RS, št. 50/12 – uradno prečiščeno besedilo, 6/16 – popr., 54/15, 38/16 in 27/17).

(3) Družinski član ali članica po tem zakonu je član ali članica življenjske skupnosti otroka, ki je v skladu z zakonom, ki ureja družinska razmerja, opredeljena kot družina.

## **3. člen (načela celostne obravnave)**

Državni organi in drugi udeleženci pri zagotavljanju celostne obravnave ravnajo posebno pazljivo, da se ob enakem varstvu pravic, spoštovanju jamstev poštenega postopka in pravic obrambe, spoštuje dostojanstvo in zagotavljajo največje koristi otroka. Pri tem upoštevajo otrokovo starost, zrelost, sposobnost razumeti pomen in posledice svojih dejanj in druge osebne značilnosti ter vrsto, naravo in okoliščine kaznivega dejanja skrbijo:

- da se otroku zagotovijo potrebne informacije in pojasnila;
- da se zagotovi zaščita in osebna varnost otroka zaradi preprečevanja izpostavljenosti sekundarni in ponovni viktimizaciji,

(3) If the best interests of the child so require, the police and social work centres may perform their tasks in proceedings concerning the minor victims of and minor witnesses to criminal offences as part of the comprehensive treatment in the Children's House under the conditions and in the manner provided by this Act.

## **Article 2 (Definitions)**

(1) A child under this Act shall mean a natural person under 18 years of age.

(2) Specific criminal offences under this Act shall mean criminal offences against humanity, against life and limb, against sexual integrity and against marriage, family and children, and the criminal offences referred to in Articles 131 to 138, 140, 143, 283, 284, 286, 296, 323 and 324 of the Criminal Code (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 50/12 – official consolidated version, 6/16 – corr., 54/15, 38/16 and 27/17).

(3) A family member under this Act shall mean a member of the child's domestic community defined as a family in accordance with the Act governing family relations.

## **Article 3 (Principles of comprehensive treatment)**

State authorities and other participants involved in providing comprehensive treatment shall take particular care that, while ensuring the equal protection of rights and respecting the guarantee of fair trial and the right to defence, the dignity of the child is respected and the child's best interests are protected. Taking into account the child's age, maturity, ability to understand the relevance and consequences of their actions and other personal traits, as well as the nature and circumstances of the criminal offence, the state authorities and other participants shall ensure:

- that the child receives the necessary information and explanations;
- that the protection and personal safety of the child are ensured so as to prevent exposure to secondary victimisation and revictimisation,

- ustrahovanju in maščevanju;
- da se zaslišanje in telesni pregled otroka zaradi preprečevanja nadaljnje viktimizacije opravljata le, kolikor je to neizogibno potrebno, in v najmanjšem možnem številu;
- da se omogoči, da je otrok slišan;
- da se dejanja izvedejo brez nepotrebnega odlašanja.

#### **4. člen (javna služba)**

(1) Celostna obravnava se izvaja kot javna služba v javnem zavodu hiša za otroke (v nadaljnjem besedilu: zavod).

(2) Javna služba celostne obravnave se zagotavlja s prostorskimi, organizacijskimi, tehničnimi in metodološkimi ukrepi v zvezi z zaslišanjem in telesnim pregledom otroka ter z izvajanjem krizne podpore in psihosocialne pomoči.

(3) Prostorski ukrepi pomenijo zlasti ureditev prostorov na otrokom prijazen način, da se zmanjša njihov strah pred institucijo, zagotovitev celovite obravnave na eni lokaciji ter ločenost prostorov za zaslišanje otroka in spremljanje zaslišanja.

(4) Organizacijski ukrepi pomenijo zlasti organizacijo dela tako, da se zagotovi čim zgodnejša obravnava, da se prepreči stik med otrokom in osumljencem oziroma obdolžencem in da se zmanjša število zaslišanj.

(5) Tehnični ukrepi pomenijo zlasti izvedbo zaslišanja, ki se zvočno in slikovno snema, ter ukrepe za zavarovanje dokazov in varno izmenjavo osebnih podatkov.

(6) Metodološki ukrepi pomenijo zlasti multidisciplinarno in medinstitucionalno obravnavo na enem mestu, ki jo izvaja usposobljeno osebje in je prilagojena vsakemu otroku posebej.

- intimidation and revenge;
- that the interviews and physical examinations of the child are only carried out as far as this is absolutely necessary and that the number of interviews and examinations is kept to the minimum so as to prevent further victimisation;
- that the child is allowed to be heard;
- that the procedures are carried out without undue delay.

#### **Article 4 (Public service)**

(1) The comprehensive treatment shall be carried out as a public service in the Children's House public institution (hereinafter: Children's House).

(2) The public service of comprehensive treatment shall be provided through spatial, organisational, technical and methodological measures related to the interviews and physical examinations of the child and by providing crisis and psychosocial support.

(3) The spatial measures shall constitute, in particular, the arrangement of rooms in a child-friendly way so as to reduce their fear of the Children's House, the provision of comprehensive treatment in one location and separate rooms for carrying out and observing the interviews of children.

(4) The organisational measures shall constitute, in particular, the organisation of work in a way that ensures the earliest possible treatment, prevents contact between the child and the suspected or accused person and reduces the number of interviews.

(5) The technical measures shall constitute, in particular, the conduct of interviews, which are audio and video recorded, and the measures to protect evidence and ensure safe data exchange.

(6) The methodological measures shall constitute, in particular, a multidisciplinary and interagency treatment in one place provided by qualified staff and adapted to each child.

**5. člen**  
**(osebni podatki, zbirke in hramba podatkov)**

(1) Zavod obdeluje osebne in druge podatke v skladu s predpisi, ki urejajo varstvo osebnih in drugih podatkov.

(2) Zavod upravlja zbirko podatkov udeležencev celostne obravnave in zbirko podatkov udeležencev usposabljanj iz 38. člena tega zakona.

(3) V zbirki podatkov udeležencev celostne obravnave se obdelujejo osebni podatki otrok in njihovih družinskih članov, osumljencev oziroma obdolžencev in drugih posameznikov, ki so v obravnavi v zavodu. Zavod obdeluje podatke za namene izvajanja javne službe po tem zakonu ali za namene drugih postopkov, katerih udeleženci so otroci, ki jim zavod zagotavlja celostno obravnavo.

(4) V zbirki podatkov udeležencev celostne obravnave se lahko obdelujejo naslednji podatki:

- osebno ime in drugo poimenovanje oseb iz prejšnjega odstavka ter naslov njihovega stalnega ali začasnega prebivališča;
- osebno ime in drugo poimenovanje zakonitega zastopnika in pooblaščenca oškodovanca, osumljenca ali obdolženca ter drugih oseb, ki so v obravnavi v zavodu;
- podatki o zadevi, pomembnih okoliščinah in drugi podatki v zvezi z zadevo, ki bi lahko izkazovali ali izkazujejo, da poteka predkazenski ali kazenski postopek;
- podatki o organu, ki obravnava zadevo, ki je bila predložena zavodu, ter datum predložitve, lahko pa tudi opravilna številka zadeve ali druga enolična oznaka zadeve organa;
- podatki, ki so jih dale osebe iz prejšnjega odstavka ali jih je organ, ki sodeluje v postopku po tem zakonu, predal zavodu; in
- podatki, pridobljeni v postopku celostne obravnave.

**Article 5**  
**(Personal data, databases and data storage)**

(1) The Children's House shall process personal and other data in accordance with the regulations governing personal and other data protection.

(2) The Children's House shall manage the database of comprehensive treatment participants and the database of training participants referred to in Article 38 of this Act.

(3) In the database of comprehensive treatment participants, the personal data of the children and their family members, the suspected or accused persons and other persons involved in the treatment in the Children's House shall be processed. The Children's House shall process these data in order to perform the public service under this Act and for the purposes of other procedures in which the children to whom the Children's House provides comprehensive treatment participate.

(4) The following data may be processed in the database of comprehensive treatment participants:

- the personal and other names of the persons referred to in the preceding paragraph, and their permanent or temporary address;
- the personal and other names of the statutory and authorised representatives of the victim, the suspected or accused person and other persons involved in treatment in the Children's House;
- information on the case, relevant circumstances and other data related to the case that demonstrate or could demonstrate that pre-trial or criminal proceedings are being conducted;
- information on the authority considering the case submitted to the Children's House and the date of submission; the reference number of the case or any other unique number assigned to the case by the authority may be included;
- the information given by the persons referred to in the preceding paragraph or handed over to the Children's House by the authority participating in the proceedings under this Act; and
- the information obtained during the comprehensive treatment.

(5) Osebnne podatke v zbirki podatkov udeležencev celostne obravnave zavod obdeluje tako, da se z njimi lahko seznanijo le tiste osebe, ki jih potrebujejo za opravljanje nalog po tem ali drugem zakonu.

