



GREVIO

Baseline Evaluation Report Slovenia

” Group of Experts
on Action
against Violence
against Women and
Domestic Violence
(GREVIO)



Istanbul Convention

GREVIO's (Baseline) Evaluation Report
on legislative and other measures
giving effect to the provisions
of the Council of Europe Convention
on Preventing and Combating
Violence against Women and Domestic Violence
(Istanbul Convention)

Slovenia

Group of Experts
on Action against Violence against Women
and Domestic Violence (GREVIO)

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F-67075 Strasbourg Cedex
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Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, “the Istanbul Convention”) by the parties to the convention. It is composed of 15 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO’s statutory activities include country-by-country monitoring of the Istanbul Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of Slovenia. It covers the Istanbul Convention in its entirety¹ and thus assesses the level of compliance of country legislation and practice in all areas covered by the convention. In light of the scope of the convention – as set out in its Article 2, paragraph 1 – the baseline evaluation focuses on measures taken in relation to “all forms of violence against women, including domestic violence, which affects women disproportionately”. Hence, the term “victim” used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, the report proposes measures to strengthen the implementation of the convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency, noting that all of them are important. These are, in order of priority, “urges”, “strongly encourages”, “encourages” and “invites”. GREVIO uses the verb “urges” where it considers that immediate action is required to bring the party’s legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. “Strongly encourages” is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure comprehensive implementation of the convention. A third level of urgency is indicated by the use of the verb “encourages”, which is used for shortcomings that require attention though possibly at a later stage. Lastly, the verb “invites” points to small gaps in implementation which the party is requested to consider closing or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement developed within the national context of the party under review. These include the following:

- submission, by the party, of a report drawn up on the basis of GREVIO’s baseline questionnaire (the state report);
- an evaluation visit to the party under review to meet with governmental and non-governmental representatives working in this field;
- comments by the party on GREVIO’s draft report;
- publication of GREVIO’s report after its adoption together with any comments received from the party.

1. With the exception of Chapter VIII of the convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

In addition, GREVIO also collects additional information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions and Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner and other pertinent bodies), as well as other international treaty bodies.

The analysis, suggestions and proposals contained in this first baseline evaluation report were drawn up under the exclusive responsibility of GREVIO. It covers the situation as observed by the GREVIO delegation during its evaluation visit to Slovenia. Where available, significant legislative and policy developments up until 21 June 2021 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Executive summary

This report provides an assessment of the measures of implementation taken by the Slovenian authorities with regard to all aspects of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (“the Istanbul Convention”).

This assessment has been carried out by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human rights monitoring body mandated to monitor the implementation of the convention. GREVIO’s findings are based on the information obtained during the various steps of the first (baseline) evaluation procedure set out in Article 68 of the convention. These include written reports (a state report submitted by the country authorities and online meetings between the GREVIO delegation and relevant stakeholders held over the course of three days and followed by a three-day evaluation visit to Slovenia. A list of the bodies and entities with which GREVIO had exchanges can be found in Appendix II.

The report highlights a number of positive legal and policy measures that have been taken by the Slovenian authorities, which demonstrate their clear commitment to eliminate gender-based violence against women. GREVIO notes with satisfaction the significant progress made by the Slovenian authorities towards building a comprehensive legal, policy and institutional framework in the field of prevention of domestic violence, even before the ratification of the Istanbul Convention in February 2015. The Domestic Violence Prevention Act (DVPA), adopted in 2008, brought about significant change to the response to women victims of domestic violence in Slovenia, fully incorporating a victim-centred approach and providing for a range of measures in support and for the protection of victims and child witnesses of domestic violence, to be offered in an integrated manner and on the basis of multi-agency co-operation among various state authorities and non-governmental organisations. A new Criminal Code defined domestic violence as a criminal offence and various implementing regulations relating to the activities of various authorities and services in relation to such violence were adopted. Legislative efforts have been accompanied by the adoption of a strategic document, the Resolution on the 2009-2014 National Programme on Prevention of Family Violence and the development of an important network of support services for victims of domestic violence in close co-operation with NGOs. DVPA and this first strategic document that addressed domestic violence included obligations to offer in-service training for relevant professionals, and rules regulating the duties of such professionals in response to domestic violence were also adopted.

Much progress has been made in improving the legislative framework concerning the various forms of violence against women, and recent amendments to the Criminal Code have aligned it more closely with the requirements of the Istanbul Convention. Forms of violence such as stalking and forced marriage are now criminalised. Moreover, the definitions of rape and sexual violence have been amended by moving away from a force-based definition. As the adoption of this report coincided with this newest change to the Criminal Code, it does not offer a comprehensive assessment of the new criminal offence of rape and sexual violence but notes it as an overall positive development, which will hopefully contribute to an increase in the number of reports and convictions for such acts – a development that is urgently needed.

While acknowledging the positive developments in relation to domestic violence and in the area of criminal legislation, the report points out that less policy attention, funding and political support is directed towards any of the other forms of violence against women covered by the convention. Although some measures for preventing and combating other forms of violence against women have been taken, they do not cover all forms of violence and it is unclear to what extent they cover each of the pillars of the convention. Hence, the report stresses the need for Slovenia to respond to all forms of violence in a holistic manner, the adoption of a new comprehensive strategic document which addresses all forms of violence against women being the key to achieving this goal.

GREVIO has observed other issues where improvement is warranted in order to reach higher levels of compliance with the requirements of the Istanbul Convention. They relate to the gender-neutral approach of legal provisions and policy documents that address violence against women, including domestic violence in Slovenia. In addition, many interventions by statutory agencies such as law enforcement and social services are not taken in full recognition of the gendered nature of abusive relationships and linkages with the inequality between women and men, women's socio-economic discrimination and unequal status in society compared to that of men, nor the negative gender stereotypes and sexist attitudes that affect and disadvantage women in daily life. Accordingly, more efforts are needed to ensure that legislative and other measures, including training and awareness-raising efforts, address the different forms of violence against women, including domestic violence, as a gendered phenomenon.

Unlike in the case of domestic violence, training requirements in relation to forms of violence such as sexual violence, stalking, psychological violence and sexual harassment, as well as the rights and needs of victims and secondary victimisation, do not seem to exist. Moreover, mandatory training on all forms of violence against women seems to be an exception instead of representing the norm with respect to all professionals involved in preventing and combating violence against women. In GREVIO's view, this accounts for the difficulties that persist in responding adequately to all forms of violence against women, which are exacerbated by the absence of binding guidelines and protocols on forms of violence other than domestic violence. Clear protocols and guidelines setting the standards of institutional response to all forms of violence against women and a high degree of awareness and understanding of, for example, the cycle of abuse in intimate relationships and its consequences on women and children form the cornerstone of a holistic response by first responders such as the police, which must involve the referral of victims to specialist support services.

The report also highlights the need for a stronger criminal justice response to all forms of violence against women, GREVIO being concerned by the high level of attrition rates in relation to several forms of violence against women, in particular domestic violence and rape, and the lack of effort made by the Slovenian authorities to identify causes thereof. In addition, the lack of an integrated system of data collection concerning all forms of violence across the law-enforcement and justice sector, due to a lack of co-ordination and comparability of data, does not allow the tracking of cases through all stages of the law-enforcement and judicial "chain". In this context, GREVIO reiterates that one of the relevant requirements of the Article 11 of the convention is to design data-collection models in such a manner as to allow an assessment of conviction rates (as well as an analysis of the factors that contribute to many reported cases of violence "falling out" of the legal system without a final conviction) as a key element for analysing the efficiency of the institutional and judicial response to violence.

While GREVIO welcomes Slovenia's ratification of the Istanbul Convention and the efforts taken in its implementation, it has identified a number of priority issues requiring further action by the Slovenian authorities to comply fully with the convention's provisions. Drawing from the above and in addition thereto, these relate to the need to:

- ensure that measures taken by the Slovenian authorities address all forms of violence against women, in a holistic and comprehensive fashion;
- provide for adequate specialist women's support services throughout the country for all forms of violence against women covered by the Istanbul Convention – forced marriage, stalking, sexual harassment, forced sterilisation and forced abortion;
- institutionalise the role of the co-ordinating body as required by Article 10 of the Istanbul Convention, and provide it with clear mandates, powers and competences, as well as the necessary human and financial resources;
- reinforce efforts to ensure the comprehensive collection of disaggregated data in relation to all forms of violence covered by the Istanbul Convention, disaggregated by sex, age, type of violence as well as the relationship of the victim to the perpetrator;

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- ensure systematic and mandatory initial and in-service training, incorporating a gender approach, for all relevant professionals who deal with victims and/or perpetrators of all forms of violence covered by the convention;
 - set up appropriate and easily accessible rape crisis and/or sexual violence referral centres;
 - ensure the sustainable functioning of a national telephone helpline for victims of all forms of violence covered by the Istanbul Convention, free of charge and accessible 24/7, and provide long-term funding for its operation;
 - ensure that in the determination of custody and visitation rights or the introduction of measures affecting the exercise of parental authority, the competent authorities are required to consider all issues relating to violence against women and domestic violence;
 - implement the newly adopted provisions of the Criminal Code covering the offences of rape and sexual violence to fully incorporate the notion of freely given consent and to conform to the convention's standards regarding *ex parte* and *ex officio* prosecution in relation to the offences of marital rape and sexual violence against a spouse or partner;
 - strengthen the criminal justice response to all forms of violence against women by swiftly identifying and addressing the factors which contribute to attrition in cases of rape, domestic violence and any other forms of violence against women.

Furthermore, GREVIO has identified a number of additional areas in which improvements are required in order to comply fully with the obligations of the convention. These relate, among other things, to the appropriate allocation of human and financial resources for any policies, measures and legislation aimed at preventing and combating violence against women; to the effective implementation of a multi-agency approach to ensuring the protection and safety of all victims; and to the swift identification of women asylum seekers who have experienced or are at risk of gender-based violence with a view to ensuring adequate accommodation, access to support services and protection and to reducing the risk of *refoulement*.

Introduction

Slovenia ratified the Istanbul Convention on 5 February 2015. In accordance with Article 78, paragraph 2, of the convention, Slovenia reserves the right not to apply the provisions under Article 30, paragraph 2, Article 44, paragraphs 1 e, 3 and 4, Article 55, paragraph 1, in respect of Article 35 regarding minor offences, Article 58 in respect of Articles 37, 38 and 39, and Article 59.² By a declaration dated 10 February 2020, the authorities notified their decision to renew their reservation, without providing any explanation on the grounds justifying its continuance as required by Article 79, paragraph 3, of the convention.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights. It covers new ground by asking that root causes of violence against women (such as gender stereotyping, traditions harmful to women and general manifestations of gender inequality) be addressed.

The convention sets up a monitoring mechanism to assess the level of implementation by its parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention.

In accordance with Article 68 of the convention, GREVIO initiated the baseline evaluation in respect of Slovenia by letter and transmission of its questionnaire on 8 February 2019. The order of reporting to GREVIO is based on a combination of regional groupings and order of ratification. The Slovenian authorities subsequently submitted their state report on 28 October 2019 – the deadline set by GREVIO. Following a preliminary examination of the country state report, GREVIO held three-days of online meetings, as the Covid-19 pandemic did not permit travel to Slovenia, and carried out an evaluation visit to Slovenia, which took place from 28 to 30 September 2020. The delegation was composed of:

- Biljana Branković, Member of GREVIO
- Maria-Andriani Kostopoulou, Member of GREVIO
- Carmela Apostol, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention

During the evaluation visit, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them.

The evaluation visit was prepared in close co-operation with Sara Slana, Undersecretary at the Equal Opportunities Department of the Ministry of Labour, Family, Social Affairs and Equal Opportunities, who was appointed as contact person for the evaluation by GREVIO. GREVIO wishes to extend its gratitude for the co-operation and support provided throughout the entire evaluation procedure, and for the constructive approach adopted by the Slovenian authorities.

As part of this first baseline evaluation, GREVIO examined the implementation measures taken by the Slovenian authorities concerning all aspects of the convention. For the sake of brevity, this report gives priority to some provisions over others. While it covers all chapters of the convention (with the exception of Chapter VIII), it does not present detailed assessments and conclusions for each provision.

2. Reservation contained in the instrument of ratification as supplemented by a *note verbale* from the Permanent Representation of Slovenia, deposited simultaneously on 5 February 2015. See www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures.

I. Purposes, definitions, equality and non-discrimination, general obligations

A. General principles of the convention

1. Chapter I of the Istanbul Convention sets out general principles which apply to all the substantive articles contained in Chapters II to VII. Included among these is the fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact.

2. GREVIO notes with satisfaction that the Slovenian authorities have made significant progress towards building a comprehensive legal, policy and institutional framework in the field of prevention of domestic violence, and had done so even before the ratification of the Istanbul Convention in February 2015.

3. In particular, GREVIO commends the adoption in 2008 of the Domestic Violence Prevention Act (DVPA), which moved domestic violence against women from the private realm into the public sphere and included provisions on protection of victims and child witnesses of violence. It was the first comprehensive legislative response to the needs of victims, which determined the role, tasks and co-operation of the various state authorities and non-governmental organisations (NGOs) in dealing with domestic violence. It was followed by the adoption of a new Criminal Code, which defined domestic violence as a criminal offence and various implementing regulations relating to the activities of various authorities and services in relation to such violence.³ A strategic document was adopted one year later, namely, the Resolution on the 2009-2014 National Programme on Prevention of Family Violence, which determined the objectives and bodies in charge of the prevention and reduction of domestic violence. All these regulatory measures contributed to improving the systemic regulation of preventing and combating domestic violence.

4. As a result, an important network of support services for victims of domestic violence was developed in close co-operation with NGOs.

5. GREVIO notes with satisfaction that following the ratification of the convention more efforts have been directed at passing and amending legislation in order to bring it in line with the requirements of the convention. The DVPA was, for instance, amended in 2016, broadening the definition of domestic violence to include former partners, while the Criminal Code was also amended in 2015 in order to criminalise other forms of violence against women (stalking and forced marriage) covered by the convention.

6. While GREVIO welcomes the developments in the area of protection of victims of domestic violence, it considers, however, that measures addressing other forms of violence against women have yet to reach the same level of comprehensiveness, in particular rape, forced marriage and stalking. In this connection, GREVIO notes with concern that currently in Slovenia there is no comprehensive strategic document or policy framework to address all forms of violence against women. Moreover, the national programme on the prevention of domestic violence expired in 2015 and has not been replaced. According to the authorities, a new strategy (National Programme on the Prevention of Domestic Violence and Violence against Women), is, however, being drafted and will cover all forms of violence against women.

3. Rules on the organisation and work of multidisciplinary teams and regional services and on the actions of the social work centres in dealing with domestic violence, Rules on procedures for dealing with domestic violence in the implementation of health activities, Rules on the treatment of domestic violence for educational institutions and Rules on co-operation between the police and other authorities in the detection and prevention of domestic violence.

7. GREVIO strongly encourages the Slovenian authorities to step up their efforts to adopt and implement a comprehensive set of policies to prevent and combat all forms of violence against women covered by the Istanbul Convention, in particular sexual violence.

B. Scope of application of the convention and definitions (Articles 2 and 3)

8. In light of the scope of the Istanbul Convention set out in its Article 2, paragraph 1, the first baseline evaluation focuses on measures taken in relation to all forms of violence against women, including domestic violence, which affects women disproportionately. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. According to paragraph *a*, the term “violence against women” refers to “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”, whereas the expression “domestic violence” is to be understood as referring to “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”. The definition of “gender-based violence against women” offered in paragraph *d* of Article 3 seeks to ensure more clarity regarding the nature of the violence covered by explaining that this is “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

9. Hence, the violence addressed by the Istanbul Convention differs from other types of violence in that the victim’s gender is the primary motive. It is violence that is perpetrated against a woman that is both the cause and consequence of unequal power relations based on perceived differences between women and men that lead to women’s subordinate status in the public and private spheres. In accordance with the definition given in Article 3*b*, Chapter V of the convention specifies the forms of violence against women that are to be criminalised (or, where applicable, otherwise sanctioned). These are psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, female genital mutilation, forced abortion, forced sterilisation and sexual harassment. Owing to the seriousness of domestic violence, Article 46 of the convention requires ensuring that the circumstance in which the offence was committed against a former or current spouse or partner, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority, may entail a harsher sentence either as an aggravating circumstance or a constituent element of the offence.

10. GREVIO notes with satisfaction that the definition of domestic violence⁴ provided by the DVPA, as amended in 2016, covers a wide range of forms of domestic violence, including stalking and neglect as well as physical, sexual, psychological and economic violence. The definition of family members set out under Article 2 of the DVPA includes a spouse or partner, cohabiting persons and persons in a relationship, regardless of cohabitation. GREVIO welcomes that the DVPA also includes violence perpetrated after a relationship ends

11. A specific criminal offence of violence within the family, which covers various aspects of subordination and discriminatory treatment, was introduced into the Criminal Code in 2008. While the definition of the offence in the Criminal Code targets all acts of violence which occur in line with Article 3*b* of the Convention, GREVIO notes the legislator’s preference for the term “family violence” and that the punishment provided for the former members of the family or ex-partners is less severe (three years) compared to that for the actual members (five years). In addition, GREVIO notes with concern that the above definition treats intergenerational domestic violence and domestic violence against women alike, with no apparent emphasis on the gendered dynamics and issues of power and control that are manifest in intimate partner violence. The definitions of domestic and family violence offered by the DVPA and the Criminal Code are formulated in gender-neutral terms and

4. Under Article 3 of the Domestic Violence Prevention Act (the DVPA), domestic violence is defined as “any form of physical, sexual, psychological or economic violence inflicted by one family member against another, or neglect or stalking of the victim regardless of age, gender or any other personal circumstance of the victim or the perpetrator of the violence, and corporal punishment of children”.

address both men and women as perpetrators and victims of violence. While GREVIO notes that Article 2, paragraph 2, of the Istanbul Convention encourages parties to the convention to apply it to all victims of domestic violence, including men and boys, it recalls that in doing so, “Parties shall pay particular attention to women victims of gender-based violence in implementing the provisions of this Convention”.

12. Many interventions by statutory agencies such as law enforcement and social services are, however, not taken in full recognition of the gendered nature of abusive relationships and linkages with the inequality between women and men, women’s socio-economic discrimination and unequal status in society compared to that of men, nor the negative gender roles and sexist attitudes that affect and disadvantage women in daily life. Civil society has pointed out that the effects of this gender-neutral approach are particularly felt in interventions that place a strong focus on children in domestic violence cases, including where they witness violence by one parent against another, without much effort to specifically address the experiences of women victims of intimate partner violence.⁵ This is compounded by the fact that very few specialist support services exist that are women-specific and that operate on a gendered understanding of intimate partner violence. In order to address the root causes of and effectively tackle all forms of violence against women, including violence experienced in intimate relationships, its gendered nature must be acknowledged in the implementation of law and policy. Indeed, with the ratification of the Istanbul Convention, the Slovenian authorities have committed not only to the implementation of its individual provisions but of its fundamental principles and definitions, such as the recognition that violence against women is a violation of human rights and a form of discrimination against women because it affects them disproportionately compared to men.

13. As regards the measures adopted to ensure that the convention will continue to apply in situations of armed conflict, in 2019 Slovenia adopted the second action plan for the implementation of resolutions of the UN Security Council on women, peace and security for the period 2018-2020.⁶ Two of its priority fields concern the protection of women and girls against sexual and gender-based violence during and after conflict and the responsibility for prevention and prosecution of perpetrators of sexual violence and gender-based violence connected with conflicts.

14. **GREVIO recalls that Article 2, paragraph 1, of the Istanbul Convention affirms the notion that all forms of violence covered by the Istanbul Convention, including domestic violence, affect women disproportionately. GREVIO thus strongly encourages the Slovenian authorities to enhance the application of a gendered perspective in the implementation of the Istanbul Convention, including in relation to law and policy on domestic violence.**

C. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

15. In Slovenia the prohibition of discrimination and the principle of equality are enshrined in the constitution, which guarantees equal human rights and fundamental freedoms irrespective of, *inter alia*, social status, disability or any other personal circumstance, including sex (Article 14). The general non-discrimination legal framework providing for gender equality was adopted in the process of the Slovenian accession to the European Union (EU). In 2004, Slovenia adopted the Act Implementing the Principle of Equal Treatment, which was further amended in 2007, as an umbrella anti-discrimination law to transpose related European Union law into national legislation. It was replaced in 2016 by the Protection against Discrimination Act, which prohibits direct and indirect discrimination on the grounds of any personal characteristics, including sex, in any sphere of social life.

5. Republic of Slovenia Alternative Report for consideration by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), submitted by the Association for non-violent communication and the Association SOS Helplines for women and children – victims of violence (hereinafter, the “NGO written submission”), page 11.

6. See www.lse.ac.uk/women-peace-security/assets/documents/2019/NAP/NAPSlovenia2018.pdf.

16. The Department for Equal Opportunities of the Ministry of Labour, Family, Social Affairs and Equal Opportunities is the competent authority for shaping gender equality policies. An advisory body, called the Expert Council for Gender Equality, set up in 2018⁷ and composed of various professionals working in a variety of fields, from academia to trade unions and non-governmental organisations active in the area of gender equality, alongside the Advocate of the Principle of Equality, is involved in the monitoring and evaluation of the implementation of the principle of gender equality in various fields of social life and makes proposals and recommendations for developing gender equality policies. Moreover, each ministry appoints a co-ordinator for equal opportunities for women and men. GREVIO notes that with 68.3 out of 100 points, Slovenia ranks 11th in the EU on the Gender Equality Index; its score is 0.2 points below the EU's score.⁸

17. GREVIO welcomes the efforts made by the Slovenian authorities to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption in 2015 of the National programme for equal opportunities for women and men for the period 2015-2020. Priorities set out in the national programme include, among other things, zero tolerance of violence against women and strengthening gender mainstreaming in sectoral policies, in particular regarding training and the development of tools, such as Guidelines for Gender Mainstreaming in the Work of Ministries 2016-2020.

2. Intersectional discrimination

18. Article 4, paragraph 3, of the convention requires parties to secure the implementation of their undertakings under the convention without any discrimination. This provision provides an open-ended list of grounds of discrimination which draws on that of Article 14 of the European Convention on Human Rights as well as the list contained in its Protocol No. 12⁹ and, in addition, includes the grounds of gender, sexual orientation, gender identity, age, state of health, disability, marital status, and migrant or refugee status or other status. This obligation stems from the realisation that discrimination against certain groups of women, for example at the hands of law-enforcement agencies, the judiciary or service providers, is still widespread.¹⁰

19. GREVIO welcomes the fact that multiple discrimination is addressed in Article 12 of the Protection against Discrimination Act as a more serious form of discrimination which exists when a person is discriminated against on multiple grounds at the same time. It notes with satisfaction the various measures taken by the Slovenian authorities to enhance the protection of women who are exposed or at risk of intersectional discrimination, such as women with disabilities, Roma women, migrant and refugee women, etc.

20. For example, while stressing the importance of integrating measures to prevent and combat violence against women into broader strategies and policies targeting certain groups of people, and of including them in comprehensive and co-ordinated action involving all relevant actors, GREVIO notes with satisfaction that, as the various interministerial plans have evolved, the attention paid to vulnerable women facing intersectional discrimination has increased, which is a real step forward. Thus, for instance, the Action Programme for Persons with Disabilities 2014-2021 places particular emphasis on the activities to prevent and combat gender-related stereotypes and violence against women, children and the elderly with disabilities and requires the collection of statistical data on violence and discrimination against persons with disabilities.

21. Moreover, a National Programme of Measures for Roma for the period 2017-2021, designed to improve the situation of the Roma people, has among its objectives the prevention of discrimination and elimination of prejudice and stereotypes against Roma, in particular against Roma women and girls. It contains, among other things, measures and recommendations targeted at child

7. According to information provided by the authorities, a new Expert Council has been appointed in 2021.

8. See EIGE, Gender Equality Index 2020, <https://eige.europa.eu/publications/gender-equality-index-2020-slovenia>.

9. The discrimination grounds in question include sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

10. See paragraphs 52-54 of the Explanatory Report to the Istanbul Convention.

and forced marriages or minors running away to harmful environments, as well as procedures for handling cases of civil partnerships with minors (see more under Chapter V – Forced marriage).

22. In the context of the Resolution on the National Programme for Equal Opportunities for Women and Men 2015-2020, social protection programmes for the active inclusion into the labour market of Albanian women and other migrant women have been carried out since 2018. Cultural mediators are also involved in their implementation. In 2016, the Ministry of Labour, Family, Social Affairs and Equal Opportunities started financing various activities in the field of gender equality and migration, with a view to protecting the human rights of migrant women and girls, in particular those suffering from different forms of violence.

23. It is with equal satisfaction that GREVIO notes the efforts made by non-governmental organisations in ensuring support services which cater to and address the specific needs of vulnerable women exposed to intersectional discrimination. Thus, the Organisation VIZIJA – Association of the physically disabled provides support and assistance tailored to the special needs of women with physical disabilities, which range from safe accommodation¹¹ to psychological and physical assistance to women with disabilities who have experienced violence. Another accommodation programme for women with physical disabilities who have experienced violence is implemented by the NGO Association SOS Helpline for Women and Children – Victims of Violence. Moreover, the Ministry of Labour, Family, Social Affairs and Equal Opportunities and the Ljubljana local authorities ensure the funding necessary to run a women's shelter which provides support for women who use drugs and are unable to access regular domestic violence shelters.¹² GREVIO also takes note of information provided by the authorities concerning the initiative of the Ministry of Labour, Family, Social Affairs and Equal Opportunities to include in a public call for co-financing social assistance programmes an additional selection criterion, namely that of organising specific programmes for women with disabilities who are victims of violence.

24. In spite of the policy documents and measures mentioned above, women from national minorities, women with disabilities, asylum-seeking and migrant women and other women exposed to intersectional discrimination still face a number of barriers in seeking assistance and support in relation to any of the forms of violence covered by the convention. These include difficulties for victims in accessing information about their rights, insufficient identification, inadequate existing support and protection services, and persistent negative stereotypes about them.

25. A group of vulnerable women of particular concern to GREVIO are women without or with a limited residence permit. The support available to these women is limited, as in practice it seems that they do not have access to safe houses run by social work centres (SWCs).¹³ Moreover, despite the existence of several mechanisms specially designed to protect newly arrived and/or irregular migrant women, they encounter difficulties in acquiring relevant information on their rights mainly because of language and cultural barriers.

26. The full implementation of the existing national action programmes and the adoption of additional tailored measures and actions with regard to the specific issues faced by women at risk of being exposed to intersectional discrimination would certainly help to ensure the prevention of, protection from and prosecution of all forms of violence against these women.

27. GREVIO encourages the Slovenian authorities to continue to address the rights and needs of women and girls exposed to or at risk of intersectional discrimination. This includes improving the accessibility of services, in particular shelters, to migrant women with irregular status.

11. A safe house for disabled women was set up in 2009.

12. In 2010, the Stigma association set up a safe house for women users of illicit drugs in Ljubljana.

13. See the NGO written submission, page 50.

D. State obligations and due diligence (Article 5)

28. Aspects of the implementation of Article 5 of the convention are covered in Chapters V and VI of this report.

E. Gender-sensitive policies (Article 6)

29. Article 6 of the Istanbul Convention calls on the parties to include a gender perspective in the implementation and evaluation of the impact of its provisions and to promote and implement policies aimed at achieving equality between women and men and the empowerment of women. This obligation stems from the realisation that in order to put an end to all forms of violence covered by the scope of the convention, it is necessary to promote *de jure* and *de facto* equality between women and men. It also reflects the principle that violence against women is a consequence as well as a cause of gender inequality.

30. Non-governmental organisations expressed the view (as noted in the shadow report) that policy documents in Slovenia do not follow a gender-sensitive approach,¹⁴ as these are focused on domestic violence rather than on all forms of violence against women. They also note that domestic violence is mostly treated as a criminal justice issue, and that the gendered approach is often avoided by not addressing to the same degree violence against women as violence against children.¹⁵

31. More efforts are therefore needed to ensure that legislative and other measures, including training and awareness-raising efforts, recognise and address domestic violence against women by male partners/spouses as a form of gender-based violence. GREVIO thus highlights the need to enhance the application of a gendered perspective in the implementation of the convention and reiterates that application of Article 6 of the convention (related to gender-sensitive policies) extends to all other articles.

14. See the NGO written submission, page 11.

15. *ibid.*

II. Integrated policies and data collection

32. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies sustained by the necessary institutional, financial and organisational structures.

A. Comprehensive and co-ordinated policies (Article 7)

33. Article 7 of the Istanbul Convention requires states parties to ensure that co-ordinated and comprehensive measures to prevent and combat violence against women address all forms of violence against women.

34. GREVIO welcomes the efforts made by the Slovenian authorities to ensure a comprehensive and co-ordinated approach to preventing and combating domestic violence. They range from the adoption of laws such as the Domestic Violence Prevention Act and national action plans to the provision of specialist services and access to effective protective measures under civil and criminal law.

35. The first strategic document adopted by the Slovenian Government in 2009, namely the Resolution of National Programme of Family Violence Prevention 2009-2014, aimed to ensure that legislation, policies and services address the needs of victims of domestic violence in a holistic way. It provided for measures towards a more integrated approach, such as better multi-agency co-operation, co-ordinated collection and production of comparable data on domestic violence and the adoption of protocols for multi-agency collaboration.

36. In order to ensure the implementation of the DVPA and the resolution, regulations which define the procedure and the roles to be played by different stakeholders in cases of domestic violence were adopted in the following years. Thus, the Rules on the treatment of domestic violence for educational institutions and the Rules on the organisation and work of multidisciplinary teams and regional services and on the activities of social work centres in dealing with domestic violence were adopted in 2009. A year later, the Ministry of the Interior adopted the Rules on co-operation between the police and other authorities in the detection and prevention of domestic violence, which define rules and procedures of notification and co-operation of the police with other relevant stakeholders in treating cases of domestic violence and rules for co-ordinated work of social work centres. In 2011, the Ministry of Health adopted the Rules on procedures for dealing with domestic violence in the implementation of health activities.

37. Despite the emphasis on multi-agency co-operation in the implementation of the policies and regulations relating to domestic violence, it appears that, in practice, interinstitutional co-operation is not sufficiently effective and systematic – despite some progress. Thus, according to information provided by civil society, co-operation with respect to individual cases appears to vary across the country depending on the specific individuals in charge rather than on institutional co-operation. Moreover, while good co-operation practices were highlighted between the police and SWCs, challenges persist in the co-operation between healthcare professionals, prosecutors and judges.

38. However, GREVIO notes a fragmented approach to other forms of violence covered by the convention. While some measures and policies for preventing and combating other forms of violence against women have been taken, they do not cover all forms of violence and it is unclear to what extent they cover each of the pillars of the convention, namely prevention, protection, prosecution and integrated policies.