(6) Zavod si lahko pri upravljanju zbirke podatkov udeležencev celostne obravnave izmenjuje podatke oziroma se povezuje z naslednjimi zbirkami podatkov:

- z informacijskim sistemom sodišč, s katerim si izmenjuje podatke in dokumente, ki jih sodišče preda na podlagi tega ali drugega zakona;
- z informacijskim sistemom policije, s katerim si izmenjuje podatke iz evidence izdanih odredb za prepoved približevanja;
- z informacijskim sistemom centrov za socialno delo, s katerim si izmenjuje osebne in druge podatke, ki jih centri za socialno delo obdelujejo na podlagi zakona, ki ureja preprečevanje nasilja v družini; in
- z informacijskimi sistemi drugih državnih organov, nosilcev javnih pooblastil ali drugih oseb, ki obdelujejo podatke otroka ali njegovih družinskih članov, če tako določa zakon.

(7) Zavod zvočni in slikovni posnetek zaslišanja hrani samostojno poleg sodišča.

(8) Podatki, ki jih zavod pridobi za pripravo in izvedbo zaslišanja po tem zakonu od policije, državnega tožilstva, sodišča ali drugih državnih organov, se v zbirki udeležencev celostne obravnave hranijo ločeno od podatkov, ki se nanašajo na krizno podporo in psihosocialno pomoč in jih zavod v ta namen ustvari ali pridobi od centra za socialno delo ali drugih oseb.

(9) Po končani obravnavi otroka v zavodu se podatki, ki se nanašajo na pripravo in izvedbo zaslišanja ali telesnega pregleda po tem zakonu, arhivirajo in hranijo v zavodu tri leta po pravnomočnosti odločbe, s katero se je kazenski postopek končal, če te ni, pa do zastaranja kazenskega pregona. Pristojno sodišče zavodu pošlje pravnomočno odločbo v 30 dneh od njene pravnomočnosti.

(5) The Children's House shall process the personal data included in the database of comprehensive treatment participants so that only the persons who need such data to perform tasks under this or other acts may access them.

(6) In managing the database of comprehensive treatment participants, the Children's House may exchange data or connect with the following databases:

- the information system of courts, with which it shall exchange the data and documents that the court provides on the basis of this or other Acts;
- the information system of the police, with which it shall exchange the data from the record of restraining orders issued;
- the information system of social work centres, with which it shall exchange personal and other data that the social work centres process on the basis of the Act governing the prevention of domestic violence; and
- the information systems of other state authorities, the bearers of public authority or other persons that process the data of the child and their family members, if so provided by an Act.

(7) The Children's House shall independently, in addition to the court, keep the audio and video recordings of the interviews.

(8) In the database of comprehensive treatment participants, the data that the Children's House obtains from the police, the State Prosecutor's Office, courts or other state authorities in order to prepare and carry out an interview under this Act shall be kept separately from the data relating to crisis and psychosocial support that the Children's House creates or obtains from a social work centre or other persons for this purpose.

(9) When the treatment of a child in the Children's House is concluded, the data relating to the preparation and conduct of an interview or physical examination under this Act shall be archived and kept at the Children's House for a period of three years after the decision concluding the criminal proceedings becomes final or, if such decision does not exist, until the statute of limitations for criminal prosecution expires. The competent court shall send the final decision to the Children's House within 30 days of its finality.

(10) Po končani obravnavi otroka v zavodu se podatki, ki se nanašajo na krizno podporo in psihosocialno pomoč po tem zakonu, arhivirajo in hranijo tri leta. Dostop do podatkov, ki se nanašajo na krizno podporo in psihosocialno pomoč po tem zakonu, se v tem obdobju lahko dovoli le izvajalcem zdravstvene dejavnosti ali za nadaljevanje psihosocialne pomoči, in to ob soglasju obravnavane osebe ali zakonitega zastopnika otroka, ki še ni dopolnil 15 let.

(11) Po preteku roka hrambe iz prejšnjih dveh odstavkov se podatki, ki jih obdeluje zavod, blokirajo in še naprej hranijo v zavodu. Dostop do blokiranih podatkov se zaradi seznanitve z lastnimi osebnimi podatki dovoli le otroku, ki je bil obravnavan v zavodu in se nanj podatki nanašajo. Blokirani podatki se hranijo 20 let po polnoletnosti otroka, nato jih zavod uniči.

(12) Direktor zavoda lahko po predhodnem soglasju sodišča posamezniku dovoli vpogled, prepis, kopiranje ali izpis iz zbirke podatkov udeležencev celostne obravnave v psevdonimizirani obliki zaradi opravljanja znanstvenoraziskovalnega dela. Dovoljenje se lahko nanaša le na arhivirane zadeve. Posameznik lahko v podatke vpogleda ali jih prepíše brezplačno, kopira ali izpiše pa jih na svoje stroške. Vpogled, prepis, kopiranje ali izpis se opravi pod nadzorom uslužbenca zavoda, ki ga za to pisno pooblasti direktor zavoda. Oseba, ki ji je dovoljen dostop do podatkov, mora z rezultati znanstvenoraziskovalnega dela seznaniti zavod in ga obvestiti, ali bo delo objavljeno oziroma drugače širše dostopno.

(13) V zbirki podatkov udeležencev usposabljanj se o osebah, ki so se udeležile usposabljanj, ki jih organizira zavod, zaradi sodelovanja z njimi pri izvajanju nalog zavoda obdelujejo naslednji osebni podatki: osebno ime in drugo poimenovanje, naslov njihovega stalnega ali začasnega prebivališča ter podatki o njihovi zaposlitvi.

(10) When the treatment of a child in the Children's House is concluded, the data relating to the crisis and psychosocial support under this Act shall be archived and kept for a period of three years. During this period, access to the data related to crisis and psychosocial support under this Act may only be permitted to healthcare providers or in order to continue providing psychosocial support, subject to the consent of the treated person or the statutory representative of the child under 15 years of age.

(11) After the expiry of the retention periods referred to in the preceding two paragraphs, the data processed by the Children's House shall be blocked and continue to be kept at the Children's House. Access to blocked data shall only be allowed for the purpose of accessing own personal data and only to the child who was cared for at the Children's House and to whom the data refer. The blocked data shall be kept for 20 years after the child reaches maturity, after which they shall be destroyed by the Children's House.

(12) The Director of the Children's House may, subject to the prior consent of a court, permit a person to view, transcribe, copy or make a printout of the data contained in the database of comprehensive treatment participants in a pseudonymised form for the purposes of scientific research. The permission may only apply to archived cases. A person may view or transcribe the data free of charge and may copy them or make a printout at their own cost. Viewing, transcribing, copying or making printouts shall be carried out under the supervision of an employee of the Children's House who is authorised in writing to this effect by the Director of the Children's House. A person who is granted permission to access the data must present the outcome of the scientific research to the Children's House and inform the Children's House whether the research is to be published or otherwise made available to the public.

(13) The following personal data of persons who attended training sessions organised by the Children's House for the purpose of working with them in performing the tasks of the Children's House shall be processed in the database of the training participants: personal and other names, their permanent or temporary address and information on their employment.

(14) Zavod zagotavlja sledljivost vpogledov, dostopov in drugih oblik obdelave osebnih podatkov.

## II. HIŠA ZA OTROKE

### **6. člen (ustanovitev zavoda)**

(1) Zavod ustanovi Republika Slovenija, ustanoviteljske pravice pa uresničuje Vlada Republike Slovenije (v nadaljnjem besedilu: ustanoviteljica).

(2) Ustanoviteljica zavoda daje soglasje k imenovanju direktorja, statutu, programu dela in finančnemu načrtu ter letnemu poročilu zavoda.

(3) Zavod je organiziran enotno za območje Republike Slovenije, lahko pa se v njegovem okviru oblikujejo tudi območne organizacijske enote. Zavod lahko oblikuje tudi notranje organizacijske enote za posamezna področja celostne obravnave.

(4) Sredstva za delovanje zavoda se zagotovijo iz državnega proračuna in drugih virov v skladu z aktom o ustanovitvi zavoda.

### **7. člen (naloge zavoda)**

(1) Zavod v okviru javne službe celostne obravnave opravlja naslednje naloge:

1. pri izvajanju zaslišanj otrok zagotavlja organizacijo zaslišanja, podporo otroku, tehnične in prostorske možnosti za zaslišanje in strokovno pomoč sodišču pri zaslišanju v skladu s tem zakonom;
2. pri izvajanju telesnega pregleda otroka zagotavlja organizacijo,

(14) The Children's House shall ensure traceability of views, accesses and other forms of personal data processing.

## II. CHILDREN'S HOUSE

### **Article 6 (Establishment of the Children's House)**

(1) The Children's House shall be established by the Republic of Slovenia, while the rights of the founder shall be exercised by the Government of the Republic of Slovenia (hereinafter: founder).

(2) The founder of the Children's House shall give its consent to the appointment of the Director, the articles of association, work programmes, financial plans and annual reports of the Children's House.

(3) The Children's House shall be organised in a unified manner for the entire territory of the Republic of Slovenia; however, district units may be formed within the Children's House. The Children's House may also form internal organisational units for particular areas of comprehensive treatment.

(4) Funds for the operation of the Children's House shall be provided from the government budget and other sources, in accordance with the act of establishment of the Children's House.

### **Article 7 (Tasks of the Children's House)**

(1) The Children's House shall perform the following tasks within the public service of comprehensive treatment:

1. when children are interviewed, organising the interview and providing support to the child, technical and spatial capacities for the interview and professional assistance to the court during the interview in accordance with this Act;
2. when children are physically examined, organising the examination

tehnične in prostorske možnosti za telesni pregled in podporo otroku v skladu s tem zakonom;

3. v okviru krizne podpore ob zaslišanju ali telesnem pregledu zagotavlja otroku pomoč svetovalca;
4. v okviru izvajanja psihosocialne pomoči otroku ali njegovim družinskim članom zagotavlja psihološko, socialno in praktično pomoč.

(2) Poleg nalog iz prejšnjega odstavka opravlja zavod tudi naslednje naloge, ki so potrebne za izvajanje javne službe:

1. upravlja zbirke podatkov po tem zakonu;
2. oblikuje in sprejema programe ter izvaja usposabljanja in preverjanja znanja strokovnjakov, ki pomagajo pri izvajanju zaslišanja otrok, ter svetovalcev za izvajanje krizne podpore in psihosocialne pomoči otrokom in njihovim družinskim članom;
3. skrbi za enotnost in razvoj strokovnih metod in postopkov celostne obravnave otrok in v ta namen oblikuje in izvaja programe multidisciplinarnih in medinstitucionalnih usposabljanj;
4. zagotavlja prostore za izvajanje nalog policije in centrov za socialno delo v postopkih v zvezi z mladoletnimi oškodovanci in pričami kaznivih dejanj;
5. zagotavlja informacije in strokovno podporo zaposlenim in sodelavcem zavoda;
6. sodeluje z mednarodnimi organizacijami;
7. sodeluje z domačimi in tujimi strokovnimi in nevladnimi organizacijami;
8. sodeluje z vzgojno-izobraževalnimi, visokošolskimi in znanstveno-raziskovalnimi organizacijami;
9. ozavešča javnost in opravlja znanstvenoraziskovalno delo s področja delovanja zavoda;
10. pripravlja in objavlja letno poročilo o izvajanju nalog zavoda.

(3) Zavod opravlja naloge iz 1., 2. in 3. točke prejšnjega odstavka kot javno pooblastilo.

(4) Z aktom o ustanovitvi zavoda se lahko določijo tudi druge naloge zavoda.

and providing technical and spatial capacities for the examination and support to the child in accordance with this Act;

3. providing the child with the support of a counsellor as part of the crisis support during an interview or physical examination;
4. providing psychological, social and practical support as part of the psychosocial support to the child and their family members.

(2) In addition to the tasks referred to in the preceding paragraph, the Children's House shall also perform the following tasks necessary for the provision of public service:

1. managing databases under this Act;
2. developing and adopting programmes and carrying out the training and assessments of knowledge of professionals who assist in the interviews of children and counsellors who provide crisis and psychosocial support to children and their family members;
3. ensuring the uniformity and development of professional methods and procedures of the comprehensive treatment of children and developing and implementing multidisciplinary and interagency training programmes for this purpose;
4. providing spaces for the police and social work centres to perform their duties in the proceedings concerning minor victims of and witnesses to criminal offences;
5. providing information and professional assistance to its employees and associates;
6. cooperating with international organisations;
7. cooperating with domestic and foreign professional and non-governmental organisations;
8. cooperating with educational, higher education and scientific research institutions;
9. raising public awareness and conducting scientific research in the field of its operation;
10. producing and publishing annual reports on the performance of its tasks.

(3) The Children's House shall perform the tasks referred to in points 1, 2 and 3 of the preceding paragraph under public authority.

(4) The act of establishment of the Children's House may also define other tasks of the Children's House.



(5) Zavod svoje naloge izvaja kot multidisciplinarno in medinstitucionalno sodelovanje in upravljanje posameznih zadev.

#### **8. člen (organi zavoda)**

(1) Organi zavoda so svet zavoda, direktor, strokovni svet in drugi organi, opredeljeni v aktu o ustanovitvi zavoda.

(2) Za člane organov zavoda, ki niso javni uslužbenci, se glede nasprotja interesov in daril uporabljajo predpisi, ki ta vprašanja urejajo za javne uslužbenke.

#### **9. člen (svet zavoda)**

(1) Dejavnost zavoda upravlja svet zavoda, ki opravlja naslednje naloge:

- sprejema statut zavoda,
- sprejema program dela in finančni načrt,
- sprejema letno poročilo zavoda,
- sprejema splošne akte za uresničevanje dejavnosti zavoda,
- opravlja druge naloge, ki jih določata ta zakon in akt o ustanovitvi zavoda, ter
- imenuje in razrešuje direktorja.

(2) Svet zavoda sestavlja sedem članov, ki imajo ustrezna znanja ali izkušnje s področja dela z otroki, psihiatrične ali psihološke obravnave otrok, vzgoje ali otrokovih pravic, od katerih:

- pet članov imenuje ustanoviteljica, in sicer dva člana na predlog ministrstva, pristojnega za pravosodje, in po enega člana na predlog ministrstva, pristojnega za družino, ministrstva, pristojnega za zdravje, in ministrstva, pristojnega za notranje zadeve;
- enega člana, predstavnika nevladnih organizacij, ki delujejo na

(5) The Children's House shall perform its tasks in the form of multidisciplinary and interagency collaboration and case management.

#### **Article 8 (Bodies of the Children's House)**

(2) The bodies of the Children's House shall be the Council of the Children's House, the Director, the Specialist Council and other bodies defined in the act of establishment of the Children's House.

(3) The regulations governing the conflict of interests and gifts with regard to public employees shall apply to the members of the Children's House's bodies who are not public employees.

#### **Article 9 (Council of the Children's House)**

(1) The activities of the Children's House shall be managed by the Council of the Children's House, which shall perform the following tasks:

- adopt the articles of association of the Children's House,
- adopt work programmes and financial plans,
- adopt the annual reports of the Children's House,
- adopt general legal acts for the implementation of the Children's House's activities,
- perform other tasks laid down by this Act and the act of establishment of the Children's House, and
- appoint and dismiss the Director of the Children's House.

(2) The Council of the Children's House shall be composed of seven members who shall have relevant knowledge and experience in working with children, the psychiatric or psychological treatment of children, education or the rights of children, of whom:

- five members shall be appointed by the founder, i.e. the ministry responsible for justice shall propose two, and the ministry responsible for family, the ministry responsible for health and the ministry responsible for internal affairs shall propose one each;
- one member, who shall be a representative of non-governmental

področju otrokovih pravic, imenuje minister, pristojen za družino, na podlagi javnega poziva, ki ga objavi na svoji spletni strani ali na drug primeren način;

- enega člana izvolijo delavci zavoda.

(3) Svet zavoda začne delovati, ko so imenovani vsaj štirje njegovi člani. Mandat članov sveta zavoda traja štiri leta.

(4) Svet zavoda izmed svojih članov, ki jih imenuje ustanoviteljica, izvoli predsednika in podpredsednika sveta zavoda.

(5) Svet zavoda veljavno odloča, če je na seji navzočih več kot polovica članov. Statut in druge splošne akte, finančni načrt in zaključni račun sprejema svet zavoda z večino glasov vseh članov. O drugih vprašanih odloča svet zavoda z večino glasov navzočih članov.

#### **10. člen (direktor)**

(1) Poslovodni organ zavoda je direktor, ki mora imeti najmanj izobrazbo osme ravni v skladu z zakonom, ki ureja slovensko ogrodje kvalifikacij, psihološke ali medicinske smeri, socialnega dela ali specialnih disciplin pedagoške smeri in najmanj sedem let delovnih izkušenj z delom z otroki.

(2) Direktor organizira in vodi strokovno delo in poslovanje zavoda, predstavlja in zastopa zavod ter je odgovoren za zakonitost njegovega poslovanja.

(3) Naloge in pristojnosti direktorja ter morebitni dodatni pogoji za njegovo imenovanje se določijo v aktu o ustanovitvi zavoda.

organisations working for the rights of children, shall be appointed by the minister responsible for family on the basis of a public call published on its website or in another suitable way;

- one member shall be elected by the employees of the Children's House.

(3) The Council of the Children's House shall start operating when at least four of its members are appointed. The term of office of the members of the Council of the Children's House shall be four years.

(4) The Council of the Children's House shall elect the chairperson and the deputy chairperson of the council from among its members appointed by the founder.

(5) The decisions of the Council of the Children's House shall be deemed valid if more than half of its members are present at the meeting. The articles of association and other general legal acts, financial plans and annual accounts shall be adopted by the Council of the Children's House with the majority of votes of all its members. The Council of the Children's House shall decide on other issues with a majority of votes of present members.