39. For example, GREVIO was informed that measures and policies concerning violence against women were included in the Resolution on the National Programme for Equal Opportunities for Women and Men for the period 2015-2020, albeit only under the angle of prevention. Moreover, the process of drafting a new strategic document envisaged as an umbrella policy for all forms of violence, including domestic violence, has not come to an end. Noting with satisfaction the evidence-based approach taken by the interministerial working group (IWG) set up after the ratification of the Istanbul Convention by Slovenia, which aims to define new objectives and measures based on an assessment of the implementation of previous measures, policies and programmes, GREVIO recalls the importance of a comprehensive set of measures in relation to all forms of violence against women. This is particularly important as the resolution on the prevention of domestic violence has expired, presenting the Slovenian authorities with an opportunity to fill this void with a comprehensive strategy covering all forms of violence against women. Such a comprehensive strategy should be well co-ordinated with the wide range of existing strategic documents of relevance.

40. The National Programme of Measures for the Roma 2017-2021 places a specific emphasis on child and forced marriages, while the Resolution on the National Mental Health Programme 2018-2028 defines measures for the prevention and treatment of the different forms of violence, including peer violence, domestic violence, elder abuse, etc. The new Resolution on the National Programme for the Prevention and Suppression of Crime 2019-2023, adopted in June 2019, also contains measures related to prevention and prosecution of violence against women.

41. All these resolutions are co-ordinated and implemented by different interministerial groups without any central body to ensure their horizontal co-ordination. Moreover, GREVIO notes with concern that from the information available, it is not clear to what extent these resolutions address in a comprehensive way the different forms of violence against women, such as sexual violence, sexual harassment and crimes against women committed in the name of so-called honour and the special needs of different vulnerable women exposed to multiple discrimination.

42. **GREVIO strongly encourages the Slovenian authorities to pursue the adoption of a new comprehensive national strategy on all forms of violence against women, including domestic violence, in the form of a new resolution, in order to develop a long-term co-ordinated approach giving due regard to all forms of violence covered by the scope of the Istanbul Convention, and encompassing the prevention of such violence, protection of victims and the prosecution of perpetrators.**

B. Financial resources (Article 8)

43. Government funding for services and measures to prevent and combat violence against women is made available in different ways at the national and local level. GREVIO welcomes the fact that information on funding amounts allocated for specific purposes/programmes is provided in the state report.

44. Financial resources for measures to prevent and combat violence against women (including social care measures) have slightly increased in 2018 compared to 2017, allowing for the expansion of existing measures and the provision of more support to women who experience violence.

45. GREVIO notes that the financial resources are ensured on the basis of co-funding, with the Ministry of Labour, Family, Social Affairs and Equal Opportunities providing two thirds of the amounts¹⁶ for different measures aimed at preventing and combating violence, including, for example, women's shelters and crisis centres, and the rest being provided by local municipalities, in particular the Municipality of Ljubljana¹⁷ and other co-funders. GREVIO welcomes the fact that this includes the co-funding of 14 counselling centres.

16. The Ministry of Labour, Family, Social Affairs and Equal Opportunities earmarked a total of EUR 3 324 699.30 for violence prevention programmes in 2017 and EUR 3 334 898.40 in 2018.

17. The funds contributed by the municipalities represented 20% of the funds allocated in 2017 and 17% in 2018.

46. In spite of this, members of civil society consider that the allocated financial resources, in particular those concerning the prevention of violence, including awareness-raising campaigns, are still insufficiently funded. GREVIO notes that international funding seems to account for a high share of the expenditure in the area of awareness raising and that many activities undertaken are of a project nature and thus of limited duration; for instance, two projects which raised significant interest (the project VESNA – Living Without Violence carried out in 2014 and 2015¹⁸ and the two-and-a-half-year project “Click-Off”) were funded by the European Commission of the European Union. GREVIO points out that expertise that is being developed under such schemes is easily lost without the necessary follow-up funding.

47. According to available information, NGOs that provide specialist programmes in the field of violence are mostly understaffed and face high fluctuation rates in terms of staff and a lack of interest in working in the field of violence. NGOs are also uncompetitive recruiters in comparison to the public sector when it comes to salaries for professionals.¹⁹ This results in sometimes inadequate help for women experiencing violence and a growing concern among NGOs that due to the lack of time and capacity for activist work their activity will be gradually limited to providing support services to victims and they will no longer function as advocates for victims and the driving force for change in the field of violence against women.

48. GREVIO welcomes that funding for programmes for perpetrators of violence is quite stable and secured for several years from the state²⁰ and municipal budgets.

49. Although the Ministry of Labour, Family, Social Affairs and Equal Opportunities and the Municipality of Ljubljana offer stable funding for NGOs running helplines (respectively, funding for seven years and for three years for the Association SOS Helpline for Women and Children – Victims of Violence), such funds are not sufficient for securing a 24/7 nationwide, free-of-charge helpline on all forms of violence. During the lockdown caused by the Covid-19 pandemic (between March and June 2020) the Association SOS Helpline for Women and Children – Victims of Violence received additional funding and was able to secure a 24/7 helpline (see paragraph 190 below).

50. As regards the new Resolution on the National Programme for Prevention of Violence against Women and Domestic Violence 2020-2025, which is still being drafted, it transpires from the state report²¹ that the Slovenian authorities will not ensure a financial calculation and cost estimate for its implementation prior to its adoption. The funding for the envisaged measures is not planned in advance and will depend on the budget. Line ministries will secure additional funds for all measures which may require them as part of their financial plans by making reassignments or by increasing efficiency in the implementation of measures. GREVIO is concerned that adjusting the number of measures to the existing budgetary appropriations rather than to the implementation needs identified through evidence, might compromise its implementation, as well as its monitoring and evaluation.

51. GREVIO strongly encourages the Slovenian authorities to ensure appropriate human and financial resources for general and specialist support services as well as the robust resourcing of the measures envisaged by the future strategy on all forms of violence against women, including domestic violence.

C. Non-governmental organisations and civil society (Article 9)

52. GREVIO welcomes that in Slovenia the role of NGOs is of key importance in preventing and combating violence against women and domestic violence, in particular the recognition of their role as partners in multi-agency co-operation in individual cases of domestic violence. It has been due to

18. State report, page 21.

19. A significant number of the activities were carried out by volunteers (364 in 2018 and 358 in 2017), while 202 people were employed in violence prevention programmes co-financed by the Ministry of Labour, Family, Social Affairs and Equal Opportunities in 2017, and 230 people in 2018.

20. The Ministry of Labour, Family, Social Affairs and Equal Opportunities co-finances the programme for perpetrators of the Association for Non-violent Communication by annually allocating EUR 210 100.

21. State report, page 9.

their work since the end of the 1980s that domestic violence started to become visible to Slovenian society. GREVIO notes with satisfaction that the NGO Association SOS Helpline for Women and Children – Victims of Violence has been operational in Slovenia since 1989.

53. Since then, NGOs have taken on an active role in the implementation of different programmes designed to prevent and combat violence against women and domestic violence. They provide training on topics related to violence against women and gender equality and play an important role in raising public awareness of these issues. They also provide a wide range of services for victims of violence against women and domestic violence, such as counselling, accommodation in safe houses, women's shelters, crisis centres and maternity homes for mothers and children, legal assistance, and programmes for perpetrators of violence, as well as raising public awareness about zero tolerance of violence in society. NGOs are mostly funded by the state (and municipalities), but funding levels seem to be placing limits on the scope of their activities. According to information provided to GREVIO, maintaining the existing specialist support services is perceived as difficult, as is their expansion or the development of new programmes and services.

54. While the funding of NGOs is a concern – despite a gradual increase over the past 15 years²² – GREVIO welcomes the fact that the interministerial working group responsible for co-ordination, implementation, monitoring and evaluation of policies and measures for preventing and combating all forms of violence covered by the Istanbul Convention (IWG) includes among its members representatives of several NGOs. Moreover, GREVIO notes with satisfaction that the victim's perspective was included when drafting policies and legislation by actively involving NGOs with experience in specialist service provision, for instance in the drafting of the latest amendment to the DVPA in 2016. NGOs are equally involved in the ongoing criminal law reform amending the offence of rape and the drafting of the planned Resolution on Violence against Women and Domestic Violence 2020-2025.

55. In addition, GREVIO welcomes that the role of NGOs is formalised by various laws and strategic documents. For instance, the DVPA (Article 17, paragraph 1) stipulates that “non-governmental organisations provide protection and psychosocial assistance to victims, organise programmes for perpetrators of violence and co-operate with the authorities and organisations coming from different fields (the police, Office of the Prosecutor, courts, social work centres, health organisations and educational institutions)”. NGOs participate in the assessment of individual cases of victims and perpetrators of violence as members of the multidisciplinary teams and they are also involved in the direct implementation of the measures taken in this context for the protection of victims (Article 17, paragraph 2, of the DVPA). Moreover, Article 60 of the Police Tasks and Powers Act recognises the role played by NGOs in the disclosure of information which is used by the police to justify issuing a restraining order, and both the Protection against Discrimination Act and the Equal Opportunities for Women and Men Act refer to the importance of co-operating with NGOs in the field of equal treatment and the protection of vulnerable groups against discrimination. The Resolution of National Programme of Family Violence Prevention 2009-2014 also emphasised the need to establish systematic, planned and permanent interinstitutional co-operation with non-governmental organisations.

56. GREVIO strongly encourages the Slovenian authorities to ensure sustainable funding levels for women's NGOs which run specialist support services for women victims of all forms of violence.

D. Co-ordinating body (Article 10)

57. Following the ratification of the Istanbul Convention in 2015, an interministerial working group (IWG), mandated with its implementation, was set up in April 2016 by a government decision. This body was subsequently mandated with the co-ordination, implementation, monitoring and evaluation

22. Information provided during the evaluation visit.

of policies and measures to prevent and combat all forms of violence in accordance with Article 10 of the convention.

58. The IWG falls under the leadership of the Ministry of Labour, the Head of the Equal Opportunities Department at the ministry overseeing its management. It comprises 20 permanent members and 17 substitute members; they are representatives of ministries and other specialised bodies, including the Statistical Office of the Republic of Slovenia, the Association of Centres for Social Work and the Government Office for National Minorities, as well as representatives of civil society (for instance, the Association SOS Helpline, the Centre for Information Service, Co-operation and Development of NGOs). The members of the IWG meet on a formal basis twice a year.

59. Despite its new wide institutional mandate and demanding tasks, no specific budget and staff has been assigned to the IWG. The members of the IWG perform their work in addition to their regular workload.

60. GREVIO is concerned that rather than creating/mandating one or more separate structures to take on the four tasks of co-ordination, implementation, monitoring and evaluation, these have been simply added to the mandate of a working group, with no adjustments to mandates, operational structures, staffing or funding. This raises questions as to the efficiency of such an approach and puts into question the ability of the interministerial working group to carry out its duties adequately. Moreover, GREVIO notes that the co-ordination body is mandated to both implement and monitor implementation of policies and measures in the area of violence against women. GREVIO wishes to point out that the evaluation function of a co-ordinating structure in implementation of Article 10 of the convention is to be understood as implying an independent and scientific assessment, based on robust data, of whether measures taken achieve their aim and/or expose any unintended effects. It is important to highlight the value that lies in differentiating implementation from the evaluation of measures taken and attributing these two functions to separate institutions. A set-up in which those who implement measures and bear political responsibility for them are at the same time entrusted with the task of evaluating the efficacy of those measures might not ensure the necessary objectivity in assessing policies, and thus an independent evaluation of policies and measures is needed.

61. Moreover, GREVIO notes with concern that despite the clear mandate given to the IWG in 2018 to devise a new Resolution for the National Programme on Violence against Women and Domestic Violence for the period 2020-2025, and despite the urgent need for a new national programme around each of the pillars and on all forms of violence against women covered by the convention, no such text has been adopted yet. In this context, GREVIO emphasises the importance of adopting a new national programme, whose co-ordination, implementation, monitoring and evaluation would be in line with the requirements of Article 10 of the convention.

62. GREVIO strongly encourages the Slovenian authorities to assign the role of co-ordinating body to fully institutionalised entities, to equip these with clear mandates, powers and competences that are widely communicated and to allocate the necessary human and financial resources to these entities, in order to enable sustainability of their work. GREVIO also encourages the Slovenian authorities to set up separate bodies for the co-ordination and implementation of policies and measures on the one hand, and for their monitoring and evaluation on the other, in order to ensure objectivity in the evaluation of policies.²³

63. GREVIO strongly encourages the Slovenian authorities to ensure that the functions of the co-ordinating body apply to all forms of violence covered by the Istanbul Convention and that they are supported by adequate and appropriate data, which are necessary for evidence-based policy making.

23. See GREVIO's baseline evaluation report on the Netherlands published on 20 January 2019.

E. Data collection and research (Article 11)

64. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.²⁴

1. Administrative data collection

65. GREVIO welcomes the efforts made by the Slovenian authorities to bring the collection and dissemination of administrative and judicial data in line with the convention's requirements. However, important challenges need to be addressed.

66. First, Slovenia does not have an integrated system of data collection concerning all forms of violence covered by the scope of the convention. Various authorities have their own data-collection models, and data collection is not integrated across the law-enforcement and justice sector due to a lack of co-ordination and comparability of data, although the (currently expired) Resolution of National Programme of Family Violence Prevention 2009-2014 included measures aimed at enabling a comparable registration methodology of acts of violence. Moreover, it is not possible to track cases through all stages of the law-enforcement and judicial "chain" (law-enforcement agencies – prosecution – courts) and to identify the outcomes. In this context, GREVIO reiterates that one of the relevant requirements of Article 11 of the convention is to design data-collection models in such a manner as to allow an assessment of conviction rates (as well as an analysis of the factors that contribute to many reported cases of violence "falling out" of the legal system without a final conviction) as key elements for analysing the efficiency of institutional and judicial response to violence.

67. Second, with the exception of data collection by the police, the data collected are not broken down by the sex and age of both the victim and the perpetrator, the relationship between them, type of violence and geographical location, as required by Article 11 of the convention.

68. Last, not all the relevant stakeholders in the field of domestic violence and violence against women record data and maintain databases that are available to the public.

a. Law-enforcement agencies and the justice sector

69. The judiciary collects data on the prosecution of perpetrators, namely the number of processed cases, number of cases in court, number of indictments, number of verdicts, data on the type of violation and the average duration of criminal proceedings, data about prison sentences and suspended sentences.

70. Currently, the police have the most complete database on domestic violence, which they publish and make available to other state bodies, institutions, media, NGOs and institutions abroad.²⁵ The database manages and allows records to be kept of criminal acts, minor offences and the restraining orders issued. Since January 2018, the police have gathered statistics disaggregated by the age and the sex of both the victim and perpetrator and their relationship, as well as by place and time of the criminal act (Article 124 of the Police Tasks and Powers Act), which GREVIO welcomes. Under the Protection of Public Order Act, data about minor offences with elements of domestic violence are also recorded by the police.

71. Data on the restraining orders are recorded separately by sex and age of the perpetrator and victim. Data on the number of the breaches of the restraining orders are also recorded. However, there is no information about the form of violence they have been issued for or the relationship

24. While this section discusses the main considerations related to data collection, Chapter V and VI also offer reflections on data related to specific offences.

25. Data are published in the annual report of the police and made available online at www.policija.si/o-slovenski-policiji/statistika.

between the victim and the perpetrator. This masks the extent to which women victims of intimate partner violence benefit from an emergency barring or protection order against their abusive partner.

72. GREVIO strongly encourages the Slovenian authorities to ensure the comprehensive collection of disaggregated data in relation to all forms of violence covered by the Istanbul Convention, disaggregated by sex, age and type of violence as well as the relationship of the victim to the perpetrator. Data-collection systems should be co-ordinated and comparable and it should be ensured that cases can be tracked at all stages of the law-enforcement and judicial proceedings (from reporting, to investigation, to the opening of criminal proceedings and their outcome, including the final judgment by the court), with the aim of assessing the effectiveness of the criminal justice system and analysing the factors that contribute to low conviction rates, and thus serving to provide a basis for evidence-based policy making, including legislative and other measures to address the shortcomings in the institutional/criminal justice response.

b. Healthcare sector

73. Data collected on incidents of violence against women covered by the convention in the field of healthcare are currently not available. The absence of systematic information on the number of victims identified in hospitals, in relation to which form of violence and how the victim was helped, makes it impossible to assess the impact of the support services provided by healthcare professionals and whether the provided services fulfil their intended role.

74. GREVIO strongly encourages the Slovenian authorities to ensure the systematic and comparable collection of data by the healthcare sector, on the number of victims of all forms of violence against women covered by the Istanbul Convention who seek help, disaggregated by sex and age of both victims and perpetrators and by type of violence as well as by the relationship of the victim to the perpetrator.

c. Social services

75. Under Article 30 of the DVPA, SWCs are responsible for the processing of personal data and managing databases concerning victims and perpetrators of violence, with the purpose of providing assistance to the victim, dealing with the perpetrator of violence, creating an assistance plan for the victim and ensuring its implementation and monitoring, as well as for scientific, research and statistical purposes.

76. The SWCs collect data on the number of cases dealt with, disaggregated by age and sex of the victim and the perpetrator, type of violence, relationship between the perpetrator and the victim, number of measures taken, information on multidisciplinary teams and referrals of victims to different services.²⁶

77. According to the state authorities, professional workers at the SWCs register data on violence as reported by the victim, which are mainly in relation to experiences of domestic violence. The accuracy of the statistics depends on the entry of the data by the professionals, who do not seem to find enough time to enter all the relevant information. The Ministry of Labour, Family, Social Affairs and Equal Opportunities is responsible for creating, maintaining and developing databases on the information collected by the social work centres.

78. GREVIO welcomes the efforts made by the SWCs for victims of domestic violence and trusts that robust data collection on the number of reported cases and interventions proposed by them helps to understand the extent to which interventions are implemented by social services and if they comply with their obligations.

26. According to information made available by the authorities, in 2019 social work centres dealt with 4 426 cases which involved 5 401 victims and 4 213 perpetrators. For the 4 426 cases, the multi-disciplinary teams were convened on 671 occasions; there were 2 633 referrals of victims – most of them were made by the police (1 097), social work centres (655), schools or kindergartens (136).

79. According to the state report, NGOs active in the field of violence against women collect quantitative data, such as the number of calls to helplines, the number of counselling services provided and the number of victims assisted by women's shelters and crisis centres, among other things.

80. GREVIO strongly encourages the Slovenian authorities to expand the collection of data on reports made to and interventions proposed by social services beyond domestic violence to ensure all forms of violence covered by the Istanbul Convention are included.

2. Population-based surveys

81. Article 11 of the Istanbul Convention requires national surveys at regular intervals to assess the prevalence of all forms of violence against women covered by the convention.

82. In Slovenia, the first national survey on the prevalence of violence in the domestic sphere and in intimate partnerships was carried out in 2010 by researchers at the Faculty of Social Work of the University of Ljubljana.²⁷ It provided important insights into the prevalence of different forms of violence against women, as well as perceptions and attitudes among victims. The first representative survey on violence against women in Slovenia was carried out within the survey implemented in the EU countries, conducted by the FRA in 2014.²⁸

83. GREVIO commends the Slovenian authorities for conducting several surveys which document the prevalence of different forms of violence against women in Slovenia. For example, in 2018 the Faculty of Social Sciences of the Ljubljana University carried out a survey about the scope and recognition of online harassment among more than 5 000 young people in Slovenia, aged between 12 and 18, as part of the project called "Click-Off".²⁹ In 2020 the Statistical Office of the Republic of Slovenia carried out a survey on all forms of violence against women covered by the convention, whose conclusions will be published in 2021.

84. GREVIO invites the Slovenian authorities to conduct dedicated surveys on all forms of violence against women at regular intervals in order to make a pertinent and comparative assessment of the prevalence and the trends in relation to all forms of violence against women covered by the scope of the Istanbul Convention.

3. Research

85. Article 11, paragraph 1*b*, of the convention creates the obligation for parties to support research, out of the consideration that it is essential that parties base their policies and measures to prevent and combat all forms of violence covered by the convention on state-of-the-art research and knowledge in this field. As a key element of evidence-based policy making, research can contribute greatly to improving day-to-day, real-world responses to violence against women and domestic violence by the judiciary, support services and law-enforcement agencies.³⁰

27. The 2010 survey involved 750 women, aged between 18 and 80. It has shown that every second woman (56.6%) has experienced one form of violence after the age of 15. Most frequently they experienced psychological violence (49.3%), followed by physical violence (23%), economic violence (14.1%), restriction of movement (13.9%) and sexual violence (6.5%). The survey showed that "violence may start at any point in life, from early childhood to old age, and for some it may last during the entire lifetime".

28. Data for Slovenia showed that 12% of the responding women were victims of violence, 4% were victims of sexual violence and one out of three respondents was a victim of psychological violence by their partner since reaching the age of 15. Furthermore, data for victims of sexual harassment and stalking showed that almost every other respondent in Slovenia was a victim of some form of sexual harassment since the age of 15, and 14% were victims of one form of stalking. Some 7% of the surveyed Slovenian women said that since the age of 15 they had experienced an inappropriate approach by people on social networks or received electronic mail or SMS messages with sexual content, while 3% said that they had been victims of online stalking.

29. The survey was conducted in 79 primary and secondary schools and involved 5 000 young people, aged between 12 and 18. It showed, among other things, that boys are the most frequent online harassers of both girls and boys and also the serious consequences of the online harassment of girls (frequently it causes helplessness, depression, stress and fear).

30. Explanatory Report to the Istanbul Convention, paragraph 77.

86. One of the objectives of the Resolution of National Programme of Family Violence Prevention 2009-2014 was the development of research programmes on the topic of domestic violence. In this connection GREVIO notes with satisfaction that a large number of academic studies and research projects concerning victims of domestic violence have been conducted so far.³¹ They provide valuable information for improving policies on domestic violence but there is nothing to indicate how much resonance such studies or research projects have had among the stakeholders concerned.

87. Several of the research projects have benefited from international funding. One such project is IMPRODOVA (Improving Frontline Responses to High Impact Domestic Violence), a project financed within the Horizon 2020 programme of the EU. The police and the Faculty of Criminal Justice and Security (FVV) examine, among other things, certain aspects of co-operation between the police and representatives of other intervention services, such as healthcare professionals, social work centres and schools, and try to identify ways to improve the response of such institutions to cases of domestic violence and the reporting by the victims. Another project that is worth mentioning is the POND project, conducted by the Research Centre of the Slovenian Academy of Sciences and Arts with support from Norway Grants, aimed at improving the skills of healthcare professionals in recognising and responding to domestic violence (see more about this project on the section concerning training (Article 15) below).

88. Despite the significant role played by academia in studying the different forms of violence against women and providing evidence-based knowledge that might enable improvement of policies, it appears that there is a lack of systematic involvement of academia in the institutional steps towards combating all forms of violence against women covered by the convention. It is unclear, for example, to what extent research conducted so far has been used for the purpose of evidence-based policy making, and whether research results are driving the approach adopted by the IWG to drafting the new resolution on preventing and combating domestic violence and violence against women.

89. GREVIO recalls that the convention requires states to support research in the field of all forms of violence against women in order to identify their root causes and effects and, accordingly, to base their policies and measures to prevent and combat such forms of violence on research and knowledge in this field. However, it notes that in Slovenia little attention has been devoted to forms of violence other than domestic violence, such as stalking, sexual violence and rape, female genital mutilation (FGM) and forced marriage.³² There is also an absence of research into the effects of gender-based violence on children, particularly child witnesses of domestic violence, and on specific groups of victims. Last, the particular situation of Roma women and girls and their exposure to gender-based violence is not sufficiently studied.

90. GREVIO encourages the Slovenian authorities to address, through research, all forms of violence against women such as sexual violence, sexual harassment and forced marriage or other traditional practices harmful to women, as well as violence affecting vulnerable groups of women such as Roma women and girls, women and girls with disabilities and migrant women.

31. See, for instance, the article "Violence against women in Slovenia: lessons to be learned from the victims of domestic violence", by Vesna Leskošek, published in the *Swiss Journal of Social Work (Schweizerische Zeitschrift für Soziale Arbeit)*, 2015, 17(1), pp. 55-70. See also "Increase in Tolerance towards Violence against Women in the Private Sphere: Changes in Slovenian Public Opinion between 2005 and 2012" by Mateja Sedmak and Ana Kralj, University of Primorska, Science and Research Centre, Koper, Slovenia.

32. See also the findings in Chapter V of this report, in particular in relation to femicides and forced marriage.

III. Prevention

91. This chapter contains a number of general and more specific obligations in the area of prevention. These include early preventive measures such as changing social and cultural patterns of behaviour of women and men, eradicating prejudices and gender stereotypes, and measures to involve all of society, including men and boys, in achieving gender equality and the prevention of violence against women. It also includes more specific preventive measures such as awareness raising and campaigning, ensuring the adequate training of all professionals, education in schools and other settings, and, last but not least, measures such as perpetrator programmes to prevent further victimisation.

A. General obligations (Article 12)

92. Article 12 delineates the fundamental foundations of the parties' duty to prevent violence against women. These include the parties' determination to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men. Moreover, flowing from the premise that violence against women is a cause as much as a consequence of gender inequality, Article 12 requires further that parties adopt specific measures to empower women and to achieve greater gender equality in order to reduce women's vulnerability to violence.

B. Awareness raising (Article 13)

93. GREVIO notes with satisfaction the authorities' decision to include awareness raising as one of the strategic areas of the Resolution on the 2009-2014 National Programme on Prevention of Family Violence.³³ As a result, several awareness-raising projects and campaigns which involved numerous stakeholders and covered various forms of violence, including dating violence, sexual violence and domestic violence, have been carried out. Most campaigns were co-financed by the Ministry of Labour, Family, Social Affairs and Equal Opportunities and implemented by specialist women's NGOs. Many of these initiatives aimed to make violence against women visible and to raise awareness among both the general public and professionals.³⁴

94. GREVIO notes with interest the 2017 project carried out by Association SOS Helpline for Women and Children which tackled, among other things, the involvement of men and boys as a way to help combat stereotypes and reject all forms of violence. This project also encouraged the reporting of violence against women by the persons witnessing violence. It is a promising example that highlights the importance of using positive male role models to oppose violence against women. Another project undertaken by the Association SOS Helpline, co-funded by the Ministry of Labour, Family, Social Affairs and Equal Opportunities, called "Everything Except YES Means No", was aimed at raising awareness among girls and boys of the stereotypes related to sexual violence. In addition, significant attention is afforded to technology-facilitated violence. In 2019, two projects co-financed by the same ministry focused on raising awareness of young people about the unacceptability of dating violence with an emphasis on online violence. These two projects addressed such online violence from a gendered perspective as a form of violence disproportionately affecting girls and women.

33. The strategic measure "Implementation strategy of preventive campaigns for life in a society without violence" particularly emphasised the implementation of awareness-raising programmes and campaigns, in co-operation with the media.

34. The project "Vesna – living a violence-free life" was aimed at drawing attention to the problem of violence against women and girls and to raise awareness of women with experience of violence (and potential victims) and of professionals and the general public.

95. GREVIO appreciates the efforts made by the authorities in Slovenia to raise awareness of the different forms of violence against women but notes that some forms of violence such as psychological and economic violence, forced marriage and sexual harassment at work or the harm done to children who witness violence remain insufficiently addressed. Thus, it points to the need to extend the scope of awareness-raising campaigns to address all forms of violence against women covered by the convention, especially those that remain underreported.

96. This is also relevant in relation to the choice of target groups. While GREVIO notes some variety in the target groups addressed and the communication media used, none of the campaigns seem to address elderly women, migrant women, Roma women and members of the LGBTI community. Accordingly, GREVIO emphasises the need to address explicitly the needs and concerns of women at risk of intersectional forms of discrimination.

97. Moreover, GREVIO reiterates that Article 13 of the convention entails the obligation of organising public awareness-raising campaigns or programmes on a regular basis. While recognising the efforts of the authorities in this area, GREVIO notes a need to pursue such efforts in a systematic manner. In the view of the recently adopted Recommendation CM/Rec(2019) of the Committee of Ministers to member States on preventing and combating sexism, GREVIO also notes that the authorities may be inspired by its content to pursue sustained measures to promote changes in patterns of sexist behaviour that may persist in some segments of the society at large. It also notes that no particular measures have been taken to assess the impact of the awareness-raising measures undertaken so far. Last, it is unclear to what extent the existing campaigns have reached the various local levels and covered all parts of Slovenia.

98. GREVIO encourages the Slovenian authorities to sustain and further develop their awareness-raising efforts by expanding their scope to all forms of violence covered by the Istanbul Convention and by ensuring their reach across all regions of Slovenia, including at the local level, and to continue to rely on expertise and experience of women's specialist NGOs in the area of awareness raising by providing further funds for their regular awareness-raising activities. In addition, GREVIO strongly encourages the Slovenian authorities to step up efforts to examine, for example by conducting research, how the general population perceives gender equality, sexism and violence against women.

C. Education (Article 14)

99. Attitudes, convictions and behavioural patterns are shaped very early in life. Educational establishments therefore have an important role to play in promoting equality between women and men and human rights. Article 14 therefore requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity.

100. GREVIO welcomes the inclusion in the Resolution on the 2009-2014 National Programme on Prevention of Family Violence of a specific strategic measure on "Preventive action in education and schooling" and notes that it aimed to encourage "pro-social behaviour, non-violent communication and constructive settlement of disputes" as a "self-evident practice and working principle of all individuals who are involved in education and schooling".

101. However, in the absence of a renewed comprehensive strategy or resolution on all forms of violence against women, GREVIO notes that continuity in the teaching of the above issues is not ensured and that there is no requirement regarding the introduction into the education curricula of measures mentioned in Article 14 of the Istanbul Convention. There is no specific programme that deals with topics such as gender equality or non-stereotyped gender roles in the pre-university curricula. Also, violence against women and domestic violence are topics that are not given prominent attention at the university level. Moreover, it is unclear whether this content is handled in informal educational facilities, such as sports, cultural and leisure facilities.

102. Aware of the importance of the role played by the educational professionals in the detection and prevention of violence in schools and other educational institutions, GREVIO notes with satisfaction the training for the purpose of providing counselling in the field of violence prevention received by 15 school principals in the context of the project entitled “The Management of Innovative Learning Environments”. Discussions in the regional working groups of trained principals which were held in 2019 in relation to the evaluation of the past activities led to the conclusion that prior responses to perceived cases of violence, cyberbullying and class conflict were late and often ineffective, and, therefore, the individual assessment of management and counselling services in the educational institutions was crucial. In addition, the lack of common guidelines in the field of prevention of violence was noted.³⁵

103. Moreover, GREVIO welcomes that the strategic measure on “Preventive action in education and schooling” mentioned above required teacher training to include “programmes to raise awareness of family violence issues”.³⁶ This comes in addition to the Rules on the treatment of domestic violence for educational institutions, adopted in 2009 by the Ministry of Education, Science and Sport. The rules’ main objectives are zero tolerance to violence and continuous work on prevention. While recognising the importance of such programmes, GREVIO received information that they may not be based on a gendered understanding of domestic violence and that a wide margin of discretion is afforded to individual school establishments in their implementation.

104. According to the information provided by the members of civil society, not all schools fare well in detecting and responding to cases of children witnessing or experiencing domestic or any other form of violence covered by the Istanbul Convention. In the light of the identified shortcomings, GREVIO stresses the need for basic awareness-raising training for school staff to increase their knowledge of violence against women and girls, including how to spot warning signs and respond, refer and report disclosures (see also related information under Article 28 on reporting below).

105. According to the authorities, different training programmes exist for schoolteachers, counsellors, kindergarten teachers and their assistants and other professional staff in educational institutions in relation to the prevention of violence in educational institutions and to the promotion of gender equality and elimination of gender stereotypes. In 2016, the National Institute for Public Health organised training on the topic of prevention of sexual violence against children. In 2018, the Ministry of Labour organised an international conference called “Non-stereotypically about stereotypes” and a workshop intended for teachers teaching in the first to fourth grade of primary school. The conference also served as the introductory event for the project “Europe in School”, which addressed the issue of gender stereotypes and gender equality in the 2018/19 school year.

106. GREVIO notes with particular satisfaction the high level of awareness of the challenges which new information technologies may present in perpetrating violence against girls in schools. In the framework of the project “Click-Off”, training for teachers, head teachers, school counsellors, social workers and representatives of NGOs dealing with young people was organised in 2019, aimed at increasing sensitivity and improving knowledge for the successful prevention of and protection from online violence and harassment of girls and women. As part of this project, educational workshops were also organised for primary and secondary school students with the purpose of raising their awareness about the incidence and danger of online violence and harassment of women and girls.

107. GREVIO encourages the Slovenian authorities to continue to invest in the education sector to ensure early intervention by educators where girls are at risk of any of the forms of violence against women covered by the Istanbul Convention, including violence perpetrated online or through technology. Moreover, GREVIO strongly encourages the Slovenian authorities to incorporate the principles of equality between women and men, non-stereotyped gender roles, mutual respect, non-violent interpersonal conflict resolution and the right to personal integrity into the formal curriculum, adapted to the evolving capacity of learners.

35. NGO written submission, page 22.

36. *ibid.*, page 20.

D. Training of professionals (Article 15)

108. The standard set by the convention in its Article 15 is that of systematic initial and in-service training of the relevant professionals who deal with victims or perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation.

109. GREVIO notes with satisfaction the awareness of the Slovenian authorities as to the importance of continuous training of professionals dealing with different forms of violence against women, in particular domestic violence. Obligations to this extent are enshrined in the DVPA and the first strategic documents concerning domestic violence. Thus, Article 10 of the DVPA stipulates that all professionals who deal with victims and perpetrators of violence in their work must regularly educate themselves as part of their lifelong learning, self-improvement and training.³⁷ A special provision is addressed to the training of judges and prosecutors who deal with victims and perpetrators of violence, requiring similar lifelong learning on the matter. GREVIO welcomes this³⁸ but notes that the latter is yet to be achieved in practice. In this regard, GREVIO notes that according to the authorities the new National Programme on Prevention of Domestic Violence and Violence against Women will include training for various types of professionals.

110. Training requirements on forms of violence such as sexual violence, stalking, psychological violence and sexual harassment, as well as the rights and needs of victims and secondary victimisation, do not seem to exist, and members of civil society brought to GREVIO's attention that prejudices and stereotypes persist among professionals working in different institutions dealing with victims, or that such professionals sometimes express attitudes that include minimisation, denial or rationalisation of violence.³⁹ Moreover, mandatory training on violence against women seems to be an exception instead of representing the norm with respect to all professionals involved in preventing and combating violence against women.

111. However, GREVIO notes with satisfaction a more recent initiative which paid particular attention to the area of online violence against women and girls. In the context of the Click-Off project, seminars and training sessions were organised for different categories of professionals, such as law-enforcement officers and judges, with the aim of enhancing their capacity to investigate and prosecute online violence and harassment of girls and women and of increasing their awareness of the need to avoid gender stereotypes and prejudices that could affect their work. The follow-up evaluation of the training showed a great degree of satisfaction among the participants. A handbook with guidelines on the roles to be played by the law-enforcement agencies and the judiciary in successfully dealing with cases of online and technology-facilitated violence against women and girls was adopted and distributed to all Slovenian police stations and directorates, prosecutors' offices and courts.

112. The law-enforcement agencies are among the institutions in Slovenia that have received the most robust training in the area of domestic violence, but not necessarily as a gendered phenomenon. As part of the training of incoming police officers offered by the Police Academy, the course of criminology deals with the issue of domestic violence. On-the-job training includes a mandatory three-day course for police officers who deal with the prevention and investigation of criminal acts in the field of domestic violence, and a one-day course for those who deal only occasionally with domestic violence.⁴⁰ To increase the level of awareness of all other forms of

37. Article 10 § 4 of the DVPA, "Professional staff in authorities and organizations who under the rules and procedures referred to in the preceding paragraph deal with victims and perpetrators of violence, shall, as part of their lifelong learning, self-improvement and training regularly educate themselves concerning particularly the prevention and detection of acts of violence, enforcement, judging and execution of sanctions for such acts of violence, equality between men and women, the needs and rights of victims and prevention of secondary victimization..."

38. Article 10 § 6 of the DVPA "Judges and state prosecutors who deal occupationally with victims or perpetrators of violence, shall, as part of their lifelong learning, self-improvement and training, be bound to educate themselves regularly in the fields referred to in paragraph four of this Article".

39. NGO written submission, page 23.

40. The course includes, among other topics, risk assessment and management, restraining orders and inter-agency co-operation.

violence against women among law-enforcement officers and other employees of the Ministry of Interior and its affiliated bodies, a leaflet called “Implementation of the gender equality principle” was issued in 2017.

113. For social workers, continuous professional education and training is planned and organised by the Educational Centre of the Social Chamber of Slovenia in compliance with specific rules adopted in 2012.⁴¹ According to the information provided by the authorities, it conducts each year 12 training sessions, including in the field of prevention of domestic violence.⁴² The topic and the content of the training sessions are decided on the basis of a preliminary analysis of the needs of the social workers and the evaluation of prior training sessions. GREVIO was made aware, however, that social workers in social work centres (SWCs) still express attitudes towards victims that show a lack of knowledge of the specifics of domestic violence. In this context, GREVIO notes with concern that training for employees at SWCs is not mandatory, and that violence against women and/or domestic violence does not form part of the initial training.

114. Training for social workers on forms of violence against women beyond domestic violence seems to consist mainly of one-off seminars and/or conferences. While GREVIO notes that some training was provided on online violence as part of the Click-Off project, and that one seminar was held on forced marriage, GREVIO is concerned that the Catalogue of Training for Social Workers issued by the Educational Centre of the Social Chamber of Slovenia for 2020 contains only one programme on violence against the elderly and people with disabilities. This shows that little attention is given to the forms of violence against women covered by the convention.

115. The training of judges and prosecutors is ensured by the Judicial Training Centre, which offers voluntary training on the different forms of violence against women and is run on a needs basis (yearly review), with the involvement of a variety of stakeholders.⁴³

116. GREVIO notes with concern that judicial practice reveals that there are many misconceptions about the different forms of violence against women, including domestic violence, among judges and prosecutors. For example, some court decisions reflect the judges’ belief that addiction is the cause of violent behaviour. Not all judges seem to be aware that addiction can trigger violent behaviour, but that the root causes of domestic violence against women are not in addiction. Numerous international instruments, including the Istanbul Convention, highlight that gender-based violence is both the cause and the result of unequal power relations based on perceived differences between women and men that lead to women’s subordinate status in both the private and public spheres.⁴⁴ Understanding how gender norms and negative stereotypes of women play out in domestic violence cases is crucial for the delivery of justice, and to ensure women’s safety by issuing protection orders and ordering the attendance of perpetrator programmes. Suspended sentences, which are frequently not revoked despite clear violations of the conditions for suspension, send a message of impunity, and such a situation should be addressed in training programmes for judges.

117. As the authorities and women’s rights organisations active in combating violence against women point out, there is a serious lack of qualified and properly trained court experts on sexual violence, domestic violence and violence against children. As a result, court experts are not aware of the characteristics and dynamics of domestic violence and its consequences on victims. In addition, there are practically no experts specifically qualified to interview a sexually abused child.⁴⁵

118. As regards healthcare professionals, the difficulties that persist in ensuring an adequate response to domestic violence (see Chapter IV) demonstrate that more and systematic training is needed in relation to this form of violence, as well as all forms of violence covered by the convention.

41. Official Gazette of the Republic of Slovenia [Uradni list RS], No. 120/04.

42. For instance, in 2019 training in the field of domestic violence was attended by 55 participants, in the field of support for victims of crime by 80 participants and in the field of work with victims of trafficking in human beings by 57 participants.

43. According to the authorities, a proposal for the annual work programme, drawn up by the Judicial Training Centre, is discussed and adopted by the Centre’s Specialist Council, which is composed of representatives of all judicial authorities, the Judicial Council, judges’ and prosecutors’ associations, all law faculties in Slovenia and the Ministry of Justice.

44. Explanatory Report to the Istanbul Convention, paragraph 44.

45. NGO written submission, page 23.

Some lasting progress was made in the framework of the POND project (2009-2014), which aimed to implement an intersectoral interdisciplinary educational platform for improving the competences of health professionals to recognise and respond to domestic violence. Still, the curricula for the different health professions do not yet include harmonised and mandatory modules on the identification of victims of the different forms of violence against women.

119. GREVIO also notes with particular concern the absence of specialist training for experts providing psychological counselling to children who have been victims or witnesses of violence or abuse.

120. Concerns have been raised by members of civil society concerning the ability of professionals in educational institutions to recognise and act upon indications of domestic violence which students are exposed to at home – as victims or witnesses. More effective training is needed for staff in educational facilities to enable them to identify and respond appropriately to child victims and witnesses of domestic violence.

121. Moreover, GREVIO has been informed and notes with concern that despite consultations and round tables on forced and early marriages organised by the Office for Nationalities in 2018 and 2019, professionals in the education, health and the social welfare sectors who come into contact with victims are not engaged in dealing with such cases. Civil society members claim that professionals do not intervene when such cases occur, either due to the lack of knowledge and training, or due to the normalisation of this phenomenon in the Roma community.⁴⁶ This seems to indicate that more training is needed, in particular training that deconstructs the persistent stigmatisation of the Roma community and the perception of customary and forced marriages as an inevitable consequence of cultural differences which should not be addressed through application of law. More generally, GREVIO notes that no particular training efforts seem to be made to enable professionals to respond to women victims exposed to intersectional discrimination such as lesbian women, ethnic minority women, Roma women, migrant and asylum-seeking women and women with disabilities.

122. The convention also emphasises the need for professionals to be trained on multi-agency co-operation. In this connection GREVIO notes with concern that apart from for law-enforcement officers, the training for all other professional groups does not include a module on multi-agency co-operation.

123. GREVIO urges the Slovenian authorities to ensure systematic and mandatory initial and in-service training on the prevention and detection of all forms of violence against women covered by the Istanbul Convention, on equality between women and men, on the needs and rights of victims and on the prevention of secondary victimisation for all professional groups, in particular the healthcare sector, social workers and the judiciary. All training must be supported and reinforced by clear protocols and guidelines that set the standards staff are expected to follow.

E. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

124. In Slovenia, all certified programmes for perpetrators of domestic violence are run by the Association for Non-Violent Communication (ANVC).⁴⁷

125. The programme provided by ANVC, called “The Way Out of Violence”, includes two sub-programmes – “Social Skills Training for Perpetrators of Violence” and “Individual Work with Perpetrators of Violence” – that support the perpetrators of violence in taking responsibility for their violent behaviour and changing this behaviour in order to prevent further acts of violence.

46. *ibid.*, page 23.

47. See www.drustvo-dnk.si.

126. The programme is implemented in Ljubljana and eight other towns in Slovenia. However, there are regions in Slovenia that are not serviced at all. The reasons for such regional disparity seem to be mainly financial, but there is also a lack of facilitators trained to work with perpetrators.⁴⁸ On average, between 600 and 700 perpetrators complete a programme annually.

127. Perpetrators can enter the programme voluntarily or upon a suggestion by other institutions (social work centres, schools, healthcare institutions) and non-governmental organisations.⁴⁹ Mandatory referrals by courts are part of the sentencing. As noted in the state report, prosecutors' offices refer perpetrators to the programme as part of the procedure of suspended criminal prosecution.

128. GREVIO welcomes the multi-annual public funding schemes that exist for ANVC but notes that the overall funding amounts seem low and do not allow the programmes to expand their geographical reach. To assess the efficacy of its programmes, ANVC closely monitors the progress and changes in the behaviour of the perpetrator. An assessment of the risk for repeated violence is also recorded. GREVIO did not obtain complete information about whether external evaluations have been done in accordance with recognised methodological standards and whether data about reoffending are gathered and taken into account.

129. There are several perpetrator programmes provided by other organisations,⁵⁰ but they are not certified by the Social Chamber of Slovenia. Professionals in SWCs also work with perpetrators but according to available information they are not sufficiently skilled and trained. GREVIO emphasises that perpetrator programmes shall be provided by trained facilitators who understand the gendered nature of domestic violence and possess the skills to deal with a variety of perpetrators.

130. Alongside interventions focused on changing perpetrators' behaviour, perpetrator programmes must provide close contact with women's specialist services that work on supporting victims. In order to protect women from further violence and avoid giving victims a false sense of security, safety of the victims and their human rights must be a priority. A minimum standard applying to perpetrator programmes is, therefore, that they should work in close co-operation with women's support services. GREVIO commends the efforts made by the ANVC to keep the victims of violence and the SWCs informed of the progress and of the level of co-operation of the attendees.⁵¹ The shortcoming in this connection is that the information provided to the victim is dependent on the consent of the perpetrator upon his inclusion in the programme.

131. GREVIO recalls that comprehensive information provided by various institutions is crucial to planning the individual work with perpetrators and to making risk assessments. Based on the information received, GREVIO notes that there are concerns about the inconsistent way in which some of the probation services, district prosecutors and judges provide relevant information to the providers of perpetrator programmes.

132. Besides difficulties in sharing relevant information, it appears that professionals who refer the perpetrators of violence to the programmes do not make enough effort to determine the suitability of the programme for the perpetrators. Thus, for example, district prosecutors refer perpetrators to programmes that are not specifically tailored to their needs or set deadlines that do not allow the perpetrators enough time for the completion of the programme. Further, according to the authorities, an external evaluation of the programmes is conducted without an indication as to the methodology and indicators applied.

48. According to the NGOs' submissions, there are only six professional staff and three lay workers who implement the programme across the whole of Slovenia.

49. The ratio of referred and voluntary perpetrators was nine to one in 2017 and 2018.

50. For instance, by the Association for the Development of Nonviolent Relationships.

51. A standardised letter, "Information for Victims of Violence", is sent to the victims of violence providing information about the attendance by the perpetrator of a programme aimed at changing his violent behaviour and about the possibility of receiving support and safety planning themselves.

133. Convicted perpetrators of domestic violence may attend voluntary and free-of-charge individual and group programmes while serving their sentence.⁵² Some of the programme providers have been trained by ANVC. Moreover, ANVC conducted workshops of non-violent communication in the Radeče juvenile detention centre twice a month between February and June 2017.

134. **GREVIO encourages the Slovenian authorities to:**

- a. **increase the number of available programmes to ensure their availability across the country;**
- b. **ensure full implementation of minimum quality standards for all programmes run by different entities, which should place at their centre the safety of the victims and their human rights, including enabling close co-operation between perpetrator programmes and specialist services that assist victims;**
- c. **ensure that the external evaluation of such programmes is in line with recognised best international practices and principles, including analysis of reliable information on reoffending, in order to assess whether the programmes serve the intended preventive aims;**
- d. **ensure that the programmes form part of a multi-agency approach involving all relevant institutions.**

135. **GREVIO strongly encourages the authorities to ensure adequate training for all facilitators of perpetrator programmes, as well as regular training for professionals working in the field of violence against women, especially judges and prosecutors, on the topic of work with perpetrators (on the reasons for and ways of referring perpetrators, for example).**

2. Programmes for sex offenders

136. According to the available information, specialist programmes for sex offenders are implemented in several prisons, in Dob pri Mirni, Ljubljana, Maribor, Celje and Koper. Programmes are conducted in groups and/or individually, depending on the number of sex offenders who attend them and individual assessment, conducted by the psychologist who carries out the programme.

F. Participation of the private sector and the media (Article 17)

137. Efforts have been made to raise awareness about the importance of appropriate media reporting on violence against women and domestic violence and to set standards for reporting on these in the media. GREVIO notes in this respect the project "With the media towards non-stereotypical reporting on violence against women and domestic violence", co-financed by the Ministry of Labour, Family, Social Affairs and Equal Opportunities and organised by the Association SOS Helpline in co-operation with the Slovenian Association of Journalists in 2016. An online manual for the media containing recommendations on reporting violence against women and on how to avoid stereotypes and myths about violence, with examples of good and bad practices, was issued and several workshops on the same topics have been organised in this context.

138. GREVIO notes with satisfaction the special attention paid to online violence and the efforts made to find solutions for creating a safer internet for women and girls. Thus, as part of the Click-Off project, a seminar was held in 2019 for journalists, editors, bloggers, influencers, moderators and employees in the advertising industry and in PR services and for other employees in the media, with the aim of presenting examples of online violence against women and girls and involving the media in identifying ways in which online violence could be prevented and dealt with.

139. The Code of Journalists of Slovenia contains ethical and professional rules for journalists on how to respect the rights to privacy of the victims of gender-based violence and how to avoid gender

52.A total of 62 convicted persons were included in all these forms of work performed as part of the listed programmes in 2017, and 50 convicted persons in 2018.

stereotypes. The Press Ethics Commission, a joint self-regulatory body, ensures the compliance with these rules. However, its decisions are not legally binding.

140. The advertising tribunal, part of the Slovenian Advertising Chamber, ensures the compliance of advertisements with the standards, rules and principles of the Slovenian Advertising Code concerning the portrayal of gender.

141. GREVIO notes with satisfaction the existence of several laws, in particular the Protection against Discrimination Act (2016) and the Employment Relationship Act (of 2003, amended in 2007 and 2013 respectively), which both prohibit direct and indirect discrimination and sexual harassment in the workplace. The Employment Relationship Act also contains provisions establishing the employers' obligation to take prevention measures against harassment (Article 47) and their liability for damages and compensation in case of violations of the workers' dignity at work on account of discrimination or mobbing (Article 8). Moreover, pursuant to Article 118, victims of unfair dismissal can request their reinstatement.

142. Moreover, GREVIO commends the efforts made by many trade unions in Slovenia to address gender-based violence at work by including mechanisms for preventing harassment and violence at work through collective agreements and by adopting workplace policies to ensure safety at work. In this respect it should be mentioned that employers and unions in the banking sector have signed a collective agreement related to mobbing at work, which also addresses sexual harassment. In addition, GREVIO wishes to highlight their good co-operation with women's NGOs.

143. However, it appears that not all employers have adopted measures to prevent and protect their employees from gender-based violence and harassment, including sexual harassment. As a result, this is still widespread. According to civil society, there is still a low level of knowledge and understanding of sexual harassment and it is unclear to what extent the Protection against Discrimination Act and the Employment Relationship Act are implemented in practice.

144. Cases of sexual harassment continue to be identified in schools as well as in universities. More must be done to ensure attitudes and behaviour towards women and girls are based on respect for equality between women and men and non-sexist stereotypes and behaviour.

145. **GREVIO strongly encourages the Slovenian authorities to take all available measures to promote the involvement of the private sector, the communication technology sector and the media in the development and implementation of policies to prevent and combat all forms of violence against women, in particular sexual harassment in the workplace. This should include, at a minimum:**

- a. **stepping up efforts to implement the Protection against Discrimination Act and the Employment Relationship Act, in order to ensure a more efficient use of the existing complaint mechanisms and to encourage reporting of sexual harassment at work, as well as ensuring a close monitoring of the implementation of these acts, in particular whether and how employers take preventive measures against harassment and sexual harassment;**
- b. **further promotion of and support for self-regulatory standards, including for the media, having due regard to relevant existing international standards.⁵³**

53. See, *inter alia*, the following Council of Europe instruments: Recommendation No. R (84) 17 of the Committee of Ministers to member States on equality between women and men in the media; Recommendation 1555 (2002) of the Parliamentary Assembly of the Council of Europe on the image of women in the media; Recommendation 1799 (2007) of the Parliamentary Assembly of the Council of Europe on the image of women in advertising; Resolution 1751 (2010) and Recommendation 1931 (2010) of the Parliamentary Assembly of the Council of Europe on combating sexist stereotypes in the media. Reference is also to be made to the UNESCO's "Gender-Sensitive Indicators for Media" (GSIM).

IV. Protection and support

146. Chapter IV of the Istanbul Convention aims at a multifaceted, professional and victim-oriented support structure for any woman who has experienced any of the forms of violence covered by the convention.

A. General obligations (Article 18)

147. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services. One of these principles is the need for services to act in a concerted and co-ordinated manner with the involvement of all the agencies concerned, taking into account the relationship between victims, offenders, children and their wider social environment. Addressing the complexity of violence against women requires establishing an intervention system which involves all relevant policy sectors, administrative levels and actors. Multisectoral and multi-agency interventions across the national, regional and local levels are key to ensuring an effective and cohesive response to all forms of violence. Effective co-ordination at local levels is particularly important in terms of ensuring that responses fit the community needs and of providing “one-stop-shop” services to victims.

148. Since the adoption of the Domestic Violence Prevention Act, multidisciplinary teams (MDTs) have assumed the role of co-operation mechanisms among all stakeholders to deal with individual cases. MDTs are co-ordinated by the competent social work centre (SWC), which convenes all the relevant authorities and NGOs dealing with victims or perpetrators of domestic violence. The DVPA provides for the mandatory participation in such a team of all invited persons. While welcoming the legislative framework establishing MDTs as well as the broad range of professionals who may take part in such meetings, GREVIO notes that the convening of such a team and those invited to participate are left to the discretion of the SWCs in charge and often depends on the individual initiative of certain social workers. This leads to considerable variations in co-operation from case to case, as well as in the composition of a team when one is set up.

149. In order to fulfil the obligations established under the DVPA and give further meaning to its provisions, rules on the organisation and work of multidisciplinary teams and regional services and on the activities of social work centres in dealing with domestic violence were adopted in 2009. The rules define the procedures for reciprocal provision of information and assistance among the different parties involved in the field of domestic violence and the composition and functioning of the multidisciplinary teams.

150. Among the tasks of MDTs are exchanging information related to situations of violence, developing/designing and monitoring a victim’s assistance plan, preparing a risk assessment (see Chapter VI, section B, Risk assessment and risk management (Article 51)) and providing appropriate protection to the victim. GREVIO notes that victims participate in designing safety plans or assistance plans, allowing them to be fully informed and agreeing to the approved assistance plan.

151. GREVIO notes that co-ordination structures revolve mainly around SWCs, which play a central role. They take on co-ordination tasks and position themselves as the ones the police, public authorities, healthcare workers, teachers and NGOs must contact when confronted with a case of domestic violence. They also refer victims to various institutions, where they are provided with legal and psychological counselling, financial assistance, education, accommodation, etc.

152. SWCs are also responsible for identifying and co-ordinating existing services with the aim of empowering victims and assisting them in achieving their economic independence. Thus, for instance, SWCs co-operate with the Employment Service of Slovenia on providing aid to victims who need assistance in finding employment.

153. GREVIO recalls that one of the general principles underpinning the provision of protection and support services for victims is that they should be based on a gendered understanding of violence against women and domestic violence. Adopting a gender-based understanding of violence implies, among other things, addressing the differential impact of all forms of violence against women, placing the multiple and specific needs of women victims of violence at the centre of all measures and operating within a culture of women's empowerment that supports women in making their own decisions. In this connection, GREVIO notes with concern that the DVPA is devoid of gender considerations and it seems that there are no specific protocols or guidelines across and within service providers stipulating the integration of a gender perspective in the work of professionals in close contact with victims. Concerns were also raised by civil society that SWCs, which intervene in social areas other than gender-based violence, practise gender neutrality and may perceive cases of domestic violence as "a conflict" and focus on "improving the relationship between parents in the interest of children" and not on stopping the violence.⁵⁴ GREVIO is concerned by this lack of consideration for the underlying gendered dynamics and power inequalities inherent in cases of violence against women.

154. In addition, GREVIO draws attention to the fact that in Slovenia the support system caters almost exclusively to victims of domestic violence. Similar support does not exist for victims of any other form of violence against women covered by the Istanbul Convention.

155. GREVIO urges the Slovenian authorities to set up institutionalised structures for co-ordination and co-operation among all the different governmental and non-governmental agencies and service providers to ensure multi-agency co-operation tailored to the specific needs of victims of all forms of violence against women covered by the Istanbul Convention, in particular rape and sexual violence, forced marriage, stalking and sexual harassment. Where such institutionalised structures are already in existence, notably in the form of Multidisciplinary Teams set up under the Domestic Violence Protection Act, GREVIO strongly encourages the application of a gendered perspective in responding to domestic violence, with a clear focus on the human rights and safety of victims, as well as on their empowerment and economic independence.

B. Information (Article 19)

156. The obligation to ensure access of victims of domestic violence to appropriate and timely information on available support services and remedies in a language they understand is clearly set out in Article 9b of the DVPA, which GREVIO welcomes. Moreover, according to the latest amendment to the Criminal Procedure Act in 2019, victims must be informed about their rights in criminal proceedings at the earliest possible stage; in several district courts such information is provided by offices for victim support.

157. Information for victims of violence against women on their rights and the support services available to them is provided in various ways: online on websites of the police,⁵⁵ the Supreme Court, SWCs and NGOs, through printed material, such as leaflets, flyers, posters, and by the support services themselves. The Supreme Court of Slovenia has prepared brochures for child victims and witnesses which contain comprehensive information about the court procedure and their role in the procedure. The Ministry of the Interior and the Ministry of Labour, Family, Social Affairs and Equal Opportunities have issued leaflets with basic information on restraining orders, procedures and contact information. While GREVIO welcomes such a wide range of sources of information for the victims of violence, it notes, however, that according to members of civil society, the manner in which it is provided to women victims of violence is highly dependent on the professionalism of individual social workers in the SWC or of law-enforcement officials dealing with the case. For instance, there

54. NGO written submission, page 23.

55. The website of the Slovenian police contains information about ways to report domestic violence, possibilities for restraining orders and protective measures to be imposed, the procedure followed by the police when a case of domestic violence has been reported and the rights of victims. Information is available in Slovenian and in English.

are still authorities which seem unfamiliar with the support services available to women victims of violence.

158. As regards the right of the victims to receive information in a language they understand, it is unclear to what extent efforts are made to reach out to Roma women, migrant women and women from national minority groups who may not be fluent in Slovenian or English nor aware of available support services. It is in particular in relation to victims from the former Yugoslav Republic that concerns arise, as their need for interpretation is not sufficiently recognised. The authorities informed GREVIO about a recent initiative to inform victims of criminal offences about their rights; thus, a leaflet in Slovenian, Croatian, English, German, Italian and Hungarian was created with the participation of NGOs, within wider efforts to implement amendments to the Criminal Procedure Act, which expanded the rights of victims of criminal offences.

159. Apart from the courts, where victims have an assigned interpreter,⁵⁶ victims of violence need to obtain an authorisation to use the services of an interpreter at police stations or on the premises of social work centres. According to information provided by civil society, this procedure is lengthy, and the authorisation covers a short period of time; sometimes it cannot be obtained for a longer period, so that an interpreter is able to accompany the victim of violence to several hearings or counselling sessions. When legal proceedings for the protection of the victim under the DVPA or under the Criminal Code are under way, the court must provide an interpreter.

160. While GREVIO notes with appreciation that efforts are undertaken to provide information on domestic violence services and legal measures, it is concerned by the absence of information on other forms of violence, in particular that intended for victims of sexual violence, victims or women/girls at risk of FGM and forced marriage.

161. GREVIO encourages the Slovenian authorities to ensure that professionals of all relevant institutions take a more proactive approach to informing victims and to secure a wider dissemination of information about the support services and legal measures available to victims of domestic and other forms of violence against women in a language they understand, including in formats that are accessible for victims with disabilities.

C. General support services (Article 20)

1. Social services

162. In Slovenia the responsibility to support and protect women from domestic violence lies primarily with the social work centres (SWCs). They are public social care institutions, which, pursuant to Article 14 of the DVPA, have the obligation to provide support to victims of violence, with the aim of eliminating direct threats and ensuring a victim's long-term safety. It also specifies that SWCs – as well as other public authorities and NGOs – must consider cases of such violence on a priority basis. In all of 16 SWCs spread around the country, a co-ordinator on domestic violence is responsible for providing expertise and support to individual case managers, co-ordinating interventions and organising training on domestic violence.

163. SWCs assess whether a victim's assistance plan should be created. According to the DVPA, an assistance plan is set up if long-term actions are needed to establish a safe environment for the victim or if there are multiple actions required for providing assistance. The assistance plan is discussed in multidisciplinary meetings, to which victims are invited to take part. While welcoming the legal anchoring of an obligation to act upon and prioritise situations of violence, GREVIO notes the varying degrees of diligence in dealing with cases of domestic violence in practice.

164. As regards empowering victims to build a life in the aftermath of violence, GREVIO notes with satisfaction that some financial assistance and social housing schemes are available to the

56. However, according to the information provided by NGOs, an interpreter is not automatically assigned for non-contentious proceedings concerning visitation rights and child custody.

victims of violence, but there is no information about specific employment services to help women to enter or re-enter the labour market. Empowering victims to rebuild their lives includes supporting them in gaining independence and joining the labour market.

165. In terms of financial assistance, a victim might be eligible for one-off payments used for extraordinary expenses, long-term assistance if she is unable to earn a minimum income, or child benefits. It is however unclear to GREVIO what the exact conditions are for benefiting from such help, and if the specific conditions of victims of domestic violence are considered when granting aid. Regarding accommodation, housing support for victims may be offered in the form of non-profit housing or subsidised apartments. Victims of domestic violence are treated as one of the priority groups when granting non-profit housing. However, in addition to the lack of availability of such apartments, a concern brought to GREVIO's attention was the particular difficulty of elderly women to obtain housing support.⁵⁷

166. In view of the gender-neutral approach of the general support services and the different forms of assistance, GREVIO stresses the importance that these services take into account the particularly difficult situation and trauma of victims of violence so that their needs are properly addressed. Benefiting from financial assistance, employment measures or housing support, or access to appropriate childcare services, is a key step for enabling victims of violence to leave abusive partners and rebuild their lives. It is thus of major importance that social policies as well as staff members recognise the specific needs of victims and how to respond to them in a supportive manner.