#### **Article 10 (Director)**

(1) The management body of the Children's House shall be the Director, who must have educational qualifications of at least level eight in accordance with the Act governing the Slovenian qualification framework in the field of psychology or medicine, social work or special education disciplines and at least seven years of work experience in working with children.

(2) The Director shall organise and manage the professional work and the operation of the Children's House, represent the Children's House and act on its behalf, and be responsible for the legality of the operation of the Children's House.

(3) The tasks and responsibilities of the Director and any additional conditions for their appointment shall be laid down in the act of establishment of the Children's House.

**11. člen  
(strokovni svet)**

(1) Strokovni svet je kolegijski strokovni organ, ki ga sestavlja sedem članov. Člani so posamezniki, ki so strokovnjaki za kazensko pravo ali kriminologijo, socialni delavci, psihologi, zdravniki ali drugi strokovnjaki z izkušnjami na področju dela z otroki žrtvami kaznivih dejanj. Po enega člana strokovnega sveta predlagajo Vrhovno sodišče Republike Slovenije, Vrhovno državno tožilstvo Republike Slovenije in Odvetniška zbornica Slovenije. Najmanj en član strokovnega sveta je predstavnik nevladnih organizacij, ki delujejo na področju otrokovih pravic. Člani sveta opravljajo svoje delo samostojno in niso vezani na stališča delodajalca.

(2) Strokovni svet daje mnenja in predloge glede programov usposabljanja, protokolov multidisciplinarnega in medinstitucionalnega sodelovanja in drugih strokovnih vprašanj, ki jih določa akt o ustanovitvi zavoda, ter obravnava pripombe nad strokovnim delom zavoda.

(3) Sestava, način oblikovanja in naloge strokovnega sveta se določijo z aktom o ustanovitvi zavoda.

**12. člen  
(drugi organi)**

Z aktom o ustanovitvi zavoda se lahko določijo tudi drugi organi zavoda za posamezna območja ali področja dejavnosti zavoda ter njihove naloge.

**13. člen  
(nadzor)**

(1) Nadzor nad zakonitostjo delovanja zavoda in namembnostjo rabe sredstev za financiranje nalog in programov zavoda izvaja minister,

**Article 11  
(Specialist Council)**

(1) The Specialist Council is a collegial specialist body composed of seven members. Its members shall be experts in criminal law or criminology, social workers, psychologists, doctors and other experts with experience in working with child victims of criminal offences. The Supreme Court of the Republic of Slovenia, the Supreme State Prosecutor's Office of the Republic of Slovenia and the Bar Association of Slovenia shall each appoint one member of the Specialist Council. At least one member of the Specialist Council shall be a representative of non-governmental organisations working for the rights of children. The members of the Specialist Council shall perform their work independently and shall not be bound by the views of their employer.

(2) The Specialist Council shall give opinions and proposals in relation to training programmes, protocols for multidisciplinary and interagency cooperation and other specialist questions defined by the act of establishment of the Children's House and shall consider any comments about the professional work of the Children's House.

(3) The composition, method of forming and tasks of the Specialist Council shall be determined by the act of establishment of the Children's House.

**Article 12  
(Other bodies)**

The act of establishment of the Children's House may also define other bodies of the Children's House for particular regions or the areas of the Children's House's activities and the tasks of such bodies.

**Article 13  
(Supervision)**

(1) The supervision of the legality of operation of the Children's House and the allocation and use of funds for financing the tasks and

pristojen za pravosodje.

(2) Če se pri nadzoru ugotovijo nepravilnosti, minister, pristojen za pravosodje, določi ukrepe in roke za njihovo odpravo.

(3) V dvomu, ali je konkretna naloga del izvajanja javne službe, odloči minister, pristojen za pravosodje.

### III. ZAGOTAVLJANJE CELOSTNE OBRAVNAVE OTROKA

#### **14. člen (pogoji za obravnavo v zavodu)**

(1) Mladoletnemu oškodovancu ali priči v predkazenskem ali kazenskem postopku glede določenih kaznivih dejanj se zagotovi celostna obravnava, če tako odloči sodišče.

(2) Sodišče presodi, ali je v največjo korist otroka, da se mladoletnemu oškodovancu ali priči v predkazenskem ali kazenskem postopku glede drugega kaznivega dejanja ali ob smiselni uporabi tega zakona mladoletniku, ki še ni star osemnajst let, zoper katerega teče predkazenski ali kazenski postopek, po predhodno pridobljenem mnenju zavoda zagotovi celostna obravnava v hiši za otroke.

(3) Zavod ob upoštevanju okoliščin konkretnega primera, zlasti starosti, zrelosti, sposobnosti razumeti pomen in posledice svojih dejanj in drugih osebnih značilnosti in potreb otroka ter vrste, narave in okoliščin kaznivega dejanja v mnenju iz prejšnjega odstavka, opredeli svoje kadrovske, prostorske in časovne možnosti za izvedbo posameznih dejavnosti celostne obravnave.

(4) Policija in centri za socialno delo lahko izvajajo svoje naloge v postopkih v zvezi z mladoletnimi oškodovanci in mladoletnimi pričami kaznivih dejanj kot celostno obravnavo otrok v zavodu po predhodno

programmes of the Children's House shall be carried out by the minister responsible for justice.

(2) Should any irregularities be found in the course of supervision, the minister responsible for justice shall determine the measures and time limits for eliminating the irregularities.

(3) In case of ambiguity, the minister responsible for justice shall decide whether a specific task is part of the provision of public service.

### III. PROVISION OF COMPREHENSIVE TREATMENT TO A CHILD

#### **Article 14 (Conditions for treatment in the Children's House)**

(1) A minor victim or witness in pre-trial or criminal proceedings concerning specific criminal offences shall be provided comprehensive treatment if so decided by the court.

(2) The court shall assess whether it is in the best interests of the child to provide, after the opinion of the Children's House is obtained, a minor victim or witness in pre-trial or criminal proceedings concerning other criminal offences or, by applying this Act *mutatis mutandis*, a minor who is under 18 years of age against whom pre-trial or criminal proceedings are conducted with a comprehensive treatment in the Children's House.

(3) In the opinion referred to in the preceding paragraph, the Children's House shall define its capacities with regard to staff, space and time available for providing particular activities of comprehensive treatment, taking into account the circumstances of the case, in particular the age, maturity, ability to understand the relevance and consequences of their actions and other personal traits and needs of the child, and the type, nature and circumstances of the criminal offence.

(4) The police and social work centres may perform their tasks in proceedings concerning the minor victims of and minor witness to criminal offences within the comprehensive treatment in the Children's

pridobljenem soglasju zavoda.

(5) Zavod ob upoštevanju okoliščin konkretnega primera, zlasti starosti, zrelosti, sposobnosti razumeti pomen in posledice svojih dejanj in drugih osebnih značilnosti in potreb otroka ter vrste, narave in okoliščin kaznivega dejanja ter ob upoštevanju svojih kadrovskih, prostorskih in časovnih možnosti v soglasju iz prejšnjega odstavka, opredeli pogoje in način za izvedbo predlaganih dejavnosti. Pri tem skrbi, da se z njihovo izvedbo ne ovira izvajanje dejavnosti zavoda.

#### **15. člen**

##### **(uporaba določb zakona, ki ureja kazenski postopek)**

Če ta zakon ne določa drugače, se za zaslišanje in telesni pregled otroka po tem zakonu uporabljajo določbe zakona, ki ureja kazenski postopek, o zaslišanju priče in o izvedenstvu.

#### **1. Zaslišanje otroka**

#### **16. člen**

##### **(strokovnjak)**

(1) Zaslišanje otroka po tem zakonu se opravi s pomočjo strokovnjaka ali strokovnjakinje (v nadaljnjem besedilu: strokovnjak).

(2) Strokovnjak iz prejšnjega odstavka mora imeti končano najmanj izobrazbo osme ravni v skladu z zakonom, ki ureja slovensko ogrodje kvalifikacij, psihološke ali medicinske smeri, socialnega dela ali specialnih disciplin pedagoške smeri, najmanj pet let delovnih izkušenj z delom z otroki in opravljeno dodatno usposabljanje za izvajanje zaslišanj otrok v skladu z 38. členom tega zakona.

House after obtaining the consent of the Children's House.

(5) In the consent referred to in the preceding paragraph, the Children's House shall define the conditions for and the method of carrying out the proposed activities, taking into account the circumstances of the case, in particular the age, maturity, ability to understand the relevance and consequences of their actions and other personal traits and needs of the child, the type, nature and circumstances of the criminal offence, and the capacities of the Children's House with regard to staff, space and time. The Children's House shall ensure that the aforementioned activities do not hinder the activities of the Children's House.

#### **Article 15**

##### **(Application of provisions of the Act governing the criminal procedure)**

The provisions of the Act governing the criminal procedure concerning the examination of witnesses and expert examination shall apply to the interviews and physical examinations of children, unless otherwise provided by this Act.