167. GREVIO strongly encourages the Slovenian authorities to mainstream a gender-sensitive approach into the interventions offered by social work centres with a view to addressing the specific needs of victims of all forms of violence covered by the Istanbul Convention. GREVIO encourages the Slovenian authorities to ensure the setting up of dedicated programmes aimed at empowering victims, including gaining economic independence to ensure their recovery, which should include long-term housing solutions, and to address these issues comprehensively in the national strategy that is currently being drafted.

2. Healthcare services

168. The Domestic Violence Prevention Act envisages an active role for healthcare services in responding to domestic violence and GREVIO welcomes the efforts undertaken to improve the provision of care for victims, such as the adoption of the rules on procedures for dealing with domestic violence in the implementation of health activities. The rules determine procedures and methods for the identification of domestic violence victims, treatment of victims and training of healthcare workers.

169. However, one study,⁵⁸ conducted in the framework of the POND project and aimed at improving the competences of health professionals to recognise and respond to victims of domestic violence, identified a lack of knowledge and experience of domestic violence as well the absence of co-operation with other competent institutions and other healthcare workers as the main obstacles to dealing with domestic violence. In addition, it was found that healthcare workers often do not apply the prescribed protocols for dealing with domestic violence.

170. GREVIO is concerned by the gaps in victim identification,⁵⁹ the lack of initiative in providing victims with information⁶⁰ and referral options, and shortcomings in co-operation between the health sector and specialist support services.⁶¹ In particular, GREVIO notes with concern claims by civil society that medical doctors do not write reports when women victims openly disclose violence.⁶² It

57. NGO written submission, page 39.

58. See www.prepoznajnasilje.si/en/project-details/research-results.

59. In particular in relation to forced and early marriages – see the Shadow report, page 23.

60. See the NGO written submission, page 45.

61. *ibid.*, page 67.

62. *ibid.*, page 67.

emphasises the need to train healthcare workers on the applicable rules of procedures and guidelines in the health sector for the identification and adequate first assistance to victims of violence, and their referral to specialist women's support services.

171. While healthcare services have been encouraged, through the above-mentioned protocol, to respond to victims of domestic violence, GREVIO notes with concern that little to no specific measures have been taken to ensure a holistic response based on a gendered understanding to forms of violence such as sexual violence, including rape (see below) or female genital mutilation. GREVIO emphasises, therefore, that healthcare services must offer assistance to all forms of violence covered by the convention since an adequate response by medical professionals is vital for a victim's physical and psychological well-being and her prospects of obtaining criminal justice

172. GREVIO strongly encourages the Slovenian authorities to increase the capacity of healthcare workers to identify victims of all forms of violence against women covered by the Istanbul Convention, in particular by adopting and ensuring the full implementation of applicable protocols to enable healthcare workers to assume their responsibility to identify and assist victims, in particular victims of forms of violence against women other than domestic violence (such as sexual violence or female genital mutilation), to refer victims to relevant specialist services and to co-operate with other general support services.

D. Specialist support services (Article 22)

173. The aim of specialist support is to ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women. It is important to ensure that these services are sufficiently spread throughout the country and are accessible to all victims. Moreover, these services and their staff need to be able to address the different types of violence covered by the scope of the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

174. In Slovenia, specialist services for women victims of violence are provided mainly by NGOs, which are mostly financed by the state. Several organisations offer assistance to women and child victims of domestic violence, for example through counselling, psychosocial assistance, advocacy, accompaniment of victims to appointments and support groups. They are spread across the country covering most of the regions.

175. Emergency support services for women victims of domestic violence are provided by SWCs.

176. While GREVIO welcomes the existence in Slovenia of some specialist support services for women with disabilities and women with substance abuse problems who are exposed to violence, it notes with concern that some groups of women have problems with access to specialist services, primarily Roma women, elderly women or migrant women.

177. Despite information provided to GREVIO stating that victims of all forms of violence against women receive support from SWCs under the framework of domestic violence prevention, GREVIO is particularly concerned by the lack of any specialist support service for victims of FGM, forced marriage, stalking, sexual harassment, forced sterilisation and forced abortion. It notes that authorities do not invest in the provision of specific services for women who experience or are at risk of such forms of violence. Much-needed counselling and long-term psychological support and trauma care thus seem unavailable for many of the forms of violence covered by the convention.

178. **Recalling the important role that specialist support services represent in addressing the different types of violence covered by the scope of the Istanbul Convention by providing tailored support to all groups of victims, GREVIO urges the Slovenian authorities to provide for adequate specialist women’s support services throughout the country for all forms of violence against women covered by the Istanbul Convention.**

E. Shelters (Article 23)

179. In Slovenia, there are 16 women-only shelters which are not operational 24/7,⁶³ three crisis centres and 12 “maternity homes”. Altogether these services have a capacity of 445 beds.⁶⁴ Most of the shelters are run by NGOs, while three are run by the state.

180. Crisis centres operate 24/7 and offer emergency housing, support for determining a victim’s next steps and information on available support services. There are three crisis centres for adult victims of violence in Slovenia: one in Ljubljana, one in Maribor and one in Piran, with the last two being run by SWCs.

181. Shelters provide accommodation as well as support and assistance to women victims of violence and their children. Following an assessment interview, victims are accepted into the shelter and may stay for a period of up to one year. Some shelters provide flats that women can move to, for a maximum period of one year, when their stay at the shelter ends.

182. Maternity homes are primarily designed to accommodate pregnant women and mothers with children under the age of 14 who are facing social and economic difficulties. They also accept women victims of violence, but only if they are considered not in danger or if they have problems in finding affordable housing following their stay in a shelter/safe house, as the locations of maternity homes are not kept secret and no security measures are provided.

183. The shelters are mainly funded by the state. Not all the shelters are free of charge; if women accommodated in a shelter are in employment and are not entitled to social benefits, they are asked to pay a contribution according to their means. Apart from safe accommodation, shelters provide counselling, advocacy and accompaniment in obtaining help/assistance in institutions.⁶⁵ There are no prerequisites from the state or any other institutions regarding access to the women-only shelters. Shelters run by women’s NGOs accept women victims who are foreigners or undocumented migrants.

184. When women seeking shelter have accompanying children it is very important to be able to accommodate them together. In this connection GREVIO notes that accompanying children are accepted in all women’s shelters in Slovenia, although in some places there are age restrictions for boys. Moreover, the shelters that accept women accompanied by children have staff that are trained and able to work with children.

185. GREVIO welcomes Slovenia’s achievement of reaching the recommended minimum number of shelters per head of population as set out in the Explanatory Report to the Istanbul Convention,⁶⁶ while noting that occasionally there is a shortage of places only in one region (Osrednjeslovenska region); most of the shelters meet the standards to ensure safety and security for women and children, which is vital to protecting victims and staff working in such premises.

186. However, GREVIO notes that concerns have been raised by civil society that some groups of women experience heightened difficulties in accessing shelters, in particular Roma women and migrant women without a permanent residence permit. While they may access NGO-run shelters, it is unclear to what extent they are oriented or referred to such services. As regards women with substance abuse problems, who experience gender-based violence and need a specialist shelter

63. NGO written submission, page 49.

64. WAVE report 2019, page 22.

65. NGO written submission, page 41.

66. Explanatory Report to the Istanbul Convention, paragraph 135.

place, GREVIO welcomes the recent establishment of a specialist shelter in Ljubljana, co-funded by the Municipality of Ljubljana and the Ministry of Labour, Family, Social Affairs and Equal Opportunities.

187. GREVIO encourages the Slovenian authorities to ensure equal access to specialist women's shelters and other programmes that provide safe accommodation and other services to victims (such as crisis centres and maternity homes), including those run by the state, for all women in need.

F. Telephone helplines (Article 24)

188. In Slovenia, there is no national helpline for women victims that meets all the requirements defined in Article 24 of the Istanbul Convention – specifically, one that is state-wide, free of charge, operational 24/7 and provides information, crisis support, counselling and referrals to face-to-face services to victims of all forms of violence covered by the convention, in a confidential manner or with due regard for callers' anonymity, and in all relevant languages.

189. A free-of-charge helpline for women and child victims of violence has been operated by the Association SOS Helpline since 1989, and provides support in Slovenian only. Until recently, it was accessible 10 hours a day on working days (12 a.m. to 10 p.m.) and for four hours a day on weekends and public holidays (6 p.m. to 10 p.m.). According to the authorities, at the end of 2020, funding was made available to enable this helpline to become operational 24/7 for a two-year period, as part of the Covid-19 response. While GREVIO welcomes the measures undertaken by the Slovenian authorities to adjust to the needs of victims during the pandemic, it notes with concern that such measures appear temporary. It therefore emphasises the need to meet the requirement of Article 24 to ensure 24/7 availability of a national helpline, as well as the need to provide sustainable, long-term funding with the aim of enabling its accessibility and uninterrupted operation round the clock. It offers psychosocial support to victims who experience any form of violence, as well as inclusion in support groups, emergency accommodation and advice to witnesses of violence. Counsellors possess specialist training and expertise on violence against women and violence against children.⁶⁷ It receives state funding from the Ministry of Labour, Family, Social Affairs and Equal Opportunities, and local authorities (the Municipality of Ljubljana and other municipalities) and donations (from trusts, foundations and individuals); civil society actors have pointed out that some of the work is based on volunteering. GREVIO also notes with satisfaction that a helpline operated by the Ljubljana Asylum Centre, available 24/7, is accessible to asylum seekers and refugee women who experience sexual violence and any other form of gender-based violence.

190. In addition, other national helplines exist, such as the Peter Klepec telephone, a helpline for children and adolescents who experience violence, run by the Ministry of Labour, Family, Social Affairs and Equal Opportunities; and the Samarijan telephone, a confidential helpline for persons in emotional distress. However, these are generic helplines and do not specifically target women as victims of gender-based violence, and it is unknown to GREVIO if counsellors possess any specific training in all forms of violence covered by the convention or which specific procedures have been applied to protect the confidentiality of callers.

191. GREVIO urges the authorities to ensure the sustainable functioning of a national telephone helpline for victims of all forms of violence covered by the Istanbul Convention in order to provide counselling, crisis support and referral to callers (by staff that possess appropriate knowledge and training on all forms of violence against women), confidentially or with due regard for their anonymity, free of charge, accessible 24/7, and with due regard to the language barrier that migrant women and other callers may face, and to provide long-term funding for its continuous operation.

67. NGO written submission, page 52.

G. Support for victims of sexual violence (Article 25)

192. GREVIO notes with concern that there are no rape crisis or sexual violence referral centres in Slovenia. Victims may obtain a forensic examination at their personal gynaecologist's office, but only after having notified police officers, who are in charge of supplying rape kits and taking the samples to a forensic laboratory.

193. A forensic examination may also be conducted at the forensic clinic in Ljubljana after checking in to its emergency rooms. Victims are also encouraged to report first to the police in such a case. GREVIO stresses that the collection of evidence from a rape victim is a process which can be traumatising and invasive if professionals who complete it are not properly trained to do so. In addition, a victim of sexual violence may not be ready or willing to talk to law-enforcement authorities about the abuse and should not be obliged to do so as a condition of receiving medical care and trauma support. GREVIO further emphasises important considerations in this respect, specifically that research has shown that it is good practice to carry out forensic examinations regardless of whether the matter will be reported to the police, and to offer the opportunity to have samples taken and stored so that the decision as to whether or not to report the rape can be taken at a later date.⁶⁸

194. Victims of sexual violence need immediate medical care and trauma support combined with immediate forensic examinations to collect the evidence needed for prosecution. Furthermore, there is often a great need for psychological counselling and therapy – often weeks and months after the event.⁶⁹ In Slovenia, such counselling is offered by the Association against Sexual Abuse, specialised in supporting adults who wish to protect a child from sexual abuse, and adults who experienced sexual abuse during childhood. Two other NGOs, the Association SOS Helpline and the Association for Non-violence, although not specialised in sexual violence, provide support and counselling to victims of sexual violence.

195. GREVIO commends the authorities' efforts for providing support to child victims of sexual abuse through the establishment of a centre based on the Barnahus model, in the framework of the joint European Union-Council of Europe project "Barnahus/Children's House" implemented in close collaboration with the Ministry of Justice of Slovenia. This centre aims to offer holistic support to children and adolescents who are victims of sexual abuse and to reduce the risk of secondary victimisation.

196. Nonetheless, GREVIO notes the general lack of specialist service provision to adult victims of sexual violence and the insufficient skills and knowledge of professionals to support victims properly and avoid their re-traumatisation. It considers that this reflects a general lack of policies to address this form of violence against women. Indeed, it appears that no protocols are in place to regulate support and assistance to victims of rape and that no specialist spaces to deal with such cases of violence are generally available in hospitals. According to the authorities, recent amendments to the Criminal Procedure Act, which expanded the rights of victims of criminal offences, will have an impact on sexual violence victims – expert witnesses should now ensure that there is no unwanted contact between the victim and the perpetrator, and interviews should be conducted in a safe room (the latter is obligatory if the victim of sexual offence is a child below 15). While recognising that these legislative changes might reduce re-traumatisation of sexual violence victims in the judicial process, GREVIO notes that these cannot compensate for lack of specialist support, which should include, *inter alia*, short- and long-term psychological support and be available to all victims, whether or not they want to report the offence and testify against any perpetrator, in line with Article 18, paragraph 4, of the Istanbul Convention and international best practice.

197. GREVIO recalls that it is of paramount importance to develop comprehensive specialist support for victims of sexual violence, provided by staff specially trained in sexual trauma, and highlights that relevant standards with respect to sexual violence referral centres include the importance of informed consent and the need to afford victims control over decisions with respect to

68. Explanatory Report to the Istanbul Convention, paragraph 141.

69. *ibid.*, paragraph 138.

forensic/medical examination, reporting, treatment, referral and the content of medical records.⁷⁰ GREVIO notes that staff in SWCs and health institutions should also be trained on this issue, in order to improve their ability to identify sexual abuse victims among women seeking their services and to provide them with appropriate support.

198. GREVIO urges the Slovenian authorities to set up appropriate and easily accessible rape crisis and/or sexual violence referral centres, in sufficient numbers, recalling that one such centre should be available for every 200 000 inhabitants and that their geographical spread should make them accessible to victims in rural areas as much as in cities, which meet all needs of victims in the short, medium and long term and include immediate medical care, high-quality forensic examination, psychological and legal support, and referral to specialist organisations. Such centres should ensure a sensitive response by trained and specialist staff, and should uphold the principle of the victim's informed consent and control over decisions with respect to forensic/medical examinations, reporting, treatment, referral and the content of medical records. GREVIO further urges the authorities to develop a protocol that addresses sexual violence and to provide adequate support to victims, while acknowledging that a victim's access to support services should not depend on her willingness to file a complaint.

H. Protection and support for child witnesses (Article 26)

199. The obligation set out in this article is to ensure that whenever children have witnessed domestic violence, rape, sexual harassment or other forms of violence covered by the convention, the services provided to direct victims are also equipped to address the needs and rights of any children who were present. While this is most relevant to domestic violence cases, it is important to bear in mind that other forms of violence may also be witnessed by children.

200. Research has shown that children who witness one of the parents assaulting the other one in the home often develop emotional problems, cognitive functioning disorders and accept attitudes around violence that need to be addressed in the long term.⁷¹ It is thus of crucial importance to ensure their access to psychological counselling and therapy as soon as they come to the attention of the authorities.

201. In Slovenia, the DVPA provides for special protection of child witnesses of violence, recognising that children are victims of violence even if they are only present when violence is perpetrated against other family members, or if they live in an environment where violence is perpetrated (Article 4).

202. While welcoming the legal recognition of child witnesses of violence as victims, GREVIO finds less evidence of measures taken to provide them with specific support and protection. Concerns were raised about the lack of psychosocial support available to children and tailored to their needs.

203. Even though crisis centres offer emergency housing for children in distress, and counselling centres provide psychosocial assistance to children with mental health conditions, GREVIO did not find that these support services provide specific assistance to child witnesses of forms of violence covered by the convention.

204. In addition, GREVIO is concerned by the information it received about the lack of understanding of the gendered nature of domestic violence by social services who are believed to underestimate the effects of violence on child witnesses and try to maintain contact with both parents at all costs (see Chapter V, the section on Article 31).

70. See Council of Europe, Kelly L. and Dubois L. (2008), *Combating violence against women: Minimum standards for support services*, Council of Europe, Strasbourg, page 19.

71. Problems associated with children's witnessing of domestic violence", Jeffrey L. Edleson, VAW Net, available at http://vawnet.org/sites/default/files/materials/files/2016-09/AR_Witness.pdf.

205. **GREVIO strongly encourages the Slovenian authorities to ensure that the legal recognition of the harmful effects of witnessing violence by one parent against the other or any other form of violence covered by the Istanbul Convention translates into the provision of adequate and age-appropriate counselling and support for such children, as well as their access to protection measures assuring their safety.**

I. Reporting by professionals (Article 28)

206. Slovenian legislation envisages extensive reporting obligations for professionals who may, in the course of their work, come into contact with victims of violence against women.

207. The Criminal Code (Article 281, paragraph 2) requires all officials to report any offence which they discover in the discharge of their duties provided that the punishment for the offence is imprisonment of a minimum of three years. The obligation to report for officials is also provided for under Article 145 of the Criminal Procedure Act.

208. Under Article 6, paragraph 1, of the DVPA, the authorities and non-governmental organisations, who in the course of their work detect instances of domestic violence, are obliged to immediately inform the competent social work centre unless the victims themselves expressly object to disclosure. This, however, does not apply to offences which are subject to *ex officio* prosecution.

209. GREVIO expresses a strong concern that this duty to report applies to statutory agencies and non-governmental service providers alike as it may jeopardise the provision of services based on full confidentiality – a fundamental principle on which women-to-women specialist support services operate. One of the reasons why women often may prefer to disclose their experiences of violence to specialist support services run by NGOs (rather than to state agencies) is that specialist support services fully respect the principle of privacy and confidentiality. Victims often approach such specialist services at a stage when they are not ready to initiate any legal action. GREVIO stresses the importance of affording victims the time to reflect and decide whether they are ready to take legal measures against the perpetrator. Victims hesitating to file a complaint might come to a decision to do so through empowerment, but again, this is a process requiring time. Knowing that NGOs will report their experiences to the authorities may cause some victims to refrain from seeking help, especially those who are in a vulnerable position, such as migrants. Thus, GREVIO considers there is a need to allow victims the opportunity to turn to women's NGOs, which are not under an obligation to report the violence to the authorities, with a few exceptions outlined in the recommended standards for support services⁷²

210. When there is suspicion that a child or a person who, because of their personal circumstances, is not capable of taking care of him or herself and is a victim of violence, all professionals, and in particular social workers, healthcare workers and staff working in educational institutions, have the obligation to immediately inform the competent social work centre, the law-enforcement agencies or the State Prosecutor's Office (Article 6, paragraph 2, of the DVPA).

211. Moreover, according to Article 45 of the Patient's Rights Code, a doctor is allowed to report information about a patient's medical condition in order to save her or his life or to prevent damage to the health of other persons. Where the victim is a child, a medical doctor is obliged to report any suspicion of a criminal offence against life and body (Chapter 15 of the Criminal Code), against sexual integrity (Chapter 19 of the Criminal Code) and against marriage, family and youth (Chapter 21 of the Criminal Code).

⁷² Recommended standards for support services require that confidentiality must be guaranteed, which means that any written or spoken communication or other information containing anything that can identify the victim – the service user – should only be passed to others with the service user's informed consent. The only exceptions are to protect the service user when there is a reason to believe that her life, health or freedom is at risk and to protect the safety of others when there is a reason to believe that they may be at risk. See Council of Europe, Kelly L. and Dubois L. (2008), *Combating violence against women: Minimum standards for support services*. Council of Europe, Strasbourg, page 39.

212. In practice, it seems that the different categories of professionals apply the “duty to report” differently. As regards the obligation for education staff to report suspicions of domestic violence which children experience or witness, GREVIO notes that among the cases reported by education staff none concerned such experiences. Instead, all reported cases (98 in 2018 and 95 in 2019) concerned violence committed by peers or professionals at school. While it is important to ensure the reporting of violent incidents at school, GREVIO recalls the potential of the education sector to identify children at risk of witnessing or experiencing domestic violence and other forms of violence, for example forced marriage.

213. Healthcare professionals who play an important role in identifying victims of violence and who may very well be the only professionals to know about a woman suffering from abuse rarely choose to report against the victims’ will and cite patient-doctor confidentiality and the Hippocratic Oath as grounds for not reporting – despite the duty to report.

214. In this context, GREVIO notes the emergence of the concept of “soft reporting” in recognition of the need to support victims regardless of whether they want to report to the authorities and initiate a criminal justice process or not. This type of reporting comprises a referral to social services and focuses on the victims’ initiative, choices and actions.

215. GREVIO recalls that the obligation set out in Article 28 of the Istanbul Convention is carefully worded in order to allow healthcare staff and other professionals, where they have serious reasons to believe that a serious act of violence has been committed and that further serious acts of violence are to be feared, to report it to the competent authorities without risking punishment for violating their professional obligations of confidentiality. The Explanatory Report explicitly states that this provision does not require professionals to report. The aim of this provision is to protect the life and limb of victims rather than the initiation of a criminal investigation.⁷³

216. While GREVIO notes that the imposition of reporting obligations on professionals does not run counter to Article 28 of the Istanbul Convention, blanket reporting obligations may raise issues around the provision of victim-centred and gender-sensitive support services. Mandatory reporting may in fact constitute a barrier to help seeking for women victims who do not feel ready to initiate formal procedures and/or fear the consequences of reporting for them or for their children (such as retaliation from the abuser, financial insecurity, social isolation or the removal of children from their care). Where the authorities have introduced mandatory obligations for professionals, GREVIO notes that these should allow for the balancing of the victims’ protection needs – including those of her children – with respect for the victim’s autonomy and empowerment, and should thus be circumscribed to cases in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the convention has been committed and further serious acts are to be expected. In these cases, reporting may be made subject to certain appropriate conditions such as the consent of the victim, except for some specific cases such as where the victim is a minor or is unable to protect her/himself due to disabilities.⁷⁴

217. Recalling the principle of women’s empowerment mainstreamed throughout the Istanbul Convention, GREVIO strongly encourages the Slovenian authorities to ensure that the duty to report imposed on professionals is tempered by full and sensitive information being provided to the victim to allow her to make an informed decision herself and maintain autonomy. To this end, GREVIO strongly encourages the Slovenian authorities to review the obligation for professionals to report cases of violence against women, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the convention has been committed and further serious acts are to be expected. This may well require making the obligation to report contingent upon the prior consent of the victim unless the victim is a minor or is unable to protect her/himself due to disabilities. It further strongly encourages the authorities to review the obligation to report imposed on women’s specialist organisations, giving due regard to the core principle of their work, which is to protect the confidentiality and privacy of victims.

73. See paragraphs 146 and 147 of the Explanatory Report to the Istanbul Convention.

74. See paragraph 148 of the Explanatory Report to the Istanbul Convention.

V. Substantive law

218. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law. Their aim is to help create, in all parties to the convention, the necessary legislative framework to prevent violence against women, protect them from further victimisation and to ensure robust intervention and prosecution by law-enforcement agencies. In the interest of prioritisation, this section of the report addresses several but not all provisions of Chapter V of the convention.

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

219. A core aim of the convention is to end impunity for acts of violence against women. This not only requires that individual perpetrators be held accountable through criminal law and other measures, but also that legal avenues be available to challenge and address any failure of state actors to comply with their due diligence obligation to prevent, investigate and punish acts of violence (Article 5, paragraph 2, of the convention).

220. In Slovenia, there are several legal remedies available to victims for obtaining compensation for the failure of the state authorities to act in domestic violence cases or cases of any other form of violence covered by the convention.

221. Under Article 26 of the Slovenian Constitution victims are entitled to compensation for any damage caused through unlawful actions in connection with the performance of any function or other activity by a public official or state or local authority.

222. The Police Tasks and Powers Act sets out the disciplinary liability of police officers and other employees of the Ministry of Interior for violations of their official duties as well as for off-duty violations that may endanger the interests and damage the reputation of the ministry. Chapter IV of this report describes in detail the procedure for the filing and examination of complaints against police officers.

223. Moreover, victims may file a complaint with the Human Rights Ombudsman, who deals with individual complaints concerning alleged violations of rights and freedoms by state officials.

224. Despite evidence that such failures by state officials do occur, according to the available information, the number of cases decided by the courts is very low.⁷⁵ According to the judicial authorities, one of the reasons why women do not file complaints or claim compensation is the lack of information on the available remedies. GREVIO welcomes the fact that the Slovenian authorities are aware of this shortcoming and have already taken several steps to remedy the situation.

225. GREVIO strongly encourages the Slovenian authorities to examine and address any barriers to the use of the existing remedies to hold different state officials accountable for failure to comply with the obligation to diligently prevent, investigate and punish acts of violence covered by the Istanbul Convention, and to take practical measures such as providing training and raising awareness among the judiciary and other professionals, as well as to ensure the provision of adequate information to women victims of violence in order to enable them to make practical use of the existing legal remedies. Progress in this area needs to be measured by collecting data on the number of complaints by victims and their outcomes.

75. According to the information provided by the Slovenian authorities there are about 50 cases annually, which only concern administrative proceedings.

2. Compensation (Article 30)

226. In Slovenia compensation may be obtained from the perpetrator as part of the criminal proceedings provided that such action does not unduly delay the proceedings (Article 100 of the Criminal Procedure Act) or separately through civil proceedings under the general rules for restitution of damages set out in the Obligations Code.

227. Information provided by NGOs indicates that, in practice, in most of the cases the criminal courts decide to refer the victims to separate civil proceedings in a civil court despite the reluctance shown by the victims due to the excessive length of the proceedings.⁷⁶ Moreover, some of the victims are afraid that by filing a new separate claim for damages, they will anger the perpetrator and thus will increase the risk of violence recurring. Often, victims spend a large amount of money collecting evidence and certificates to be able to file a claim for compensation, and are not reimbursed in the process.⁷⁷

228. Considering the above, GREVIO points to the need to resolve as many claims as possible within a single procedure and to deal with cases regarding violence against women without delay.

229. GREVIO notes with satisfaction that other mechanisms for a more expeditious indemnification of victims of violent crimes outside of the criminal justice system are also in place, which ensure the possibility of obtaining compensation for damage or injury at the early stages of criminal proceedings for the victims of violent crimes. Pursuant to the Crime Victim Compensation Act, victims of domestic violence, children and people with disabilities can claim compensation from the state without having failed in the process of claiming compensation from the perpetrator.

230. While being aware that Slovenia has reserved the right not to apply Article 30, paragraph 2, of the convention on subsidiary state compensation for serious bodily injury or impairment of health, GREVIO notes that the definition of victim in the Crime Victim Compensation Act (Article 2)⁷⁸ does not cover all forms of violence against women within the scope of the convention and that migrant women victims of violence, who are not nationals of any other European Union member state, cannot claim state compensation under this Act (Article 5). GREVIO welcomes the legal framework for claiming compensation available to women victims of violence, in particular domestic violence, but it is unable to ascertain whether the system is effective owing to insufficient data that would indicate how many victims of violence against women have benefited from compensation either in civil or criminal proceedings and what amounts were awarded to them.

231. **GREVIO strongly encourages the Slovenian authorities:**

- a. **to ensure that due attention is given to the right of women victims of violence to claim compensation from the perpetrator during criminal proceedings;**
- b. **to collect data on the number of cases of violence against women in which perpetrators have been ordered to pay compensation to the victim.**

3. Custody, visitation rights and safety (Article 31)

232. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights to ensure that the exercise of these rights does not harm the rights and safety of the victim or children.

76. NGO written submission, page 69.

77. *ibid.*, page 71.

78. Article 2 of the Crime Victim Compensation Act states that the victim is a person who suffered harm due to a violent intentional act, which is "an act committed by a direct attack on life and body using force, or violation of sexual integrity, and for which a penalty of one or more years of imprisonment may be imposed under the Criminal Code".

233. The legal basis for decisions on custody and visitation rights is the Family Code, which in April 2019 replaced the Marriage and Family Relations Act. It sets out the principle of the best interests of the child and transferred the decision-making competence in relation to all the measures concerning the protection of the best interests of the child from the social work centres to the courts. Thus, if physical and mental health and development of children is endangered, the competent court has the power to adopt measures for their protection, such as emergency removal of the children from their parents and their placement in care, an injunction prohibiting or restricting contact with one or both parents and an injunction on evicting a violent family member from the common residence.

234. The social work centres still play an important role in the decision-making process on custody and visiting rights, as the courts heavily rely on their opinions. Before a court decides on a protection measure of a more permanent nature, the SWC must prepare an assistance plan for the family and the child, which must contain a description of the situation, the children's needs, the capacities of the family, the monitoring method, forms of assistance and a description of the implementation of the measures. The report on the implementation of the assistance plan must be submitted to the court once a year. The information provided by Centres for Social Work appears to be frequently limited to reports that prioritise contact with both parents over a full assessment of the risks this might present to a child. In particular, it seems that recognition of the harmful effects of witnessing domestic violence on children is low among social workers. GREVIO recalls that incidents of violence by one parent against another have a severe impact on children.

235. The opinions delivered by court experts on issues concerning children are also important in making decisions on custody and visitation rights. According to information received, there is a chronic shortage of qualified court experts, psychologists and general experts dealing with children, which consequently causes significant delays in the court proceedings.

236. Although the safety of the parent and child must be a central factor when deciding if it is in the best interests of the child for there to be a change in visitation or custody rights, in Slovenia there is no express obligation under applicable laws for courts to ensure that, in the determination of custody and visitation rights, incidents of violence covered by the scope of the convention are taken into account, as required by Article 31, paragraph 1, of the convention. Women's NGOs further claim that courts often encourage parties to conclude a settlement (even if serious violence has occurred between the parties), which leads to the case being processed quickly, not all evidence being presented and a failure to provide a final decision, which could then be subject to the judgment of a higher court.⁷⁹

237. Moreover, information available to GREVIO indicates that, in practice, incidents of domestic violence play a fairly minor role in court decisions on parental responsibility. Women's allegations regarding domestic violence or child abuse are often dismissed without any investigation, resulting in custody or visitation decisions that may expose them and their children to ongoing danger. According to indications provided to GREVIO by women's rights groups and NGOs, the experience of violence in the past and its impact on contact around visitation and custody is minimised, resulting in courts prioritising the perpetrator's right to contact with their child over the right of the victims to be safe from all violence.⁸⁰ In this connection, GREVIO recalls that domestic violence does not necessarily end with separation of the parties, rather, it often intensifies when the victim decides to leave a violent partner, and, in extreme cases, domestic violence following separation may be lethal for women and children. It underlines therefore the need for a careful screening of all custody and visitation cases so as to determine whether there is a history of violence and thus a likelihood for post-separation abuse and recommends more effective training and support to be provided to family law judges in this respect.

238. While GREVIO welcomes the fact that pursuant to Article 22g, paragraph 1, of the DVPA the courts must take into account the opinion expressed by children in proceedings concerning their interests, it notes with concern that information provided by civil society indicates that there have

79. NGO written submission, page 74.

80. *ibid.*, page 60.

been cases in which children who were victims of domestic violence were obliged to have contact with their abusive parents against their will.⁸¹ While GREVIO fully supports the right of the child to maintain its ties with both parents as enshrined in Article 9, paragraph 3, of the UN Convention on the Rights of the Child, exposure to domestic violence – as a victim or witness – requires exceptions to be made in the best interests of the child.

239. The implementation of supervised contact between the perpetrator of violence and his children are monitored by the social work centres.⁸² Supervised contact does not eliminate the risk that the perpetrator will use visitation as an opportunity to harm the victim and/or the child. Therefore, the lack of clear rules and protocols that govern the supervised contact, as well as the lack of well-trained staff at the social work centres supervising such contact, are matters of great concern for GREVIO. Information available to GREVIO indicates that the decisions concerning the implementation of the supervised visits are left at the discretion of individual social workers in the SWC, who sometimes seem to lack appropriate training and the experience needed for carrying out such a difficult task. Moreover, it appears that the father's right to exercise contact is often prioritised over the needs of the child even when supervised contact is harmful to the child.⁸³ In addition, the extensive turnover in social workers assigned to supervise the contact make it difficult to observe any evolution in the parent-child relationship and to recognise the child's distress. GREVIO also emphasises the importance of adequate premises and facilities in the implementation of supervised contact. GREVIO notes that, according to the authorities, training on the implementation of the provisions of the Family Code, including supervised contact, has been organised recently for relevant professionals, including judges and social workers. However, more specific information on the content of such training would be needed in order to determine whether the training incorporated the standards of Article 31 of the convention. In this respect, GREVIO notes a need to supplement future training with specific guidelines and/or protocols that would instruct all relevant professionals on how to apply relevant provisions and incorporate into their daily practice a principle that witnessing violence against a close person jeopardises the best interests of the child.

240. Article 95 of the Non-Contentious Civil Procedure Act stipulates that when making decisions on custody and visitation rights, the competent court shall of its own motion examine whether measures for the protection of the best interests of the child had already been imposed under the different legal provisions (such as the act governing the family relationships, the Police Tasks and Powers Act, the Criminal Procedure Act and the DVPA). While welcoming the development of these legislative solutions, GREVIO notes that, in practice, they are rarely applied, due in particular to a lack of co-ordination between civil justice and criminal justice; courts may order a perpetrator of violence to have contact with his children in spite of a restraining order issued by another court in another set of proceedings. GREVIO stresses, therefore, the need for civil and criminal courts to liaise more closely and to proactively seek information from other bodies, including, but not limited to, law enforcement, the local authority, health, education and specialist women's support services. GREVIO also notes a need to monitor and follow up institutional/court practice related to custody and visitation, with the aim of analysing how the legislative solutions and regulations have been applied, including, just as an example, how often the measure of an interim injunction on supervised contact has been imposed in practice.

241. GREVIO urges the Slovenian authorities to take the necessary measures to ensure that in the determination of custody and visitation rights or the introduction of measures affecting the exercise of parental authority, the competent authorities are required to consider all issues relating to violence against women and domestic violence and assess whether this violence might warrant restricting custody and visitation rights. In particular, GREVIO urges the Slovenian authorities to:

- a. explicitly require, through appropriate means, all actors relevant to the determination of custody and visitation rights (social work centres, the judiciary, psychologists, child psychiatrists and others who provide expert opinion to**

81. *ibid.*, page 42.

82. Article 22g, paragraph 2, of the DVPA.

83. NGO written submission, page 75.

- courts) to screen for and take into account any incidents of violence covered by the Istanbul Convention on the basis of gender-sensitive guidelines and ensure that such professionals receive appropriate training;
- b. introduce monitoring and following up of institutional and court practices, as well as the level and quality of interinstitutional co-operation, through, for example, an analysis of decisions of social work centres as well as case law, with the aim of examining the process of documenting and identifying the impact of witnessing violence on children and of verifying whether the relevant laws and regulations regulating the best interests of the child, such as the latest provisions of the Family Code, the Police Tasks and Power Act, the Criminal Procedure Act, the DVPA and the Non-Contentious Procedure Act, are effectively applied, including, but not limited to, the implementation of the measure of an interim injunction on supervised contact;
 - c. strengthen interinstitutional co-operation and information exchange between civil courts and criminal courts, as well as between these courts and services that assist and support victims of violence and their children or other bodies (such as women's specialist services, social protection and health services, or educational institutions), in order to prevent, *inter alia*, ordering contact between a perpetrator and a child/children in spite of a restraining order issued by another court;
 - d. ensure, through training and appropriate guidelines/protocols, a recognition (by relevant professionals, especially judges) that witnessing violence against a close person jeopardises the best interests of the child;
 - e. incorporate risk-assessment procedures in the determination of custody and visitation rights following domestic violence in order to determine the child's best interests, including with a view to identifying cases fit for supervised visitation, as well to ensure that relevant professionals monitor visitation arrangements and document (possible) evidence of abuse or harmful effects of (supervised) visits, and inform the court about such evidence or about children at risk of abuse, so that courts can review or reconsider their decisions on visitation based on updated information, if appropriate;
 - f. equip social work centres with adequate resources, including sufficient space and professional staff, to allow for supervised visitation to take place in a safe environment and with the necessary support, as well as to recognise potential signs of distress in children as a result of supervised contact.

B. Criminal law

242. Slovenia has no stand-alone law addressing violence against women, but the Criminal Code covers most of the forms of violence covered by the Istanbul Convention.

1. Psychological violence (Article 33)

243. Psychological violence is not specifically criminalised, although the offences of criminal coercion (Article 132 of the Criminal Code), threat (Article 135 of the Criminal Code) and workplace mobbing (Article 197) cover some of the forms of psychological abuse that are frequently experienced by women victims of domestic or other forms of violence. Moreover, some elements of psychological violence, in particular in the context of domestic violence, may come under the specific domestic violence offence laid out in Article 191 of the Criminal Code.

244. Information received by GREVIO indicates that most of the cases of domestic violence are prosecuted in connection with physical violence, and that there are no cases in which domestic violence has been prosecuted based on psychological violence alone. This is worrisome in light of the information revealed by a national survey conducted in 2010 that psychological violence was the most prevalent form of violence in the domestic context; 49.3% of women reported being exposed to this form of violence.

245. Moreover, according to civil society organisations, in practice, psychological violence is rarely prosecuted as a criminal offence under the Criminal Code because prosecutors and courts prefer treating it as a misdemeanour and sanction it under the Protection of Order Act.⁸⁴ In many cases in which the victim contacts the authorities to report psychological violence and threats, fines for a misdemeanour against public order and the peace are imposed because the police assume that there was a quarrel and indecent behaviour from both parties. Prosecution under threat or coercion on the basis of “primary aggressor” analysis seems to be rare. For example, in 2018 a total of 1 792 complaints were made for threats, of which 45% of the victims were women. Of this number, 1 084 were dismissed by the prosecution service. In 2019, the percentage of dismissals was even higher: out of a total of 1 783 complaints (44% of the victims were women), 1 140 were dismissed by the prosecutor. Similar levels of dismissal have occurred in relation to complaints made for criminal coercion.⁸⁵ GREVIO points to the important need to adequately respond to allegations of psychological violence. Psychological violence may take on very serious forms, such as death threats, which is not only a crime in and of itself but also serves as an indicator of the risk of lethality in intimate partner violence. Threats of violence often escalate into actual physical violence. Explicit threats of harm and death are often concurrent with other forms of violence, distress and fear, all of which are aspects of coercive control in a relationship. GREVIO emphasises that studies⁸⁶ have shown that coercive control undermines the victim’s physical and psychological integrity, as it is ongoing rather than episodic. When coercion and control occur together, the result is a “condition of unfreedom” that is experienced by victims as entrapment.⁸⁷ GREVIO is concerned that there is a lack of understanding by police and prosecutors of the seriousness of such violence and a lack of specific training for those in the criminal justice system on using the full spectre of the Criminal Code to prosecute such violence.

246. GREVIO strongly encourages the Slovenian authorities to effectively investigate, prosecute and punish acts of psychological violence by making full use of the available provisions in the Slovenian Criminal Code, including by ensuring prosecution under Article 191 of the Criminal Code in cases of psychological violence in the domestic context, and to increase awareness, including through training, among law-enforcement officials, judges and other relevant professionals of the gendered nature and consequences of psychological violence as one of the most prevalent forms of violence against women in Slovenia, as well as to review the existing case law in order to examine whether the available provisions are adequately used in practice.

2. Stalking (Article 34)

247. GREVIO welcomes the introduction of a specific offence of stalking into the Criminal Code in 2015. The definition of stalking under Article 134a of the Criminal Code includes physical tracking of persons as well as stalking carried out by electronic means of communication.⁸⁸ Moreover, the fact that the victim is a minor or a helpless person is included in the definition as an aggravating factor. GREVIO notes in this respect the importance of ensuring that stalking in the presence of children may also aggravate the sentence as required by Article 46d of the Istanbul Convention, having in mind that post-separation stalking may lead to serious psychological consequences for

84. Article 6 of the Protection of Order Act criminalises as misdemeanour rude and abusive behaviour that makes victims feel humiliated, threatened or afraid.

85. According to information provided by the State Prosecutor’s Office, in 2017 and 2018 all the complaints on coercion were dismissed by the prosecutor; there were just 10 cases in 2017 and seven in 2018; in 2019 there were seven complaints – three were dismissed by the prosecutor; 75% of the victims were women.

86. Stark E. (2007). *Coercive control: How men entrap women in personal life*. New York: Oxford University Press.

87. Recognition of the gap between legal response and women’s experience of abuse led to creating the new offence of “controlling or coercive behaviour in an intimate or family relationship” in England and Wales, and related offences have been enacted in Scotland and Ireland. A similar course of conduct is criminalised as “continued use of force” under Article 107b of the Criminal Code of Austria.

88. The definition of stalking reads as follows: (1) Whoever through repetitive observation, following or an intrusive attempt to engage in direct contact or contact through the means of electronic communication stalks another person or his relative and thereby causes fright or feelings of threat in another person or his relative, shall be punished by a fine or sentenced to imprisonment for up to two years. (2) If the stalked person is a minor or a helpless person, the perpetrator shall be punished with a fine or sentenced to imprisonment for up to three years. (3) The prosecution of the offence under paragraphs 1 and 2 of this article shall be initiated upon a complaint.

children.⁸⁹ While for adult victims the prosecution is initiated upon the victim's request, for minors, stalking is prosecuted *ex officio*.

248. Stalking is also defined as a misdemeanour under Article 6 of the Protection of Order Act.

249. GREVIO welcomes that Article 19, paragraph 2, of the DVPA specifically envisages restraining orders to be issued by a court in cases of stalking. However, it also notes with concern the very limited use of such orders in practice – according to the available information one restraining order was issued in 2018 and two in 2019.⁹⁰

250. Similarly, civil society representatives alerted GREVIO to the low number of prosecutions in cases of stalking. Concerns were expressed that frequently police do not register complaints of stalking. According to statistics provided by the State Prosecutor's Office in 2017 there were 92 complaints of stalking, with 66 of those rejected; in 2018 there were 121 complaints, with 71 rejected; and in 2019 177 complaints were filed with 112 rejected. It is unclear on what basis decisions not to prosecute are taken. GREVIO welcomes the information provided by the authorities that the Supreme Court of Slovenia analyses the case law of lower courts and discusses it as part of training courses for lower courts. In this context, GREVIO considers that analyses will be needed in order to closely examine the criteria on which prosecutors' decisions are based.

251. In order to ensure the effective implementation of the criminal offence of stalking (Article 134a of the Criminal Code), GREVIO urges the Slovenian authorities to develop and implement investigation and prosecution guidelines and to conduct specialist training for relevant professionals on the gendered nature of stalking, its online dimension and its serious psychological consequences, including on children who witness it, especially in the context of post-separation abuse, and to ensure the efficient application of preventive operational measures, such as restraining orders, to avoid reoffending, as well as to review the legal practice in this respect.

3. Physical violence (Article 35)

252. The Criminal Code of Slovenia contains a wide range of offences encompassing different forms of physical violence, from murder (Articles 115 and 116) to bodily harm (Articles 122, 123 and 124).

253. Moreover, violent acts that do not contain all the necessary elements of the definition of a criminal offence can also be considered as minor offences under the provisions of the Protection of Public Order Act and treated and sanctioned as misdemeanours.

254. Of particular relevance to domestic violence is, however, the specific domestic violence offence contained in Article 191 of the Criminal Code. This offence covers abuse within the family that ranges from physical violence to degrading treatment, stalking, the restriction of movement or other coercive behaviour. While GREVIO notes the centrality of this offence in the legislative framework on violence against women and domestic violence in Slovenia, it notes that its potential is not fully developed, as most prosecutions under this offence are carried out in relation to physical violence. Other forms of violence that frequently form part of the pattern of abusive relationships, in particular coercive control, seem to give much less rise to criminal justice responses (see above, Psychological violence, Article 33).

255. Guidelines on the implementation of this particular offence do not seem to exist and it is unclear whether this offence is, in practice, applied in a manner that renders a perpetrator criminally

89. For the effect on children, see Nikupeteri A. (2016), "Stalked lives: Finnish women's emotional experiences of post-separation stalking", in *Nordic Social Work Research*, 2016, Vol. 7, No. 1. pp. 6-17.

90. Information provided by the Slovenian government in its comments, based on data from the Statistical Office of Slovenia. In the comments, the authorities also added an explanation regarding the methodology of data gathering: data above include cases in which stalking was the main criminal offence in response to which a restraining order was issued, which means that in 2019, in only two cases was stalking the main criminal offence against which the restraining orders were imposed.

liable.⁹¹ Recalling that Article 35 also encompasses violence resulting in the death of the victim, GREVIO notes that data on women murdered by their husbands/partners or ex-husbands/partners are collected by the Slovenian police, but notes that no information is provided on whether any analyses of such cases have been conducted with the aim of examining whether some shortcomings in the response of institutions can be identified (in situations where the woman reported violence to institutions prior to being murdered) and whether such gaps in institutional/judicial response can be prevented in the future.

256. GREVIO strongly encourages the Slovenian authorities to effectively investigate, prosecute and punish acts of intimate partner violence by making full use of the available provisions in the Slovenian Criminal Code, including by ensuring prosecution for the course of conduct under Article 191 of the Criminal Code . GREVIO further strongly encourages the Slovenian authorities to develop and implement investigation and prosecution guidelines and to conduct specialist training on the gendered and serious nature of domestic violence, including its digital and post-separation dimension, as well as to examine cases of domestic violence that led to the death of the victim, with the aim of identifying possible gaps in the institutional/judicial response to violence and closing such gaps in the future.

4. Sexual violence, including rape (Article 36)

257. The Criminal Code of Slovenia provides for sexual offences to be criminalised in a number of provisions. These include rape (Article 170)⁹² and other forms of violations of sexual integrity, such as sexual violence (Article 171), sexual abuse of a weak person (Article 172), sexual assault on a person under the age of fifteen (Article 173) and violation of sexual integrity by abuse of power (Article 174).

258. Before the recent amendments to the Criminal Code, the offence of rape was defined as forcing a person of the same or opposite sex to submit to sexual intercourse by force or threat of imminent attack on life or limb. The offence of sexual violence was also defined as an act committed with the use of force and threat. GREVIO recalls that according to Article 36 of the Istanbul Convention, rape and sexual violence provisions must be based on the notion that consent must be given voluntarily as the result of a woman's free will and assessed in the context of the surrounding circumstances.

259. However, it has been brought to GREVIO's attention that in several cases the courts gave a more flexible interpretation to coercion, holding that the victim's apparent surrender could not be interpreted as implicit consent to sexual intercourse and found the perpetrator guilty of rape on the ground that the force and the threat used were of such intensity that they excluded any resistance from the helpless victim.⁹³ Nonetheless, there is not enough information to infer that such an interpretation is frequently applied in courts across Slovenia. GREVIO highlights in this context that research on the neurobiology of sexual trauma, conducted on victims of rape, shows that "freezing" (known as "tonic immobility") is a common reaction by victims associated with subsequent post-traumatic stress disorder (PTSD) and severe depression.⁹⁴

91. According to data provided by the State Prosecutor's Office, 1 136 complaints were filed for domestic violence, out of which 43% were dismissed by the prosecutors for reasons not mentioned in the information provided by the authorities (1 124, or 82%, of the victims were women); in 2018 there were 1 205 complaints, 42% were dismissed by the prosecutors (1 230 victims were women, or 82%); in 2019 there were 1 146 complaints, 45% were dismissed (1 190, or 83%, were women).

92. Article 170, paragraph 1, of the Criminal Code defined rape as follows: "Whoever compels a person of the same or opposite sex to submit to sexual intercourse with him by force or threat of imminent attack on life or limb shall be sentenced to imprisonment for not less than one and not more than 10 years".

93. Vrhovno sodišče Republike Slovenije. *Sodba I Ips* 333/2002, 27. 6. 2003. Available at: <http://sodisce.si/vsrs/odlocitve/24562/#>; and Vrhovno sodišče Republike Slovenije. *Sodba I Ips* 31611/2014, 1. 2. 2018. Available at: www.sodisce.si/vsrs/odlocitve/2015081111418361/#.

94. Research studies show that a substantial number of victims do not resist the perpetrator in any way: tonic immobility is described as an involuntary, temporary state of motor inhibition in response to situations involving intense fear. In various studies, significant immobility was reported by 37% to 52% of sexual assault victims. See Moller A., Sondergaard H. P. and Helstrom L (2017), "Tonic immobility during sexual assault – a common reaction predicting post-traumatic stress disorder and severe depression", *Acta Obstetricia et Gynecologica Scandinavica*, 2017; 96: pp. 932-938.

260. In this context, GREVIO welcomes the recent amendment of the Criminal Code that aims at aligning the provisions on rape and sexual violence with the Istanbul Convention's requirements by encompassing the notion of lack of freely given consent.⁹⁵ According to the authorities, the coercion-based model (Articles 170, 171 and 172) was removed. However, since this amendment came very recently to GREVIO's attention, being adopted by the Slovenian Parliament after the submission of the government's comments on GREVIO's draft evaluation report, GREVIO is not in a position to assess its content.

261. GREVIO welcomes that the Criminal Code contains explicit provisions criminalising marital rape,⁹⁶ but notes that it cannot be prosecuted in the absence of the victim's complaint.⁹⁷ It is rarely reported to the authorities,⁹⁸ who have acknowledged that not many cases of marital rape have been prosecuted.

262. An empirical study by the Institute of Criminology at the Faculty of Law in Ljubljana of a representative judicial sample of practices related to rape, sexual violence and sexual abuse of a defenceless person noted the questionable application of mitigating circumstances by the courts. These range from implying the victims made a significant contribution to the act, the short duration of a rape or the consumption of alcohol by the victim. The study also noted that courts do not, in practice, make use of the upper half of the prescribed sanctions (the highest imposed sentence for all the offences in question was six years' imprisonment – for the offence of rape under the second paragraph of Article 170)

263. GREVIO strongly encourages the Slovenian authorities to fully implement the newly adopted provisions of the Criminal Code covering the offences of rape and sexual violence and to ensure their effective application in practice by law-enforcement authorities, prosecutors and the judiciary, including in the absence of resistance by the victim and where the circumstances of the case preclude valid consent. To this end, training for all relevant professionals should be conducted, and appropriate guidelines developed and implemented.

5. Forced marriage (Article 37)

264. GREVIO welcomes the introduction in 2015 of a criminal offence of forced marriage (Article 132a) in line with the convention but notes that it does not cover the conduct of luring a person abroad with the purpose of forcing that person to enter into marriage as required by Article 37, paragraph 2.

265. Despite the specific criminal provision on forced marriage, concerns have been expressed in relation to its enforcement by law-enforcement agencies. There seems to be a tendency to consider forced marriage as a cultural practice, mostly prevalent among the Roma community, which does not necessarily entail the state's responsibility to act. This may explain why there have been no convictions for forced marriage in Slovenia since the introduction of the offence in 2015.

266. Another reason is the reluctance shown by girls from the Roma communities to report forced marriage, mainly because of fear and lack of information about the available remedies. The same reluctance and hesitation have also been noticed among professionals in fields such as education, health and social welfare, who are the first and sometimes the only professionals to come into contact with potential and actual victims of forced marriage and whose timely intervention is essential when dealing with such cases. According to indications shared by members of civil society, professionals

95. According to Nils Muižnieks, the regional director for Europe of Amnesty International and former Council of Europe Commissioner for Human Rights, "The new definition is based on the explicit, 'yes means yes' consent model which means that coercion, the use or threat of force, or the inability to defend oneself will no longer be required as conditions for a crime to be considered rape." See www.amnesty.org/en/latest/news/2021/06/slovenia-recognition-that-sex-without-consent-is-rape-is-a-historic-victory-for-women/.

96. Paragraph 4 of Article 170 of the Criminal Code.

97. The same restriction applies for sexual violence against a spouse or an extra-marital partner or partner of a registered same-sex civil partnership; the prosecution shall be initiated upon a complaint; see Article 171, paragraph 4, of the Criminal Code.

98. Report of the US Department State (2016).

are unable to identify cases of forced marriage, which points to the need for more specific training around this issue. According to information provided by the Slovenian authorities, no cases of forced marriage were reported in 2017 and 2018.

267. GREVIO thus welcomes the measures recently taken by the Slovenian authorities to tackle the challenges around reporting in connection with forced marriages, which include the drafting of a protocol to respond to early and forced marriage in the Roma community. Moreover, since 2018 the Judicial Training Centre has been organising lectures for judges and other judiciary officials on early and forced marriage. In addition, awareness-raising activities targeted at potential victims (primary and secondary school students) were carried out in Roma communities. However, the result of such efforts is not yet visible, which proves that the efforts should be intensified and additional measures considered, for example, a closer co-operation with community-based organisations, representatives of the Roma community and women's NGOs experienced in the issue. On the other hand, GREVIO notes that a Handbook on Identifying and Dealing with Early and Forced Marriages seems to exist, although GREVIO was not in a position to assess its content.

268. While acknowledging the differences between early/underage and forced marriages, GREVIO underlines that the young age of brides means that they are at a higher risk of not being able to express their full and free consent to a marital union, or to resist a forced marriage. The damaging consequences of both forced marriage and child marriage have been amply illustrated by international human rights bodies.⁹⁹ Child, early and forced marriage is widely acknowledged as a harmful practice that violates, abuses or impairs human rights and is linked to and perpetuates other harmful practices and human rights violations. Such harmful practice has a disproportionately negative impact on women and girls and constitutes a serious threat to multiple aspects of their physical and psychological health.

269. **GREVIO strongly encourages the Slovenian authorities to:**

- a. **amend the criminal offence of forced marriage, with the aim of bringing the act of luring a person abroad with the intention of forcing this person to marry against her or his will in line with the definition provided in Article 37, paragraph 2, of the Istanbul Convention;**
- b. **collect data on early and forced marriages and follow trends in this area;**
- c. **effectively investigate and prosecute cases of forced marriage with a view to bringing perpetrators to justice and, if convicted, punishing them adequately, and pursue efforts to provide appropriate training to relevant professionals, in particular prosecutors, judges and social workers;**
- d. **collect information on the root causes, extent and impact of forced marriage among the Roma community, in co-operation with women's NGOs that assist Roma women and girls, and develop and implement a holistic strategy to respond to it in full compliance with each of the pillars of the Istanbul Convention (prevention, protection and prosecution).**

6. Female genital mutilation (Article 38)

270. There is no specific offence covering FGM in Slovenian legislation. It may, however, be prosecuted under the general offences of bodily harm, aggravated bodily harm and grievous bodily injury provided for in Articles 122-124 of the Criminal Code. GREVIO notes that no effective prosecutions have been carried out on this basis.

271. As regards Article 38 of the Istanbul Convention, which requires the criminalisation of the act of assisting the perpetrator to perform acts of FGM by inciting, coercing or procuring a girl to undergo the acts, it was suggested that besides Articles 122-124 of the Criminal Code, Article 192 of the Criminal Code concerning neglect and maltreatment of a child could be applied. This provision

99. See Resolution 175 of the United Nations General Assembly and the Joint General Recommendation No. 31 by the CEDAW Committee and Committee on the Rights of the Child, and general comment 18 of the Committee on the Rights of the Child.

covers the “serious breaching of obligations towards a child” by a parent, adoptive parent, guardian or other person.

272. General child protection law may also apply in cases of FGM under Article 411 of the Civil Procedure Act. This article includes the right to request a civil protection order to secure certain interests of the child. A civil protection order, which can only be issued by the courts, can limit or forbid contact between parents/a parent and a child. This is a temporary solution and is only available if the perpetrator is also the parent of the child.

273. Although the general legal framework can offer some protection to victims of FGM, it is not clear to what extent it is efficient in prosecuting cases of FGM. According to information provided by the Slovenian authorities, no case of FGM has been recorded or prosecuted to date.

274. GREVIO recognises that only a very few women from countries in which FGM is practised reside or transit through Slovenia and that its marginal contextual relevance might explain the lack of knowledge and understanding regarding this form of violence among the professionals concerned.

275. GREVIO encourages the Slovenian authorities to introduce a specific provision criminalising the intentional act of excising, infibulating or performing any other mutilation to the whole or any part of a woman or girl’s labia majora, labia minora or clitoris and ensuring that coercing or procuring a woman or girl or additionally inciting a girl to undergo any of the acts is also punishable, and to provide training and undertake awareness raising among relevant professionals, with the aim of contributing to the identification of and support provided to victims.

7. Forced abortion and forced sterilisation (Article 39)

276. The Criminal Code criminalises forced abortion under Article 121. While the first paragraph criminalises the abortion performed with the consent of the pregnant woman but in a manner incongruous with medical practice and with the methods of termination of pregnancy determined by the law, the second paragraph criminalises the abortion without the consent of the pregnant woman and carries a penalty of between one and eight years in prison. If such acts result in grievous bodily harm or death of the woman, a higher sentence of between three and 15 years in prison is envisaged.

277. Although not specifically criminalised in Slovenian legislation, forced sterilisation could be prosecuted under Article 123 of the Criminal Code, which punishes with a prison sentence of between one and 10 years the infliction of grievous bodily harm.

278. Sterilisation is legal only if performed in compliance with the conditions laid down in the Health Measures in Exercising Freedom of Choice in Childbearing Act, which include, among other things, the basic condition of the woman’s consent for sterilisation and, in special cases, a decision of an expert medical commission.

279. GREVIO was informed that there have been no criminal convictions in relation to forced abortion and forced sterilisation to date.

8. Sexual harassment (Article 40)

280. GREVIO welcomes that Slovenia has legal provisions which address sexual harassment in various areas of the law, such as anti-discrimination, criminal and labour law, but notes that their scope of application is limited to the workplace. It should be reiterated that the convention, however, specifies that the scope of application of this article is not limited to the field of employment.¹⁰⁰ Thus, the sanctions should be applicable to different spheres of life, both public and private. The convention sets out the principle that sexual harassment be subject to criminal or “other” legal sanction.

100. Explanatory Report to the Istanbul Convention, paragraph 209.

281. The Criminal Code contains a specific offence under Article 197 on workplace mobbing,¹⁰¹ which expressly prohibits sexual harassment in a working environment. Sexual and other forms of harassment and mobbing in the workplace are also prohibited under Article 7 of the Employment Relationship Act, which expressly recognises sexual harassment as a form of discrimination and a violation of women's human rights with health and safety consequences. Article 8, paragraph 2, of the Protection against Discrimination Act defines sexual harassment as "any form of unwanted verbal, non-verbal or physical conduct or behaviour of a sexual nature that occurs with the effect or purpose of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment". GREVIO notes with satisfaction that this definition is in line with Article 40 of the Istanbul Convention.

282. Despite this comprehensive legal framework, according to available information there have been a very small number of cases before the courts on sexual harassment, and there is no information regarding convictions and non-criminal sanctions handed down for sexual harassment.

283. The Advocate of the Principle of Equality, whose competence to handle cases of sexual harassment is grounded in the Protection against Discrimination Act, has not completed any case on sexual harassment in 2019.¹⁰²

284. Several surveys carried out in Slovenia have revealed the high prevalence of this form of violence against women in different settings. A survey carried out by the Office for Equal Opportunities and trade unions in 2007 found that every third woman was a victim of verbal sexual harassment and every sixth woman a victim of physical sexual harassment. The most common harassers are fellow colleagues, followed by people in superior positions and people in management positions. Another survey concerning harassment, including sexual harassment, among teachers revealed an embedded culture of gender inequalities: 8% of victims had experienced serious forms of workplace bullying, much of which was sexualised. Evidence of sexual harassment in universities, particularly in science and male-dominated professions, has been documented in a survey carried out in a university context.¹⁰³ A more recent survey about the scope and recognition of online harassment, conducted in 2018 by the Faculty of Social Sciences of Ljubljana University in 79 primary and secondary schools as part of the project called "Click-Off", showed that online harassment is frequent among children at school, girls being the most affected.

285. GREVIO encourages the Slovenian authorities to adopt legal provisions that will sanction sexual harassment beyond a working environment, and to ensure the efficient implementation of criminal or other legal sanctions for sexual harassment both in the workplace and beyond, as well as to strengthen data collection regarding this form of violence against women, covering criminal, civil and disciplinary proceedings.

9. Sanctions and measures (Article 45)

286. GREVIO recalls that sentences and measures imposed for all forms of violence against women should be effective, proportionate and dissuasive.

287. While GREVIO welcomes that the Slovenian criminal legislation provides for adequate sanctions for acts of violence against women, it notes with concern from the information it has received that there is a wide discrepancy between available sanctions and those that are imposed in practice, particularly in terms of the leniency of the imposed sanctions¹⁰⁴ and the use of conditional

101. Article 197 of the Criminal Code on workplace mobbing reads as follows: "(1) Whoever treats in a degrading manner or frightens another person [in] the workplace or in relation to work through sexual harassment, physical violence, ill-treatment or unequal treatment, shall be sentenced to imprisonment for not more than two years. (2) If the offence under the preceding paragraph results in psychological, psychosomatic or physical illness or reduction of work productivity of an employee, the perpetrator shall be sentenced to imprisonment for not more than three years".

102. 2019 Report of the Advocate of the Principle of Equality.