#### **1. Interviews of children**

#### **Article 16**

##### **(Professional)**

(1) An interview of a child under this Act shall be carried out with the assistance of a professional.

(2) The professional referred to in the preceding paragraph must have educational qualifications of at least level eight in accordance with the Act governing the Slovenian qualification framework in the field of psychology or medicine, social work or special education disciplines and at least five years of work experience in working with children, and must have completed additional training for conducting interviews of children in accordance with Article 38 of this Act.

## **17. člen (odreditev zaslišanja)**

(1) Zaslihanje po tem zakonu se opravi na podlagi pisne odredbe, ki jo na predlog upravičenega tožilca, osumljenca oziroma obdolženca, zagovornika, zakonitega zastopnika otroka, otroka, ki je dopolnil 16 let, pooblaščenca mladoletnega oškodovanca ali po uradni dolžnosti izda sodišče.

(2) V odredbi sodišče navede:

- da se izvedensko delo z zaslihanjem otroka zaupa zavodu;
- da zavod določi enega ali več strokovnjakov, ki neposredno opravijo zaslihanje;
- da se zavodu omogočita pregled in prepis kazenskega spisa ter se na njegovo zahtevo zagotovijo dodatna pojasnila, potrebna za izvedensko delo;
- osebne podatke otroka;
- dejstva in okoliščine, o katerih je treba zaslišati otroka;
- datum pripravljalnega sestanka in datum zaslišanja otroka.

(3) O odredbi, času in kraju pripravljalnega sestanka sodišče obvesti zavod, upravičenega tožilca, osumljenca oziroma obdolženca, zagovornika, če ga ta ima, otroka, ki je dopolnil 16 let, zakonitega zastopnika otroka, zagovornika otroka po zakonu o varuhu človekovih pravic, pooblaščenca mladoletnega oškodovanca in pristojni center za socialno delo. Obvestilo se zaznamuje v spisu.

(4) Osumljenca oziroma obdolženca, ki nima zagovornika, sodišče hkrati pouči, da ima pravico do proste izbire zagovornika, ki sme v skladu s tem zakonom sodelovati pri zaslihanju otroka, in o pravici do brezplačne pravne pomoči. O izbiri zagovornika mora osumljenec oziroma obdolženec v treh dneh po prejemu obvestila o odredbi in pripravljalnem sestanku obvestiti sodišče, sicer sodišče ravna v skladu z 18. členom tega zakona. Osumljenca oziroma obdolženca sodišče pouči, da sme skupaj z obvestilom predlagati, da sodišče odloži pripravljalni sestanek ali zaslihanje otroka zaradi priprave obrambe, vendar ne več kot za osem

## **Article 17 (Order of an interview)**

(1) An interview under this Act shall be carried out on the basis of a written order issued by a court *ex officio* or on the proposal of the authorised prosecutor, the suspected or accused person, the defence counsel, the statutory representative of the child, the child over 16 years of age or the authorised person of a minor victim.

(2) In the order, the court shall state the following:

- that the expert examination concerning the interview of the child shall be entrusted to the Children's House;
- that the Children's House shall assign one or several professionals to carry out the interview;
- that the Children's House shall be allowed to inspect and transcribe the criminal file and, upon request, be provided with additional clarifications needed for the expert examination;
- the personal data of the child;
- the facts and circumstances on which the child is to be interviewed;
- the date of the preparatory meeting and the date of the interview of the child.

(3) The court shall notify the Children's House, the authorised prosecutor, the suspected or accused person and the defence counsel, if the suspected or accused person has one, the child over 16 years of age, the statutory representative of the child, a child advocate under the Human Rights Ombudsman Act, the authorised person of a minor victim and the competent social work centre of the order and the time and place of preparatory meeting. This notification shall be recorded in the file.

(4) The court shall also instruct a suspected or accused person without a defence counsel that they have the right to freely choose a defence counsel, who may participate in the interview of the child in accordance with this Act, and about the right to state legal aid. The suspected or accused person must notify the court of their choice of defence counsel within three days of receiving the notification of the order and preparatory meeting, otherwise the court shall act in accordance with Article 18 of this Act. The court shall instruct the suspected or accused person that, together with this notification, they may propose that the

dni.

**18. člen**  
**(imenovanje strokovnjaka)**

(1) Zavod v skladu z zakonom, ki ureja kazenski postopek, izmed strokovnjakov, zaposlenih v zavodu, brez odlašanja imenuje strokovnjaka, s pomočjo katerega bo opravljeno zaslišanje.

(2) Zavod lahko izjemoma imenuje strokovnjaka, ki ni zaposlen v zavodu, če so strokovnjaki zavoda zadržani ali če to zahtevajo druge okoliščine, z izvedbo zaslišanja pa bi bilo nevarno odlašati.

**19. člen**  
**(postavitev zagovornika)**

(1) Osumljencu ali obdolžencu, ki nima zagovornika in v treh dneh od prejema obvestila o odredbi in pripravljalnem sestanku sodišča ne obvesti o izbranem zagovorniku, postavi zagovornika sodišče.

(2) Če si osumljenec oziroma obdolženec po postavitvi zagovornika vzame drugega zagovornika, opravlja postavljeni zagovornik naloge do konca zaslišanja otroka, in to poleg izbranega zagovornika.

(3) Po prvem odstavku ravna sodišče tudi, če ugotovi, da osumljenec ali obdolženec zlorablja pravico do proste izbire zagovornika.

**20. člen**  
**(odložitev pripravljalnega sestanka ali zaslišanja)**

Sodišče sme na predlog upravičenega tožilca, osumljenca

court postpone the preparatory meeting or the interview of the child to allow the preparation of defence, but for no more than eight days.

**Article 18**  
**(Appointment of a professional)**

(1) The Children's House shall, in accordance with the Act governing the criminal procedure, without delay appoint a professional from among the employees of the Children's House to assist in the conduct of the interview.

(2) In exceptional circumstances, the Children's House may appoint a professional who is not employed by the Children's House, if the professionals employed by the Children's House are otherwise engaged or if other circumstances so require and it may be dangerous to delay the interview.

**Article 19**  
**(Appointment of a defence counsel)**

(1) The court shall appoint a defence counsel for a suspected or accused person without a defence counsel who does not notify the court of a chosen defence counsel within three days of receiving the notification of order and preparatory meeting.

(2) If, after the appointment of a defence counsel, the suspected or accused person retains another defence counsel, the appointed defence counsel shall perform their tasks until the interview of the child is concluded, together with the chosen defence counsel.

(3) The court shall also act in accordance with paragraph one if it establishes that the suspected or accused person is abusing the right to freely chose a defence counsel.

**Article 20**  
**(Postponement of preparatory meeting or interview)**

The court may, on the proposal of the authorised prosecutor,

oziroma obdolženca, otroka, ki je dopolnil 16 let, zakonitega zastopnika otroka, pooblaščenca mladoletnega oškodovanca, zagovornika ali strokovnjaka zavoda za največ osem dni odložiti pripravljalni sestanek ali zaslišanje otroka. Hkrati določi novi datum sestanka ali zaslišanja.

### **21. člen (vabilo)**

(1) Otroku se vabilo na zaslišanje naznani ustno. Z vabilom otroka seznanijo osebe zavoda, njegov zakoniti zastopnik ali druga oseba, ki jo določi sodišče.

(2) Pri vabilu otroka se določbe zakona, ki ureja kazenski postopek, o seznanitvi s posledicami neopravičenega izostanka ne uporabljajo.

(3) O uspešni naznanitvi vabila se takoj obvesti sodišče, ki to zaznamuje v spisu.

### **22. člen (pripravljalni sestanek)**

(1) Pripravljalni sestanek se opravi v prostorih zavoda. Pripravljalni sestanek vodi preiskovalni sodnik.

(2) Udeleženci pripravljalnega sestanka so strokovnjak zavoda, s pomočjo katerega bo opravljeno zaslišanje otroka, upravičeni tožilec, predstavnik policije, osumljenec oziroma obdolženec, zagovornik, zakoniti zastopnik otroka, pooblaščenec mladoletnega oškodovanca, svetovalec otroka, zagovornik otroka po zakonu o varuhu človekovih pravic in strokovni delavec centra za socialno delo.

(3) Na pripravljalnem sestanku se udeleženci izjavijo o dejstvih in okoliščinah, ki so pomembne za izvedbo zaslišanja, o vprašanih, ki naj

the suspected or accused person, the child over 16 years of age, the statutory representative of the child, the authorised person of a minor victim, the defence counsel or the professional of the Children's House, postpone a preparatory meeting or the interview of a child for no more than eight days. The court shall concurrently determine a new date for the meeting or interview.

### **Article 21 (Summons)**

(1) The child shall be orally informed of summons to an interview. The child is informed of the summons by the staff of the Children's House, their statutory representative or other person appointed by the court.

(2) The provisions of the Act governing the criminal procedure concerning instructions about the consequences of an unjustified absence shall not apply to the summons issued to a child.

(3) The court shall be immediately notified of the successful delivery of summons and shall make a note thereof in the file.