103. Cited in an interview with Vesna Leskošek, University of Ljubljana, Faculty of Social Work.

104. The CEDAW Committee also expressed its concern regarding the lenient sentences given to perpetrators of violence against women during Slovenia's 2015 CEDAW review.

sentences.¹⁰⁵ In 2017 and 2018, 85.8% and 83.3% respectively of the convictions for domestic violence were suspended,¹⁰⁶ leading to the perception that these penalties are inadequate and ineffective. Unconditional prison sentences were given in only a small number of cases (34 in 2017 and 38 in 2018), most of them being minimal, ranging from three to six months (five in 2017 and 10 in 2018) or six to 12 months (26 in 2017 and 21 in 2018).¹⁰⁷

288. According to the authorities, conditional sentences are imposed by courts only in cases of minor violations of the law or where the perpetrator expresses sincere regret, reflected in his actions after the commission of the offence. The authorities also emphasised that the courts usually impose protective supervision as part of a suspended sentence during the probationary period in relation to offences of domestic violence, stalking, harassment in the workplace and threats; they may order the perpetrator to undergo medical treatment (also for alcohol or drug abuse as the case may be), psychological or other kind of counselling and/or ban him from approaching the victim and any other family member. GREVIO notes with concern that according to information available, the courts very rarely revoke the suspended sentences if the convicted perpetrator of violence fails to fulfil the above-mentioned obligations during the probationary period.

289. In addition, more co-ordination is needed with prosecutors and judges who suspend the prosecution and the criminal proceedings while the perpetrators attend a domestic violence perpetrator programme. In many cases where the perpetrators fail to complete the programme there is a lack of prompt and appropriate measures on their part. Thus, despite the failure to comply with the instructions, the prosecution of the perpetrator of violence is not initiated, a suspended sentence is not revoked and the sentence not enforced.

290. GREVIO notes with concern that the judges also tend to make extensive use of Articles 50-52 of the Criminal Code which foresee several exceptions to the sentencing ranges established by the law for each offence and allow reducing the sentence to a level below the minimum prescribed or remitting it entirely.

291. GREVIO strongly encourages the Slovenian authorities to ensure – through the effective training of members of the judiciary and other appropriate measures – that sentences and measures imposed for domestic violence and other forms of violence against women covered by the Istanbul Convention are effective, proportionate and dissuasive. This would include ensuring the understanding among the Public Prosecution Service and judiciary that dismissals or suspended sentences in domestic violence cases and other forms of violence against women do not serve the principles of ensuring justice for victims, ending impunity for perpetrators or deterrence.

10. Aggravating circumstances (Article 46)

292. The Criminal Code does not expressly mention all aggravating circumstances set out in Article 46 of the Istanbul Convention. Article 49 of the Criminal Code contains an open-ended list of circumstances which might be considered by judges when imposing a criminal sentence. They are not classified as mitigating or aggravating but rather are left undefined and can serve either purpose depending on the specific case. The list includes, for example, the degree of culpability, the criminal history of the offender, the intensity of the danger or injury caused and his personal situation generally, but it does not include, for example, the commission of the offence against or in the presence of a child or the commission of the offence against a former or current spouse or partner.

293. While judges have the discretion to consider all these circumstances to increase or mitigate a sentence, it is unclear to what extent judicial practice ensures that all circumstances listed in Article 46 of the Istanbul Convention are considered to aggravate a crime. Moreover, although under Article 49 of the convention there is no obligation on judges to apply the aggravating circumstances

105. See also the shadow report, pages 84-85.

106. In 2017, 248 out of 289 convictions for domestic violence were suspended, while in 2018, 271 out of 325 convictions were suspended.

107. According to data collected by the Statistical Office.

when sentencing, concerns were raised as regards the leniency of the sentences imposed by criminal judges in Slovenia. Thus, for instance, even where an offence was committed several times or the offender has already been convicted for an offence with elements of violence, judges may decide to impose suspended sentences.

294. GREVIO strongly encourages the Slovenian authorities to take appropriate measures to ensure, through training and appropriate guidelines, that all circumstances listed in Article 46 of the Istanbul Convention are, in practice, considered as aggravating circumstances by the judiciary, and to adopt legislative measures with the aim of expressly including the commission of the offence against or in the presence of children in the list of aggravating circumstances.

11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

295. In Slovenia the Criminal Procedure Act envisages two restorative justice services in criminal matters: a settlement procedure and victim-consented suspension of prosecution.

296. The settlement procedure is described in Article 161 a of the Criminal Procedure Act and is allowed for criminal offences punishable by a fine or prison sentence of up to three years. Of great concern to GREVIO is the fact that, under “special circumstances”, which are not defined, settlement may be allowed for the offences of aggravated bodily harm and grievous bodily harm. Settlement is run by a mediator and may be implemented only with the consent of the offender and the injured party. If the offender fulfils his obligations the state prosecutor dismisses the criminal charge.

297. With the consent of the injured party the state prosecutor may also suspend prosecution of a criminal offence punishable by a fine or prison sentence of up to three years if the offender agrees, *inter alia*, to compensate the victim for the damage or injury suffered (Article 162 of the Criminal Procedure Act). If within a time limit the suspect fulfils the obligation undertaken, which might consist of, for example, compensation for damage, payment of a contribution to a public institution, charity or fund for compensation for damage to victims of criminal offences or execution of useful work for the community, the criminal charge is dismissed.

298. According to information received from the authorities, the settlement or the suspension of prosecution in relation to domestic violence and other forms of violence against women is rarely used, mainly due to the fact that the sentences provided for such offences are higher than three years. GREVIO notes with concern, however, that the sentences for perpetrators of domestic violence who no longer live with the victim are up to three years; moreover, settlement or suspension of prosecution can also be carried out in relation to offences of stalking, insult, slight physical harm and other offences punishable by up to three years’ imprisonment. In this context, GREVIO notes with concern that the authorities, in particular the judiciary, do not respond appropriately in cases where perpetrators of domestic violence fail to complete the mandatory perpetrator programmes.

299. While GREVIO notes that settlement procedures are not mandatory, it is concerned by information obtained that indicates that when such settlement procedures are used, there are no sufficient safeguards in place to protect the victim from secondary victimisation, intimidation and retaliation.¹⁰⁸ GREVIO points to the heightened risk of repeat victimisation, intimidation and retaliation in alternative dispute resolution processes that seek to reach a settlement mutually agreed upon by the injured party and the offender. Victims of many forms of violence, in particular domestic violence, may not enter such processes on a level equal to that of the perpetrator, and may be (re) exposed to the perpetrator exuding a sense of power and dominance. Those working with the two parties to “settle” the issue must be trained in the power dynamics of domestic violence and its gendered nature.

108. VOciare – National report on Slovenia, by Nina Rapič Obrar, page 37.

300. As regards the use of alternative dispute resolution in civil proceedings, GREVIO welcomes that the DVPA expressly prohibits settlement in cases in which domestic violence is involved (Article 22e). However, it appears that in practice, such a rule is difficult to apply, as courts dealing with divorce or custody proceedings might not be aware of other proceedings in which instances of domestic violence were revealed.

301. Moreover, the Family Code foresees prior counselling for spouses who intend to file for divorce or for parents who seek a decision concerning the exercise of their parental rights from the court. Such counselling is compulsory and must be attended by both spouses or parents without plenipotentiaries, except in cases of suspected domestic violence (Article 210, paragraph 3, of the Family Code). In such cases, it is not clear how the family judges screen for domestic violence if the parties to the proceedings do not mention it, in so far as data on the different proceedings are not centralised.

302. Concerns have been raised by civil society that the courts encourage the settlement of disputes concerning custody or visitation rights even when serious violence occurred between the parties, which often results in decisions that do not reflect a child's best interests. In addition, in cases of consensual divorce that result in a court settlement, the details concerning the contact with the children (such as time, duration, etc.) are not specified by the court but left to be agreed upon by the parents at a later stage; when they do not arrive at an agreement, the SWC will propose a schedule for the visits. GREVIO recalls that violence between partners is indicative of a power imbalance in the relationship which may impair the ability to negotiate fairly and come to a mutually acceptable agreement. A woman who has been a victim of domestic violence will usually need specific support to negotiate agreements with the other parent who has been violent. Joint meetings between the abusive and non-abusive parent for the purpose of reaching an agreement on custody decisions can be seen as mandatory mediation since the victim has no choice but to attend in order to arrive at an agreement, contrary to the requirements of Article 48 of the convention.

303. GREVIO strongly encourages the Slovenian authorities to take the necessary measures, including the amendment of relevant legislation, to establish that mediation cannot be obligatory in family disputes and divorce proceedings where there is a history of domestic violence and to develop guidelines and provide training to judges on methods for screening family law cases for domestic violence.

VI. Investigation, prosecution, procedural law and protective measures

304. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions of the various forms of violence covered therein.

A. General obligations, immediate response, prevention and protection (Articles 49 and 50)

305. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages.

1. Reporting to, immediate response and investigations by law-enforcement agencies

306. In Slovenia all police stations deal with cases of domestic violence. However, while the major police stations have police officers specialised in investigating such cases, smaller police stations have police officers who work on all types of cases without any specialisation. However, according to the authorities, the police officers from the smaller police stations are also selected and trained specifically on investigating cases of domestic violence. GREVIO notes that there are no police officers specialised in other forms of violence against women, including sexual violence. Nonetheless, the Criminal Police Directorate of the General Police Directorate keep track of the work of all police officers and investigators in order to exercise surveillance and ensure unification of procedures. The Slovenian police force employs 8 185 police officers, with 2 127 being women, equivalent to around 25% of the whole national force.

307. Law-enforcement agencies are responsible for receiving reports of violence and responding at the scene. The general principles for the performance of their tasks are defined by the Police Tasks and Powers Act. It stipulates, *inter alia*, that law-enforcement officers must treat persons who need additional attention or assistance with special care. Article 148 of the Criminal Procedure Act sets out the obligation of the law-enforcement agencies to take the necessary steps to identify the perpetrator of violence and to collect all evidence and information that may be useful for the successful conducting of criminal proceedings.

308. In relation to domestic violence, the DVPA sets out the specific requirement to take immediate action and measures to protect the victim, in other words, to put an end to the violence and ensure the victim's safety. While stressing the benefits of multi-agency co-operation in dealing with cases of violence against women, which includes the increasing of victim reporting and co-operation with the criminal justice system, GREVIO welcomes the adoption of the Rules on co-operation between the police and other authorities in the detection and prevention of domestic violence. However, no similar rules have been adopted in relation to co-operation in dealing with other forms of violence against women covered by the scope of the Istanbul Convention.

309. GREVIO notes with concern that in Slovenia violence against women continues to be underreported. In this connection, it emphasises that the way in which law-enforcement officers respond to victims is one of critical factors that may contribute to determining whether a victim decides to report and chooses to participate in further legal action or abandons it. A particular low level of reporting was noted in relation to stalking and sexual violence offences, including rape.

310. In cases of sexual violence, the immediate medico-legal examination of victims and collection of evidence are essential. According to indications by representatives of civil society, police stations do not provide suitable facilities for interviewing the victims in which they could feel safe and not

overly exposed. Victims also have difficulties finding a female police officer to report a rape. GREVIO notes in this connection that a long wait for an interview by a female officer may have a discouraging effect on the willingness of a rape victim to report. Moreover, there is a serious lack of specialist programmes for dealing with victims of sexual violence outside the capital and there are no rape crisis centres to carry out forensic examinations and retain evidence. Instead, rape victims are sent for a medical examination in hospital after reporting to the law-enforcement agencies, even if they have yet to decide whether they want to proceed with a criminal investigation. GREVIO stresses the fact that often victims need time to decide if and when they are ready to engage in the criminal justice process, which is why more must be done to ensure the collection and storing of medical forensic evidence until the victim makes her decision.

311. GREVIO notes that due to prejudices and discriminatory attitudes deriving from a patriarchal culture, victims who are treated insensitively or unsympathetically often decide not to continue with the process. Representatives of civil society brought to GREVIO's attention concerns regarding the pervasiveness of myths and negative stereotyping of women victims among law-enforcement officials which sometimes go so far as showing reluctance or refusing to register their complaint (see Chapter V section on Stalking). In addition, concerns have been raised about revictimising investigative practices such as lengthy questioning, demeaning comments and assumptions, and even pressure to reconcile with the perpetrator of violence. Such attitudes minimise victims' accounts of violence, hinder recognition of the seriousness and specificity of the violence and prevent the full application of the provisions and measures intended to protect victims and offer them remedial action. According to representatives of civil society, the way in which a victim is treated depends on individual police officers, and the main reason therefore is the lack of mandatory training.

312. Moreover, law-enforcement officers continue to believe that violence against women, and particularly domestic violence, does not constitute a crime. They often prefer cautioning or reprimanding perpetrators of domestic violence, rather than taking more serious action, such as arrest. Moreover, GREVIO has been informed that law-enforcement officials tend to minimise the victims' accounts of domestic violence, qualifying them as simple family disputes, failing to take into account a history of abuse, or routing the case onto the misdemeanour track rather than the criminal law track (see also Articles 33-34 above).¹⁰⁹

313. From the above, GREVIO notes with concern that more must be done to ensure a prompt and appropriate response from the responsible law-enforcement agencies in relation to all forms of violence covered by the Istanbul Convention. This would require a variety of measures, including targeted specialist training of police officers and promoting a proactive approach to investigation, including gathering evidence other than the victim's statement, such as documenting injuries, interviewing witnesses and taking photos or DNA samples, where appropriate.

314. GREVIO urges the Slovenian authorities to step up efforts to ensure prompt and appropriate responses from law-enforcement agencies in relation to all forms of violence against women covered by the Istanbul Convention, in particular by:

- a. developing/revising binding guidelines and training to improve the effectiveness of investigations and to equip law-enforcement agencies with the necessary skills to deal with all women victims of violence, including victims of sexual violence, while applying a victim-centred and gender-sensitive approach and further expanding and strengthening the proactive approach to investigation, including gathering evidence other than the victim's statement;**
- b. taking measures to encourage reporting of all forms of violence against women, including intimate partner violence, sexual violence and rape, stalking and online and technology-facilitated violence against women;**

109. In 2017, the police recorded 2 972 violations of the Protection of Public Order Act – out of which 2 883 were sanctioned with a fine and 89 with a warning. In 2018, a total of 2 764 violations of the same act were recorded - out of which 2 687 were sanctioned with fines and 77 with warnings. By contrast, there were 1 273 criminal acts dealt with as criminal offences under Article 191 of the Criminal Code in 2017 and 1 370 cases in 2018.

- c. ensuring that the forensic examination and collection of evidence in cases of sexual violence and rape is conducted in a timely and gender-sensitive manner that takes into account the unique needs and perspectives of the victims and respect for their dignity and integrity, and minimises intrusion while abiding by standards for the collection of forensic evidence.**

2. Effective investigation and prosecution

315. In Slovenia the police carry out the investigation while the prosecution services direct and supervise the investigations and decide whether to initiate or continue criminal proceedings in cases of violence against women and girls. It is therefore important for prosecutors to have a full appreciation of the gendered nature of violence against women and of how violence against women is an expression of power inequality and discrimination. According to the authorities, information on previous reports of violence, protective measures or the criminal record of the perpetrator of violence, as well as any relevant reports from a social welfare centre, are submitted to the public prosecutor to ensure that all relevant information is taken into account in charging decisions. GREVIO was also informed by the authorities that police and prosecution services do not rely heavily on the victim's testimony, and efforts are made to secure systematic collection of evidence from the crime scene (photographic evidence of injuries or other signs of violence, statements from neighbours, etc). According to submissions from civil society, these efforts often do not result in the continuation of criminal proceedings if the victim chooses not to testify.¹¹⁰ GREVIO is aware of the difficulty in obtaining a conviction without the statement of the victim. It points to the importance of diligently assessing if the additional evidence collected by law-enforcement and prosecution services is sufficient to ensure that the proceedings may continue, which is the requirement of Article 55 of the convention.

316. The quality of investigations and the evidence collected significantly affects the level and outcome of prosecution and the number of convictions. Prosecution services can instruct law-enforcement agencies to investigate¹¹¹ further but rarely do so in domestic violence or stalking cases.¹¹² As a result, they gauge the likelihood of a successful prosecution based on limited evidence that has been made available, and often decide not to try a case in court.

317. The safety of victims of violence against women and girls must always be the prosecutors' primary concern in any decisions taken by them and therefore in such cases prosecutors should be extremely cautious when considering diverting cases away from the formal criminal courts. Risk-assessment standards should be taken into account when setting pretrial release (bail), charging decisions, reaching plea agreements, and considering diversion and sentence recommendations.

318. GREVIO strongly encourages the Slovenian authorities to ensure that prosecution services resort to all possible measures in order to provide criminal justice for victims of all forms of violence against women covered by the Istanbul Convention, while paying due regard to evidence other than the victim's statement, which is gathered by law-enforcement agencies, and/or by instructing the law-enforcement agencies to investigate further, as well as to re-examine the practice of withdrawing charges in cases when women victims change or withdraw their statements.

110. See the NGO written submission, page 94 and data on dropped charges by the prosecutor

111. Article 161, paragraph 2, of the Criminal Procedure Act allows prosecutors to require the police to collect additional information or to take other necessary measures to ensure a prosecution.

112. See the NGO written submission, page 94.

3. Conviction rates

319. In Slovenia, a victim of gender-based violence is usually a key witness for the prosecution's case. Victims are not parties to the criminal proceedings but have the possibility to continue the prosecution and initiate criminal proceedings if the prosecutor decides to discontinue the proceedings (Article 60 (1) of the Criminal Procedure Act).¹¹³

320. The testimony of a victim plays a central role in many proceedings, leading to added pressure on victims. Statements given to the police are not considered by the court and therefore the victim is expected to recount the violence again at the main hearing. Moreover, the court rarely decides to interview the victim by videoconference (although they have the appropriate technical equipment) or to interview her without the presence of the perpetrator. Concerns have been raised that during the hearing, the court and the perpetrator's attorney can ask a victim unrelated or inappropriate questions, for instance about her new partner.

321. GREVIO recalls that Article 54 of the Istanbul Convention sets out the obligation for state authorities to ensure that evidence relating to the sexual history and sexual conduct of the victim is permitted or considered only when it is relevant and necessary. In the absence of an explicit rule against referring to the sexual history of the victim during cross-examination, Slovenian judges are reluctant to intervene for fear of limiting the right of the accused to a fair trial. Accordingly, such evidence is sometimes used by the defence to challenge the respectability and credibility of the victims.¹¹⁴

322. Despite notable efforts by the Slovenian authorities to improve the situation, the length of proceedings remains one of the challenges of the Slovenian legal system.¹¹⁵ Knowing that delays in the conduct of trials may increase the risk of retaliation, particularly if the perpetrator is not in police custody, GREVIO emphasises the need to identify all the causes of such delays and to take further measures to reduce their duration. One of the identified causes of delay is the shortage of court experts specialised in different forms of violence against women, in particular domestic violence and sexual violence, and the lack of guidelines for their work.

323. GREVIO is concerned by the high level of attrition rates in relation to several forms of violence against women, in particular domestic violence and rape, and the lack of efforts made at identifying causes thereof. As discussed in Chapter V, the number of convictions for many forms of violence are low, and where convictions are pronounced, sentences are often suspended.¹¹⁶ More must be done to ensure criminal justice for victims of all forms of violence against women.

324. GREVIO urges the Slovenian authorities to swiftly identify and address any/all factors that contribute to attrition in cases of rape, domestic violence and any other forms of violence against women, and to examine mechanisms and procedures, including through legal amendments, that would remove the centrality of the victim's statement in criminal proceedings in cases related to violence against women, in particular domestic violence against women and sexual violence.

113. "If the public prosecutor recognises that there is no basis for prosecution of an offence for which the perpetrator is prosecuted *ex officio*, or if he/she realises that there is no basis for the prosecution of one of the participants, he/she must inform the injured party within eight days that the injured party can start the prosecution himself."

114. See, for instance, the case *Y. v Slovenia* (Application No. 41107/10) (2015), in which the European Court of Human Rights found a violation of Article 8 of the European Convention on Human Rights on account of the offensive and humiliating remarks made of the defendant's lawyer while cross-examining the victim during the criminal proceedings for sexual assault.

115. In several cases of rape, *W. v Slovenia* (Application No. 24125/06) (2014), *M.A. v Slovenia* (Application No. 3400/07) and *N.D. v Slovenia* (Application No. 16605/09) (2015), the European Court of Human Rights found violations of Article 6 of the European Convention on Human Rights on account of the excessive length of the proceedings. According to information provided by the authorities the length of the proceedings in rape cases has been considerably reduced.

116. For data on convictions and suspended sentences, see Chapter V, Sanctions and measures (Article 45).

B. Risk assessment and risk management (Article 51)

325. Concern for the victim's safety must lie at the heart of any intervention in cases of all forms of violence covered by the Istanbul Convention. Article 51 thus establishes the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces on a case-by-case basis, according to standardised procedures and in co-operation with each other.

326. Article 5 of the DVPA states that authorities and organisations are obliged to carry out all the procedures and measures necessary to protect the victim of domestic violence according to the degree of danger. The law places an obligation on social work centres to ensure the individual assessment of the victim's protection needs. They decide whether an assistance plan for the victim is needed based on their assessment of the circumstances of each case of domestic violence (Article 15 of the DVPA).¹¹⁷ GREVIO notes with concern that an assistance plan, adapted to the victim's needs, is not mandatory in all cases of domestic violence but is left to the discretion of the social work centre.

327. The assistance plan is drawn up as part of a multidisciplinary team (Article 15, paragraph 2, of the DVPA). GREVIO welcomes this obligation to engage in multi-agency assessment but notes that in practice, social workers who are the case holders do not summon the multidisciplinary team in all cases (as sometimes they assess there is no need for the multidisciplinary team or any other services connected to violence) and in a timely manner.¹¹⁸ This raises serious concerns regarding the extent to which social work centres apply systematic risk assessment and safety management.

328. The risk assessment of victims is part of the assessment made by the social work centres, based on guidelines and protocols. It appears that no specific tool is used for the risk assessment. According to the available information, it appears that the way in which the assessment is conducted heavily depends on the social worker who deals with the case. Forms filled in after an interview largely reflect the social worker's individual style, allowing for a lot of discretion. GREVIO therefore emphasises the need for comprehensive and regular professional training of all social workers who make risk assessments in domestic violence cases.

329. Civil society representatives have drawn GREVIO's attention to the fact that the risk assessment made by the social work centre is not taken into account on a regular basis by the law-enforcement agencies in all stages of the investigation and in the application of protective measures.¹¹⁹ Moreover, it is not clear whether all competent authorities that come into contact with victims effectively assess the risk to the victim's safety on a case-by-case basis. In this context, GREVIO underlines that risk assessment should be approached as a dynamic process, in which the risks are re-evaluated on an ongoing basis.¹²⁰

330. GREVIO notes with equal concern that the individual assessment of a victim's protection needs is legally required only for victims of domestic violence while the identification of the specific protection needs of the victims of other forms of violence against women is not addressed in any manner.¹²¹ No information was provided by the Slovenian authorities as to how and in what detail risk assessment is carried out for women or girls exposed to other forms of violence.

331. In addition, GREVIO queries to what extent the implementation of individual protection plans is being monitored to ensure their effectiveness, as little to no information was made available to this extent.

117. Pursuant to Article 15, paragraph 1, of the DVPA, an assistance plan is drawn up if long-term action needs to be taken to establish a safe environment for the victim, or, if there are multiple actions for providing assistance required and in any other case if they assess this is required.

118. Victims of Crime Implementation Analysis of Rights in Europe, Report on Slovenia, page 58.

119. See the NGO written submission page 86.

120. Explanatory Report to the Istanbul Convention, paragraph 260.

121. Victims of Crime Implementation Analysis of Rights in Europe, Report on Slovenia, page 57.

332. **GREVIO strongly encourages the Slovenian authorities to ensure that systematic and gender-sensitive risk assessment and safety management become standard procedure in all cases of violence against women covered by the Istanbul Convention, and to ensure involvement of specialist women’s services in multi-agency risk assessment.**

C. Emergency barring orders (Article 52)

333. The Slovenian Police Tasks and Powers Act empowers the police to take emergency protective measures which may prohibit the offender from approaching a particular place or person by issuing an on-the-spot verbal order to the offender, and later, within six hours, by serving a written order relating to the measure ordered (Article 60). The emergency measures include orders to immediately vacate the residence or area of prohibition and hand over the keys of the residence the offender shares with the victim to a police officer. Police officers have the power to remove the offender from the place if he fails to comply with the order.

334. The order is issued without a formal request by the victim, if there is a reasonable suspicion that a person has committed a criminal or a minor offence involving elements of violence or if a person has been caught in the commission of such a criminal or minor offence and there are reasons for suspecting that this person is about to endanger the life, personal safety or freedom of a person with whom he is or was in a close relationship (Article 60, paragraph 1). The no-contact order also includes the prohibition of approaching a particular place or person and the prohibition of harassment by means of communication.

335. GREVIO notes with satisfaction that under Article 60, paragraph 3 of the Slovenian Police Tasks and Powers Act, the police have an obligation to provide information about the emergency barring order issued for the protection of a child victim to educational personnel when the order mentions that the perpetrator is prohibited from coming close to the school. It is unclear, however, whether orders, if issued on behalf of an adult (the mother), also apply to her children.

336. Moreover, GREVIO commends the obligation imposed by law on police officers to immediately inform the locally competent social work centre after issuing an emergency barring order (Article 60, paragraph 3). The aim of this obligation is to ensure adequate counselling and assistance to the victims in a proactive manner. Unfortunately, information made available to GREVIO indicates that in practice this obligation is not regularly observed by all police officers.¹²²

337. The order is sent for judicial review *ex officio* within 24 hours and remains valid for 48 hours. If the investigating judge upholds the restraining order, he/she may impose the measure for up to 15 days. Before the expiry of the 15-day measure, the victim may request the investigating judge to extend the measure to 60 days.

338. While GREVIO welcomes the above powers granted to police to remove an alleged perpetrator from a shared residence with the victim, which are fully in line with the requirements of the Istanbul Convention, it notes concerns about the reluctance to do so.¹²³ Police seem to issue such orders only in cases where serious violence occurred and the victim was at high risk. GREVIO reiterates that, according to Article 52 of the Istanbul Convention, emergency barring orders are to be issued in cases of immediate danger. The term “immediate danger” refers to any situation of domestic violence in which harm is imminent or has already materialised and is likely to happen again.¹²⁴ This does not require the risk of death or other serious violence, which would represent an unduly high threshold. They should be issued for less serious violence. As per the explanation in the Council of Europe’s publication on Article 52 of the convention,¹²⁵ since an emergency barring order

122. NGO written submission, page 89.

123. *ibid.*, page 87.

124. Explanatory Report to the Istanbul Convention, paragraph 265.

125. Council of Europe, Logar R. and Niemi J. (2017), *Emergency barring orders in situations of domestic violence: Article 52 of the Istanbul Convention; A collection of papers on the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Council of Europe, Strasbourg.

is a short-term measure that is much less restrictive than other types of measures separating the victim and the perpetrator (arrest and detention), an important concern is that an emergency barring order does not provide effective protection in cases of severe violence. Therefore, emergency barring orders should not be used as a substitute for arrest and detention when there is a risk of repeated and severe violence, including a lethal threat.

339. Moreover, such orders are rarely extended by the court, one of the reasons being the fact that many victims seem unaware of the possibility of extension. Concerns also have been expressed with regard to the enforcement of the emergency barring orders and the high rate of breaches. Under Article 60, paragraph 6, of the Police Tasks and Powers Act, police officers who ensure the supervision of compliance with the order should immediately remove an offender who is caught in the area covered by an emergency barring order. Moreover, a fine may be imposed on an offender who fails to comply with such an order.¹²⁶ If the offender further breaches the order, the police have the authority to order his detention, but no data are provided to verify how frequently the detention is imposed. GREVIO reiterates that breaching the orders may be considered one of the factors associated with a high risk of more serious violence, including murder, and thus notes a need to effectively monitor the compliance with orders and to enforce sanctions for violations, including detention, as prescribed by the law.

340. **GREVIO strongly encourages the Slovenian authorities to:**

- a. **explore the reasons for rejections by the courts of victims' requests for extensions of emergency barring orders, undertake actions aimed at increasing awareness among victims about the possibility to request an extension, and take appropriate measures to address these shortcomings, including through training and/or guidelines for relevant professionals;**
- b. **identify the causes of the high number of violations of emergency barring orders by perpetrators and regularly provide data on violations and sanctions imposed as a result of violations;**
- c. **monitor more rigorously compliance with emergency barring orders with a view to applying proportionate and dissuasive punishments in case of their infringement, and diligently implement other measures applicable in cases of non-compliance (including detention).**

D. Restraining or protection orders (Article 53)

341. Several protection measures for victims of domestic violence are set forth in the Domestic Violence Prevention Act. GREVIO notes with satisfaction that such measures may be ordered by the district court in the absence of any proceedings, at the request of the victim. While noting with satisfaction that such measures may be imposed in cases of stalking, GREVIO emphasises that the convention sets out the principle that these should be available to victims of all forms of violence covered by the convention.

342. The measures include a no-go order and a contact ban to protect victims who have been physically harmed (Article 19, paragraph 1, of the DVPA). Where perpetrators of violence continue to threaten or stalk their victims, the same no-go orders and contact bans may be issued (Article 19, paragraph 2, of the DVPA). GREVIO notes with interest that these include the prohibition to publish any of the victim's personal information, including online.

343. The duration of such protection orders is up to 12 months. Upon the victim's request, the court may extend the validity of the measure several times, each time for 12 months. Requests for such orders must be examined within eight days and a decision issued within another eight days. In cases in which there is a high likelihood that the perpetrator of violence is a threat to the life or a

126. In the state report, page 74, it is noted that there were 395 violations in 2017 and 481 in 2018 all of which were punished by the issuing of fines. .. However, it is not entirely clear whether data refer to emergency barring orders only, or to all orders that exist in the legislative system (see the next section on restraining and protection orders).

serious threat to the health of the victim and the victim's children, or if such action is necessary in order to protect the interests of a child, the competent district court may impose a protection order *ex parte* with immediate effect, without summoning the perpetrator of violence. However, it is not clear how often protection orders including the victim's children are issued in practice.

344. According to indications provided by civil society,¹²⁷ the deadlines prescribed by the law are not always observed in practice and the proceedings may last longer, leaving the victims unprotected. Moreover, the practices are different depending on the region in which the competent court is located. Thus, while requests for protection orders are examined in a timely manner at the District Court of Ljubljana, the situation is quite different in other courts, where victims have to wait for the protection orders for up to two to three months.¹²⁸

345. The proceedings may be initiated not only by the victim but also by a social work centre, with the victim's consent. A victim who files an application seeking protection benefits from free legal assistance and is exempted from the payment of the court fees.

346. GREVIO welcomes that the protection order issued under the DVPA can be imposed in a wide range of circumstances where victims of domestic violence and their children are at risk. However, the enforcement of the protection orders by the Slovenian authorities raises some concerns. Experts in the field alerted GREVIO to the fact that if the perpetrator refuses to leave the shared residence, the victim needs to file a motion for the enforcement of the protection order and has to pay court fees.¹²⁹ Moreover, the court often conducts several hearings for the imposition of a fine, in cases where the perpetrator fails to comply with the order.

347. Protection orders may also be issued by the courts in criminal proceedings in order to prevent reoffending and to ensure successful conduct of the criminal proceedings without detaining the perpetrator (Article 195a of the Criminal Procedure Act). Although these measures are not specifically designed to be applied in cases of domestic violence, in practice they are often used against suspects of domestic violence when the court considers that less restrictive measures than detention, such as a no-go order, are more appropriate. Breaches of such orders can lead to detention, but this type of measure is rarely taken, even in cases of repeated breaches.¹³⁰ The most frequent sanctions imposed for breaches of protection orders are fines, which in GREVIO's opinion does not amount to an effective, proportionate and dissuasive sanction as required by Article 53, paragraph 3 of the Istanbul Convention. GREVIO further notes that since data indicate that orders are often breached and these breaches are not sanctioned, a more effective system of monitoring could be considered. The Slovenian authorities could take inspiration from the experience of Spain, where an electronic monitoring tool operating as a GPS tracking device monitors the distance between both perpetrator and victim. A warning is activated if the perpetrator moves into a restricted area, approaches the victim or attempts to tamper with the electronic bracelet. This is a useful way of giving real meaning to the protection order and of helping women to feel safer.¹³¹

348. GREVIO notes that the Police Tasks and Powers Act also enables the police to issue restraining orders against stalkers. However, it is unclear to what extent this provision is made use of.

349. GREVIO encourages the Slovenian authorities to ensure that protection orders are effectively enforced by the competent authorities in relation to all acts of violence to which these orders are applicable (including stalking), and that effective, proportionate and dissuasive sanctions are applied in cases of breaches of the orders, and to monitor progress in this area by gathering data on violations and sanctions imposed as a result.

127. NGO written submission, page 90.

128. Victims of Crime Implementation Analysis of Rights in Europe, Report on Slovenia, page 48.

129. NGO written submission, page 93.

130. According to data provided by the authorities, in 2018 there were 1 032 protection orders issued, 491 breaches and 17 detention orders for breaches of the protection order; in 2019 there were 1 025 protection orders issued, 441 breaches and 21 detention orders.

131. See the GREVIO baseline evaluation report on Spain, page 67.

GREVIO further encourages the authorities to consider a more effective system of monitoring compliance with the orders, such as electronic monitoring.

E. Ex parte and ex officio proceedings (Article 55)

1. Ex parte and ex officio proceedings

350. Article 55, paragraph 1, of the Istanbul Convention places on parties the obligation to ensure that investigations into a number of categories of offences shall not be wholly dependent upon the report or complaint filed by a victim and that any proceedings underway may continue even after the victim has withdrawn her statement of complaint.

351. Slovenia has reserved the right not to apply Article 55, paragraph 1, in respect of Article 35 regarding minor offences, exempting it from the obligation to subject minor acts of physical violence against women to *ex officio* investigation and prosecution.

352. The initial reservation for a period of five years was renewed for a period of the same duration by a declaration from the Slovenian authorities in February 2020. As the Slovenian Government did not provide an explanation on the grounds justifying the continuation of the reservation as required by Article 79, paragraph 3, of the convention, GREVIO was not able to examine the implementation of Article 55 of the Istanbul Convention in relation to minor offences.

353. As regards the remainder of the offences listed in Article 55, paragraph 1, GREVIO notes with great concern that according to Articles 170 paragraph 4 and 171 of the Criminal Code, the offences of marital rape and sexual violence against a spouse or partner are prosecutable only upon the victim's complaint. Moreover, if the victim decides to withdraw her complaint any time before the end of the main hearing at court, the prosecution cannot continue.

354. In light of the above, GREVIO notes that the Slovenian legal provisions which subject marital rape and sexual violence against a spouse or partner to private investigation and prosecution is not in line with the requirement set in Article 55 of the convention. Expecting victims of these forms of violence to initiate private prosecution proceedings against perpetrators ignores their reluctance to report and increases the risk of secondary victimisation or further violence.

355. GREVIO urges the authorities to amend the legislation to conform with the rules regarding *ex parte* and *ex officio* prosecution defined in Article 55, paragraph 1, of the Istanbul Convention as regards the offences of marital rape and sexual violence against a spouse or partner.

2. Victim support in legal proceedings

356. With a view to empowering victims and to encouraging them to go through with criminal proceedings, paragraph 2 of Article 55 requires parties to ensure that victims' organisations, specifically trained domestic violence counsellors or other types of support/advocacy services, may assist and support victims during investigations and judicial proceedings.

F. Measures of protection (Article 56)

357. GREVIO welcomes that the Criminal Procedure Act sets out obligations for the police, the State Prosecutor's Office and the courts to take measures to protect victims from intimidation and retaliation, including measures that enable a victim to avoid contact with the perpetrator of violence, unless this is really necessary during the investigation or the hearings before the courts (for example, separate waiting rooms if the spatial conditions allow this, videoconferencing, etc.). Despite these legal provisions, it appears that in practice, victims and their family members only rarely receive adequate protection. The courts do not seem to be sufficiently aware of the need to provide protective

measures for the victims of criminal offences, and perpetrators frequently exert pressure on their victims. Moreover, common waiting areas for victims and perpetrators are the norm rather than the exception, often away from the security service of the court. Interrogations often take place in offices of investigating judges with the accused and witness sitting next to each other. Moreover, in many court buildings there are no separate entrances for victims and offenders.

358. The Criminal Procedure Act sets forth the right of victims to choose a trusted person to accompany them during investigation and criminal procedures. Despite the benefits of psychosocial and legal court assistance which allow women victims of violence to enter court proceedings with greater confidence and help prevent secondary victimisation, GREVIO was informed that not all the courts in Slovenia are willing to allow access to the hearings to a companion.

359. Furthermore, technical means to hear victims during the criminal proceedings without their physical presence (although available and used for example by the District Court in the capital Ljubljana) are not used systematically and on a regular basis in cases of violence against women throughout Slovenia. GREVIO notes that according to the information provided by the authorities similar efforts are underway in other district courts with the aim of ensuring better protection of victims during judicial proceedings.¹³²

360. In order to avoid confrontation during the trial, the presiding judge may order the defendant to be removed from interrogation if a witness (victims of violence are usually heard as witnesses in the criminal proceedings) is unwilling to testify in his presence. However, that is not the victim's right, but rather dependent on the judge's decision.

361. GREVIO also notes that while pursuant to Article 59 of the Criminal Procedure Act the victim is entitled to call attention to all facts and produce relevant evidence throughout the criminal proceedings, pose questions to the witnesses and experts and comment on and clarify their depositions, in practice it is unusual that injured parties would actively participate in the procedure in terms of providing evidence.

362. The safety of victims could also be greatly increased by informing them about the release of the accused/convicted person from detention/prison. However, the victims need to file a request to obtain such information and, according to indications from civil society, in practice, they face difficulties in obtaining it.

363. GREVIO notes with satisfaction the available measures to ensure protection of a victim's privacy during criminal proceedings. Thus, although the trial's hearings are public, the panel may at any time, *ex officio* or at the request of the parties, exclude the public from all or part of the main hearing, if this is necessary for the protection of the personal or family life of the defendant or injured party or for the benefit of a minor (Article 295 of the Criminal Procedure Act). In practice this measure is mainly taken in order to protect the privacy of victims of physical or sexual violence, victims of family violence, victims of serious crime and minor victims.

364. GREVIO strongly encourages the Slovenian authorities to ensure that systematic use is made of the protective measures for victims of violence against women and child victims as envisaged by Slovenian legislation within criminal procedures, including hearings by videoconference, the use of safe rooms and informing the victim about the detention and release of the perpetrators.

132. According to the Slovenian authorities, other district courts in Slovenia are working on setting up services to assist crime victims. The Rules of Court ensure that all new court buildings will have separate waiting rooms for victims and perpetrators of criminal offences (indent four of paragraph two of Article 23 of the Rules of Court, *Official Gazette of the Republic of Slovenia [Uradni list RS]*, No. 87/16).

G. Legal aid (Article 57)

365. GREVIO welcomes that pursuant to the Domestic Violence Prevention Act, free legal aid is available to victims of domestic violence in proceedings concerning protection/restraining orders, protection measures for children and their rights over common residence, irrespective of their financial situation. It is, however, limited to those considered to be in danger according to a risk assessment made by a social work centre (Article 26 of the DVPA).

366. Moreover, since there are indications that many of the victims in Slovenia are not aware of the free legal aid available, GREVIO underlines the need for social work centres assessing the danger to also inform victims of domestic violence about the option of free legal aid awarded for legal counselling and representation.

367. The eligibility criteria for free legal aid in criminal proceedings to victims of all forms of violence against women are set forth in the Legal Aid Act. It stipulates that free legal aid is available to persons who, according to their financial situation and the situation of their family, would not be able to cover the costs of the procedure themselves without jeopardising their financial position and the financial position of their family (Article 10). While GREVIO welcomes this provision, it notes that the threshold for obtaining legal aid for victims of most forms of violence covered by the convention is thus higher than for victims of domestic violence.

368. Of particular concern is the situation of women victims of violence wishing to obtain legal aid to pursue (private) prosecution of a case that has been dismissed by the prosecution service. Legal aid will only be granted if the case is not manifestly unreasonable or if the applicant has a probable chance of success in the case (Article 13 of the Legal Aid Act). Most courts reject the victims' applications for legal aid on the ground that they have no probable chance of success.¹³³

369. Concerns have been raised that the procedure for obtaining legal aid is cumbersome in practice and the lawyers on the legal aid list are not adequately trained and show a lack of interest in representing victims of violence against women and/or their children.¹³⁴

370. **GREVIO encourages the Slovenian authorities:**

- a. to ensure that victims of domestic violence who need legal aid are promptly informed about their entitlement to free legal aid and the procedure to follow to obtain it;**
- b. to monitor the application of the Legal Aid Act with a view to ensuring women's access to justice through high-quality legal representation and to remove any administrative or procedural barriers to obtaining legal aid.**

133. Victims of Crime Implementation Analysis of Rights in Europe, Report on Slovenia, page 39.

134. See the NGO written submission, page 40.

VII. Migration and asylum

371. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not fail to take into account the realities of women living in abusive relationships or subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws shall provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). Asylum procedures must be gender-sensitive and allow women to disclose their stories in full, and grounds for persecution shall be interpreted in a gender-sensitive manner. This can only be achieved if, in turn, reception procedures and support services for asylum seekers are sensitive to the needs of women victims or those at risk of violence (Article 60).

A. Residence status (Article 59)

372. In accordance with Article 78, paragraph 3, of the Istanbul Convention, Slovenia has reserved the right not to apply Article 59 of the convention. The initial reservation for a period of five years was renewed for a period of the same duration by a declaration of the Slovenian authorities in February 2020. As the Slovenian Government did not provide an explanation of the grounds justifying the continuation of the reservation as required by Article 79, paragraph 3, of the convention, GREVIO was not able to examine the implementation of the provisions of Article 59 of the Istanbul Convention by the Slovenian authorities.

B. Gender-based asylum claims (Article 60)

373. A key transit country for refugees and migrants travelling the “Balkan Route”, Slovenia witnessed a significant increase in the number of border crossings after 2015. The overall number of asylum applications in Slovenia, however, was relatively low and the number of women seeking asylum lower still. For example, in 2019, out of 3 821 persons who lodged an asylum application only 211 were female (5%).¹³⁵

1. Gender-sensitive asylum determination procedure

374. The conditions for obtaining asylum, subsidiary and temporary protection are set forth in the International Protection Act (IPA) and the Foreigners Act.¹³⁶

375. The IPA recognises victims of rape, torture or other severe forms of psychological, physical and sexual abuse as vulnerable persons with special needs but it does not expressly stipulate that gender-based violence against women is a form of persecution that would give rise to international protection. Although the IPA does not explicitly recognise violence against women as a form of persecution within the meaning of the UN’s 1951 Convention relating to the Status of Refugees, it seems that victims of such violence seeking asylum may be considered as persons having a well-grounded fear of being persecuted on account of their affiliation with a particular social group, one of the reasons for persecution mentioned in Article 27 of the IPA.

376. According to indications by NGOs and lawyers in this field, in 2018 three claims for international protection filed by women victims of gender-based violence were granted: in two of the cases the authorities recognised that domestic violence amounted to persecution and in one case the asylum claim was granted on the ground of persecution for political engagement (the applicant was member of an NGO fighting for women’s rights). However, official statistics on the number of asylum claims submitted and granted based on gender-based persecution do not exist, making it

135. Source: statistical reports of the Government Office for the Support and Integration of Migrants.

136. Article 50 of the Foreigners Act sets forth the conditions for temporary residence and access to employment and health insurance of victims of trafficking in human beings, and domestic violence.

impossible to accurately assess the extent to which the Slovenian authorities interpret persecution grounds in a gender-sensitive manner.

377. Under the IPA, vulnerable persons with special needs (Article 2, point 22, of the IPA) in particular, pregnant women, single parents with children below 18, victims of trafficking, persons with mental health disorders and victims of rape, torture and other serious forms of psychological, physical and sexual violence are entitled to special care and treatment in the application procedures (Article 12 of the IPA), including special material reception conditions, medical and psychological counselling, care and support (Article 14 of the IPA).

378. The physical vulnerability of the applicant for international protection is assessed during the medical examination, which is conducted before the lodging of the asylum application (Article 42, paragraph 4, of the IPA). The identification of a psychological or other kind of vulnerability is based on the applicant's statements during an interview and therefore largely dependent on the ability of the officials who conduct the interviews to detect the special needs of the applicant.¹³⁷ GREVIO notes with concern that the Migration Office does not have a specific unit dealing with vulnerable groups and officials from this office involved in the asylum procedure do not receive training on gender-based violence. Although they have received training provided by the European Asylum Support Office (EASO) on three modules – interviewing vulnerable groups, interviewing children, and gender identity and sexual orientation – and by NGOs on how to deal with asylum seekers, it is not clear how many officials have attended it and to what extent such training was appropriate and sufficient for acquiring the skills needed for the early detection and referral of women victims of gender-based violence to protection and support. In this context, GREVIO highlights that potential victims of trafficking in human beings and/or sexual violence have also been identified within the PATS project.¹³⁸

379. In the absence of identification mechanisms based on assessments which go beyond visible medical vulnerability or the vulnerable applicant's willingness to share sensitive information with officials, most of them male, there is a high risk that less visible vulnerabilities remain undetected and, accordingly, asylum seekers in need of special procedural guarantees, such as single women or women who have experienced sexual or gender-based violence, may not be identified early enough and therefore do not receive proper arrangements in the procedure. Thus, despite the existence of comprehensive legal provisions implementing the requirements of Article 60, paragraph 1, of the Istanbul Convention, GREVIO is concerned about the effectiveness of the identification and referrals mechanism in practice.

380. Prior to lodging an application for international protection, asylum seekers are shown a video prepared by the International Protection Procedures Division of the Ministry of the Interior, which provides explanations on the asylum procedure and system in Slovenia. The information session is carried out in the presence of an interpreter, who can refer asylum seekers to an official for more information when needed. It is not clear if the information provided in this context is sufficient and if the women receiving such information are sufficiently aware that revealing their experiences of gender-based violence and persecution increases their prospect of being granted international protection. Until the end of April 2020, the legal representation during the application procedure and throughout the first-instance court procedure, which was ensured by lawyers from the non-governmental organisation Legal Information Centre (PIC) was financed through the Asylum, Migration and Integration Fund. After the financing ended, the PIC continued to provide legal advice and representation, but only to a limited number of asylum seekers.¹³⁹

137. Pursuant to Article 37.1 of the IPA the official conducting the interview shall consider the individual circumstances of the applicant, including the person's cultural background, gender, sexual orientation and identity, as well as vulnerability.

138. The authorities informed GREVIO that within the project PATS (Identifying, assisting, and protecting victims of human trafficking and/or sexual abuse in asylum procedures) interviews are conducted with the aim of discovering indications that a person may be a potential victim. Interviews with unaccompanied children are held immediately after the application for international protection.

139. Asylum Information Database (AIDA) – Slovenia country report – 2020 update, page 16.

381. In the appeal procedure the legal assistance is provided by refugee counsellors.¹⁴⁰ There is not enough information about the quality of their legal assistance or whether they are trained on issues of gender-based violence. GREVIO points out that it is essential that legal representation of adequate quality is systematically made accessible throughout the entire procedure for international protection. In this context, GREVIO notes with concern that accelerated procedures may be carried out in relation to vulnerable asylum seekers.

382. In terms of gender-sensitive asylum procedures GREVIO welcomes the fact that according to Article 37, paragraph 6, of the IPA women seeking asylum may request to be interviewed by female officials and interpreters. However, its implementation in practice is more difficult since most interpreters seem to be male. There is no information about the availability of female officials.

383. Moreover, it has been brought to GREVIO's attention that interpreters for some languages are not available and that sometimes the quality of their interpretation does not meet the required standards. Moreover, they do not receive any training on issues of gender-based violence or gender-sensitive procedures. In this context, GREVIO notes the information provided by the authorities that training has been organised for relevant professionals dealing with migration and asylum,¹⁴¹ and emphasises that such efforts should include interpreters.

384. The IPA stipulates that the applicant must submit all documentation and evidence at his or her disposal which supports his or her statements made in the application. In practice this can also include medical reports regarding his or her past persecution or serious harm. The preparation of a medical opinion, or any other type of expert opinion, can also be ordered by the Migration Office, in which case the costs are covered by the state. There are no criteria set out in the law or administrative practice to indicate when a medical examination for the purpose of drafting a medical report should be carried out. In some cases, psychiatric and other medical evaluations have been successfully used to influence the decision on the applicant's credibility.¹⁴²

385. Effective access to the asylum procedure seems to be problematic (see more below under Article 61). Another shortcoming of the procedure is its length, which in 2019 increased significantly. Asylum seekers had to wait up to 15 days to be able to lodge their application for international protection and, by the end of the year, more than 30% of individuals had waited more than six months for the first-instance decision.¹⁴³

2. Accommodation

386. The authority responsible for accommodation and reception of asylum applicants is the Government Office for Support and Integration of Migrants. Once the preliminary procedure is concluded by the police, asylum seekers are transferred to the Asylum Home in Ljubljana.

387. GREVIO notes with satisfaction that Standard Operating Procedures for Prevention and Action in Cases Involving Sexual and Gender-Based Violence (SOPs) were adopted to ensure a co-ordinated approach of all assistance providers to the prevention and protection of asylum seekers or beneficiaries of international protection from gender-based violence. According to the authorities, the system of SOPs appears to be functional. A special expert group consisting of state actors (the Government Office for the Support and Integration of Migrants, the Ministry of the Interior, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Police, the Ministry of Justice),

140. The refugee counsellors are graduate lawyers, selected by public tender and appointed to the position by the Ministry of Justice for a term of five years. Article 9 of IPA provides for the obligation of the refugee counsellors to attend training on international protection from the Judicial Training Centre.

141. According to the information provided, the Government Office for the Support and Integration of Migrants (in line with paragraph 2 of Article 8 of the IPA) provides support to social workers and other persons collaborating under the signed agreement on the standard operating procedures to prevent and intervene in cases of sexual violence and gender-based violence. Once a year, this office, in co-operation with UNHCR, holds training based on the needs and wishes of the NGOs active in the area covered by the agreement.

142. Asylum Information Database (AIDA) – Slovenia country report – 2019, page 41.

143. *ibid.*, page 16.

11 NGOs and UNHCR, set up to enforce the SOPs, examined several cases which mostly concerned psychological, physical and economic violence in 2020.

388. Moreover, as mentioned above, the IPA envisages the possibility of granting special material reception conditions, medical and psychological counselling, care and support to those asylum seekers identified as vulnerable and with specific needs (Article 14). It is unclear, however, to what extent this provision is used to ensure women asylum seekers' access to specialist counselling for experiences of gender-based violence or access to, for example, domestic violence shelters where necessary. It appears that in practice, access to medical and psychological services is limited. Asylum seekers have access only to basic medical services and only in exceptional circumstances.¹⁴⁴

389. In case of exceptional personal circumstances established by a special multidisciplinary committee, the asylum applicants can be allowed to reside in private accommodation. In such cases, public funding is made available to assist those asylum seekers who cannot afford to pay for private accommodation.

390. GREVIO thus considers that more must be done to ensure gender-sensitive reception procedures and support services for asylum-seeking and refugee women who have experienced or may be at risk of gender-based violence, including sexual violence. The support services do not have the capacity to fully and consistently offer support to or address the specific needs of this group of asylum seekers, mainly due to a lack of interpretation services and a lack of identification of vulnerable women – despite their low numbers.

391. **GREVIO urges the Slovenian authorities to:**

- a. **ensure that legal representation within the immigration and asylum system is of adequate quality at all stages of the procedure, including the appeals stage;**
- b. **collect data on the annual numbers of asylum applications based on gender-related persecution, and the numbers of applications that are granted and rejected.**

392. **GREVIO strongly encourages the Slovenian authorities to implement the existing guidelines and continue to provide training to relevant professionals, including interpreters, to ensure that a gender-sensitive interpretation is applied to each of the grounds of persecution as required by Article 60 of the Istanbul Convention and to ensure the swift identification of women in the asylum procedure who have experienced or are at risk of gender-based violence, including sexual violence, with a view to ensuring their access to specialist support services, psychological counselling and adequate reception facilities.**

C. *Non-refoulement* (Article 61)

393. Article 61 of the convention entails the obligation under international law for states to respect the principle of *non-refoulement* in relation to victims of gender-based violence who may fear persecution if returned. According to this principle, states shall not expel or return an asylum seeker or refugee to any country where their life or freedom would be threatened. Article 3 of the European Convention on Human Rights also prevents a person being returned to a place where they would be at real risk of being subjected to torture or inhuman or degrading treatment or punishment. The *non-refoulement* principle also includes not prohibiting access to the territory of a country to asylum seekers who have arrived at its borders or who are prevented from accessing its borders.¹⁴⁵ The obligation to respect the *non-refoulement* principle applies equally to victims of violence against

144. In this respect see also the submissions by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report, Universal Periodic Review: 3rd Cycle, 34th Session, March 2019.

145. Explanatory Report to the Istanbul Convention, paragraph 320.

women who are in need of protection, irrespective of the status or residence of the women concerned.¹⁴⁶

394. GREVIO notes that despite concerns expressed about the lack of specific legal guarantees against *non-refoulement* in the relevant Slovenian legislation,¹⁴⁷ no measures have been taken by the Slovenian authorities to bring the IPA in line with the 1951 UN Convention Relating to the Status of Refugees and other international human rights law instruments.

395. GREVIO is concerned by reports from NGOs¹⁴⁸ and media allegations¹⁴⁹ about persistent cases of “chain pushbacks and chain *refoulement*” between Italy, Slovenia and Croatia. They contain allegations of illegal police practices during return procedures of migrants and asylum seekers who had expressed their intention to apply for international protection, from Italy to Slovenia, from Slovenia to Croatia, and their subsequent return to Bosnia and Herzegovina. While the forcible returns between Italy and Slovenia and Slovenia and Croatia¹⁵⁰ are based on bilateral readmission agreements, collective expulsions between Croatia and Bosnia and Herzegovina take place outside of any formal procedure. The readmission agreements that provide for what are known as “informal returns” of third-country nationals that enter a country irregularly, executed within 72 hours without any formal procedure, do not include sufficient safeguards to protect people against potential *refoulement*.

396. Moreover, according to reports by NGOs¹⁵¹ and the Slovenian Ombudsman,¹⁵² during the informal return procedures, the migrants and asylum seekers who had crossed the Slovenian border were not appropriately informed about the possibility to apply for international protection and were not included in the preliminary procedure that would enable them to lodge an asylum application; they even received misleading information from the police, to the effect that they would be processed in the asylum procedure, and were later returned to Croatia without any option to apply for international protection. They were also denied the right to an appropriate assessment of their individual circumstances, the right to interpretation and legal aid, and the right to lodge an appeal against a return. Some reports also contain accounts of migrants and asylum seekers being subjected to violence and threats, being asked for bribes and being forced to sign documents without being granted access to any translation services provided in Slovenian police stations. Many of those who were returned to the Croatian police from Slovenia were also victims of abuse and violence later on the Croatian-Bosnian border in the form of beatings and theft of money and personal property.¹⁵³ Such practices are prohibited by international, European and national law as well by the European Convention on Human Rights.¹⁵⁴

146. *ibid.*, paragraph 322.

147. UN High Commissioner for Refugees (UNHCR), UNHCR Submission for the Universal Periodic Review – Slovenia – UPR 34th Session, 2019, available at: www.refworld.org/docid/5dee6e237.html.

148. Report by Amnesty International, 2018 – “Slovenia: Push-backs and denial of access to asylum – Findings of the research mission to Veloka Kladusa and Bihac”; Another report by Amnesty International in 2019, “Pushed to the edge: Violence and abuse against refugees and migrants along the Balkan Route”; ECRE, Balkans: New Report Details Illegal Pushbacks and Border Violence, August 2020.

149. For example, “Asylum seekers illegally returned from Italy to Slovenia, NGOs claim” – article published by InfoMigrants on June 2, 2020. See also “Europe’s chain of migrant expulsion, from Italy to Bosnia”, published by The New Humanitarian on November 20, 2020.

150. The readmission agreement between Slovenia and Croatia is accessible at: www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2006-02-0040?sop=2006-02-0040.

151. PIC, Report on findings and observations on the implementation of return procedures in accordance with the principle of *non-refoulement*, July 2018.

152. Ombudsman, Vmesno (s)poročilo o aktivnostih in ugotovitvah Varuha o očitkih policistom, da zavračajo možnosti podajanja prošelj za mednarodno zaščito, 22 August 2018, available in Slovenian at: <https://bit.ly/2TXerVW>. The final report containing the findings and recommendations of the Ombudsman was published in February 2019.

153. Info Kolpa and Border Violence Monitoring: Report regarding illegal collective expulsions on Slovenian-Croatian border, May 2019, available at: <https://bit.ly/3369UXb>.

154. In a judgment delivered in 2019, *Ilias and Ahmed v. Hungary*, the European Court of Human Rights held that the state has a duty to refrain from rejecting displaced people who risk a process of “chain *refoulement*” to a country where they may face inhuman and degrading treatment. It further held that where a state proposed to return an applicant to a “safe country”, it is the responsibility of the sending state to assess the risks the applicant faces in the receiving state of onward *refoulement*, deficiencies in the asylum process and denial of access to an effective asylum procedure.

397. GREVIO welcomes that a judgment delivered in July 2020 by a Slovenian Administrative Court identified and imposed sanctions on such practices. It found that the Slovenian authorities violated the rights of an asylum seeker who was returned to Croatia via the official bilateral readmission agreement between the two countries, and subsequently forcibly removed to Bosnia and Herzegovina. It ruled, among other things, that Slovenia breached “the procedural component of *non-refoulement* by not investigating whether there is a real risk for the applicant to be subjected to torture or inhuman treatment, when returned to Croatia, in light of all the evidence of ill-treatment by Croatian police” and the applicant’s right to ask for asylum, as there is no official record of the applicant being informed about his right to international protection and no record of him refusing to use such a right.¹⁵⁵

398. The statistical data obtained by the authorities in 2019 indicates an increase in the number of illegal border crossings and forced returns compared to 2018.¹⁵⁶ However, a comparison between such an increase and the number of expressed intentions for international protection and lodged applications indicates that migrants are still prevented from expressing their intention to apply for international protection.¹⁵⁷

399. GREVIO notes with concern that the current policies of collective expulsions, the systematic rejection of the right to asylum procedure, misuse of power at police stations and violence against migrants that takes place during police procedures on both the Slovenian and Croatian sides of the border, poses a serious risk of *refoulement* of women migrants and women asylum seekers who have experienced violence and who have a right to claim asylum in Europe. Returning migrants and asylum seekers to Croatia where there is evidence of police violence and subsequent forcible removals to Bosnia and Herzegovina, which according to available information appears to be a country with an inadequate asylum system and a lack of institutional capacity to provide accommodation and support to people on its territory, can be seen as abusing the right to *non-refoulement* and places women migrants at serious risk of revictimisation.¹⁵⁸

400. **With a view to reducing the risk of *non-refoulement* for women asylum seekers in Slovenia, GREVIO urges the Slovenian authorities to:**

- a. **uphold their obligation to respect the principle of *non-refoulement* of victims of violence against women, in particular at border crossing points;**
- b. **ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.**

155. The judgment is not final as the Ministry of Interior appealed against the decision to the Supreme Court where the case is currently pending.

156. The police documented 16 099 illegal border crossings by the end of December 2019, which represents a 73.8% increase in comparison with the same period in 2018 when the police documented 9 262 illegal crossings. Up until the end of December 2019, the police returned 11 149 out of 16 099 individuals based on the bilateral readmission agreements, of which 11 026 were returned to Croatia. In comparison, 4 810 people were returned in 2018, of which 4 678 went to Croatia.

157. See Ministry of the Interior Statistics, available at: <https://bit.ly/2Q43i6h> and <https://bit.ly/33734AB>; see also Police, Statistics, available at: <https://bit.ly/38FVJt5>.

158. See also www.coe.int/en/web/commissioner/-/bosnia-and-herzegovina-must-urgently-improve-its-migrant-reception-capacities-improve-access-to-asylum-and-protect-unaccompanied-migrant-children.

Concluding remarks

401. With the present report, GREVIO wishes to support the Slovenian authorities in this endeavour and invites them to keep it regularly informed of developments with regard to the implementation of the Istanbul Convention. GREVIO looks forward to continuing its fruitful co-operation with the Slovenian authorities.

402. With a view to facilitating the implementation of its suggestions and proposals, GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

403. Numerous legislative and policy measures adopted in Slovenia even before the ratification of the Istanbul Convention demonstrate the country's commitment to combat violence against women, in particular domestic violence. Important developments in this field date back to the end of the 1980s and are mainly related to services for the victims of violence. In this context, a significant role was played by non-governmental organisations. GREVIO welcomes the adoption of the Domestic Violence Prevention Act in 2008, which sets up a robust system of support and integrated protection for victims of domestic violence. It also notes that since the amendment of the Police Act in 2003, the police are granted powers to issue emergency barring orders, which are an important tool in offering immediate protection to victims of violence and their children. After the entry into force of the Istanbul Convention, a number of additional measures have been introduced to ensure compliance with the convention. This is in particular the case in the area of criminal legislation. New offences such as stalking and forced marriage were introduced into the Criminal Code in 2015 and the Domestic Violence Prevention Act was amended in 2016.