### **Article 22 (Preparatory meeting)**

(1) The preparatory meeting shall be held on the premises of the Children's House. The preparatory meeting shall be led by the investigating judge.

(2) The participants in the preparatory meeting shall be the professional of the Children's House who will assist in the interview of the child, the authorised prosecutor, a representative of the police, the suspected or accused person, the defence counsel, the statutory representative of the child, the authorised person of the minor victim, the child's counsellor, a child advocate under the Human Rights Ombudsman Act and a professional worker from a social work centre.

(3) At the preparatory meeting, the participants shall give their statements on the facts and circumstances relevant to the conduct of the



se postavijo otroku, in o načinu izvedbe zaslišanja otroka.

(4) Po pripravljalnem sestanku sme sodišče dopolniti ali spremeniti odredbo o zaslišanju otroka. O dopolnitvah in spremembah odredbe sodišče brez odlašanja obvesti udeležence pripravljalnega sestanka.

(5) O poteku pripravljalnega sestanka se vodi zapisnik v skladu z določbami zakona, ki ureja kazenski postopek.

### **23. člen** **(prostorske zahteve in prepoved osebnega stika)**

(1) Prostor za zaslišanje obsega ločena prostora, med katerima je zvočna in slikovna povezava.

(2) Prostor, v katerem je otrok, mora biti opremljen ob upoštevanju načela skrbnega in obzirnega ravnanja z ranljivimi udeleženci kazenskega postopka. Z opremo prostora se ne sme vplivati na vsebino otrokove izpovedbe.

(3) Zavod zagotavlja, da med otrokom in osumljencem oziroma obdolžencem neposredno pred in med zaslišanjem ter po zaslišanju ni neželenega osebnega stika.

(4) Zavod zagotovi, da pred zaslišanjem ni neposrednega osebnega stika med otrokom in drugimi udeleženci postopka, vključno s strokovnjakom, ki bo opravil zaslišanje.

### **24. člen** **(navzočnost oseb med zaslišanjem)**

(1) Sodišče lahko dovoli, da sta poleg otroka in strokovnjaka, ki pomaga pri izvedbi zaslišanja, v prostoru prisotna tudi ena oseba, ki jo otrok sam izbere v skladu z določbami zakona, ki ureja kazenski postopek, in tolmač, če je to potrebno.

interview, on the questions to be posed to the child and on the method of conducting the interview.

(4) After the preparatory meeting the court may amend the order on the interview of the child. The court shall without delay inform the participants in the preparatory meeting of any amendments to the order.

(5) A record of the preparatory meeting shall be made in accordance with the provisions of the Act governing the criminal procedure.

### **Article 23** **(Spatial requirements and the prohibition of personal contact)**

(1) The interview space shall consist of two separate rooms connected via audio and video systems.

(2) The room in which the child is must be equipped in accordance with the principle of due care and consideration of vulnerable participants in criminal proceedings. The equipment of the room must not influence the content of the child's testimony.

(3) The Children's House shall ensure that there is no unwanted personal contact between the child and the suspected or accused person immediately before, during and after the interview.

(4) The Children's House shall ensure that before the interview there is no direct personal contact between the child and other participants in the proceedings, including the professional who will carry out the interview.

### **Article 24** **(Persons present during an interview)**

(1) The court may allow one person chosen by the child in accordance with the provisions of the Act governing the criminal procedure and, if necessary, an interpreter to be present in the room besides the child and the professional who assists in the conduct of the

(2) Navzočnost drugih oseb se zagotovi v ločenem prostoru s pomočjo zvočne in slikovne povezave. Poleg sodnika, ki vodi postopek, in potrebnega sodnega osebja so lahko v ločenem prostoru navzoči tudi upravičeni tožilec, osumljenec oziroma obdolženec, zagovornik, zakoniti zastopnik otroka, pooblaščenec mladoletnega oškodovanca, strokovni delavec centra za socialno delo, svetovalec otroka in tehnično osebje zavoda ter druge osebe, katerih navzočnost dovoli sodišče zaradi izvajanja dejavnosti zavoda. Sodišče sme odrediti, da oseba začasno zapusti prostor, če bi bila njena navzočnost v nasprotju z interesi uspešne izvedbe predkazenskega ali kazenskega postopka.

(3) Če sodišče oceni, da je zaradi varstva koristi otroka to potrebno, odredi, da eden ali več udeležencev iz prejšnjega odstavka zaslišanje spremljajo z uporabo tehničnih sredstev za prenos slike in glasu (videokonferenca).

## **25. člen (zaslišanje)**

(1) Zaslišanje otroka se izvede tako, da se kar najbolj upoštevajo načela tega zakona. Zaslišanje neposredno opravi strokovnjak zavoda. Pri tem sledi izhodiščem, ki so bila oblikovana na pripravljalnem sestanku.

(2) Med zaslišanjem se strokovnjak, ki pomaga pri izvajanju zaslišanja, in sodnik, ki vodi zaslišanje, sporazumevata s pomočjo elektronske komunikacijske opreme ali na drug primeren način.

(3) Med zaslišanjem smejo udeleženci predlagati, naj se otroku postavijo določena dodatna vprašanja ali raziščejo dodatne okoliščine. Sodišče odloči, ali dovoli postavitev posameznega vprašanja in ga na primeren način sporoči strokovnjaku, ki izvaja zaslišanje.

(4) Če strokovnjak, ki pomaga pri izvajanju zaslišanja, oceni, da

interview.

(2) The presence of other persons shall be ensured in a separate room through an audio and video connection. In addition to the judge conducting the proceedings and the necessary court staff, the authorised prosecutor, the suspected or accused person, the defence counsel, the statutory representative of the child, the authorised representative of a minor victim, a professional worker from a social work centre, the child's counsellor and the technical staff of the Children's House may be present in a separate room, as well as other persons whose presence is permitted by the court for the performance of the activities of the Children's House. The court may order a person to temporarily leave the room, if their presence is against the interests of successful implementation of pre-trial or criminal proceedings.

(3) If the court assesses that this is necessary to protect the interests of the child, it shall order one or more participants referred to in the preceding paragraph to observe the interview by using technical means for voice and image transmission (videoconference).

## **Article 25 (Interview)**

(1) The interview of a child shall be carried out so that the principles of this Act are observed to the greatest extent possible. The interview shall be carried out by a professional from the Children's House. In carrying out the interview, the professional shall follow the starting points determined at the preparatory meeting.

(2) During the interview, the professional assisting in the interview and the judge leading the interview shall communicate using electronic communications equipment or in another appropriate way.

(3) During the interview, the participants may propose that certain additional questions be posed to the child or additional circumstances be examined. The court shall decide whether a particular question is to be allowed and shall communicate it in an appropriate manner to the professional carrying out the interview.

(4) If the professional assisting in the interview assesses that a

bi bila z določenim vprašanjem prizadeta celovitost otroka, o tem obvesti sodnika. Sodnik bodisi prepove vprašanje bodisi dovoli, da se zaslišanje v tem delu opravi tako, da celovitost otroka ne bo prizadeta.

(5) Pri zaslišanju otroka po tem zakonu se zanj ne uporabljajo določbe zakona, ki ureja kazenski postopek, o soočenju z drugimi pričami ali osumljencem oziroma obdolžencem, niti se ne uporabljajo določbe o ukrepih za zagotavljanje navzočnosti in reda pri zaslišanju.

## **26. člen (snemanje)**

(1) Zaslihanje otroka se vselej zvočno in slikovno posname, s čimer otroka na začetku zaslihanja seznanijo strokovnjaki in mu obrazložijo pomen snemanja.

(2) Pri izvajanju snemanja se ne uporabljajo določbe zakona, ki ureja kazenski postopek, o zahtevi zaslihanca za predvajanje posnetka ter o pravici podati pojasnila in pripombe k posnetku.

(3) Zvočni in slikovni posnetek zaslihanja se lahko uporablja za izvedbo kazenskega postopka, drugih sodnih postopkov in za zagotavljanje krizne podpore in psihosocialne pomoči otroku.

(4) Če sodišče odredi prepis posnetka, se ta prepíše v celoti.

## **27. člen (zapisnik)**

(1) Zapisnik pripravljalnega sestanka, posnetek in prepis posnetka zaslihanja so sestavni del zapisnika o zaslišanju otroka.

(2) Pri sestavi zapisnika o zaslišanju otroka po tem zakonu se zanj ne uporabljajo določbe zakona, ki ureja kazenski postopek, o

particular question would be detrimental to the integrity of the child, they shall inform the judge thereof. The judge shall either prohibit the question or permit this part of the interview to be carried out in a way that would not affect the integrity of the child.

(5) The provisions of the Act governing the criminal procedure concerning confrontation with other witnesses or the suspected or accused person and provisions concerning the measures for ensuring attendance and maintaining order during hearings shall not apply to the interviews of children under this Act.

## **Article 26 (Recordings)**

(1) All interviews of a child are audio and video recorded, of which the professional shall inform the child at the beginning of the interview explaining the importance of recording.