404. Against this backdrop of promising change, this report identifies areas where progress is still needed and provides guidance and concrete solutions to overcome them. The information provided during the evaluation demonstrates a strong focus on policy responses and allocation of resources to domestic violence compared to other forms of violence covered by the Istanbul Convention. A national strategy that addresses all forms of violence against women covered by the convention has not been adopted yet. GREVIO is especially concerned by the lack of co-ordinated action at policy, legislative and institutional level in relation to sexual violence, including rape. The definition of rape in the Criminal Code is not in line with the Istanbul Convention and victims of rape have no access to rape crisis and/or sexual violence referral centres. The evaluation also revealed the need to upscale the provision of specialist services to victims of all forms of violence against women.

405. More effort must be made in the implementation of the existing legislation and in relation to the judicial response to violence. In this regard there is a great need for more systematic and gender-specific training of the judiciary to ensure a wider understanding of the cycle of domestic violence and its power dynamics and that incidents of domestic violence are taken into account when determining visitation rights. GREVIO is equally concerned by the light sentences that are imposed on perpetrators of acts of violence against women and the extensive use of diversionary measures in relation to all reported offences of violence against women.

406. These and other points have been further developed in this report, marking the beginning of GREVIO's fruitful co-operation with the authorities of Slovenia. GREVIO invites them to keep it regularly informed of developments as regards the implementation of the convention.

Appendix I

List of proposals and suggestions by GREVIO

I. Purposes, definitions, equality and non-discrimination, general obligations

A. General principles of the convention

1. GREVIO strongly encourages the Slovenian authorities to step up their efforts to adopt and implement a comprehensive set of policies to prevent and combat all forms of violence against women covered by the Istanbul Convention, in particular sexual violence. (Paragraph 7)

B. Scope of application of the convention and definitions (Articles 2 and 3)

2. GREVIO recalls that Article 2, paragraph 1, of the Istanbul Convention affirms the notion that all forms of violence covered by the Istanbul Convention, including domestic violence, affect women disproportionately. GREVIO thus strongly encourages the Slovenian authorities to enhance the application of a gendered perspective in the implementation of the Istanbul Convention, including in relation to law and policy on domestic violence. (Paragraph 14)

C. Fundamental rights, equality and non-discrimination (Article 4)

2. Intersectional discrimination

3. GREVIO encourages the Slovenian authorities to continue to address the rights and needs of women and girls exposed to or at risk of intersectional discrimination. This includes improving the accessibility of services, in particular shelters, to migrant women with irregular status. (Paragraph 27)

II. Integrated policies and data collection

A. Comprehensive and co-ordinated policies (Article 7)

4. GREVIO strongly encourages the Slovenian authorities to pursue the adoption of a new comprehensive national strategy on all forms of violence against women, including domestic violence, in the form of a new resolution, in order to develop a long-term co-ordinated approach giving due regard to all forms of violence covered by the scope of the Istanbul Convention, and encompassing the prevention of such violence, protection of victims and the prosecution of perpetrators. (Paragraph 42)

B. Financial resources (Article 8)

5. GREVIO strongly encourages the Slovenian authorities to ensure appropriate human and financial resources for general and specialist support services as well as the robust resourcing of the measures envisaged by the future strategy on all forms of violence against women, including domestic violence. (Paragraph 51)

C. Non-governmental organisations and civil society (Article 9)

6. GREVIO strongly encourages the Slovenian authorities to ensure sustainable funding levels for women's NGOs which run specialist support services for women victims of all forms of violence. (Paragraph 56)

D. Co-ordinating body (Article 10)

7. GREVIO strongly encourages the Slovenian authorities to assign the role of co-ordinating body to fully institutionalised entities, to equip these with clear mandates, powers and competences that are widely communicated and to allocate the necessary human and financial resources to these entities, in order to enable sustainability of their work. GREVIO also encourages the Slovenian authorities to set up separate bodies for the co-ordination and implementation of policies and measures on the one hand, and for their monitoring and evaluation on the other, in order to ensure objectivity in the evaluation of policies.¹⁵⁹ (Paragraph 62)

8. GREVIO strongly encourages the Slovenian authorities to ensure that the functions of the co-ordinating body apply to all forms of violence covered by the Istanbul Convention and that they are supported by adequate and appropriate data, which are necessary for evidence-based policy making. (Paragraph 63)

E. Data collection and research (Article 11)**1. Administrative data collection****a. Law-enforcement agencies and the justice sector**

9. GREVIO strongly encourages the Slovenian authorities to ensure the comprehensive collection of disaggregated data in relation to all forms of violence covered by the Istanbul Convention, disaggregated by sex, age and type of violence as well as the relationship of the victim to the perpetrator. Data-collection systems should be co-ordinated and comparable and it should be ensured that cases can be tracked at all stages of the law-enforcement and judicial proceedings (from reporting, to investigation, to the opening of criminal proceedings and their outcome, including the final judgment by the court), with the aim of assessing the effectiveness of the criminal justice system and analysing the factors that contribute to low conviction rates, and thus serving to provide a basis for evidence-based policy making, including legislative and other measures to address the shortcomings in the institutional/criminal justice response. (Paragraph 72)

b. Healthcare sector

10. GREVIO strongly encourages the Slovenian authorities to ensure the systematic and comparable collection of data by the healthcare sector, on the number of victims of all forms of violence against women covered by the Istanbul Convention who seek help, disaggregated by sex and age of both victims and perpetrators and by type of violence as well as by the relationship of the victim to the perpetrator. (Paragraph 74)

c. Social services

11. GREVIO strongly encourages the Slovenian authorities to expand the collection of data on reports made to and interventions proposed by social services beyond domestic violence to ensure all forms of violence covered by the Istanbul Convention are included. (Paragraph 80)

159. See GREVIO's baseline evaluation report on the Netherlands published on 20 January 2019.

2. Population-based surveys

12. GREVIO invites the Slovenian authorities to conduct dedicated surveys on all forms of violence against women at regular intervals in order to make a pertinent and comparative assessment of the prevalence and the trends in relation to all forms of violence against women covered by the scope of the Istanbul Convention. (Paragraph 84)

3. Research

13. GREVIO encourages the Slovenian authorities to address, through research, all forms of violence against women such as sexual violence, sexual harassment and forced marriage or other traditional practices harmful to women, as well as violence affecting vulnerable groups of women such as Roma women and girls, women and girls with disabilities and migrant women. (Paragraph 90)

III. Prevention

B. Awareness raising (Article 13)

14. GREVIO encourages the Slovenian authorities to sustain and further develop their awareness-raising efforts by expanding their scope to all forms of violence covered by the Istanbul Convention and by ensuring their reach across all regions of Slovenia, including at the local level, and to continue to rely on expertise and experience of women's specialist NGOs in the area of awareness raising by providing further funds for their regular awareness-raising activities. In addition, GREVIO strongly encourages the Slovenian authorities to step up efforts to examine, for example by conducting research, how the general population perceives gender equality, sexism and violence against women. (Paragraph 98)

C. Education (Article 14)

15. GREVIO encourages the Slovenian authorities to continue to invest in the education sector to ensure early intervention by educators where girls are at risk of any of the forms of violence against women covered by the Istanbul Convention, including violence perpetrated online or through technology. Moreover, GREVIO strongly encourages the Slovenian authorities to incorporate the principles of equality between women and men, non-stereotyped gender roles, mutual respect, non-violent interpersonal conflict resolution and the right to personal integrity into the formal curriculum, adapted to the evolving capacity of learners. (Paragraph 107)

D. Training of professionals (Article 15)

16. GREVIO urges the Slovenian authorities to ensure systematic and mandatory initial and in-service training on the prevention and detection of all forms of violence against women covered by the Istanbul Convention, on equality between women and men, on the needs and rights of victims and on the prevention of secondary victimisation for all professional groups, in particular the healthcare sector, social workers and the judiciary. All training must be supported and reinforced by clear protocols and guidelines that set the standards staff are expected to follow. (Paragraph 123)

E. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

17. GREVIO encourages the Slovenian authorities to:

- a. increase the number of available programmes to ensure their availability across the country;
- b. ensure full implementation of minimum quality standards for all programmes run by different entities, which should place at their centre the safety of the victims and their human rights, including enabling close co-operation between perpetrator programmes and specialist services that assist victims;
- c. ensure that the external evaluation of such programmes is in line with recognised best international practices and principles, including analysis of reliable information on reoffending, in order to assess whether the programmes serve the intended preventive aims;
- d. ensure that the programmes form part of a multi-agency approach involving all relevant institutions. (Paragraph 134)

18. GREVIO strongly encourages the authorities to ensure adequate training for all facilitators of perpetrator programmes, as well as regular training for professionals working in the field of violence against women, especially judges and prosecutors, on the topic of work with perpetrators (on the aims and ways of referring perpetrators, for example). (Paragraph 135)

F. Participation of the private sector and the media (Article 17)

19. GREVIO strongly encourages the Slovenian authorities to take all available measures to promote the involvement of the private sector, the communication technology sector and the media in the development and implementation of policies to prevent and combat all forms of violence against women, in particular sexual harassment in the workplace. This should include, at a minimum:

- a. stepping up efforts to implement the Protection against Discrimination Act and the Employment Relationship Act, in order to ensure a more efficient use of the existing complaint mechanisms and to encourage reporting of sexual harassment at work, as well as ensuring a close monitoring of the implementation of these acts, in particular, whether and how employers take preventive measures against harassment and sexual harassment;
- b. further promotion of and support for self-regulatory standards, including for the media, having due regard to relevant existing international standards.¹⁶⁰ (Paragraph 145)

IV. Protection and support

A. General obligations (Article 18)

20. GREVIO urges the Slovenian authorities to set up institutionalised structures for co-ordination and co-operation among all the different governmental and non-governmental agencies and service providers to ensure multi-agency co-operation tailored to the specific needs of victims of all forms of violence against women covered by the Istanbul Convention, in particular rape and sexual violence,

160. See, *inter alia*, the following Council of Europe instruments: Recommendation No. R (84)17 of the Committee of Ministers to member States on equality between women and men in the media; Recommendation 1555 (2002) of the Parliamentary Assembly of the Council of Europe on the image of women in the media; Recommendation 1799 (2007) of the Parliamentary Assembly of the Council of Europe on the image of women in advertising; Resolution 1751 (2010) and Recommendation 1931 (2010) of the Parliamentary Assembly of the Council of Europe on combating sexist stereotypes in the media. Reference is also to be made to the UNESCO's "Gender-Sensitive Indicators for Media" (GSIM).

forced marriage, stalking and sexual harassment. Where such institutionalised structures are already in existence, notably in the form of Multidisciplinary Teams set up under the Domestic Violence Protection Act, GREVIO strongly encourages the application of a gendered perspective in responding to domestic violence, with a clear focus on the human rights and safety of victims, as well as on their empowerment and economic independence. (Paragraph 155)

B. Information (Article 19)

21. GREVIO encourages the Slovenian authorities to ensure that professionals of all relevant institutions take a more proactive approach to informing victims and to secure a wider dissemination of information about the support services and legal measures available to victims of domestic and other forms of violence against women in a language they understand, including in formats that are accessible for victims with disabilities. (Paragraph 161)

C. General support services (Article 20)

1. Social services

22. GREVIO strongly encourages the Slovenian authorities to mainstream a gender-sensitive approach into the interventions offered by social work centres with a view to addressing the specific needs of victims of all forms of violence covered by the Istanbul Convention. GREVIO encourages the Slovenian authorities to ensure the setting up of dedicated programmes aimed at empowering victims, including gaining economic independence to ensure their recovery, which should include long-term housing solutions, and to address these issues comprehensively in the national strategy that is currently being drafted. (Paragraph 167)

2. Healthcare services

23. GREVIO strongly encourages the Slovenian authorities to increase the capacity of healthcare workers to identify victims of all forms of violence against women covered by the Istanbul Convention, in particular by adopting and ensuring the full implementation of applicable protocols to enable healthcare workers to assume their responsibility to identify and assist victims, in particular victims of forms of violence against women other than domestic violence (such as sexual violence or female genital mutilation), to refer victims to relevant specialist services and to co-operate with other general support services. (Paragraph 172)

D. Specialist support services (Article 22)

24. Recalling the important role that specialist support services represent in addressing the different types of violence covered by the scope of the Istanbul Convention by providing tailored support to all groups of victims, GREVIO urges the Slovenian authorities to provide for adequate specialist women's support services throughout the country for all forms of violence against women covered by the Istanbul Convention. (Paragraph 178)

E. Shelters (Article 23)

25. GREVIO encourages the Slovenian authorities to ensure equal access to specialist women's shelters and other programmes that provide safe accommodation and other services to victims (such as crisis centres and maternity homes), including those run by the state, for all women in need. (Paragraph 187)

F. Telephone helplines (Article 24)

26. GREVIO urges the authorities to ensure the sustainable functioning of a national telephone helpline for victims of all forms of violence covered by the Istanbul Convention in order to provide counselling, crisis support and referral to callers (by staff that possess appropriate knowledge and training on all forms of violence against women), confidentially or with due regard for their anonymity, free of charge, accessible 24/7, and with due regard to the language barrier that migrant women and other callers may face, and to provide long-term funding for its continuous operation. (Paragraph 191)

G. Support for victims of sexual violence (Article 25)

27. GREVIO urges the Slovenian authorities to set up appropriate and easily accessible rape crisis and/or sexual violence referral centres, in sufficient numbers, recalling that one such centre should be available for every 200 000 inhabitants and that their geographical spread should make them accessible to victims in rural areas as much as in cities, which meet all needs of victims in the short, medium and long term and include immediate medical care, high-quality forensic examination, psychological and legal support, and referral to specialist organisations. Such centres should ensure a sensitive response by trained and specialist staff, and should uphold the principle of the victim's informed consent and control over decisions with respect to forensic/medical examinations, reporting, treatment, referral and the content of medical records. GREVIO further urges the authorities to develop a protocol that addresses this form of violence and to regulate an adequate support to victims, while acknowledging that a victim's access to support services should not depend on her willingness to file a complaint. (Paragraph 198)

H. Protection and support for child witnesses (Article 26)

28. GREVIO strongly encourages the Slovenian authorities to ensure that the legal recognition of the harmful effects of witnessing violence by one parent against the other or any other form of violence covered by the Istanbul Convention translates into the provision of adequate and age-appropriate counselling and support for such children, as well as their access to protection measures assuring their safety. (Paragraph 205)

I. Reporting by professionals (Article 28)

29. Recalling the principle of women's empowerment mainstreamed throughout the Istanbul Convention, GREVIO strongly encourages the Slovenian authorities to ensure that the duty to report imposed on professionals is tempered by full and sensitive information being provided to the victim to allow her to make an informed decision herself and maintain autonomy. To this end, GREVIO strongly encourages the Slovenian authorities to review the obligation for professionals to report cases of violence against women, other than in situations in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the convention has been committed and further serious acts are to be expected. This may well require making the obligation to report contingent upon the prior consent of the victim unless the victim is a minor or is unable to protect her/himself due to disabilities. It further strongly encourages the authorities to review the obligation to report imposed on women's specialist organisations, giving due regard to the core principle of their work, which is to protect the confidentiality and privacy of victims. (Paragraph 217)

V. Substantive law

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

30. GREVIO strongly encourages the Slovenian authorities to examine and address any barriers to the use of the existing remedies to hold different state officials accountable for failure to comply with the obligation to diligently prevent, investigate and punish acts of violence covered by the Istanbul Convention and to take practical measures such as providing training and raising awareness among the judiciary and other professionals, as well as to ensure the provision of adequate information to women victims of violence in order to enable them to make practical use of the existing legal remedies. Progress in this area needs to be measured by collecting data on the number of complaints by victims and their outcomes. (Paragraph 225)

2. Compensation (Article 30)

31. GREVIO strongly encourages the Slovenian authorities:

- a. to ensure that due attention is given to the right of women victims of violence to claim compensation from the perpetrator during criminal proceedings;
- b. to collect data on the number of cases of violence against women in which perpetrators have been ordered to pay compensation to the victim. (Paragraph 231)

3. Custody, visitation rights and safety (Article 31)

32. GREVIO urges the Slovenian authorities to take the necessary measures to ensure that in the determination of custody and visitation rights or the introduction of measures affecting the exercise of parental authority, the competent authorities are required to consider all issues relating to violence against women and domestic violence and assess whether this violence might warrant restricting custody and visitation rights. In particular, GREVIO urges the Slovenian authorities to:

- a. explicitly require, through appropriate means, all actors relevant to the determination of custody and visitation rights (social work centres, the judiciary, psychologists, child psychiatrists and others who provide expert opinion to courts) to screen for and take into account any incidents of violence covered by the Istanbul Convention on the basis of gender-sensitive guidelines and ensure that such professionals receive appropriate training;
- b. introduce monitoring and following up of the institutional and court practices, as well as the level and quality of interinstitutional co-operation, through, for example, an analysis of decisions of social work centres as well as case law, with the aim of examining the process of documenting and identifying the impact of witnessing violence on children, and of verifying whether the relevant laws and regulations regulating the best interests of the child, such as the latest provisions of the Family Code, the Police Tasks and Power Act, the Criminal Procedure Act, the DVPA and the Non-Contentious Procedure Act, are effectively applied, including, but not limited to, the implementation of the measure of an interim injunction on supervised contact;
- c. strengthen interinstitutional co-operation and information exchange between civil courts and criminal courts, as well as between these courts and services that assist and support victims of violence and their children or other bodies (such as women's specialist services, social protection and health services, or educational institutions), in order to

- prevent, *inter alia*, ordering contact between a perpetrator and a child/children in spite of a restraining order issued by another court;
- d. ensure, through training and appropriate guidelines/protocols, a recognition (by relevant professionals, especially judges) that witnessing violence against a close person jeopardises the best interests of the child;
 - e. incorporate risk-assessment procedures in the determination of custody and visitation rights following domestic violence in order to determine the child's best interests, including with a view to identifying cases fit for supervised visitation, as well to ensure that relevant professionals monitor visitation arrangements and document (possible) evidence of abuse or harmful effects of (supervised) visits, and inform the court about such evidence or about children at risk of abuse, so that courts can review or reconsider their decisions on visitation based on updated information, if appropriate;
 - f. equip social work centres with adequate resources, including sufficient space and professional staff, to allow for supervised visitation to take place in a safe environment and with the necessary support, as well as to recognise potential signs of distress in children as a result of supervised contact. (Paragraph 241)

B. Criminal law

1. Psychological violence (Article 33)

33. GREVIO strongly encourages the Slovenian authorities to effectively investigate, prosecute and punish acts of psychological violence by making full use of the available provisions in the Slovenian Criminal Code, including by ensuring prosecution under Article 191 of the Criminal Code in cases of psychological violence in the domestic context, and to increase awareness, including through training, among law-enforcement officials, judges and other relevant professionals of the gendered nature and consequences of psychological violence as one of the most prevalent forms of violence against women in Slovenia, as well as to review the existing case law in order to examine whether the available provisions are adequately used in practice. (Paragraph 246)

2. Stalking (Article 34)

34. In order to ensure the effective implementation of the criminal offence of stalking (Article 134a of the Criminal Code), GREVIO urges the Slovenian authorities to develop and implement investigation and prosecution guidelines and to conduct specialist training for relevant professionals on the gendered nature of stalking, its online dimension and its serious psychological consequences, including on children who witness it, especially in the context of post-separation abuse, and to ensure the efficient application of preventive operational measures, such as restraining orders, to avoid reoffending, as well as to review the legal practice in this respect. (Paragraph 251)

3. Physical violence (Article 35)

35. GREVIO strongly encourages the Slovenian authorities to effectively investigate, prosecute and punish acts of intimate partner violence by making full use of the available provisions in the Slovenian Criminal Code, including by ensuring prosecution under Article 191 of the Criminal Code for a course of conduct. GREVIO further strongly encourages the Slovenian authorities to develop and implement investigation and prosecution guidelines and to conduct specialist training on the gendered and serious nature of domestic violence, including its digital and post-separation dimension, as well as to examine cases of domestic violence that led to the death of the victim, with the aim of identifying possible gaps in the institutional/judicial response to violence and closing such gaps in the future. (Paragraph 256)

4. Sexual violence, including rape (Article 36)

36. GREVIO strongly encourages the Slovenian authorities to fully implement the newly adopted provisions of the Criminal Code covering the offences of rape and sexual violence and to ensure

their effective application in practice by law-enforcement authorities, prosecutors and the judiciary, including in the absence of resistance by the victim and where the circumstances of the case preclude valid consent. To this end, training for all relevant professionals should be conducted, and appropriate guidelines developed and implemented. (Paragraph 263)

5. Forced marriage (Article 37)

37. GREVIO strongly encourages the Slovenian authorities to:

- a. amend the criminal offence of forced marriage, with the aim of bringing the act of luring a person abroad with the intention of forcing this person to marry against her or his will in line with the definition provided for in Article 37, paragraph 2, of the Istanbul Convention;
- b. collect data on early and forced marriages and follow trends in this area;
- c. effectively investigate and prosecute cases of forced marriage with a view to bringing perpetrators to justice and, if convicted, punishing them adequately, and pursue efforts to provide appropriate training to relevant professionals, in particular prosecutors, judges and social workers;
- d. collect information on the root causes, extent and impact of forced marriage among the Roma community, in co-operation with women's NGOs that assist Roma women and girls, and develop and implement a holistic strategy to respond to it in full compliance with each of the pillars of the Istanbul Convention (prevention, protection and prosecution). (Paragraph 269)

6. Female genital mutilation (Article 38)

38. GREVIO encourages the Slovenian authorities to introduce a specific provision criminalising the intentional act of excising, infibulating or performing any other mutilation to the whole or any part of a woman or girl's labia majora, labia minora or clitoris and ensuring that coercing or procuring a woman or girl or additionally inciting a girl to undergo any of the acts is also punishable, and to provide training and undertake awareness raising among relevant professionals, with the aim of contributing to the identification of and support provided to victims. (Paragraph 275)

8. Sexual harassment (Article 40)

39. GREVIO encourages the Slovenian authorities to adopt legal provisions that will sanction sexual harassment beyond a working environment, and to ensure the efficient implementation of criminal or other legal sanctions for sexual harassment both in the workplace and beyond, as well as to strengthen data collection regarding this form of violence against women, covering criminal, civil and disciplinary proceedings. (Paragraph 285)

9. Sanctions and measures (Article 45)

40. GREVIO strongly encourages the Slovenian authorities to ensure – through the effective training of members of the judiciary and other appropriate measures – that sentences and measures imposed for domestic violence and other forms of violence against women covered by the Istanbul Convention are effective, proportionate and dissuasive. This would include ensuring the understanding among the Public Prosecution Service and judiciary that dismissals or suspended sentences in domestic violence cases and other forms of violence against women do not serve the principles of ensuring justice for victims, ending impunity for perpetrators or deterrence. (Paragraph 291)

10. Aggravating circumstances (Article 46)

41. GREVIO strongly encourages the Slovenian authorities to take appropriate measures to ensure, through training and appropriate guidelines, that all circumstances listed in Article 46 of the Istanbul Convention are, in practice, considered as aggravating circumstances by the judiciary, and

to adopt legislative measures with the aim of expressly including the commission of the offence against or in the presence of children in the list of aggravating circumstances. (Paragraph 294)

11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

42. GREVIO strongly encourages the Slovenian authorities to:

- a. monitor and follow up attendance by perpetrators, with the aim of ensuring that failure of the perpetrators to attend the programme (in case of suspended prosecution and sentencing) leads to appropriate legal consequences;
- b. to take the necessary measures, including the amendment of relevant legislation, to establish that mediation cannot be obligatory in family disputes and divorce proceedings where there is a history of domestic violence and to develop guidelines and provide training to judges on methods for screening family law cases for domestic violence. (Paragraph 303)

VI. Investigation, prosecution, procedural law and protective measures

A. General obligations, immediate response, prevention and protection (Articles 49 and 50)

1. Reporting to, immediate response and investigations by law-enforcement agencies

43. GREVIO urges the Slovenian authorities to step up efforts to ensure prompt and appropriate responses from law-enforcement agencies in relation to all forms of violence against women covered by the Istanbul Convention, in particular by:

- a. developing/revising binding guidelines and training to improve the effectiveness of investigations and to equip law-enforcement agencies with the necessary skills to deal with all women victims of violence, including victims of sexual violence, while applying a victim-centred and gender-sensitive approach and further expanding and strengthening the proactive approach to investigation, including gathering evidence other than the victim's statement;
- b. taking measures to encourage reporting of all forms of violence against women, including intimate partner violence, sexual violence and rape, stalking and online and technology-facilitated violence against women;
- c. ensuring that the forensic examination and collection of evidence in cases of sexual violence and rape is conducted in a timely and gender-sensitive manner that takes into account the unique needs and perspectives of the victims and respect for their dignity and integrity, and minimises intrusion while abiding by standards for the collection of forensic evidence. (Paragraph 314)

2. Effective investigation and prosecution

44. GREVIO strongly encourages the Slovenian authorities to ensure that prosecution services resort to all possible measures in order to provide criminal justice for victims of all forms of violence against women covered by the Istanbul Convention, while paying due regard to evidence other than the victim's statement, which is gathered by law-enforcement agencies, and/or by instructing the law-enforcement agencies to investigate further, as well as to re-examine the practice of withdrawing charges in cases when women victims change or withdraw their statements. (Paragraph 318)

3. Conviction rates

45. GREVIO urges the Slovenian authorities to swiftly identify and address any/all factors that contribute to attrition in cases of rape, domestic violence and any other forms of violence against women, and to examine mechanisms and procedures, including through legal amendments, that would remove the centrality of the victim's statement in criminal proceedings in cases related to violence against women, in particular domestic violence against women and sexual violence. (Paragraph 324)

B. Risk assessment and risk management (Article 51)

46. GREVIO strongly encourages the Slovenian authorities to ensure that systematic and gender-sensitive risk assessment and safety management become standard procedure in all cases of violence against women covered by the Istanbul Convention, and to ensure involvement of specialist women's services in multi-agency risk assessment. (Paragraph 332)

C. Emergency barring orders (Article 52)

47. GREVIO strongly encourages the Slovenian authorities to:

- a. explore the reasons for rejections by the courts of victims' requests for extensions of emergency barring orders, undertake actions aimed at increasing awareness among victims about the possibility to request an extension, and take appropriate measures to address these shortcomings, including through training and/or guidelines for relevant professionals;
- b. identify the causes of the high number of violations of emergency barring orders by perpetrators and regularly provide data on violations and sanctions imposed as a result of violations;
- c. monitor more rigorously compliance with emergency barring orders with a view to applying proportionate and dissuasive punishments in case of their infringement, and diligently implement other measures applicable in cases of non-compliance (including detention). (Paragraph 340)

D. Restraining or protection orders (Article 53)

48. GREVIO encourages the Slovenian authorities to ensure that protection orders are effectively enforced by the competent authorities in relation to all acts of violence to which these orders are applicable (including stalking), and that effective, proportionate and dissuasive sanctions are applied in cases of breaches of the orders, and to monitor progress in this area by gathering data on violations and sanctions imposed as a result. GREVIO further encourages the authorities to consider a more effective system of monitoring compliance with the orders, such as electronic monitoring. (Paragraph 349)

E. *Ex parte* and *ex officio* proceedings (Article 55)

1. *Ex parte* and *ex officio* proceedings

49. GREVIO urges the authorities to amend the legislation to conform with the rules regarding *ex parte* and *ex officio* prosecution defined in Article 55, paragraph 1, of the Istanbul Convention as regards the offences of marital rape and sexual violence against a spouse or partner. (Paragraph 355)

F. Measures of protection (Article 56)

50. GREVIO strongly encourages the Slovenian authorities to ensure that systematic use is made of the protective measures for victims of violence against women and child victims as envisaged by Slovenian legislation within criminal procedures, including hearings by videoconference, the use of safe rooms and informing the victim about the detention and release of the perpetrators. (Paragraph 364)

G. Legal aid (Article 57)

51. GREVIO encourages the Slovenian authorities:

- a. to ensure that victims of domestic violence who need legal aid are promptly informed about their entitlement to free legal aid and the procedure to follow to obtain it;
- b. to monitor the application of the Legal Aid Act with a view to ensuring women's access to justice through high-quality legal representation and to remove any administrative or procedural barriers to obtaining legal aid. (Paragraph 370)

VII. Migration and asylum

B. Gender-based asylum claims (Article 60)

2. Accommodation

52. GREVIO urges the Slovenian authorities to:

- a. ensure that legal representation within the immigration and asylum system is of adequate quality at all stages of the procedure, including the appeals stage;
- b. collect data on the annual numbers of asylum applications based on gender-related persecution, and the numbers of applications that are granted and rejected. (Paragraph 391)

53. GREVIO strongly encourages the Slovenian authorities to implement the existing guidelines and continue to provide training to relevant professionals, including interpreters, to ensure that a gender-sensitive interpretation is applied to each of the grounds of persecution as required by Article 60 of the Istanbul Convention and to ensure the swift identification of women in the asylum procedure who have experienced or are at risk of gender-based violence, including sexual violence, with a view to ensuring their access to specialist support services, psychological counselling and adequate reception facilities. (Paragraph 392)

C. Non-refoulement (Article 61)

54. With a view to reducing the risk of *non-refoulement* for women asylum seekers in Slovenia, GREVIO urges the Slovenian authorities to:

- a. uphold their obligation to respect the principle of *non-refoulement* of victims of violence against women, in particular at border crossing points;
- b. ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment. (Paragraph 400)

Appendix II

List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations

National authorities

- Ministry of Labour, Family, Social affairs and Equal Opportunities
- Ministry of Interior
- Ministry of Justice
- Ministry of Education, Science and Sport
- Ministry of Employment, Migration and Social Security
- Ministry of Foreign Affairs, European Union and Co-operation
- Ministry of Health
- Ministry of Culture
- Office for the Support and Integration of Migrants
- Office of the State Prosecutor General
- Office for the National Minorities
- Statistical Office

Public bodies

- Advocate of the Principle of Equality
- Ljubljana Asylum Home
- Judges from the Ljubljana District Court and the Supreme Court
- Ombudsman
- Association of Social Work Centres
- Social Work Centre Ljubljana

Non-governmental organisations

- Amnesty International Slovenia
- Association SOS Helpline for Women and Children – Victims of Violence
- Association against Non-violence Communication
- Legal Information Centre for NGOs – PIC
- Peace Institute
- Reclaim the Power Association
- Research Institute on Gender Equality
- Stigma – Association for harm re-education of use of illegal drugs
- Women's Counselling Centre

Academics

- Blaz Lenarčič
- Vesna Leskošek

GREVIO, the *Group of Experts on Action against Violence against Women and Domestic Violence*, is an independent human rights monitoring body mandated to monitor the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) by the Parties.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights.

This report contains an overall analysis of the implementation of the provisions of the Istanbul Convention. It highlights positive initiatives in preventing and combating all forms of violence against women at national level and provides suggestions and proposals to improve the situation of women facing such violence.

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union.

All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law.

The European Court of Human Rights oversees the implementation of the Convention in the member states.

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