(2) In making a recording, the provisions of the Act governing the criminal procedure concerning the request of the interrogated person to play the recording and the right to give explanations and comments to the recording shall not apply.

(3) The audio and video recording of the interview may be used in criminal proceedings and other court proceedings and to provide crisis and psychosocial support to the child.

(4) If the court orders a transcript of the recording to be made, the recording shall be transcribed in full.

## **Article 27 (Records)**

(1) The record of the preparatory meeting and the recording and transcription of the interview shall be the constituent parts of the record of the child's interview.

(2) The provisions of the Act governing the criminal procedure concerning the signing of the record shall not apply to the records of the

podpisovanju zapisnika.

### **28. člen (ponovno zaslišanje)**

(1) Če je treba otroka, zaslišanega po tem zakonu, ponovno zaslišati, se uporabi ta zakon. Pri tem sodnik ne dovoli zaslišanja o okoliščinah, ki so že bile predmet zaslišanja pri prvem zaslišanju.

(2) Ponovno zaslihanje otroka opravi isti strokovnjak kot predhodno, razen če obstaja utemeljen razlog, da zavod imenuje drugega strokovnjaka.

## **2. Telesni pregled otroka**

### **29. člen (pomoč zavoda)**

Zavod zagotavlja prostore in drugo pomoč pri opravljanju telesnega pregleda tako, da je v največji meri zagotovljeno skrbno in obzirno ravnanje z otrokom.

### **30. člen (izvedenstvo telesnih poškodb)**

Pri izvedenstvu telesnih poškodb sodišče posebno skrbno presodi, ali naj se izvedenstvo opravi na podlagi medicinske dokumentacije in drugih podatkov v spisu ali tudi s pregledom otroka.

### **31. člen (pojasnilna dolžnost)**

Pred telesnim pregledom se otroku posebno pazljivo in skrbno pojasnita pomen in narava zdravniških dejanj, pomembnih za analizo in

interviews of children under this Act.

### **Article 28 (Additional interview)**

(1) If a child who has been interviewed under this Act needs to be interviewed again, this Act shall apply. The judge shall not allow an interview about the circumstances that were the subject of the first interview.

(2) The additional interview of the child shall be carried out by the same professional as previously, unless there is a justified reason for the Children's House to appoint another professional.

## **2. Physical examination of a child**

### **Article 29 (Assistance of the Children's House)**

The Children's House shall provide the space and other assistance for physical examinations to ensure to the greatest extent possible that the child is treated with care and consideration.

### **Article 30 (Expert examination of physical injuries)**

With regard to the expert examination of physical injuries, the court shall take particular care in assessing whether the expert examination is to be made on the basis of medical documents and other information contained in the file or is also to include an examination of the child.

### **Article 31 (Duty to disclose information)**

Before a physical examination, the importance and nature of medical procedures relevant to the analysis and establishment of the

ugotovitev dejstev, pomembnih za kazenski postopek.

### **32. člen (nasprotovanje otroka)**

(1) Če otrok kljub skrbnim pojasnilom nasprotuje pregledu, se izvedenstvo telesnih poškodb opravi s pregledom medicinske dokumentacije in podatkov v spisu, razen če bi bilo to v nasprotju z interesi uspešne izvedbe predkazenskega ali kazenskega postopka.

(2) Pri telesnem pregledu otroka po tem zakonu se zanj določbe zakona, ki ureja kazenski postopek, o ukrepih za zagotavljanje reda pri izvajanju preiskovalnih dejanj, ne uporabljajo.

## **3. Krizna podpora in psihosocialna pomoč**

### **33. člen (krizna podpora in psihosocialna pomoč)**

(1) Zavod zagotavlja krizno podporo in psihosocialno

(2) Krizna podpora pomeni zlasti psihološko podporo otroku ob zaslišanju in telesnem pregledu.

(3) Psihosocialna pomoč pomeni trajnejšo obliko psihološke, socialne in praktične pomoči otroku, ki sledi v času po zaslišanju ali telesnem pregledu.

(4) Zavod lahko zagotavlja krizno podporo in psihosocialno pomoč tudi otrokovim družinskim članom, ki niso osumljeni kaznivega dejanja zoper otroka, če to po presoji svetovalca narekuje korist otroka.

(5) Zavod se za izvajanje krizne podpore in psihosocialne

facts important for the criminal proceedings shall be explained to the child with due care and attention.

### **Article 32 (Child's opposition)**

(1) If despite careful explanations the child opposes the examination, the expert examination of physical injuries shall be carried out through the examination of medical documents and the information contained in the file, unless this would be against the interests of the successful implementation of pre-trial or criminal proceedings.

(2) The provisions of the Act governing the criminal procedure concerning the measures to maintain order during investigative procedures shall not apply to the physical examinations of children under this Act.

## **3. Crisis and psychosocial support**

### **Article 33 (Crisis and psychosocial support)**

(1) The Children's House shall provide crisis and psychosocial support to children.

(2) Crisis support shall constitute, in particular, the psychological support provided to children during interviews and physical examinations.

(3) Psychosocial support shall constitute a more permanent form of psychological, social and practical support provided to children after interviews or physical examinations.

(4) The Children's House may also provide crisis and psychosocial support to a child's family members who are not suspected of committing a criminal offence against the child if the counsellor believes that this would benefit the child.

(5) In order to provide crisis and psychosocial support, the

pomoči lahko povezuje z drugimi organizacijami, ki nudijo pomoč, zlasti s centri za socialno delo, izvajalci zdravstvene dejavnosti in drugimi strokovnjaki ter nevladnimi organizacijami s področja zavoda.

#### **34. člen (svetovalec otroka)**

(1) Krizno podporo in psihosocialno pomoč izvaja svetovalec ali svetovalka otroka (v nadaljnjem besedilu: svetovalec).

(2) Direktor ali vodja enote zavoda po prejemu odredbe sodišča o zaslišanju ali telesnem pregledu otroka brez odlašanja otroku imenuje svetovalca. Svetovalec ne sme biti oseba, ki v istem primeru opravlja zaslišanje otroka (v nadaljnjem besedilu: dodeljeni svetovalec).

(3) Svetovalec mora imeti končano najmanj izobrazbo osme ravni v skladu z zakonom, ki ureja slovensko ogrodje kvalifikacij, psihološke ali medicinske smeri, socialnega dela ali specialnih disciplin pedagoške smeri, najmanj tri leta delovnih izkušenj z delom z otroki in opravljeno dodatno usposabljanje za izvajanje krizne podpore in psihosocialne pomoči otrokom v skladu z 38. členom tega zakona.

(4) Zavod skrbi, da otroka, razen v izjemnih primerih, ves čas obravnave spremlja isti svetovalec.

(5) Svetovalec sme dostopati do vseh podatkov, ki jih obdeluje zavod in ki jih potrebuje pri svojem delu.

#### **35. člen (krizna podpora)**

(1) Dodeljeni svetovalec sprejme otroka neposredno pred zaslišanjem ali telesnim pregledom. Prvi stik z otrokom zajema le seznanitev in pomiritev otroka, pri čemer svetovalec otroku pojasni potek zaslišanja ali telesnega pregleda in nadaljnje obravnave.

Children's House may work together with other organisations providing support, in particular social work centres, healthcare providers and other professionals, as well as non-governmental organisations working in the field of Children's House activities.

#### **Article 34 (Child's counsellor)**

(1) Crisis and psychosocial support shall be carried out by the counsellor of the child (hereinafter: counsellor).

(2) After receiving a court order on the interview or physical examination of a child, the Director or the head of a unit of the Children's House shall appoint a counsellor without delay. The counsellor must not be the person who carries out the interview of the child in the same case (hereinafter: appointed counsellor).

(3) The counsellor must have educational qualifications of at least level eight in accordance with the Act governing the Slovenian qualification framework in the field of psychology or medicine, social work or special education disciplines and at least three years of work experience in working with children, and must have completed additional training for providing crisis and psychosocial support to children in accordance with Article 38 of this Act.

(4) The Children's House shall ensure that, except in exceptional cases, the child has the same counsellor throughout the treatment.

(5) The counsellor shall have access to all the data processed by the Children's House that they need in their work.

#### **Article 35 (Crisis support)**

(1) The appointed counsellor shall receive the child immediately before an interview or physical examination. At the first contact with the child, the counsellor shall only inform and attempt to calm the child, and explain the procedure of the interview or physical

(2) Dodeljeni svetovalec spremlja zaslišanje otroka v ločeni sobi.

(3) Dodeljeni svetovalec neposredno po zaslišanju ali telesnem pregledu otroka v skladu s pravili stroke in pravili zavoda otroku nudi strokovno pomoč in podporo, kar pomeni tudi začetek psihosocialne pomoči.

### **36. člen (psihosocialna pomoč)**

(1) Dodeljeni svetovalec otroku nudi psihosocialno pomoč v času po zaslišanju ali telesnem pregledu.

(2) Svetovalec za otroka v najkrajšem času pripravi načrt obravnave, v katerem glede na okoliščine in potrebe otroka določi intenzivnost in pogostost stikov z otrokom ter v skladu s strokovnimi usmeritvami in pravili zavoda opredeli vsebino psihosocialne pomoči. Svetovalec načrt obravnave dopolnjuje in prilagaja med trajanjem psihosocialne pomoči.

(3) Psihosocialna pomoč traja šest mesecev od začetka obravnave, tudi če otrok v tem času že dopolni 18 let. Če svetovalec oceni, da otrok potrebuje nadaljnjo obravnavo, ga usmeri k ustreznim institucijam zunaj zavoda. Po preteku šestih mesecev svetovalec nadaljuje obravnavo otroka v zavodu le, dokler ustrezna pomoč ni zagotovljena zunaj zavoda.

(4) V okviru psihosocialne pomoči svetovalec po lastni presoji sodeluje z drugimi oblikami podpore in pomoči, ki jih nudijo državni organi ali nevladne organizacije, ter otroka povezuje z njimi.

### **37. člen (prostovoljnost sodelovanja)**

examination and further treatment.

(2) The appointed counsellor shall observe the child's interview from a separate room.

(3) Immediately after the interview or physical examination of the child, the counsellor shall provide professional help and support to the child in accordance with the rules of the profession and of the Children's House, which shall constitute the start of psychosocial support.

### **Article 36 (Psychosocial support)**

(1) The appointed counsellor shall provide psychosocial support to the child after the interview or physical examination.

(2) As soon as possible, the counsellor shall prepare a treatment plan for the child determining the intensity and frequency of contacts with the child and defining the content of psychosocial support in accordance with professional guidelines and the rules of the Children's House. Throughout the duration of the psychosocial support, the counsellor shall supplement and adjust the treatment plan.

(3) The psychosocial support shall be provided for six months from the start of the treatment, even if the child reaches 18 years of age before the end of this period. If the counsellor assesses that the child needs further treatment, they shall refer the child to relevant institutions outside the Children's House. After the expiry of six months, the counsellor shall only continue the treatment within the Children's House until suitable support is provided outside the Children's House.

(4) In providing psychosocial support, the counsellor shall, at their own discretion, work together with state authorities and non-governmental organisations providing other forms of support and assistance and establish contacts between the child and such authorities and organisations.

### **Article 37 (Voluntary participation)**

(1) Otrok se prostovoljno vključuje v krizno podporo in psihosocialno pomoč, ki jo zagotavlja zavod.

(2) Za otroka, mlajšega od 15 let, soglasje za vključitev v krizno podporo in psihosocialno pomoč poda njegov zakoniti zastopnik.

#### IV. USPOSABLJANJE IN SODELOVANJE

##### **38. člen (usposabljanje)**

(1) Zavod zagotavlja redna usposabljanja strokovnjakov za pomoč pri zaslišanju otrok ter svetovalcev za izvajanje krizne podpore in psihosocialne pomoči otrokom in njihovim družinskim članom.

(2) Zavod zagotavlja multidisciplinarna in medinstitucionalna usposabljanja ter izvaja ozaveščanja strokovnjakov različnih področij, ki se ukvarjajo z otroki, in splošne javnosti o dejavnosti zavoda ter ustrezni obravnavi otrok, ki so oškodovanci ali priče kaznivih dejanj.

(3) Postopek in pogoje za pristop k preverjanju usposobljenosti določi minister, pristojen za pravosodje.

##### **39. člen (sodelovanje med udeleženci postopka)**

(1) Udeleženci postopkov krizne podpore in psihosocialne pomoči otroku po tem zakonu morajo sodelovati z zavodom v zadevah po tem zakonu in zavodu predati potrebne podatke.

(2) Zavod sprejme protokole, ki vsebujejo priporočila za poenoteno in strokovno izvajanje celostne obravnave in standarde sodelovanja med udeleženci.

(1) A child shall voluntarily participate in crisis and psychosocial support provided by the Children's House.

(2) The consent for participation in crisis and psychosocial support for a child under 15 years of age shall be given by their statutory representative.

#### IV. TRAINING AND PARTICIPATION

##### **Article 38 (Training)**

(1) The Children's House shall provide regular training for professionals who assist in the interviews of children and counsellors who provide crisis and psychosocial support to children and their family members.

(2) The Children's House shall provide multidisciplinary and interagency training and raise awareness of professionals in various fields who work with children and the general public about the activities of the Children's House and the appropriate treatment of children who are victims of or witnesses to criminal offences.

(3) The procedure of and conditions for eligibility for the assessment of competence shall be determined by the minister responsible for justice.

##### **Article 39 (Cooperation among the participants in procedures)**

(1) The participants in child crisis and psychosocial support procedures under this Act must cooperate with the Children's House in cases under this Act and provide the necessary information to the Children's House.

(2) The Children's House shall adopt protocols containing recommendations for a uniform and professional implementation of comprehensive treatment and the standards for cooperation among



(3) Način sodelovanja med zavodom in drugimi udeleženci pri zagotavljanju celostne obravnave določi Vlada Republike Slovenije.

## V. PREHODNE IN KONČNE DOLOČBE

### **40. člen (izdaja podzakonskih predpisov)**

Podzakonska predpisa iz tretjega odstavka 38. člena in tretjega odstavka 39. člena se izdeta v šestih mesecih po uveljavitvi tega zakona.

### **41. člen (sprejetje akta o ustanovitvi zavoda)**

Vlada Republike Slovenije sprejme akt o ustanovitvi zavoda v treh mesecih po uveljavitvi tega zakona.

### **42. člen (strokovnjaki za zaslišanje otroka v prehodnem obdobju)**

Do zagotovitve zadostnega števila strokovnjakov, usposobljenih za izvajanje zaslišanja otroka, vendar ne dlje kot pet let po začetku veljavnosti tega zakona, sme zavod ne glede na drugi odstavek 16. člena tega zakona za izvajanje zaslišanja otroka za strokovnjaka, s pomočjo katerega bo opravljeno zaslihanje, imenovati tudi uradno osebo policije, ki je zaslihanje otrok ali zbiranje obvestil od otrok opravljala najmanj pet let, je uspešno opravila poklicna usposabljanja s tega področja in je v skladu z 38. členom tega zakona uspešno opravila dodatno usposabljanje.

### **43. člen**

participants.

(3) The method of cooperation between the Children's House and other participants in providing comprehensive treatment shall be determined by the Government of the Republic of Slovenia.

## V. TRANSITIONAL AND FINAL PROVISIONS

### **Article 40 (Issue of implementing regulations)**

The implementing regulations referred to in paragraph three of Article 38 and paragraph three of Article 39 shall be issued within six months of the entry into force of this Act.

### **Article 41 (Adoption of the act of establishment of the Children's House)**

The Government of the Republic of Slovenia shall adopt the act of establishment of the Children's House within three months of the entry into force of this Act.

### **Article 42 (Professionals carrying out interviews of children in the transitional period)**

Until there is a sufficient number of professionals trained to carry out interviews of children, but for no longer than five years of the entry into force of this Act, the Children's House may, notwithstanding paragraph two of Article 16 of this Act, also appoint as the professional who will assist in the interview a police official who has been carrying out interviews with children or collecting information from children for at least five years and has successfully completed professional training in this field and the additional training in accordance with Article 38 of this Act.

### **Article 43**

### **(začetek uporabe)**

Določbe III. poglavja Zagotavljanje celostne obravnave otroka (14. do 37. člen) tega zakona se za zadeve iz:

- prvega odstavka 1. člena tega zakona za kazniva dejanja zoper spolno nedotakljivost in iz tretjega odstavka 1. člena tega zakona začnejo uporabljati 1. maja 2022;
- prvega odstavka 1. člena tega zakona za določena kazniva dejanja iz drugega odstavka 2. člena, razen za kazniva dejanja zoper spolno nedotakljivost, in drugega odstavka 1. člena tega zakona začnejo uporabljati 1. maja 2024.

### **44. člen (začetek veljavnosti)**

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije.

Št. 713-01/21-3/16  
Ljubljana, dne 26. marca 2021  
EPA 1636-VIII

Državni zbor  
Republike Slovenije  
**Igor Zorčič**  
predsednik

### **(Date of application)**

The provisions of Chapter III Provision of comprehensive treatment to a child (Articles 14 to 37) of this Act shall, for the cases referred to in:

- paragraph one of Article 1 of this Act for criminal offences against sexual integrity and paragraph three of Article 1 of this Act, apply as of 1 May 2022;
- paragraph one of Article 1 of this Act for specific criminal offences referred to in paragraph two of Article 2, except the criminal offences against sexual integrity, and paragraph two of Article 1 of this Act, apply as of 1 May 2024.

### **Article 44 (Entry into force)**

This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.

No. 713-01/21-3/16  
Ljubljana, 26 March 2021  
EPA 1636-VIII

National Assembly of the  
Republic of Slovenia  
**Igor Zorčič**  
President